



PLAN OF MANAGEMENT GENERAL COMMUNITY USE

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Contents

1. Key Information	4
2. Introduction	4
2.1 Corporate objectives	4
Our Vision	4
2.2 Land to which the plan applies	5
2.3 Owner of the land	6
3. Relevant legislation, policies and procedures	6
3.1 Local Government Act 1993 (LG Act)	6
3.2 Crown Land Management Act 2016 (CLM Act)	6
3.3 Other relevant legislation and statutory controls	7
3.4 Review of this plan	9
3.3 Community consultation	9
4. Development and maintenance	12
4.1 General principles	12
4.2 Leasing and licensing	13
5. POM administration and management	14
6. General Community Use Land – an introduction	15
7. General Community Use Land – key issues	17
7.1 Safety and Risk Management	17
7.2 Maintenance	17
7.3 Access and Connectivity	18
7.4 Environment	18
7.5 Community Involvement	19
7.6 Landscape Design and Character	19
7.7 Recreational Use	19
7.8 Dogs	19
7.9 Recreational Vehicles	20
8. General Community Use Land – development and use	20
8.1 Developments on community land and the LG Act	20
8.2 Native Title	21
8.3 Signage	22
8.4 Special Events	22
8.5 Sale of alcohol	23

8.6 Infrastructure and community facilities	23
9. General Community Use Land – management framework	24
9.1 The approach to managing GCU reserves	24
9.2 Leasing and licensing.....	27
10. Appendices	29

1. Key Information

This is the Plan of Management for Crown Land in the **Tenterfield Shire Council** local government area which is managed by Tenterfield Shire Council and has been categorised as **General Community Use** under Section 36 of the *Local Government Act 1993 (LG Act)*.

General Community Use refers to land which that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public (*Local Government (General Regulation) 2005*).

In addition, **it is not** land which is categorised as a natural area, park, sportsground or an area of cultural significance under the *LG Act*.

All land covered by this POM is categorised as **General Community Use**, as approved by the Minister on

2. Introduction

Tenterfield Shire is a rural local government area located in the New England region of New South Wales, Australia. The Shire is situated adjacent to the New England Highway, a major transport route between Sydney and Brisbane.

Council is responsible for a land area of 7,332 km² and a population of 6,628 people. The population is dominated by residents in the 55-69 year age category (29.6% of the population), however 20.7% of the population are aged under 19 years (ABS 2016).

Employment in the Shire is dominated by agriculture (27.1%), followed by Health Care & Social Assistance (12.7%), Retail Trade (9.7%) and Construction (8.4%) (REMPAN 2020).

2.1 Corporate objectives

Tenterfield Shire Council provides local civic leadership and a wide range of community services and facilities.

Our mission statement “Quality Nature, Quality Heritage and Quality Lifestyle” provides focus and direction in the manner in which we provide leadership and services.

Our Vision

As set out in the Community Strategic Plan, and delivered via the Delivery Program and Operational Plan (2017-2021), the vision of Tenterfield Shire Council is:

- To establish a shire where the environment will be protected and enhanced to ensure sustainability and inter-generational equity;
- To recognise and actively develop our cultural strengths and unique heritage;

- To establish a prosperous shire through balanced, sustainable economic growth managed in a way to create quality lifestyles and satisfy the employment, environmental and social aims of the community;
- To establish a community spirit which encourages a quality lifestyle, supports health and social well-being, promotes family life and lifestyle choices;
- To establish a community spirit which promotes opportunities to participate in sport and recreation, promotes equal access to all services and facilities;
- To encourage all people to participate in the economic and social life of the community with a supportive attitude towards equal life chances and equal opportunity for access to the Shire's resources.

All of these vision objectives can be delivered in part by the local community having access to the Crown Lands which council manages on behalf of the NSW Government.

As an organisation, Council will:

- Provide safe, well-maintained community infrastructure, spaces and parks;
- Provide community facilities, recreation and leisure programs that provide choice;
- Maintain public areas such as parks, gardens and ovals to a high standard.

2.2 Land to which the plan applies

Tenterfield Shire Council managed 17 parcels of Crown Land which are the subject of Plans of Management (POMs) as required under the *Crown Lands Management Act 2016 (CLM Act)* and the *LG Act*.

Those which have been categorised as **General Community Use** and are the subject of this POM are:

- Drake Reserve, R84128, area 2.2ha, consisting of 6 lots (see Appendix 1 for details);
- Drake Recreation Reserve, R540103, area 3.72ha, consisting of 2 lots (see Appendix 2 for details);
- Drake Community Hall, R97908, area 0.26ha, consisting of 1 lot (see Appendix 3 for details);
- Liston Recreation Reserve, R110109, area 3.69ha, consisting of 1 lot (see Appendix 4 for details);
- Legume Community Reserve, R700012, area 0.87ha, consisting of 1 lot (see Appendix 5 for details);
- Rivertree Recreation Reserve, R55832, area 1.8ha, consisting of 1 lot (see Appendix 6 for details);
- Sandy Hill Recreation Reserve, R110108, area 0.7ha, consisting of 1 lot (see Appendix 7 for details);
- Urbenville Museum Reserve, R91056, area 0.38ha, consisting of 1 lot (see Appendix 8 for details).

2.3 Owner of the land

The State of New South Wales is the owner of the land. Tenterfield Shire Council has been appointed the Crown Land Manager of the land pursuant to the *CLM Act*.

3. Relevant legislation, policies and procedures

3.1 Local Government Act 1993 (LG Act)

Under section 36(1) of the LG Act, POMs must be prepared for all community land.

Plans of management:

- Are written by council in consultation with the community;
- Identify the important features of the land (e.g. natural significance, sportsground);
- Clarify how council will manage the land;
- Indicate how the land may be used or developed, such as leasing.

The minimum requirements for a POM are set out under section 36(3) of the LG Act and have been addressed in this POM.

The *LG Act* requires that all land within a Council's control and management must be classified as either Community land or Operational land. Within the classification of community land there are four categories which the land must be managed under: Park, Sportsground, General Community Use, Natural Area or Area of Cultural Significance.

Clause 106 of the *Local Government (General) Regulations 2005* sets out that: The land should be categorised as **General Community Use** under section 36(4) of the Act if the land:

- May be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public; and
- Is not required to be categorised as a natural area under section 36A, 36B or 36C of the *LG Act* and does not satisfy the guidelines under clauses 102 – 105 for categorisation as a natural area, a sportsground, a part or an area of cultural significance.

3.2 Crown Land Management Act 2016 (CLM Act)

Section 3.23(6) of the *CLM Act* requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as 'community land' under the LG Act.

These POMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the *LG Act*.

POMs must be adopted as soon as practicable before 30 June 2021. Existing POMs may be modified such that they address all applicable provisions of the *LG Act* and *CLM Act*, including the requirement to obtain written advice from Native Title Managers where required.

Council has reviewed the Native Title status of each parcel of Crown Land for which it is Crown Land Manager by conducting searches via the National Native Title Tribunal and the Aboriginal Land Claims register.

If the draft first POM does not add, alter or change the initial assigned categories (as is the case for this POM), the council manager will not be required to hold public hearings, though must give public notice of the first draft.

The nature and use of the land cannot be changed while the adoption of a POM is pending.

3.3 Other relevant legislation and statutory controls

The *Environmental Planning and Assessment Act 1979 (EPA Act)* establishes the statutory planning framework for environmental and land use planning in NSW.

The *Tenterfield Local Environmental Plan 2013 (LEP)* is consistent with the strategic planning work Council has undertaken in the *Development Control Plan (2014)*. The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area.

Development or uses requiring a Development Application will be assessed under Section 79(c) of the *EPA Act*. The possible impacts of any proposal will be considered in the light of all relevant planning controls and Council policies.

In addition to the requirements of the *LG Act*, there are other pieces of legislation and Government policies that are relevant to the ongoing development and management of General Community Use land. Legislation and policies with direct relevance to the subject sites are:

Commonwealth Legislation

The *Federal Telecommunications Act 1997* provides for telecommunication facilities being permitted on community land without authorisation in a POM.

Native Title Act, 1993 requires consideration and provides restrictions on potential actions, activities and developments on reserved Crown land managed by Council. Consideration of Native Title implications must be addressed regarding any proposals on Crown land. Written advice of Council's appointed Native Title Manager is to be obtained prior to any development or formalised occupation being approved.

State Government Legislation and Policies

- *Aboriginal Land Rights Act, 1983* (Crown Reserves);
- *Companion Animals Act 1998*;
- *Disability Discrimination Act 1992*;
- *Environmental Planning and Assessment Act 1979*;
- *Heritage Act 1977*;
- *Pesticides Act 1999*;
- *Protection of the Environment Operations Act 1997*;
- *Retail Leases Act 1994*;
- *State Environmental Planning Policies (SEPPs)*;
- *Threatened Species Conservation Act 1995*;
- *Waste Minimisation Act 1995*;
- *Water Management Act 2000*.

Council Plans and Policies

- *Tenterfield Shire Council – Community Strategic Plan 2017-2027*;
- *Delivery Program 2017-2021 & Operational Plan 2019-2020*.

Specifically, Tenterfield Shire Council recognises the important role General Community Use land plays in the wellbeing of the community in terms of both residents and visitors. The land provides the community with areas for socialising, cultural pursuits and intellectual welfare and development.

Tenterfield Shire Council's Community Strategic Plan sets out the following goals:

- Tenterfield Shire is a vibrant, welcoming and safe community. Our public spaces and places are designed to minimise risk to users and incorporate crime prevention by design practices;

- Health and quality of life are supported by a wide range of recreation and leisure opportunities;
- Provide a wide range of high quality and well maintained active and passive recreation facilities;
- Relevant community services, sporting facilities, open spaces and cultural infrastructure are maintained and improved;
- Sporting facilities are modern, provide choice and cater for the diverse needs of the community;
- Our range of services and facilities support accessibility for all in our community;
- Ensure that public places and spaces are clean and well maintained.

3.4 Review of this plan

This POM will require regular review in order to align with community values and changing community needs, legislative changes and to reflect alterations in Council priorities.

The performance of this POM will be reviewed on a regular basis to ensure the reserves are well maintained and provide a safe environment for public enjoyment.

Strategic reviews of this POM will occur at a minimum of ten-year intervals.

The Appendices to this POM may be updated from time to time, without the requirement for public exhibition or review by Council. Amendment to the Appendices may reflect significant changes to the condition of the community land, new acquisitions, dedications of land, or reclassifications.

This POM, when adopted, will revoke any existing generic Community Land Plan of Management for the land to which this POM applies.

3.3 Community consultation

Council's Community Engagement Policy (Policy No. 1.036) was developed in November 2016 and outlines Tenterfield Shire Council's commitment and approach to engaging with our community.

This policy operates in conjunction with the Community Engagement Strategy and Community Engagement Guide/Toolkit providing the framework to enable the Tenterfield Shire Community to provide input to the formulation of Council strategy, policy and decision making and to provide a consistent and transparent approach to consultation.


Council engagement principles recognise the following key issues:

- Social justice – equity, access, participation and rights;

- Community inclusivity – engage a balanced cross-section of the community via a range of methods, involve targeted groups, allow for special needs, consider how to engage hard to reach community cohorts.

The process of community engagement is set out in Figure 1.

Figure 1. Public Participation Spectrum

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To give the public a real voice in the final decision making*
INCREASING LEVEL OF PUBLIC PARTICIPATION 				

Source: Tenterfield Shire Council Community Engagement Policy (2016)

In the case of General Community Use land, there tends to be some very specific uses and stakeholders – more so than for parks and sportsgrounds. For example, museum operators, the Rural Fire Service and individuals holding grazing leases. For this reason, during the development of this POM, a range of specific people were contacted to gain an insight into the use of the land and any issues that required consideration. A summary of those contacted is provided in Table 1.

Table 1. Specific Stakeholders Contacted

Land	Stakeholder(s) contacted	Other stakeholders	Comments/issues
Drake Reserve	Drake Progress Association, Mr & Mrs Ellis, reserve neighbours	Drake Village Resource Centre	The reserve is fenced and grazed. Future fencing upgrade anticipated. Bushfire mitigation important. Native Title Determination exists. Future works will require NTSCORP notification.
Drake Community Hall	Drake Progress Association, Mr Woodward	Drake School of Arts & Progress Assoc., Drake Village Resource Centre, Drake Youth Group, Day Care Group, Men's Shed	Future development may include drainage, solar, air conditioning. Native Title Determination exists. Future works will require NTSCORP notification.
Drake Recreation Reserve	RFS Captain, RFS secretary, Drake Progress Association	Drake Rural Fire Brigade, Drake School of Arts & Progress Assoc., Drake Village Resource Centre	Development of BMX/MTB track, helipad, bore water, dam maintenance, bushfire mitigation, fire training area. Partly fenced. Native Title Determination exists. Future works will require NTSCORP notification. Has incomplete aboriginal land claims.
Urbenville Museum	Urbenville Progress Association	Ms Quinn, Ms Vinall	Open Sunday & by appointment. No licences or leases. Assume native title exists.
Sandy Hill Recreation Reserve	Caretaker Mr Butler	Sandy Hill Recreation Group, Norman Melling (neighbour)	Future RFS shed? Bush fire mitigation. Toilet only a longdrop. Native Title Determination exists. Future works will require NTSCORP notification.
Liston Recreation Reserve	Mr Inch – license to graze		Livestock grazing, licensee maintains fences & pays annual licence/rates. Assume native title exists.

Land	Stakeholder(s) contacted	Other stakeholders	Comments/issues
Legume Community Reserve		Legume Progress Association, Legume RFS	Council are Reserve Trust Managers, Progress Association maintains. Assume native title exists.
Rivertree Recreation Reserve	Mr Burton		Mr Burton's property surrounds it. He grazes it as it adjoins the road reserve, no licence to graze. Virtually no local knowledge that this is a Crown Reserve. Assume native title exists.

Community consultation and input is important to ensure a POM meets the needs of the local community. It also encourages an appreciation of the Council's aims for management of public land.

Public notice of a draft POM must be given pursuant to Section 38 of the *CLM Act*. The draft plan must be placed on public exhibition for not less than 28 days. The public notice must specify that a period of not less than 42 days is available for submissions to be lodged with Council.

A public hearing in respect of a draft POM is only required if the plan proposes categorising, or altering the categorisation of community land. There are no changes of category proposed in this POM.

4. Development and maintenance

4.1 General principles

General Community Use land throughout the Shire will continue to provide a resource that encourages, promotes and facilitates social, cultural and recreational pursuits (whether formal or informal) in the community as a whole.

Any future use of the land needs to consider the following objectives, however is not limited to:

- Provide appropriate amenity, aesthetics and landscaping features within the land for the benefit of all users;
- Protect and enhance buildings whether new, heritage listed or historical;
- Protect and enhance environmental values of open space areas to preserve biodiversity, waterways and mitigate against environmental harm;

- Maximise funding opportunities for the development and enhancement of facilities;
- Provide and maintain, within budget, quality facilities to meet community needs and expectations;
- Manage land effectively and efficiently, while retaining the values which are inherent to the surrounding areas and character of the local area.

Future developments need to be considered in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under *the Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown land included in this plan. Written Native Title advice is to be obtained prior to any development, formalised occupation or use is approved.

4.2 Leasing and licensing

A lease or licence is a contract between a land owner and another entity, granting that entity a right to occupy an area, usually exclusively and for a specified period of time. Council will consider leasing or licencing areas of the land covered by this POM especially in the following situations:

- There is a clear reason for granting a lease or licence, and the lease or licence is consistent with the intended use of the land;
- The occupant has made (or intends to make) a significant financial contribution to the asset e.g. maintaining fences;
- There is a very strong link between the nature of the asset and the proposed tenant.

A plan of management does not need to name a particular lessee etc. in order to authorise a lease. It must contain a statement of authorisation that is wide enough to apply to the particular lease proposal (see Table 3 in Section 9 for details).

In addition, the *CLM Act* and its Regulation specify some additional uses (e.g. public infrastructure) which are permitted and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity.

The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. A licence may be granted to formally recognise and endorse shared uses. For example, a food vendor may use a space in the park for the weekends, but not all week.

Short term licences and bookings may be used to allow the Council to program different uses at different times, allowing the best overall use. The Council may use short term licences or bookings to manage the types of uses set out in Table 3 in section 9.2 below.

The *CLM Act* requires that any lease or licence of Community Land must be authorised by a POM. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act.

Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the Act and Clause 119 of the *Local Government (General) Regulation 2005*.

5. POM administration and management

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

Key management principles are:

1. **Facilities will be sustainable** - sustainable community facilities enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. They limit negative environmental, social and economic impacts. Sustainable community facilities planning and provision considers long term factors and has regard for future generations.
2. **Facilities will be multipurpose and flexible** - multi-purpose community facilities enhance the well being and life opportunities for diverse groups within the community. They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
3. **Community facilities will promote a positive local identity** - the design of community facilities can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres (e.g. museums), relating to and integrating with surrounding retail and other services.

Proposed occupations and entitlements need to be in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under the *Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown Land included in this plan.

Native Title Manager advice must be obtained prior to any of the following:

- (a) Granting leases, licences, permits, forestry rights, easements or rights of way over the land;

- (b) Mortgaging the land or allowing it to be mortgaged;
- (c) Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- (d) Approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c).

6. General Community Use Land – an introduction

Open space areas associated with **General Community Use** land also offer the community a range of recreation opportunities. This provides individuals and communities with health related benefits achieved through physical activity such as physical, mental, social, cultural, economical and environmental benefits that lead to the overall health and wellbeing of the community.

The *LG Act* (Section 36I) states that:

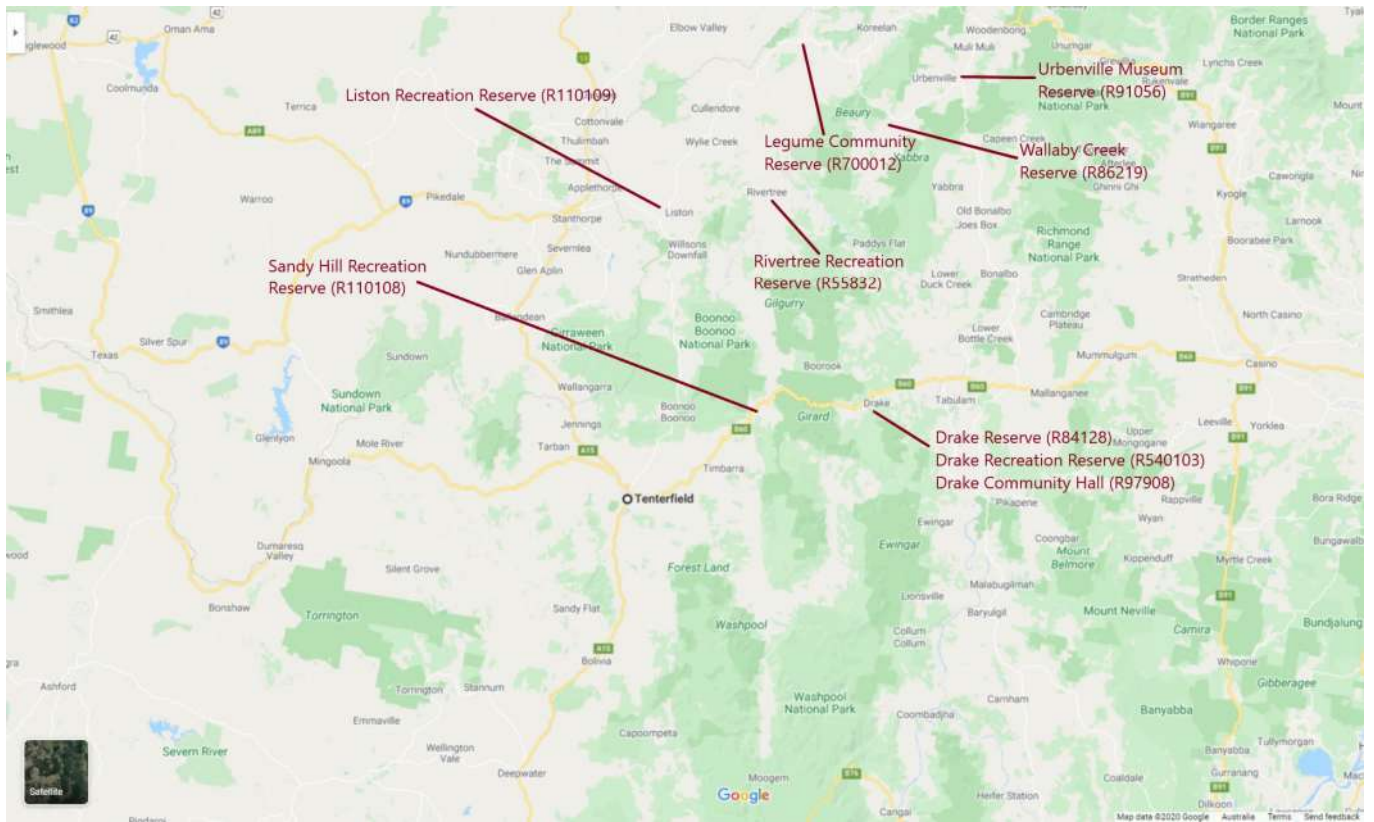
“core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

(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)”.

The reserves categorised as General Community Use within the Tenterfield Shire Council LGA are all located in smaller villages and rural areas away from the main township of Tenterfield (see Figure 2).

Figure 2. Location of Tenterfield Crown Land General Community Use Reserves



The reserves are used for a range of purposes which provide a number of community values and uses including:

- Outdoor recreation (e.g. walking, bike riding);
- The location of RFS facilities;
- The location of community halls;
- Operating markets;
- Livestock grazing;
- Meeting places for community groups (e.g. Men's Sheds, yoga classes);
- The location of old school houses, sheds, toilet facilities;
- The location of small dams.

The status of the facilities on the reserves varies. Some are in a good state of repair (e.g. RFS sheds on the Drake Recreation Reserve, the Urbenville Museum), while other have fallen into a state of disrepair (e.g. the tennis courts on Sandy Hill Recreation Reserve). Other have no structures and are simply fully or partially fenced bush blocks (e.g. Liston Recreation Reserve, Drake Reserve).

7. General Community Use Land – key issues

7.1 Safety and Risk Management

Safety is an issue Council must address on a regular basis. There are statutory responsibilities Council is obliged to abide by under common law to ensure the appropriate steps are undertaken to protect people from reasonably foreseeable or risk in the use of public spaces and public assets. Community land and associated facilities must be maintained to an acceptable standard to ensure the safety of the community. The following issues need to be identified and considered when addressing safety issues for land classified as General Community Use:

- Due to the distributed location of community land across the LGA staff are unable to inspect each site on a regular basis;
- The effects of anti-social behaviour are ongoing;
- Community land can be affected by natural disasters such as fire, flood or severe weather conditions and this poses a threat to the safety of the users;
- Illegal dumping is often an issue within community land classified as General Community Use and this could pose a threat to the safety of the users;
- Unsafe tracks and access points;
- Dogs, off leash, can threaten the health and safety of other users.

7.2 Maintenance

Maintenance of community land is one of Council's core business areas. In keeping with Council's service levels, Council is required to meet appropriate standards whilst facing ever-increasing workloads and stringent budget allocation.

Community land identified within this POM is maintained by TSC or by other parties under a lease or licence agreement, management agreement or in accordance with Section 355 of the Local Government Act 1993.

The maintenance of community land includes but is not limited to the following:

- Tree maintenance including pruning and removal of dead trees;
- Mowing;
- Rubbish removal;
- Irrigation;
- Building/equipment repairs;
- Weed control;
- Addressing acts of vandalism.

The frequency of inspection of facilities is dependent upon a number of factors which will vary from year to year. For example, after prolonged periods of wet weather tractors may not be able to enter some areas for several weeks due to soil consistency and poor drainage.

7.3 Access and Connectivity

Access and parking are very important issues in the management of community land. Issues that are commonly encountered when managing community land include:

- Community land is not always easily accessible for people with disabilities and/or mobility challenges as pathways are not generally constructed;
- Limited access for pedestrians and cyclists;
- Some community land classified as General Community Use is unfenced, unauthorised vehicle access can cause problems and access tracks through areas exposes them to vandalism, anti-social behaviour and the dumping of rubbish;
- Provision of emergency access can often not be provided. Flood and fire evacuation of users' needs to be addressed and considered where appropriate.

Open space linkages provide greater movement as more and more people are now cycling or walking for pleasure. Cycleways and walkways could be provided on existing public reserves, wildlife corridors, drainage reserves, transmission line easements, road reserves and disused railway corridors may be utilised. Linkages and cycleways may also be used to connect community land, areas of interest such as heritage items, commercial centres and schools.

When planning for future access and parking on community land, provisions for emergency vehicles must be considered and provisions for any relevant Australian Standards for accessibility.

7.4 Environment

Management and maintenance of community land needs to be undertaken in an ecological sustainable manner to prevent any long-term impacts on the environment. It is vital to maintain ecological processes and systems when managing community land. Fire management and weed control are important issues in this respect.

7.5 Community Involvement

Good neighbourly relations and community involvement are important in the management of community land. Community users are vital for the contribution to the planning and management process, as well as informing Council of any ongoing issues. A good relationship between the community and Council can be an effective way of managing community land classified as General Community Use and ensuring they are maintained and kept clear of rubbish and anti-social behaviour.

7.6 Landscape Design and Character

Any structures, paths and signs installed within community land should be sympathetic to the existing setting, the landscape values and heritage, or the unique character and/or features of the site. The inherent landscape features need to be retained and where possible enhanced, when developing community land. Site planning, material selection and colour schemes need to be considered when planning and designing facilities.

7.7 Recreational Use

Recreation activities within community land classified as General Community Use are encouraged but must be managed in accordance with the context of the site.

Generally, passive recreation is most appropriate with active recreation better being placed at sportsgrounds and parks.

Often the community is unaware of the classification of the land and a lack of signage identifying what can or cannot occur makes it difficult to curb certain activities. The over usage of signs however lead to clutter and visual pollution. General recreation should be encouraged in community land classified as General Community Use and the development of infrastructure of such land for recreational purposes should always be considered.

Some additional signage regarding uses and some media activity may be warranted to improve public knowledge of reserve uses.

7.8 Dogs

Walking a dog is a recognised recreational activity for many people. However, this should not impinge on the quality of the recreation experience for other users.

Dogs can have a detrimental impact on the amenity due to defecation, barking, aggression, non-compliance with leash laws and other nuisance behaviour.

Dogs are not permitted to be walked 'off a leash' unless they are within one of Council's designated dog exercise areas. Signs are installed at various locations describing the permitted usage of the area.

Dog clubs are required to seek Council approval to conduct dog obedience and training activities on community land and they are responsible for the removal of all dog excrement.

7.9 Recreational Vehicles

Reserves designated as General Community Use may become a location for the use of recreational vehicles (motor bikes, 4WDs). This can create issues for both public safety and environmental damage. Council may need to consider appropriate signage to address this issues.

8. General Community Use Land – development and use

This section outlines the general uses and forms of development which may occur on community land categorised as General Community Use.

TSC intends to facilitate a wide range of uses and activities within its buildings, recreational and sporting facilities which will increase the vitality and general enjoyment of the land while having minimal impact on the surrounding area.

The permissibility of development proposed for community land is to be considered in accordance with the *Tenterfield Local Environmental Plan (2013)*. Plans of Management cannot override, or replace, or stand in place of planning instruments such as Local Environmental Plans.

8.1 Developments on community land and the LG Act

The proponent of any development of land covered by this POM must provide written details of any proposal to Council who will determine whether the proposed development will receive in-principle owner's consent from Council. Section 47E (1) of the *LG Act* states that a development on community land requires Council approval (i.e. Council are not permitted to delegate the authority of approving development to Council staff) if:

(a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or;

(b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or;

(c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or;

(d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.

Section 47E (2) states that the following buildings are exempt from subsection (1) (a):

(a) toilet facilities;

(b) small refreshment kiosks;

(c) shelters for persons from the sun and weather;

(d) picnic facilities;

(e) structures (other than accommodations for spectators) required for the playing of games or sports;

(f) playground structures;

(g) work sheds or storage sheds;

(h) buildings of a kind prescribed by the regulations.

Section 47E (3) states: An "existing area" referred to in subsection (1) (b) does not include the area of any awning, balcony, veranda or other thing that extends beyond the main structural outline of the building.

Section 47E (4) states: A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

It is advised that all applications for development on community land refer directly to the *LG Act* at the time of lodging.

8.2 Native Title

Section 8.7 of the *CLM Act* requires that written advice of Council's Native Title manager is obtained and complies with the *Native Title Act 1993* prior to carrying out any of the following activities in relation to crown land:

- a. Grant leases, licences, permits forestry rights, easements or rights of way over the land;
- b. Mortgage the land or allow it to be mortgaged;

- c. Impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- d. Approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph a, b or c.

The generic nature of this Plan of Management and the diverse parcels of Crown Lands covered by the Plan does not allow for provision of a specific Native Title Status.

The Plan limits authority to approve dealings on each parcel of land without first undertaking appropriate review, consideration and advice in accordance with the Native Title Act 1993.

8.3 Signage

Permissible signage includes signs that are erected by Council to regulate various activities under Section 632 of the *LG Act*.

These include but are not limited to, signs advising the reserve name and/or facilities contained within it, directional signs and traffic signs. Any signage that is not specifically exempt under an Environmental Planning Instrument will require an application for development consent.

Council will determine development applications for signage by assessing applications in accordance with the *Environmental Planning & Assessment Act 1979*, the *Tenterfield Local Environmental Plan* and the relevant Development Control Plans.

It is suggested that Council erect new signs on each reserve identifying them as Crown Land, and outlining the activities that are permissible on that reserve. This is important as research conducted during the development of this POM indicated that many local people were not aware the land was a Crown Reserve and activities were being conducted on those reserves without a licence (e.g. occasional grazing).

8.4 Special Events

For special events such as carnivals, trade shows and other commercial use, Council will consider all applications for use and assess all applications lodged with Council.

Any approvals will be accompanied by conditions and a fee. A bond may apply to ensure any necessary restoration works are undertaken.

Applications for special events will need to be prepared in consideration of Council's relevant Development Control Plan and adopted Fees and Charges.

8.5 Sale of alcohol

The sale of alcohol by a sporting or community committee, club, or group requires the approval from the NSW Liquor and Gaming through the issue of a Limited Licence.

When making an application for the use of an area for the sale of alcohol, applicants are required to comply with any requirements of both the Department of Industry Liquor & Gaming and TSC.

The licence must be produced to Council in each instance. Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely or between certain hours. This is usually due to inappropriate use of an area, malicious damage to property, littering, offensive behaviour or other crimes. Under Section 632 of the *LG Act* Council is authorised to erect signs prohibiting certain activities.

8.6 Infrastructure and community facilities

Council may construct or approve construction of a variety of facilities on community land. Projects proposed by external persons such as community groups must accord with Council's own strategic plans and the provisions of any applicable legislation and environmental planning instruments.

Council may request that a written proposal be submitted outlining a description of the project, proposed location, estimated costs, scaled plans, justification for the proposed works, future maintenance requirements and other elements relevant to the project.

9. General Community Use Land – management framework

9.1 The approach to managing GCU reserves

Table 2 provides an overview of council's approach to managing general use community reserves, including performance objectives and targets.

Table 2. GCU management framework

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Community facilities	Provide sustainable community facilities for a range of community, social, and other compatible activities.	Provide community facilities which are multi purpose and flexible to a range of appropriate uses. Ensure community facilities are universally accessible. Ensure that community facilities are safe and of high quality. Facilities provided and managed in consultation and partnership with user groups and the community. Bushfire mitigation activities conducted in a timely manner.	Increased usage and visitation. Facility inspections and audits. Reduced level of community complaints to councils about issues on reserves. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey). Reduced fire damage.
Landscape amenity	To improve landscape character and visual quality.	Ensure general maintenance (e.g. mowing, pruning, fencing) is conducted in a timely manner. Bushfire mitigation activities. Weed control activities conducted in a timely manner.	Increased appreciation of the property as measured by positive comments received by Council. Community consultation to determine level of use and any community concerns. Maintain records of public comments in relation to properties. Regularly review records

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Buildings	Buildings and structures to contribute to amenity, facilitate a range of uses and have regard for environmental sustainable design, resource use and maintenance.	Building and structure design specifications to consider land and general community use character, expected use and environmental sustainability features. Apply for Crown Land funding grants to upgrade buildings.	Buildings provide positive contribution to amenity and use. Increased park, sportsground and general community use land bookings and use. Positive comments by user groups. Grant funding successfully sources and upgrades completed. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Cultural/historical	Appreciation and interpretation of the heritage significance of the site in terms of both natural and cultural components.	In conjunction with key community stakeholders, identify cultural and heritage values for retention and interpretation. Where appropriate incorporate historical information on property signage to instil understanding and appreciation of the site and the history it represents. Installation of public art and interpretation.	Retention and interpretation of heritage and cultural values provides increased appreciation of the property and its history as measured by visitation and community/stakeholder feedback to council.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Asset management	To provide professional, efficient management of GCU land/structures.	Regular visitation and condition assessments. Regular communication with community stakeholders and leases.	Positive comments by user groups. Grant funding successfully sources and upgrades completed. Fencing maintained in good working order. Reduction in neighbour issues. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Access	Provide safe and improved access.	Property upgrades, refurbishments and/or improvement works to consider and include improvements to public access. Apply for Crown Land funding grants to upgrade buildings.	Increased use and visitation of reserves and buildings (e.g. museum) where the land is not leased.
Environmentally Sustainable Principles	Ensure best environmental management practises and principles having regard to environmental sustainable design, resource use and maintenance.	<ul style="list-style-type: none"> – Energy efficiency – Water savings – Waste reduction – Natural heating and cooling – Sense of place and local identity – Sustainable grazing Apply for Crown Land funding grants to upgrade buildings. Regular communication with leases.	Measurement and verification savings plan. Real time measurement.
Safety and Risk Management	Provide safe facilities	Fencing maintained. Building upgrades via Crown Lands funding. Bushfire mitigation activities.	Works to be in accordance with relevant Australian Standards. Safe use with no reported incidents.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Ownership and Tenure	Ensure that ownership, tenure and permitted use arrangements allow the widest possible community access and are orientated to mutually compatible recreational, community and other activities on reserves where that is a key objective. Leases and licences to be granted only for activities which are consistent with the objectives of this POM. Minimise conflicts between users.	All future leases and licences to meet the requirements of the <i>LG Act</i> and the <i>CLM Act</i> . Consider potential uses before granting leases/licences, including neighbour impacts.	Type and extent of licencing and leasing as measured by record keeping, survey and observation. Appropriate communication with stakeholders/community.

It should be noted that TSC is not funded by Crown Lands to conduct these management activities, hence any management works must come from the TSC budget.

9.2 Leasing and licensing

This POM authorises existing leases and licence agreements until the end of their current term. The leased or licensed area may be renewed or changed in future. The leased or licensed area may be reconfigured in the future to reflect changes in community needs.

This POM expressly authorises Council to grant leases, licences or any other estates for community land covered in this POM for purposes and uses which are identified or consistent with those in the Table 2. These are referred to as **Express Authorisations**.

Pursuant to Section 68 of the LG Act community members and organisations will be required to make application to Council in order to secure the authorised use of the parcels of land covered in this POM. Applications can be found on the Council website.

<https://www.tenterfield.nsw.gov.au/your-council/forms/application-for-an-event-at-a-council-park-oval-or-reserve>

Table 3. Activities for which lease or license may be granted

Purpose/Use	Development
General Community Use Category	
<ul style="list-style-type: none"> ▪ Social and cultural community gatherings; ▪ Active and passive recreation including children’s play; ▪ Group recreational use, such as picnics and private celebrations; ▪ Festivals, parades, markets, fairs, auctions and similar events and gatherings; ▪ Exhibitions; ▪ Filming and photographic projects; ▪ Busking; ▪ Public address (speeches); ▪ Community gardens; ▪ Café or refreshment areas (kiosks/restaurants) including external seating ▪ Publicly accessible ancillary areas, such as toilet facilities, picnic tables, barbeques, shade structures ; ▪ Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment); ▪ Service areas ancillary to the use of land (e.g. loading areas, car spaces, bicycle racks); ▪ Low intensity commercial activities (e.g. recreational equipment hire); ▪ Low intensity agricultural activities (e.g. agistment under licence for livestock) 	<ul style="list-style-type: none"> ▫ Development for the purposes of improving access, amenity and the visual character of the land; ▫ Amenities to facilitate the safety, use and enjoyment of the land; ▫ Lighting, seating, toilet facilities, marked areas (e.g. access paths and activity trails;) ▫ Hard and soft landscaped areas; ▫ BBQ facilities and sheltered seating areas; ▫ Ancillary service, transport or loading areas; ▫ Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas; ▫ Community gardens; ▫ Licencing for commercial purposes; ▫ Licencing for grazing purposes

10. Appendices

APPENDIX 1

Drake Reserve (R84128)

Lots 21 & 22 DP 45988, Lots 7025 & 7026 DP 1050643, Lots 7032 & 7033 DP 1057381
Gazette date: 28 December 1962

Key features and landscape character

Area: 21,864m² (2.2ha).

Activities carried out

Cattle which graze the Common across the creek also graze this land. There are fences around the land, apart from along the creek.

Leases / Licences

Nil – needs investigation.

Stakeholders

Drake School of Arts & Progress Association.
Drake Village Resource Centre.
Mr & Mrs Ellis – neighbours.

Future development / Use

Upgrade fencing.
Carryout and maintain bush fire mitigation processes.
Weed control.

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.

ILUA No. NI2018/001 - the agreement covers about 5,773 square kilometres and is located northwest of Grafton and west of Casino and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2018/001

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.



LAND
REGISTRY
SERVICES

Order number: 61291084
Your Reference: CAS-17529-7S21 - CLM
05/03/20 10:48



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 21/45988

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 21 IN DEPOSITED PLAN 45988
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP45988

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116572)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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LAND
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SERVICES

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05/03/20 10:48



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 22/45988

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 22 IN DEPOSITED PLAN 45988
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP45988

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116572)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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SERVICES

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05/03/20 10:48



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7025/1050643

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7025 IN DEPOSITED PLAN 1050643
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1050643

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116568)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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LAND
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SERVICES

Order number: 61291084
Your Reference: CAS-17529-7S21 - CLM
05/03/20 10:48



SAI GLOBAL
PROPERTY

NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7026/1050643

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7026 IN DEPOSITED PLAN 1050643
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1050643

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116568)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
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NOTATIONS

UNREGISTERED DEALINGS: NIL

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**LAND
REGISTRY
SERVICES**

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05/03/20 10:48



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7032/1057381

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7032 IN DEPOSITED PLAN 1057381
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1057381

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA121109)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
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- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.

NOTATIONS

UNREGISTERED DEALINGS: NIL

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SERVICES

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05/03/20 10:48



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7033/1057381

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7033 IN DEPOSITED PLAN 1057381
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1057381

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA121109)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
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NOTATIONS

UNREGISTERED DEALINGS: NIL

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The map displays a residential area with the following details:

- Central Area:** A large blue-shaded region labeled "PLUMBAGO CREEK" containing several lots:
 - 7025 (1050643)
 - 7032 (1057381)
 - 7033 (1057381)
 - 7026 (1050643)
 - 7312 (1144176)
 - 7313 (1144176)
 - 7309 (1144176)
 - 7308 (1144176)
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 - 7219 (1050536)
 - 7220 (1050536)
 - 7221 (1050536)
 - 7222 (1050536)
 - 7223 (1050536)
 - 7224 (1050536)</

APPENDIX 2

Drake Recreation Reserve (R540103)

Drake

Lot 12 Sec 45 DP 758359

Lot 7027 DP 1050644

Gazette date: 28 December 1895

Drake Recreation Reserve is located on the north-western edge of town.

The local Rural Fire Service shed is situated on the south-eastern boundary of the land within Lot 7027 DP 1050644. There is a question of whether the shed is actually located in the correct position. It may be that it should have been position on Lot 12 Section 45 DP 758359.

Key features and landscape character

Apart from some cleared area around the Rural Fire Service shed, the land is mostly covered in bush. There is a site where tennis courts were previously located that is now used as a training area for volunteers.

The land is partly fenced. Fairfield Creek is the northern boundary of the land.

Area: 37,138m² (3.72Ha).

Activities carried out

Rural Fire Service activities including training and staging on old tennis courts.

Local youths have cleared a BMX/mountain bike track through the bush.

Leases / Licences

Nil.

Stakeholders

Drake Rural Fire Brigade – Mr Corby (President) and Ms Cahill (Secretary).

Drake School of Arts & Progress Association – Mr Turner.

Drake Village Resource Centre.

Future Development / Use

Develop BMX/mountain bike track.

Helipad for rescue and RFS helicopters.

Carryout and maintain bush fire mitigation processes.

Water bore.

Maintain and/or increase size of existing dam.

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.

ILUA No. NI2018/001 - the agreement covers about 5,773 square kilometres and is located northwest of Grafton and west of Casino and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2018/001

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.



**LAND
REGISTRY
SERVICES**

Order number: 61291668
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:06



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 12/45/758359

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:06 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 12 OF SECTION 45 IN DEPOSITED PLAN 758359
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
(FORMERLY KNOWN AS ALLOTMENT 12 OF SECTION 45)
TITLE DIAGRAM CROWN PLAN 24.1775

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116652)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE LAND IS DEDICATED FOR A PUBLIC PURPOSE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.



LAND
REGISTRY
SERVICES

Order number: 61291868
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:06



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7027/1050644

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:06 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7027 IN DEPOSITED PLAN 1050644
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1050644

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116574)

SECOND SCHEDULE (4 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.
- * 4 THE LAND IS DEDICATED FOR A PUBLIC PURPOSE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

Drake Recreation Reserve



APPENDIX 3

Drake Community Hall (R97908)

Alison Street, Drake

Lot 7 DP 721134

Gazette date: 6 September 1985

Built by the Drake community in 1988 with Mr Peter Harris as project manager. Volunteer work and materials donated by Drake community.

Drake School of Arts and Progress Association together with Drake Village Resource Centre manage the day to day operations at the Hall including bookings, cleaning, maintenance etc.

Key features and landscape character

Mudbrick building with colourbond roof, including kitchen and amenities. 2 x rain water tanks (one for hall and one for amenities at Woodward Park).

Area: 2,588m²

Activities carried out

Monthly meetings by Drake School of Arts and Progress Association, Mens Shed, Youth group, day care group. Occasional yoga lessons, art lessons, Music Club. ANZAC memorial services.

Stakeholders

Drake School of Arts & Progress Association (Mr Woodward).
Drake Village Resource Centre.
Drake Youth Group.
Day Care Group.
Mens Shed.

Leases / Licences

Nil.

Future Development / Use

Better drainage, solar power, air conditioning (heating and cooling).

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and

Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.

ILUA No. NI2018/001 - the agreement covers about 5,773 square kilometres and is located northwest of Grafton and west of Casino and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2018/001



LAND
REGISTRY
SERVICES

Order number: 61292081
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:10



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7/721134

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:10 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7 IN DEPOSITED PLAN 721134
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP721134

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA131370)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

[illegible]

APPENDIX 4

Liston Recreation Reserve (R110109)

26 Acacia Street, Liston

Lot 7308 DP 1151684

Gazette date: 31 December 1992

This parcel of land is located at the northern edge of town on the eastern side of Mt Lindesay Road. It is bounded by Nine Mile Creek.

Key features and landscape character

The land is fenced and is mostly covered with trees.

Area: 3.69 hectares

Activities carried out

Livestock grazing.

Stakeholders

Mr Inch – held grazing licence since 2012. Currently pays \$554.00 per year together with rates and maintains fencing. TSC requested a copy of licence from Crown Lands in Feb 2020.

Leases / Licences

Grazing Licence – Mr Inch.

Future Development / Use

Livestock grazing.

Native Title

None found but assume it exists.



LAND
REGISTRY
SERVICES

Order number: 61293190
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:41



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7308/1151684

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:41 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7308 IN DEPOSITED PLAN 1151684
AT LISTON
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WYLIE COUNTY OF BULLER
TITLE DIAGRAM DP1151684

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA153515)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 2 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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The map displays the town of Mount Lindesay and its surrounding areas. Key features include:

- Mount Lindesay Road:** The main road running vertically through the center of the map.
- Herding Yard Creek Road:** A road branching off to the west from Mount Lindesay Road.
- Acacia Street, Clarence Street, and Stanthorpe Street:** Horizontal roads branching off to the east from Mount Lindesay Road.
- Rivertree Road:** A road at the bottom of the map, branching off to the east from Mount Lindesay Road.
- Liston Creek:** A waterway flowing from the west towards the center of the map.
- Nine Mile Creek:** A waterway flowing from the east towards the center of the map.
- St John the Baptist Anglican Church:** Located on the west side of Mount Lindesay Road.
- Liston Park and Liston Hall:** Located on the east side of Mount Lindesay Road, near Stanthorpe Street.
- Liston-Wylie Creek RFB:** A reserve located on the east side of Mount Lindesay Road.
- Property Numbers:** Various numbers are scattered throughout the map, indicating individual properties or lots.
- Scale Bar:** Located at the bottom right, showing distances from 0 to 200 meters.

APPENDIX 5

Legume Community Reserve (R700012)

9320 Mount Lindesay Road, Legume

Lot 253 DP 751039

Gazette date: 24 April 1997

Council were appointed Reserve Trust Managers of this land in 1997. Prior to this time the land was under the control of the Department of Education. An agreement was reached between the Council and the Legume Progress Association that the Council would be appointed Trust Manager with the Progress Association taking responsibility for management and maintenance of the buildings and grounds (Council's letter of 24 December 1994 to Legume Progress Association).

Key features and landscape character

The land consists of 8,094m² with old school buildings including a toilet block, storage shed and very dilapidated tennis courts. There is also a tank on a raised stand and old playground equipment. The fence surrounding the northern and western sides is in bad disrepair. The Legume Bush Fire Brigade shed is located here together with 2 rainwater tanks.

Activities carried out

Rural Fire Service activities.

Leases / Licences

Nil.

Stakeholders

Legume Bush Fire Brigade.

Future Development / Use

None noted.

Native Title

None found but assume it exists.



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 253/751039

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:37 AM	1	15/2/1993

LAND

LOT 253 IN DEPOSITED PLAN 751039
AT LEGUME
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF ACACIA COUNTY OF BULLER
(FORMERLY KNOWN AS PORTION 253)
TITLE DIAGRAM CROWN PLAN 2140.1741

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 I116079 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- * 2 DP1000849 EASEMENT FOR WATER SUPPLY VARIABLE WIDTH AFFECTING
THE PART(S) SHOWN SO BURDENED IN DP1000849
- * 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN
LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER
DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT
OF THE MINISTER.

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE
IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
COMPRISED IN THIS FOLIO.

3042276 NOTE: RESERVATION OF CROWN LAND (RESERVE NO. 700012) GAZ.
24.4.1997 FOL 2270

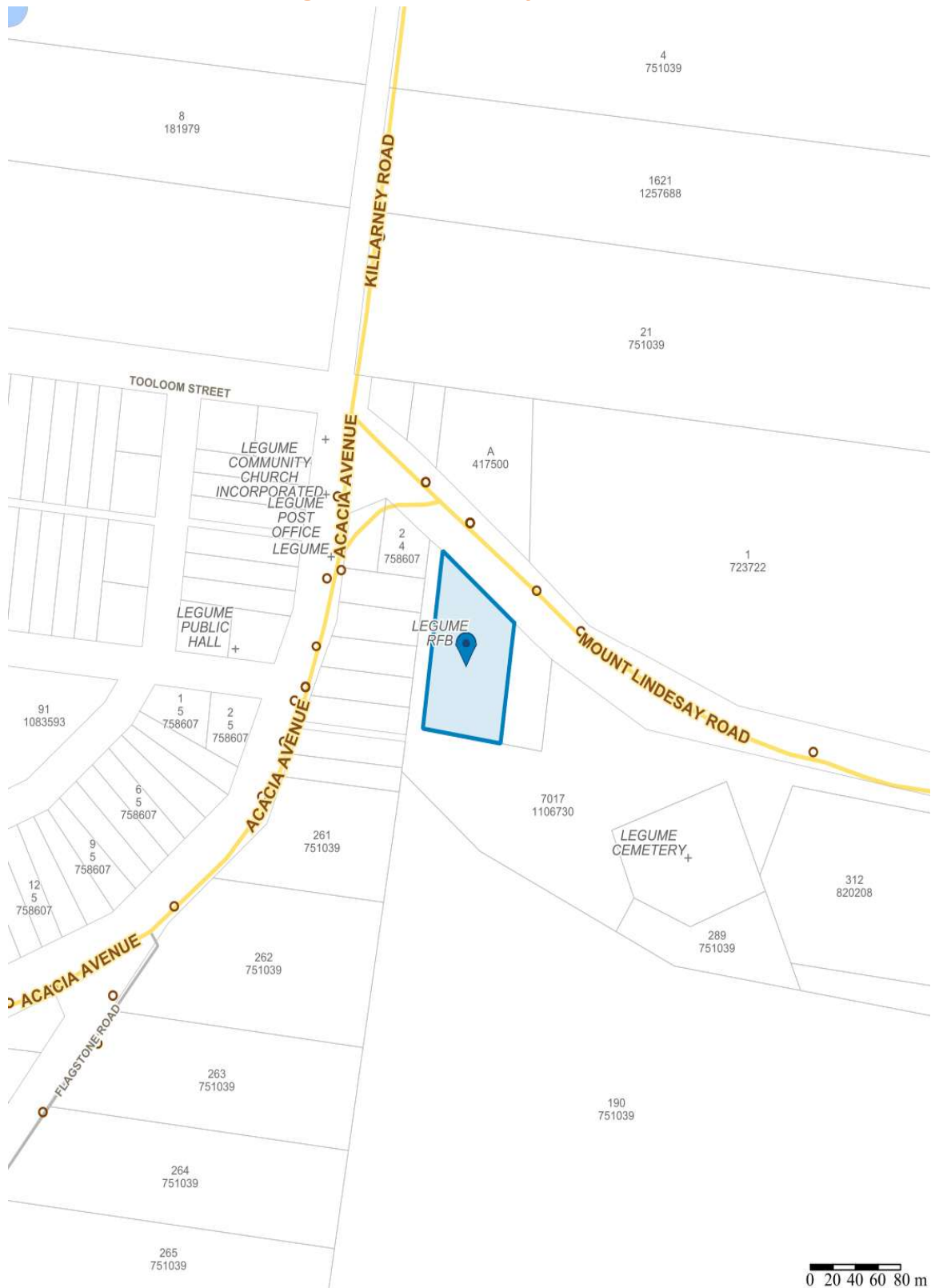
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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has not been formally recorded in the Register.

Legume Community Reserve



APPENDIX 6

Rivertree Recreation Reserve (R55832)

Rivertree Road, Liston

Lot 41 DP 751076

Gazette date: 17 November 1922

Key features and landscape character

Area: 1.8 hectares.

Was the site of the old Post Office, no structures are there now.

Activities carried out

Grazing

Leases / Licences

Nil.

Stakeholders

Mr Burton (neighbour) – grazes the reserve.

Future Development / Use

Grazing licence required?

Not fenced off from the road reserve, so gets grazed by Mr Burton's stock.

Native Title

None found but assume it exists.



LAND
REGISTRY
SERVICES

Order number: 61293391
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:46



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 41/751076

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:46 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 41 IN DEPOSITED PLAN 751076
AT RIVERTREE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF REID COUNTY OF BULLER
(FORMERLY KNOWN AS PORTION 41)
TITLE DIAGRAM CROWN PLAN 2714.1741

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA127835)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

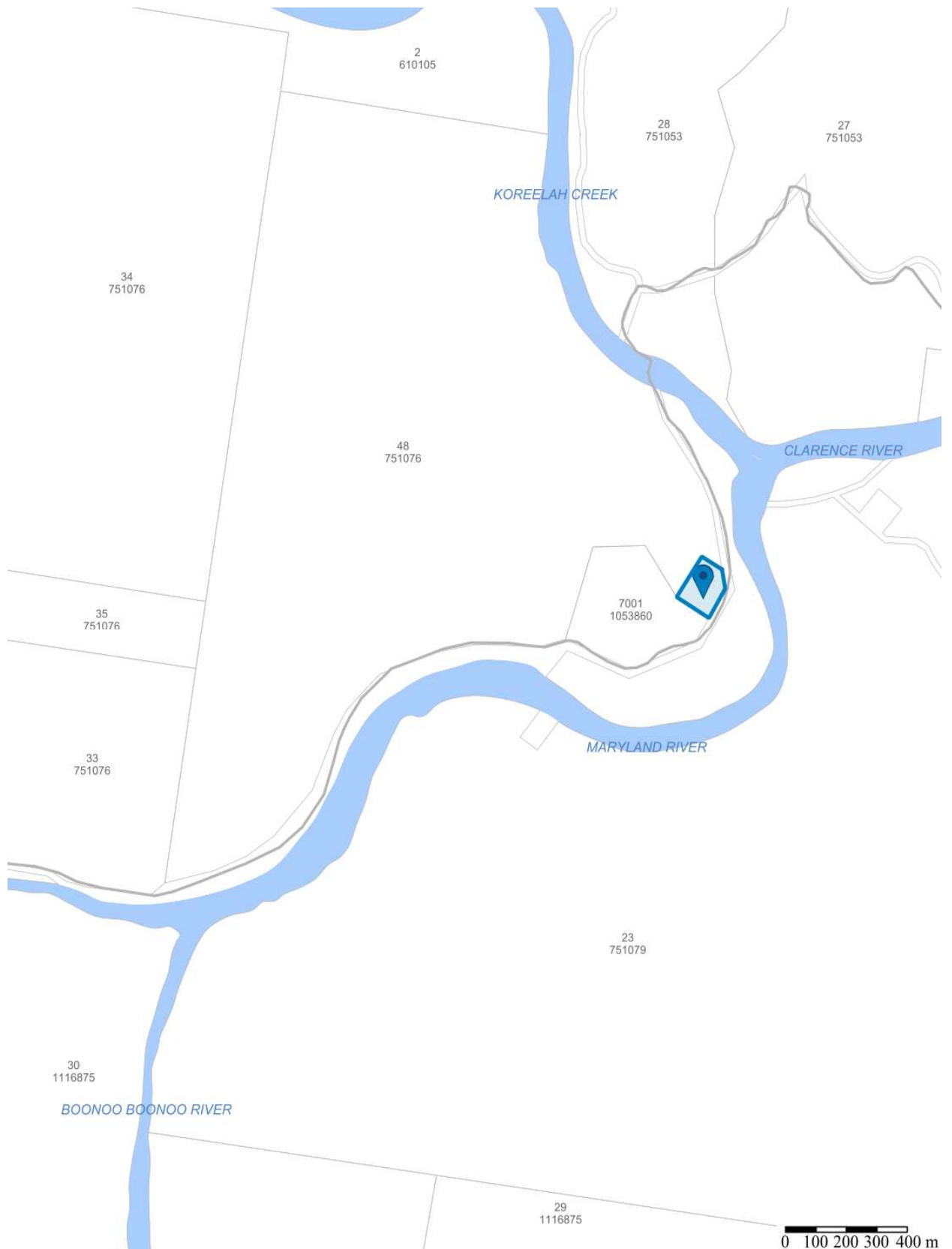
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

Rivertree Recreation Reserve



APPENDIX 7

Sandy Hill Recreation Reserve (R110108)

Bruxner Highway, Sandy Hill

Lot 221 DP 729072

Gazette date: 14 August 1992

This building was originally used as a school and hall. The school closed in approximately 1983. At the moment Richard Butler holds keys to the building and takes care of mowing the surrounds of the building. Richard is the nephew and executor of the Estate of Lexi Butler. Lexi Butler was the teacher at the school before it closed.

Key features and landscape character

The land consists of an old timber building surrounded by bush. There are very old and disused tennis courts.

The roof of the main building was replaced approximately 10 years ago. There is power available however it is not connected at present.

Inside the building is a kitchen. There are outside toilets (longdrop).

Area: 7,109m².

Activities carried out

Nil.

Leases / Licences

Nil.

Stakeholders

Caretaker - Mr Butler.

Sandy Hills Recreation Group.

Mr Melling (neighbour).

Future Development / Use

Rural Fire Service shed.

Bush fire mitigation.

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.

ILUA No. NI2018/001 - the agreement covers about 5,773 square kilometres and is located northwest of Grafton and west of Casino and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2018/001



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 221/729072

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:50 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 221 IN DEPOSITED PLAN 729072
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TIMBARRA COUNTY OF CLIVE
TITLE DIAGRAM DP729072

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 RESERVE NO. 74184 FOR PUBLIC SCHOOL PURPOSES VIDE GOV. GAZ. DATED 4.5.1951 FOLIO 1341
- * 2 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

E734908 NOTE: RESERVATION OF CROWN LAND (SECTION 87) C.L. ACT, 1989
SEE GAZ 14.8.1992 FOL 5762

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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Sandy Hill Recreation Reserve



APPENDIX 8

Urbenville Museum Reserve (R91056)

15 Urban Street, Urbenville

Lot 7004 DP 1055390

Gazette date: 17 March 1978

The Bicentennial Museum was built in 1988 with government funding. The Urbenville Progress Association now operate the museum which holds a unique collection of exhibits from local residents and community. The exhibits are mostly related to the farming and pioneering history of the area. The museum is open on Sundays and by appointment.

Key features and landscape character

Bicentennial Museum opened on 15 October 1988.

Area: 380.8m².

Activities carried out

Operation of historical museum.

Leases / Licences

Nil.

Stakeholders

Urbenville Progress Association (Ms Quinn and Ms Vinall).

Future Development / Use

Upgrades to buildings – internal and external.

Potential extension of museum building to incorporate shelter structure.

Native Title

None found but assume it exists.



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7004/1055390

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
10/3/2020	9:57 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7004 IN DEPOSITED PLAN 1055390
AT URBENVILLE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF COUTTS COUNTY OF BULLER
TITLE DIAGRAM DP1055390

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA118658)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.

NOTATIONS

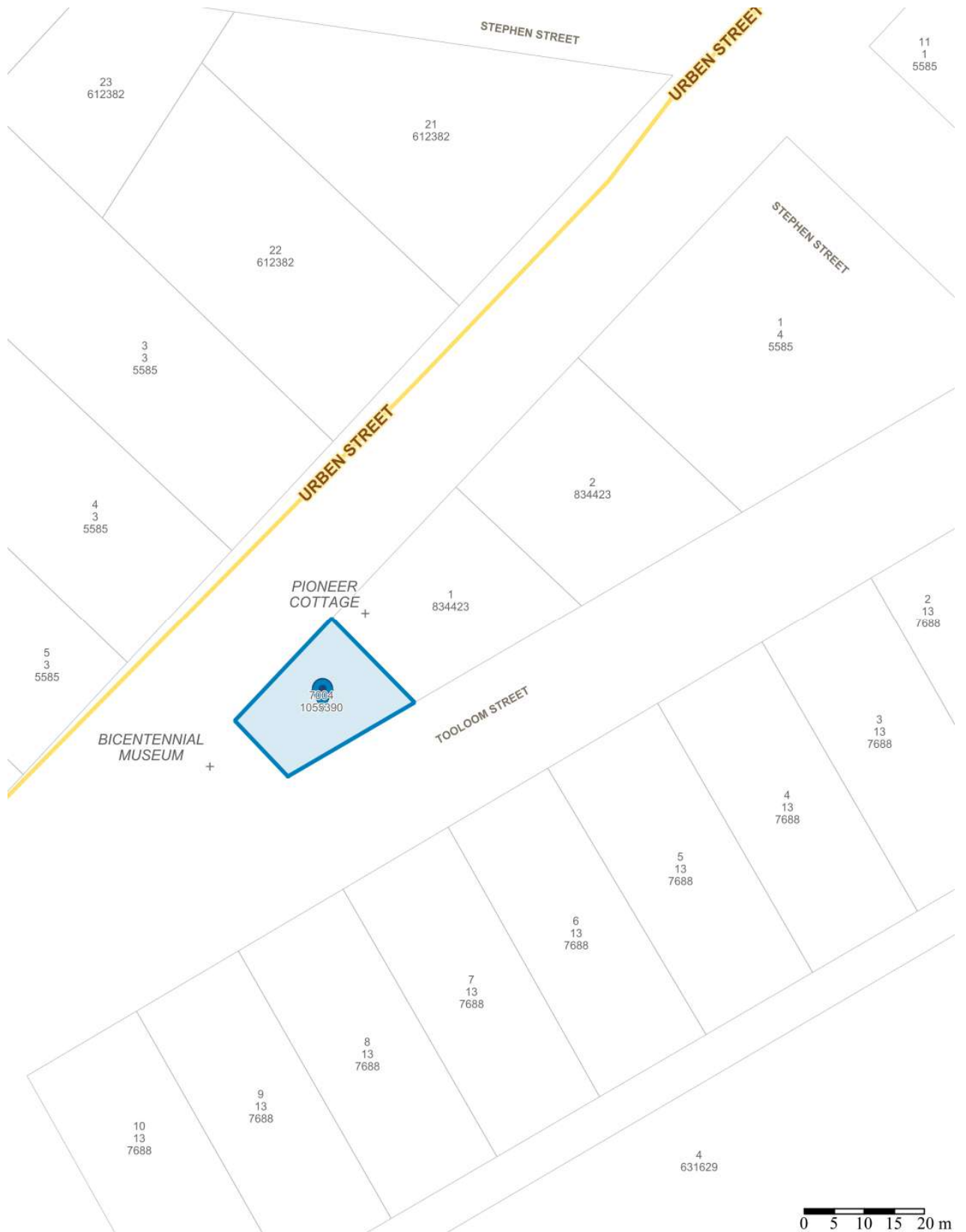
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 10/3/2020

Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

Urbenville Museum Reserve





PLAN OF MANAGEMENT SPORTSGROUNDS

Date: 8th September 2020

Issue: Draft Version 1

Adopted:.....

Contents

1.	Key Information.....	3
2.	Introduction.....	3
2.1	Corporate objectives.....	3
	Our Vision.....	3
2.2	Land to which the plan applies.....	4
2.3	Owner of the land.....	4
3.	Relevant legislation, policies and procedures.....	5
3.1	Local Government Act 1993 (LG Act).....	5
3.2	Crown Land Management Act 2016 (CLM Act).....	5
3.3	Other relevant legislation and statutory controls.....	6
3.4	Review of this plan.....	8
3.3	Community consultation.....	9
4.	Development and maintenance.....	11
4.1	General principles.....	11
4.2	Leasing and licensing.....	12
5.	POM administration and management.....	13
6.	Sportsgrounds – an introduction.....	14
7.	Sportsgrounds – key issues.....	15
7.1	Maintenance.....	15
7.2	Impact on Adjacent Resident.....	16
7.3	Dogs.....	16
7.4	Car Parking.....	16
7.5	Shared Use of Buildings.....	17
8.	Sportsgrounds – development and use.....	17
8.1	Developments on community land and the <i>LG Act</i>	17
8.2	Native Title.....	18
8.3	Signage.....	19
8.4	Special Events.....	19
8.5	Sale of alcohol.....	19
8.6	Infrastructure and community facilities.....	20
9.	Sportsgrounds – management framework.....	21
9.1	The approach to managing Sportsgrounds.....	21
9.2	Leasing and licensing.....	24
10.	Appendices.....	26

1. Key Information

This is the Plan of Management for Crown Land in the **Tenterfield Shire Council** local government area which is managed by Tenterfield Shire Council and has been categorised as **Sportsground** under Section 36 of the *Local Government Act 1993 (LG Act)*.

Sportsground refer to land that is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games (*Local Government (General Regulation) 2005*).

In addition, **it is not** land which is categorised as a natural area, general community use, park or an area of cultural significance under the *LG Act*.

All land covered by this POM is categorised as **Sportsground**, as approved by the Minister on

2. Introduction

Tenterfield Shire is a rural local government area located in the New England region of New South Wales, Australia. The Shire is situated adjacent to the New England Highway, a major transport route between Sydney and Brisbane.

Council is responsible for a land area of 7,332 km² and a population of 6,628 people. The population is dominated by residents in the 55-69 year age category (29.6% of the population), however 20.7% of the population are aged under 19 years (ABS 2016).

Employment in the Shire is dominated by agriculture (27.1%), followed by Health Care & Social Assistance (12.7%), Retail Trade (9.7%) and Construction (8.4%) (REMPAN 2020).

2.1 Corporate objectives

Tenterfield Shire Council provides local civic leadership and a wide range of community services and facilities.

Our mission statement “Quality Nature, Quality Heritage and Quality Lifestyle” provides focus and direction in the manner in which we provide leadership and services.

Our Vision

As set out in the Community Strategic Plan, and delivered via the Delivery Program and Operational Plan (2017-2021), the vision of Tenterfield Shire Council is:

- To establish a shire where the environment will be protected and enhanced to ensure sustainability and inter-generational equity;
- To recognise and actively develop our cultural strengths and unique heritage;
- To establish a prosperous shire through balanced, sustainable economic growth managed in a way to create quality lifestyles and satisfy the employment, environmental and social aims of the community;
- To establish a community spirit which encourages a quality lifestyle, supports health and social well-being, promotes family life and lifestyle choices;
- To establish a community spirit which promotes opportunities to participate in sport and recreation, promotes equal access to all services and facilities;
- To encourage all people to participate in the economic and social life of the community with a supportive attitude towards equal life chances and equal opportunity for access to the Shire's resources.

All of these vision objectives can be delivered in part by the local community having access to the Crown Lands which council manages on behalf of the NSW Government.

As an organisation, Council will:

- Provide safe, well-maintained community infrastructure, spaces and parks;
- Provide community facilities, recreation and leisure programs that provide choice;
- Maintain public areas such as parks, gardens and ovals to a high standard.

2.2 Land to which the plan applies

Tenterfield Shire Council managed 17 parcels of Crown Land which are the subject of Plans of Management (POMs) as required under the *Crown Lands Management Act 2016 (CLM Act)* and the *LG Act*.

Those which have been categorised as **Sportsgrounds** and are the subject of this POM are:

- Shirley Park in Tenterfield, R76526, area 3.322ha, consisting of 8 lots (see Appendix 1 for details);
- Rugby League Park in Tenterfield, R83670, area 7.392ha, consisting of 1 lot (see Appendix 2 for details).

2.3 Owner of the land

The State of New South Wales is the owner of the land. Tenterfield Shire Council has been appointed the Crown Land Manager of the land pursuant to the *CLM Act*.

3. Relevant legislation, policies and procedures

3.1 Local Government Act 1993 (LG Act)

Under section 36(1) of the LG Act, POMs must be prepared for all community land.

Plans of management:

- Are written by council in consultation with the community;
- Identify the important features of the land (e.g. natural significance, sportsground);
- Clarify how council will manage the land;
- Indicate how the land may be used or developed, such as leasing.

The minimum requirements for a POM are set out under section 36(3) of the LG Act and have been addressed in this POM.

The *LG Act* requires that all land within a Council's control and management must be classified as either Community land or Operational land. Within the classification of community land there are four categories which the land must be managed under: Park, Sportsground, General Community Use, Natural Area or Area of Cultural Significance.

Section 36F of the Act sets out the following core objectives for management of community land categorised as a sportsground:

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

Clause 103 of the *Local Government (General) Regulations 2005* sets out that: The land should be categorised as **Sportsground** under section 36(4) of the Act if the land:

- Is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

3.2 Crown Land Management Act 2016 (CLM Act)

Section 3.23(6) of the *CLM Act* requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as 'community land' under the LG Act.

These POMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the *LG Act*.

POMs must be adopted as soon as practicable before 30 June 2021. Existing POMs may be modified such that they address all applicable provisions of the *LG Act* and *CLM Act*, including the requirement to obtain written advice from Native Title Managers where required.

Council has reviewed the Native Title status of each parcel of Crown Land for which it is Crown Land Manager by conducting searches via the National Native Title Tribunal and the Aboriginal Land Claims register.

If the draft first POM does not add, alter or change the initial assigned categories (as is the case for this POM), the council manager will not be required to hold public hearings, though must give public notice of the first draft.

The nature and use of the land cannot be changed while the adoption of a POM is pending.

3.3 Other relevant legislation and statutory controls

The *Environmental Planning and Assessment Act 1979 (EPA Act)* establishes the statutory planning framework for environmental and land use planning in NSW.

The *Tenterfield Local Environmental Plan 2013 (LEP)* is consistent with the strategic planning work Council has undertaken in the *Development Control Plan (2014)*. The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area.

Development or uses requiring a Development Application will be assessed under Section 79(c) of the *EPA Act*. The possible impacts of any proposal will be considered in the light of all relevant planning controls and Council policies.

In addition to the requirements of the *LG Act*, there are other pieces of legislation and Government policies that are relevant to the ongoing development and management of sportsgrounds. Legislation and policies with direct relevance to the subject sites are:

Commonwealth legislation

The *Federal Telecommunications Act 1997* provides for telecommunication facilities being permitted on community land without authorisation in a POM.

Native Title Act, 1993 requires consideration and provides restrictions on potential actions, activities and developments on reserved Crown land managed by Council. Consideration of Native Title implications must be addressed regarding any proposals on Crown land. Written advice of Council's appointed Native Title Manager is to be obtained prior to any development or formalised occupation being approved.

State Government Legislation and Policies

- *Aboriginal Land Rights Act, 1983* (Crown Reserves);
- *Companion Animals Act 1998*;
- *Disability Discrimination Act 1992*;
- *Environmental Planning and Assessment Act 1979*;
- *Heritage Act 1977*;
- *Pesticides Act 1999*;
- *Protection of the Environment Operations Act 1997*;
- *Retail Leases Act 1994*;
- *State Environmental Planning Policies (SEPPs)*;
- *Threatened Species Conservation Act 1995*;
- *Waste Minimisation Act 1995*;
- *Water Management Act 2000*.

Council Plans and Policies

- *Tenterfield Shire Council – Community Strategic Plan 2017-2027*;
- *Delivery Program 2017-2021 & Operational Plan 2019-2020*;
- *Plan of Management for Parks & Sportsgrounds 2014*.

Specifically, Tenterfield Shire Council recognises sportsgrounds provide the community with a specific use for community open space, and allow for both structured sporting activities as well as unstructured leisure activities. Sporting facilities within the Shire are generally unique in their use, and include specialised facilities including the Hockey Fields, Rugby, Soccer, Athletics, Netball Courts and Cricket Pitch with Practice Nets.

Sportsgrounds serve as a medium to allow the community to undertake a variety of structures physical activities, including use by formal sporting clubs and bodies.

Council recognises that particular sportsgrounds are tailored to meet the needs of particular activities (such as rugby, soccer, athletics and hockey fields) and that the use of these is met accordingly.

In some cases sportsgrounds may also provide aesthetically pleasing open spaces, and that these spaces are an asset to the community as a whole. Sportsgrounds may contain assets such as trees or other environmental features, and Council recognises the potential benefit of these to the community as a whole.

Tenterfield Shire Council's Community Strategic Plan sets out the following goals:

- Tenterfield Shire is a vibrant, welcoming and safe community. Our public spaces and places are designed to minimise risk to users and incorporate crime prevention by design practices;
- Health and quality of life are supported by a wide range of recreation and leisure opportunities;
- Provide a wide range of high quality and well maintained active and passive recreation facilities;
- Relevant community services, sporting facilities, open spaces and cultural infrastructure are maintained and improved;
- Sporting facilities are modern, provide choice and cater for the diverse needs of the community;
- Our range of services and facilities support accessibility for all in our community;
- Ensure that public places and spaces are clean and well maintained.

3.4 Review of this plan

This POM will require regular review in order to align with community values and changing community needs, legislative changes and to reflect alterations in Council priorities.

The performance of this POM will be reviewed on a regular basis to ensure the reserves are well maintained and provide a safe environment for public enjoyment.

Strategic reviews of this POM will occur at a minimum of ten-year intervals.

The Appendices to this POM may be updated from time to time, without the requirement for public exhibition or review by Council. Amendment to the Appendices may reflect significant changes to the condition of the community land, new acquisitions, dedications of land, or reclassifications.

This POM, when adopted, will revoke any existing generic Community Land Plan of Management for the land to which this POM applies.

3.3 Community consultation

Council's Community Engagement Policy (Policy No. 1.036) was developed in November 2016 and outlines Tenterfield Shire Council's commitment and approach to engaging with our community.

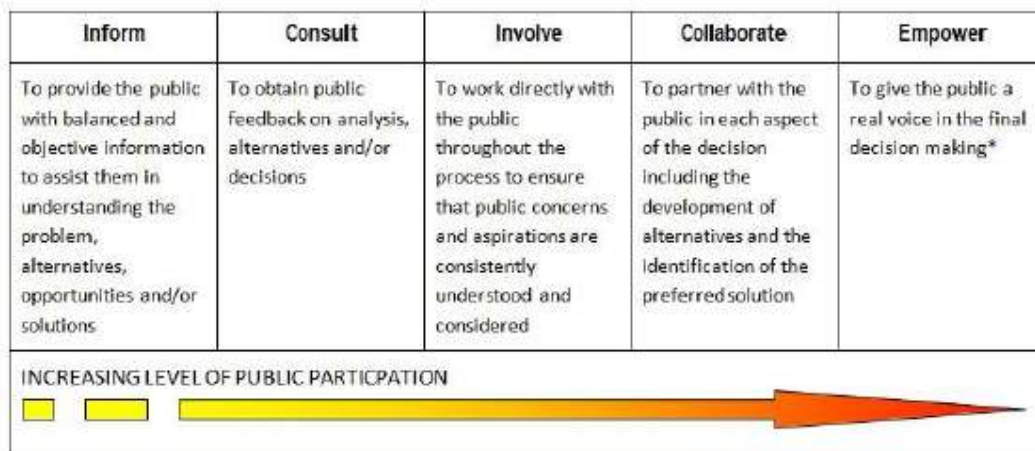
This policy operates in conjunction with the Community Engagement Strategy and Community Engagement Guide/Toolkit providing the framework to enable the Tenterfield Shire Community to provide input to the formulation of Council strategy, policy and decision making and to provide a consistent and transparent approach to consultation.

Council engagement principles recognise the following key issues:

- Social justice – equity, access, participation and rights;
- Community inclusivity – engage a balanced cross-section of the community via a range of methods, involve targeted groups, allow for special needs, consider how to engage hard to reach community cohorts.

The process of community engagement is set out in Figure 1.

Figure 1. Public Participation Spectrum



Source: Tenterfield Shire Council Community Engagement Policy (2016)

During the development of this POM, a range of people were contacted to gain an insight into the use of the land and any issues that required consideration, and other stakeholders identified. A summary of those contacted is provided in Table 1.

Table 1. Specific Stakeholders Contacted

Land	Stakeholder(s) contacted	Other stakeholders	Comments/issues
Shirley Park	Tenterfield junior cricket and soccer clubs, Mr Potter	Tenterfield Bowling Club Tenterfield Junior Cricket\Twilight Cricket Tenterfield Junior Soccer Minister for Education	Minister for Education owns Lots 12,13,14 in DP 758959 and Lot C in DP 346444 Survey may be needed to define boundary of carpark and oval TSC has applied for a grant to upgrade cricket nets and oval lights Top and bottom fields require soil topdressing to level Clubhouse is currently being upgraded Assume native title exists
Rugby League Park	Tenterfield Tigers RL, Mr Landers Tenterfield Lions Club, Ms Bolton	Tenterfield Tigers Rugby League, senior and junior Tenterfield Lions Club	Watering was to be upgraded using a grant from the NZ Warriors – still pending Extra seating needed Tigers have a liquor licence from NSW Liquor and Gaming Lions Club have a storage shed Aboriginal Land Claim No. 9523 lodged 2006 – undetermined at this time Assume native title exists

Community consultation and input is important to ensure a POM meets the needs of the local community. It also encourages an appreciation of the Council's aims for management of public land.

Public notice of a draft POM must be given pursuant to Section 38 of the *CLM Act*. The draft plan must be placed on public exhibition for not less than 28 days. The public notice must specify that a period of not less than 42 days is available for submissions to be lodged with Council.

A public hearing in respect of a draft POM is only required if the plan proposes categorising, or altering the categorisation of community land. There are no changes of category proposed in this POM.

4. Development and maintenance

4.1 General principles

Sportsgrounds throughout the Shire will continue to provide a resource that encourages, promotes and facilitates recreational pursuits (whether formal or informal) in the community as a whole. As the sportsgrounds within the Shire have been designed to handle a capacity that is beyond the current level of use, it is envisaged that they are well equipped to facilitate future population increase and/or increases in usage.

Where a significant future increase in use is identified for a specific sportsground, Council and its committees will consider the potential need for future development, and any requisite community consultation.

Future development activities should be managed in a manner that allows for public consultation, as well as in a way that minimises any adverse impacts upon neighbouring residents and allowing for ongoing dual purposes such as drainage.

Any future use of the land needs to consider the following objectives, however is not limited to:

- Provide appropriate amenity, aesthetics and landscaping features for the benefit of all users;
- Protect and enhance environmental values of open space areas to preserve biodiversity, waterways and mitigate against environmental harm;
- Maximise funding opportunities for the development and enhancement of sportsground facilities;
- Provide and maintain, within budget, quality facilities to meet community needs and expectations;
- Manage open spaces effectively and efficiently, while retaining the values which are inherent to the surrounding areas and character of the local area; To encourage law abiding behaviour while using sportsgrounds to maximise public safety and minimise damage to facilities.

- To protect, maintain, promote and preserve any historical assets within the sportsgrounds.

Future developments need to be considered in accordance with the Future Act provisions of the Native Title Act 1993 (Cwlth) and any current interests under the Aboriginal Land Rights Act 1983 (NSW) where applicable to any Crown land included in this plan. Written Native Title advice is to be obtained prior to any development, formalised occupation or use is approved.

4.2 Leasing and licensing

A lease or licence is a contract between a land owner and another entity, granting that entity a right to occupy an area, usually exclusively and for a specified period of time. Council will consider leasing or licencing areas of the land covered by this POM especially in the following situations:

- There is a clear reason for granting a lease or licence, and the lease or licence is consistent with the intended use of the land;
- The occupant has made (or intends to make) a significant financial contribution to the asset e.g. maintaining buildings or fences, weed and pest control;
- There is a very strong link between the nature of the asset and the proposed tenant.

A plan of management does not need to name a particular lessee etc. in order to authorise a lease. It must contain a statement of authorisation that is wide enough to apply to the particular lease proposal (see Table 3 in Section 9 for details).

In addition, the *CLM Act* and its Regulation specify some additional uses (e.g. public infrastructure) which are permitted and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity.

The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. A licence may be granted to formally recognise and endorse shared uses. For example, a food vendor may use a space in the sportsground for the weekends, but not all week.

Short term licences and bookings may be used to allow the Council to program different uses at different times, allowing the best overall use. The Council may use short term licences or bookings to manage the types of uses set out in Table 3 in section 9.2 below.

The *CLM Act* requires that any lease or licence of Community Land must be authorised by a POM. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act.

Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the Act and Clause 119 of the *Local Government (General) Regulation 2005*.

5. POM administration and management

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

Key management principles are:

1. **Facilities will be sustainable** - sustainable community facilities enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. They limit negative environmental, social and economic impacts. Sustainable community facilities planning and provision considers long term factors and has regard for future generations.
2. **Facilities will be multipurpose and flexible** - multi-purpose community facilities enhance the well-being and life opportunities for diverse groups within the community. They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
3. **Community facilities will promote a positive local identity** - the design of community facilities can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres (e.g. play equipment, gardens, historical information displays), relating to and integrating with surrounding retail and other services.

Proposed occupations and entitlements need to be in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under the *Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown Land included in this plan.

Native Title Manager advice must be obtained prior to any of the following:

- (a) Granting leases, licences, permits, forestry rights, easements or rights of way over the land;
- (b) Mortgaging the land or allowing it to be mortgaged;

- (c) Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- (d) Approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c).

6. Sportsgrounds – an introduction

Sportsgrounds serve as a medium to allow the community to undertake a variety of structures physical activities, including use by formal sporting clubs and bodies.

Council recognises that particular sportsgrounds are tailored to meet the needs of particular activities (such as rugby, soccer, athletics and hockey fields) and that the use of these is met accordingly.

In some cases sportsgrounds may also provide aesthetically pleasing open spaces, and that these spaces are an asset to the community as a whole. Sportsgrounds may contain assets such as trees or other environmental features, and Council recognises the potential benefit of these to the community as a whole.

The *LG Act* (Section 36F) states that:

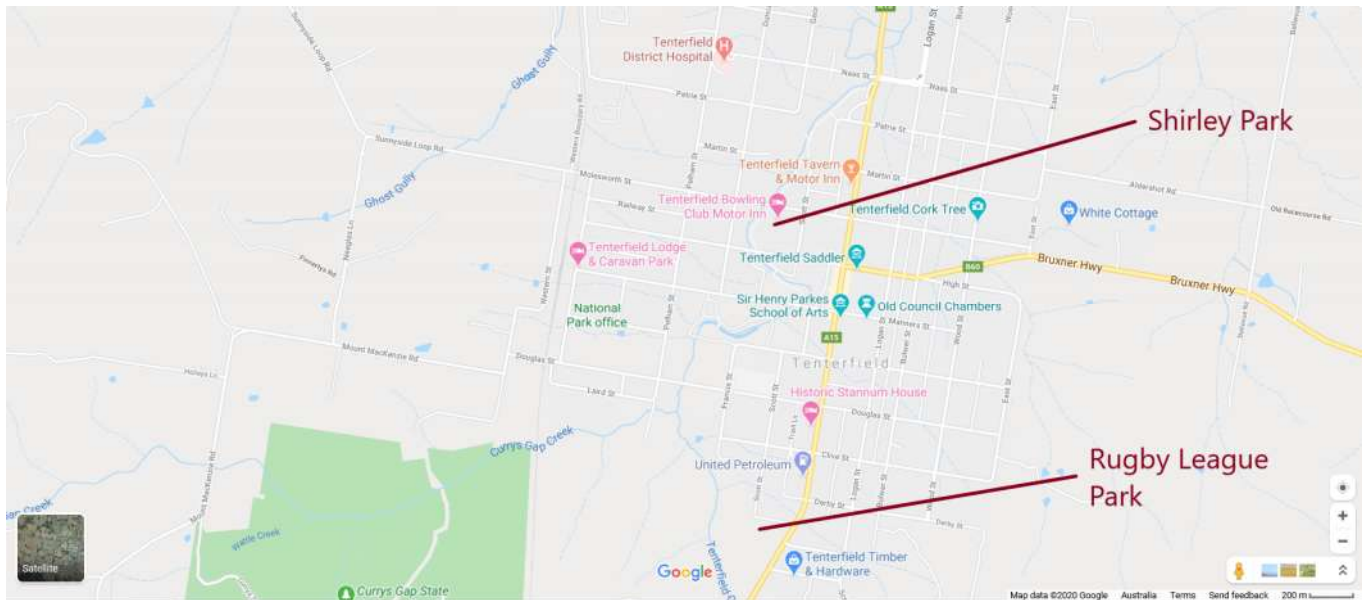
“The core objectives for management of community land categorised as a sportsground are -

(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.”.

The reserves categorised as sportsgrounds within the Tenterfield Shire Council LGA are all located in the Tenterfield township (see Figure 2).

Figure 2. Location of Tenterfield Crown Land Sportsgrounds



The sportsgrounds are used for a range of purposes which provide a number of community values and uses including:

- Specific sports (e.g. cricket, soccer, rugby league);
- Outdoor recreation;
- Operating markets.

The sportsgrounds are generally in a good state of repair.

7. Sportsgrounds – key issues

7.1 Maintenance

Maintenance of the facilities is an essential consideration when designing sportsgrounds.

Council is required to meet appropriate standards whilst facing ever-increasing workloads and stringent budget allocation.

The maintenance of sportsgrounds includes but is not limited to the following:

- Watering, top dressing, line marking, installation of goal posts, mowing, herbicide application for weed treatment and removal, maintenance of irrigation system.
- Tree maintenance including pruning and removal of dead trees.
- Repairs to and cleaning of built structures.
- Inspection and repairs to pathways, stairs, handrails and fencing.

- Installation of regulatory signs.
- Rubbish removal.

The frequency of inspection of facilities is dependent upon a number of factors which will vary from year to year. For example, after prolonged periods of wet weather tractors may not be able to enter some areas for several weeks due to soil consistency and poor drainage. Poor access for maintenance purposes could prove costly in the long run. When planning future sportsgrounds, emphasis should be placed on low maintenance facilities.

7.2 Impact on Adjacent Resident

Sportsgrounds have both positive and negative impacts on adjacent residents. Living in close proximity to a large open space area provides for enhanced amenity for residents. Having quality facilities close to home and becoming involved in the management and operation of a particular facility through the operating committee or local club represents a positive impact. Potential negative impacts may include large numbers of users on the reserve at particular times, increased noise, rubbish, car parking issues, loss of privacy, glare from floodlighting and possibly an increased level of vandalism directed at sporting facilities.

7.3 Dogs

Walking a dog is a recognised recreational activity for many people. However, this should not impinge on the quality of the recreational experience for other users. Dogs can have a detrimental impact on the amenity due to defecation, barking, aggression, non-compliance with leash laws and other nuisance behaviour. Dogs are not permitted to be walked 'off a leash' unless they are within one of Council's designated dog exercise areas. Signs are installed at various locations describing the permitted usage of the area.

Dog clubs are required to seek Council permission to conduct dog obedience and training activities on community land and they are responsible for the removal of all dog excrement.

7.4 Car Parking

Sportsgrounds attract numerous user groups and some car parking is required to be provided within the park. Car parking areas should be located away from children's play areas (as there is a potential safety issue) and they should minimise the impact on the park they serve.

In general, the only vehicles permitted to leave the designated access road and drive through a park are emergency and service vehicles. Council does not authorise car parking on any community land, apart from within the designated parking areas. However, for large scale events, some grassed areas may be utilised for overflow parking, if approved by Council.

7.5 Shared Use of Buildings

A number of clubs or sporting codes use Council sporting facilities (except where leased). Over time, use arrangements may change. Increasing female participation in a number of traditional male sports may necessitate changes in land use patterns. Amenities buildings should be designed to facilitate multiple use of the amenity (e.g. change rooms are suitable for both males & females and canteens that have secure storage for more than one user group).

8. Sportsgrounds – development and use

This section outlines the general uses and forms of development which may occur on community land categorised as a Sportsground.

TSC intends to facilitate a wide range of uses and activities within its buildings, recreational and sporting facilities which will increase the vitality and general enjoyment of the land while having minimal impact on the surrounding area.

The permissibility of development proposed for community land is to be considered in accordance with the *Tenterfield Local Environmental Plan (2013)*. Plans of Management cannot override, or replace, or stand in place of planning instruments such as Local Environmental Plans.

8.1 Developments on community land and the LG Act

The proponent of any development of land covered by this POM must provide written details of any proposal to Council who will determine whether the proposed development will receive in-principle owner's consent from Council. Section 47E (1) of the *LG Act* states that a development on community land requires Council approval (i.e. Council are not permitted to delegate the authority of approving development to Council staff) if:

- (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or;
- (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or;
- (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or;

(d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.

Section 47E (2) states that the following buildings are exempt from subsection (1) (a):

- (a) toilet facilities;
- (b) small refreshment kiosks;
- (c) shelters for persons from the sun and weather;
- (d) picnic facilities;
- (e) structures (other than accommodations for spectators) required for the playing of games or sports;
- (f) playground structures;
- (g) work sheds or storage sheds;
- (h) buildings of a kind prescribed by the regulations.

Section 47E (3) states: An "existing area" referred to in subsection (1) (b) does not include the area of any awning, balcony, veranda or other thing that extends beyond the main structural outline of the building.

Section 47E (4) states: A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

It is advised that all applications for development on community land refer directly to the *LG Act* at the time of lodging.

8.2 Native Title

Section 8.7 of the *CLM Act* requires that written advice of Council's Native Title manager is obtained and complies with the *Native Title Act 1993* prior to carrying out any of the following activities in relation to crown land:

- a. Grant leases, licences, permits forestry rights, easements or rights of way over the land;
- b. Mortgage the land or allow it to be mortgaged;
- c. Impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- d. Approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph a, b or c.

The generic nature of this Plan of Management and the diverse parcels of Crown Lands covered by the Plan does not allow for provision of a specific Native Title Status.

The Plan limits authority to approve dealings on each parcel of land without first undertaking appropriate review, consideration and advice in accordance with the Native Title Act 1993.

8.3 Signage

Permissible signage includes signs that are erected by Council to regulate various activities under Section 632 of the *LG Act*.

These include but are not limited to, signs advising the reserve name and/or facilities contained within it, directional signs and traffic signs. Any signage that is not specifically exempt under an Environmental Planning Instrument will require an application for development consent.

Council will determine development applications for signage by assessing applications in accordance with the *Environmental Planning & Assessment Act 1979*, the *Tenterfield Local Environmental Plan* and the relevant Development Control Plans.

It is suggested that Council erect new signs on each reserve identifying them as Crown Land, and outlining the activities that are permissible on that reserve. This is important as research conducted during the development of this POM indicated that many local people were not aware the land was a Crown Reserve and activities were being conducted on those reserves without a licence.

8.4 Special Events

For special events such as carnivals, trade shows and other commercial use, Council will consider all applications for use and assess all applications lodged with Council.

Any approvals will be accompanied by conditions and a fee. A bond may apply to ensure any necessary restoration works are undertaken.

Applications for special events will need to be prepared in consideration of Council's relevant Development Control Plan and adopted Fees and Charges.

8.5 Sale of alcohol

The sale of alcohol by a sporting or community committee, club, or group requires the approval from the NSW Liquor and Gaming through the issue of a Limited Licence.

When making an application for the use of an area for the sale of alcohol, applicants are required to comply with any requirements of both the Department of Industry Liquor & Gaming and TSC.

The licence must be produced to Council in each instance. Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely or between certain hours. This is usually due to inappropriate use of an area, malicious damage to property, littering, offensive behaviour or other crimes. Under Section 632 of the *LG Act* Council is authorised to erect signs prohibiting certain activities.

8.6 Infrastructure and community facilities

Council may construct or approve construction of a variety of facilities on community land. Projects proposed by external persons such as community groups must accord with Council's own strategic plans and the provisions of any applicable legislation and environmental planning instruments.

Council may request that a written proposal be submitted outlining a description of the project, proposed location, estimated costs, scaled plans, justification for the proposed works, future maintenance requirements and other elements relevant to the project.

9. Sportsgrounds – management framework

9.1 The approach to managing Sportsgrounds

Table 2 provides an overview of council's approach to managing sportsgrounds on crown land, including performance objectives and targets.

Table 2. Sportsground management framework

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Sporting Amenities	Provide high quality sporting facilities to accommodate junior/district team sports.	Open space planning to consider sporting facility provision across the local government area to ascertain needs and shortfalls. Capital works program to plan for improvements and upgrades of existing facilities.	Completed capital works upgrades of sporting facilities. Positive response from sporting groups and users.
Community facilities	Provide sustainable community facilities for a range of community, social, and other compatible activities.	Provide community facilities which are multi purpose and flexible to a range of appropriate uses. Ensure community facilities are universally accessible. Ensure that community facilities are safe and of high quality. Facilities provided and managed in consultation and partnership with user groups and the community.	Increased usage and visitation. Facility inspections and audits. Reduced level of community complaints to councils about issues on reserves. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Ground amenity	To improve ground quality and visual quality.	Ensure general maintenance (e.g. mowing, topdressing, painting) is conducted in a timely manner.	Increased appreciation of the property as measured by positive comments received by Council. Community consultation to determine level of use and any community concerns. Maintain records of public comments in relation to properties. Regularly review records
Buildings	Buildings and structures to contribute to amenity, facilitate a range of uses and have regard for environmental sustainable design, resource use and maintenance.	Building and structure design specifications to consider grounds character, expected use and environmental sustainability features. Apply for Crown Land funding grants to upgrade buildings.	Buildings provide positive contribution to amenity and use. Increased bookings and use. Positive comments by user groups. Grant funding successfully sources and upgrades completed. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Asset management	To provide professional, efficient management of sportsground land/structures.	Regular visitation and condition assessments. Regular communication with community stakeholders and leases.	Positive comments by user groups. Grant funding successfully sources and upgrades completed. Reduction in neighbour issues. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Access	Provide safe and improved access.	Property upgrades, refurbishments and/or improvement works to consider and include improvements to public access. Apply for Crown Land funding grants to upgrade buildings.	Increased use and visitation of grounds and buildings (e.g. sporting events) where the land is not leased.
Environmentally Sustainable Principles	Ensure best environmental management practises and principles having regard to environmental sustainable design, resource use and maintenance.	<ul style="list-style-type: none"> – Energy efficiency – Water savings – Waste reduction – Natural heating and cooling – Sense of place and local identity Apply for Crown Land funding grants to upgrade buildings. Regular communication with leases.	Measurement and verification savings plan. Real time measurement.
Safety and Risk Management	Provide safe facilities	Building upgrades via Crown Lands funding. Grounds kept in safe condition (e.g. levels)	Works to be in accordance with relevant Australian Standards. Safe use with no reported incidents.
Traffic and Parking	Safe environment for sportsground users and do not impact on the amenity of the properties.	Ensure use of vehicles are regulated and does not affect the normal functioning of these properties for recreational, sporting and community use. Installation of signage preventing vehicles from entering unauthorised areas. Provide clearly demarked vehicle movement areas and encourage safe driver behaviour. Provide access for emergency or service.	Reduced pedestrian, cyclist and vehicle conflicts. Improved public safety.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Tenure	To ensure that ownership, tenure and permitted use arrangements allow the widest possible community access to sportsgrounds and are orientated to mutually compatible recreational, sporting, community and other activities.	All future leases and licences to meet the requirements of the <i>LG Act</i> and the <i>CLM Act</i> .	Type and extent of licencing and leasing as measured by record keeping, survey and observation.

It should be noted that TSC is not funded by Crown Lands to conduct these management activities, hence any management works must come from the TSC budget.

9.2 Leasing and licensing

This POM authorises existing leases and licence agreements until the end of their current term. The leased or licensed area may be renewed or changed in future. The leased or licensed area may be reconfigured in the future to reflect changes in community needs.

This POM expressly authorises Council to grant leases, licences or any other estates for community land covered in this POM for purposes and uses which are identified or consistent with those in the Table 3. These are referred to as **Express Authorisations**.

Pursuant to Section 68 of the LG Act community members and organisations will be required to make application to Council in order to secure the authorised use of the parcels of land covered in this POM. Applications can be found on the Council website.

<https://www.tenterfield.nsw.gov.au/your-council/forms/application-for-an-event-at-a-council-park-oval-or-reserve>

Table 3. Activities for which lease or license may be granted

Purpose/Use	Development
Sportsground Category	
<ul style="list-style-type: none"> ▪ Active and passive recreational and sporting activities consistent with the nature of the land; ▪ Group recreational activities; ▪ Lighting, fencing, sports field marking; ▪ Festivals and similar events and gatherings; ▪ Exhibitions; ▪ Filming and photographic projects; ▪ Refreshment areas, such as canteen or kiosks including external seating; ▪ Publicly accessible ancillary areas, such as toilet facilities, picnic tables, shade structures; ▪ Restricted access ancillary areas (e.g. equipment storage areas); ▪ Club houses including associated tanks and septic systems; ▪ Change rooms / showers / toilets; ▪ Service areas ancillary to the use of land (e.g. loading areas, car spaces, bicycle racks); ▪ Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas); ▪ Shade structures, storage ancillary to recreational uses, community events or gatherings, and public meetings 	<ul style="list-style-type: none"> ▫ Development for the purposes of improving access, amenity and the visual character of the precinct; ▫ Amenities to facilitate the safety, use and enjoyment of the sportsgrounds; ▫ Lighting, seating, toilet facilities, marked areas; ▫ Hard and soft landscaped areas; ▫ BBQ facilities and sheltered seating areas; ▫ Ancillary service, transport or loading areas; ▫ Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas; ▫ Water storage and Irrigation

10. Appendices

APPENDIX 1

Shirley Park (R76526)

Cnr High Street & Scott Street, Tenterfield

Lots B & C DP 346443

Lots 10 -14 Section 29 DP 785959

Lot 7318 DP 1141108

Gazette date: 29 January 1954

Shirley park is mainly used as a cricket oval and soccer field.

Junior cricket, senior cricket and twilight cricket are all played at Shirley Park. The local primary and secondary schools also use the Park for sporting events.

Key features and landscape character

The main upper oval is fenced with a cricket pitch in the centre. Soccer goals are moved in to place when needed. There is a storage shed at the north east corner outside of the fence. The lower fields that adjoin the creek are used mostly for soccer however there is a concrete pitch covered in astroturf. There are cricket training nets at the south west corner of the upper oval.

Tenterfield Bowling Club adjoins Shirley Park. There is a question of boundaries and encroachment by the Club. A survey may need to be carried out in order to define the boundary of the carpark and oval.

Activities carried out

Junior cricket.

Junior soccer.

Senior soccer.

Over 35s soccer.

Senior cricket.

Leases Licences

No leases or licences known of.

Stakeholders

Tenterfield Bowling Club.

Tenterfield Junior, Senior, Twilight Cricket (Mr Potter).

Tenterfield Junior & Senior Soccer (Mr Potter).

Future use

As existing.

Future development

New cricket nets.

Lighting upgrade.

Levelling and topdressing of fields.

Clubhouse currently being repaired.

Native Title

None found but assume it exists.



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: B/346443

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:46 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT B IN DEPOSITED PLAN 346443
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP346443

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA126595)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 9/3/2020

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NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: C/346443

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:46 PM	-	-

VOL 5324 FOL 16 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT C IN DEPOSITED PLAN 346443
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP346443

FIRST SCHEDULE

THE MINISTER FOR EDUCATION

(T D874637)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 BK 1111 NO 643 EASEMENT IN CONNECTION WITH A PIPE ALONG THE PART OF
THE SOUTHERN BOUNDARY OF ALLOTMENT 7 OF SECTION 29
TOWN OF TENTERFIELD
- * 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN
LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER
DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT
OF THE MINISTER.

NOTATIONS

NOTE: REVOCATION OF RESERVE OF SALE OR LEASE. GAZ 22-5-1953 FOL 1685

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 9/3/2020

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LAND
REGISTRY
SERVICES

Order number: 61345613
Your Reference: CAS-17529-7S21 - CLM
09/03/20 16:47



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/29/758959

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:47 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 10 OF SECTION 29 IN DEPOSITED PLAN 758959
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
(FORMERLY KNOWN AS ALLOTMENT 10 OF SECTION 29)
TITLE DIAGRAM CROWN PLAN 1.1533

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA126761)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 9/3/2020

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LAND
REGISTRY
SERVICES

Order number: 61345613
Your Reference: CAS-17529-7S21 - CLM
09/03/20 16:47



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/29/758959

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:47 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 11 OF SECTION 29 IN DEPOSITED PLAN 758959
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
(FORMERLY KNOWN AS ALLOTMENT 11 OF SECTION 29)
TITLE DIAGRAM CROWN PLAN 1.1533

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA126761)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
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NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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LAND
REGISTRY
SERVICES

Order number: 61345613
Your Reference: CAS-17529-7S21 - CLM
09/03/20 16:47



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 3965-47

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:47 PM	-	-

VOL 3965 FOL 47 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM CROWN PLAN 1.1533

FIRST SCHEDULE

MINISTER FOR EDUCATION

(T B740109)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 12-14 SEC. 29 IN DP758959.

*** END OF SEARCH ***

PRINTED ON 9/3/2020

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LAND
REGISTRY
SERVICES

Order number: 61345613
Your Reference: CAS-17529-7S21 - CLM
09/03/20 16:47



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 3965-47

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:47 PM	-	-

VOL 3965 FOL 47 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM CROWN PLAN 1.1533

FIRST SCHEDULE

MINISTER FOR EDUCATION

(T B740109)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 12-14 SEC. 29 IN DP758959.

*** END OF SEARCH ***

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LAND
REGISTRY
SERVICES

Order number: 61345613
Your Reference: CAS-17529-7S21 - CLM
09/03/20 16:47



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7318/1141108

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2020	4:47 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7318 IN DEPOSITED PLAN 1141108
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP1141108

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA126590)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

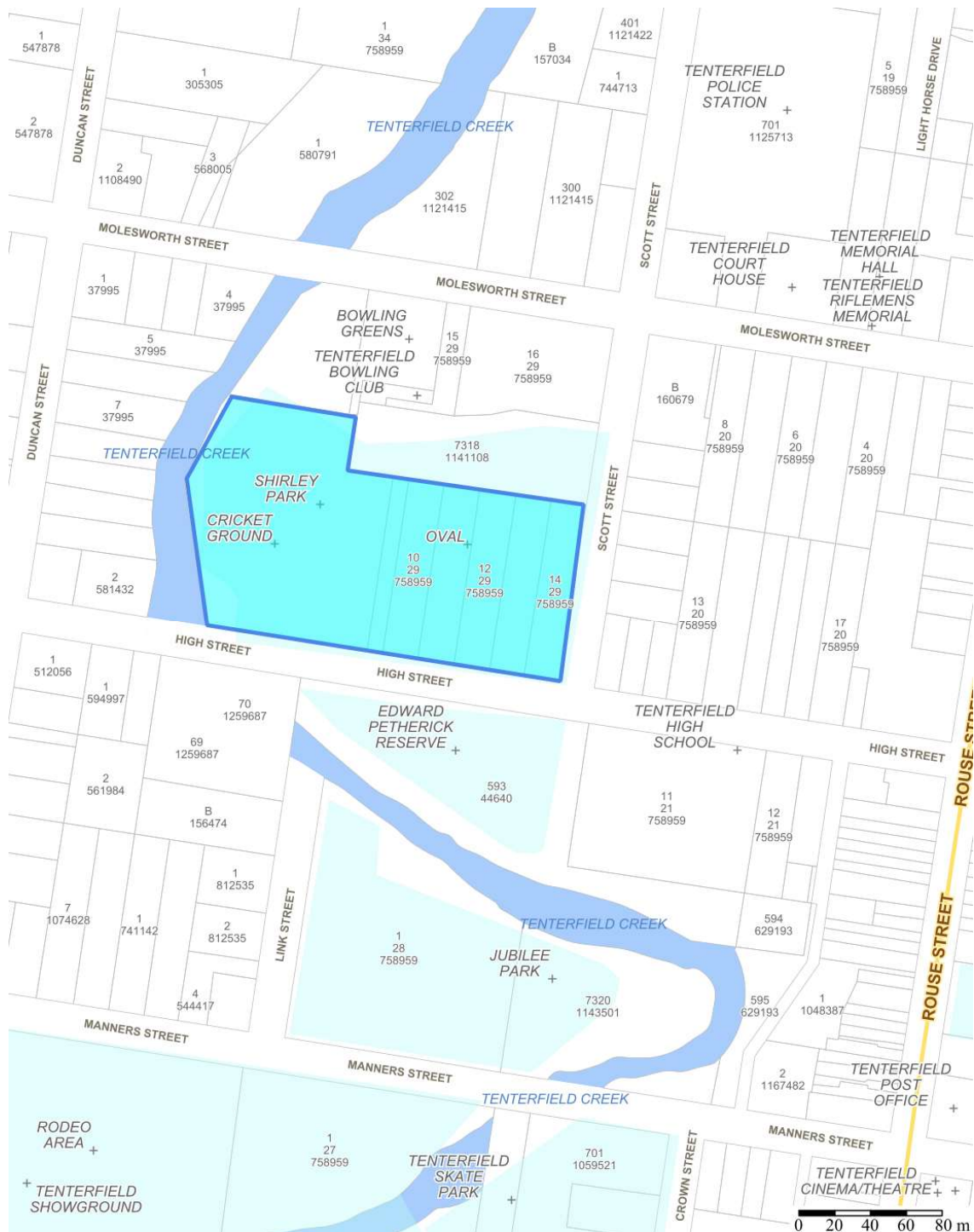
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 9/3/2020

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Shirley Park



APPENDIX 2

Rugby League Park (R83670)

New England Highway, Tenterfield

Lot 599 DP 704008 7.329Ha

Gazette Date: 9 March 1984

Rugby League Park is an established rugby league football field and home of the “Tenterfield Tigers”.

The grounds have progressed from a travelling stock route to the playing facility as it is today through the efforts of the Tenterfield community. The clubhouse was built following lodgement of the building application in 1990 and the Tenterfield Tigers have continued to improve facilities since that time.

Key features and landscape character

Current improvements:

Clubhouse (including water tank).

Spectator seating.

Kangaroo proof fencing.

Scoring box.

Scoreboard.

Goal posts.

Change rooms.

Storage sheds (Rugby League Club owns the southern most shed and the Lions Club owns the other two sheds).

Lights.

Club sign.

There are two level full size playing fields with associated goal posts.

Activities carried out

Rugby league games and training including carnivals and clinics arranged by the Tenterfield Tigers club.

Leases / Licences

Tenterfield Tigers have a liquor licence from NSW Liquor & Gaming – renewed annually.

Stakeholders

Tenterfield Tigers, Seniors and Juniors (Mr Landers, Ms Minns)

Lions Club of Tenterfield (Ms Bolton)

Future use

As existing.

Future Development

Any future development will require Council's approval as the Crown Land Manager.

Native Title

None found but assume it exists.

Aboriginal Land Claim

No. 9523, Lodged 16 January 2006 – undetermined at this time



LAND
REGISTRY
SERVICES

Order number: 61350993
Your Reference: CAS-17529-7S21 - CLM
10/03/20 09:34



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 599/704008

SEARCH DATE	TIME	EDITION NO	DATE
10/3/2020	9:34 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 599 IN DEPOSITED PLAN 704008
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP704008

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- * 2 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

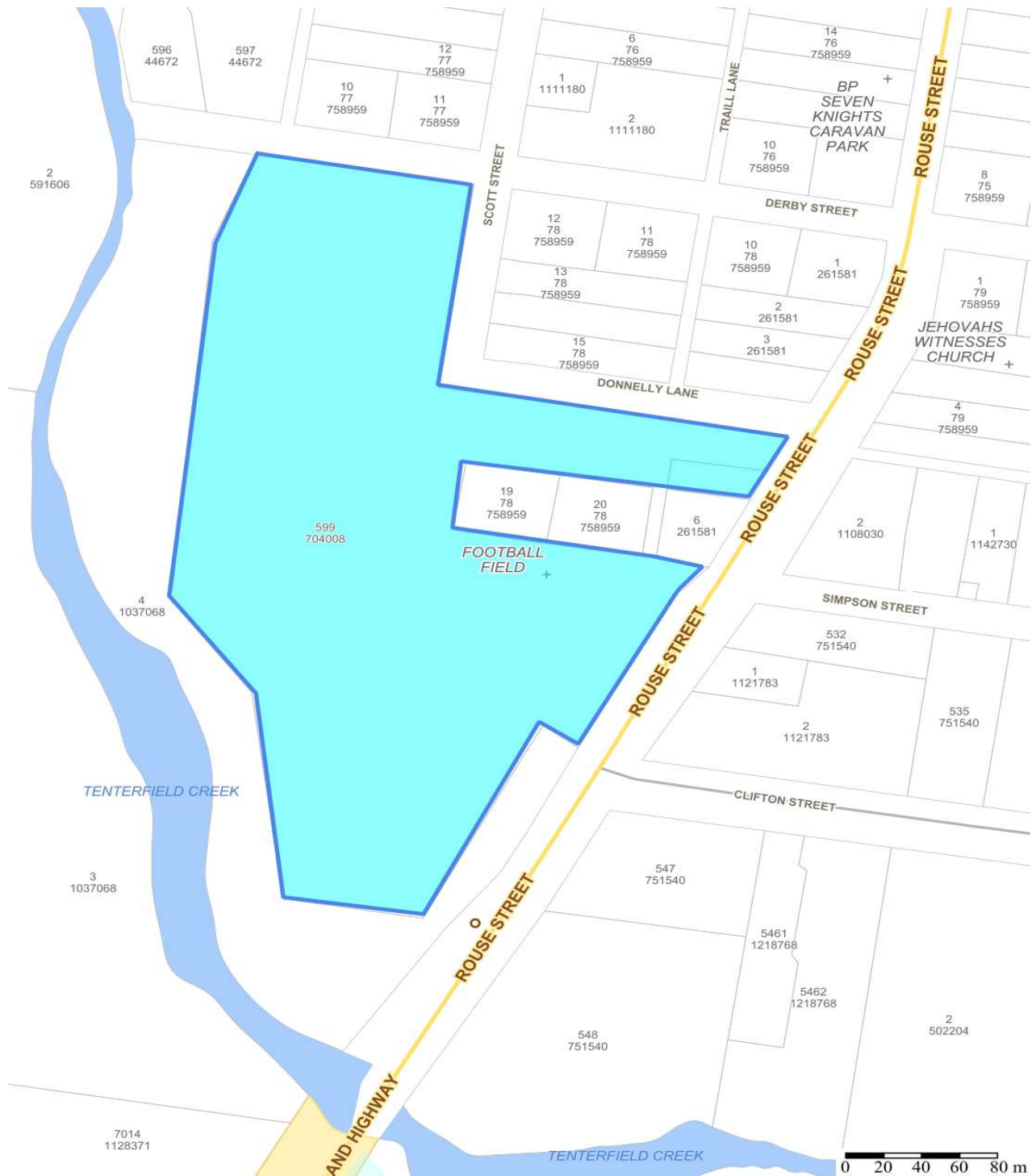
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 10/3/2020

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Rugby League Park





PLAN OF MANAGEMENT PARKS

Date: 8th September 2020

Issue: Draft Version 1

Adopted:.....

Contents

1. Key Information	3
2. Introduction	3
2.1 Corporate objectives	3
Our Vision	3
2.2 Land to which the plan applies	4
2.3 Owner of the land	5
3. Relevant legislation, policies and procedures	5
3.1 Local Government Act 1993 (LG Act)	5
3.2 Crown Land Management Act 2016 (CLM Act)	6
3.3 Other relevant legislation and statutory controls	6
3.4 Review of this plan	8
3.3 Community consultation	9
4. Development and maintenance	11
4.1 General principles	11
4.2 Leasing and licensing	12
5. POM administration and management	13
6. Parks – an introduction	14
7. Parks – key issues	16
7.1 Maintenance	16
7.2 Access and Connectivity	16
7.3 Dogs	17
7.4 Car Parking	17
8. Parks – development and use	17
8.1 Developments on community land and the LG Act	18
8.2 Native Title	19
8.3 Signage	19
8.4 Special Events	20
8.5 Sale of alcohol	20
8.6 Infrastructure and community facilities	20
9. Parks – management framework	21
9.1 The approach to managing Parks	21
9.2 Leasing and licensing	25
10. Appendices	27

1. Key Information

This is the Plan of Management for Crown Land in the **Tenterfield Shire Council** local government area which is managed by Tenterfield Shire Council and has been categorised as **Parks** under Section 36 of the *Local Government Act 1993 (LG Act)*.

Parks refer to land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others (*Local Government (General Regulation) 2005*).

In addition, **it is not** land which is categorised as a natural area, general community use, sportsground or an area of cultural significance under the *LG Act*.

All land covered by this POM is categorised as **Park**, as approved by the Minister on

2. Introduction

Tenterfield Shire is a rural local government area located in the New England region of New South Wales, Australia. The Shire is situated adjacent to the New England Highway, a major transport route between Sydney and Brisbane.

Council is responsible for a land area of 7,332 km² and a population of 6,628 people. The population is dominated by residents in the 55-69 year age category (29.6% of the population), however 20.7% of the population are aged under 19 years (ABS 2016).

Employment in the Shire is dominated by agriculture (27.1%), followed by Health Care & Social Assistance (12.7%), Retail Trade (9.7%) and Construction (8.4%) (REMPAN 2020).

2.1 Corporate objectives

Tenterfield Shire Council provides local civic leadership and a wide range of community services and facilities.

Our mission statement “Quality Nature, Quality Heritage and Quality Lifestyle” provides focus and direction in the manner in which we provide leadership and services.

Our Vision

As set out in the Community Strategic Plan, and delivered via the Delivery Program and Operational Plan (2017-2021), the vision of Tenterfield Shire Council is:

- To establish a shire where the environment will be protected and enhanced to ensure sustainability and inter-generational equity;
- To recognise and actively develop our cultural strengths and unique heritage;
- To establish a prosperous shire through balanced, sustainable economic growth managed in a way to create quality lifestyles and satisfy the employment, environmental and social aims of the community;
- To establish a community spirit which encourages a quality lifestyle, supports health and social well-being, promotes family life and lifestyle choices;
- To establish a community spirit which promotes opportunities to participate in sport and recreation, promotes equal access to all services and facilities;
- To encourage all people to participate in the economic and social life of the community with a supportive attitude towards equal life chances and equal opportunity for access to the Shire's resources.

All of these vision objectives can be delivered in part by the local community having access to the Crown Lands which council manages on behalf of the NSW Government.

As an organisation, Council will:

- Provide safe, well-maintained community infrastructure, spaces and parks;
- Provide community facilities, recreation and leisure programs that provide choice;
- Maintain public areas such as parks, gardens and ovals to a high standard.

2.2 Land to which the plan applies

Tenterfield Shire Council managed 17 parcels of Crown Land which are the subject of Plans of Management (POMs) as required under the *Crown Lands Management Act 2016 (CLM Act)* and the *LG Act*.

Those which have been categorised as **Parks** and are the subject of this POM are:

- Woodward Park in Drake, R77166, area 2,024m², consisting of 2 lots (see Appendix 1 for details);
- Jennings Border Park in Jennings, R1002844, area 2,712m², consisting of 1 lot (see Appendix 2 for details);
- Tenterfield Park in Tenterfield R510013, area 20.25ha, consisting of 1 lot (see Appendix 3 for details);
- Jubilee Park in Tenterfield, R57957, area 1.95ha, consisting of 2 lots (see Appendix 4 for details);
- Market Square in Tenterfield, R98007, area 3,117m², consisting of 2 lots (see Appendix 5 for details).

2.3 Owner of the land

The State of New South Wales is the owner of the land. Tenterfield Shire Council has been appointed the Crown Land Manager of the land pursuant to the *CLM Act*.

3. Relevant legislation, policies and procedures

3.1 Local Government Act 1993 (LG Act)

Under section 36(1) of the LG Act, POMs must be prepared for all community land.

Plans of management:

- Are written by council in consultation with the community;
- Identify the important features of the land (e.g. natural significance, sportsground);
- Clarify how council will manage the land;
- Indicate how the land may be used or developed, such as leasing.

The minimum requirements for a POM are set out under section 36(3) of the LG Act and have been addressed in this POM.

The *LG Act* requires that all land within a Council's control and management must be classified as either Community land or Operational land. Within the classification of community land there are four categories which the land must be managed under: Park, Sportsground, General Community Use, Natural Area or Area of Cultural Significance.

Section 36G of the Act sets out the following core objectives for management of community land categorised as a park:

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

Clause 104 of the *Local Government (General) Regulations 2005* sets out that: The land should be categorised as **Park** under section 36(4) of the Act if the land:

- Is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others;
- Is not required to be categorised as a natural area under section 36A, 36B or 36C of the *LG Act* and does not satisfy the guidelines under clauses 102-103 and 105-106 for

categorisation as a natural area, a sportsground, a part or an area of cultural significance or general community use.

3.2 Crown Land Management Act 2016 (CLM Act)

Section 3.23(6) of the *CLM Act* requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as 'community land' under the *LG Act*.

These POMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the *LG Act*.

POMs must be adopted as soon as practicable before 30 June 2021. Existing POMs may be modified such that they address all applicable provisions of the *LG Act* and *CLM Act*, including the requirement to obtain written advice from Native title Managers where required.

Council has reviewed the Native Title status of each parcel of Crown Land for which it is Crown Land Manager by conducting searches via the National Native Title Tribunal and the Aboriginal Land Claims register.

If the draft first POM does not add, alter or change the initial assigned categories (as is the case for this POM), the council manager will not be required to hold public hearings, though must give public notice of the first draft.

The nature and use of the land cannot be changed while the adoption of a POM is pending.

3.3 Other relevant legislation and statutory controls

The *Environmental Planning and Assessment Act 1979 (EPA Act)* establishes the statutory planning framework for environmental and land use planning in NSW.

The *Tenterfield Local Environmental Plan 2013 (LEP)* is consistent with the strategic planning work Council has undertaken in the *Development Control Plan (2014)*. The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area.

Development or uses requiring a Development Application will be assessed under Section 79(c) of the *EPA Act*. The possible impacts of any proposal will be considered in the light of all relevant planning controls and Council policies.

In addition to the requirements of the *LG Act*, there are other pieces of legislation and Government policies that are relevant to the ongoing development and management of Parks. Legislation and policies with direct relevance to the subject sites are:

Commonwealth legislation

The *Federal Telecommunications Act 1997* provides for telecommunication facilities being permitted on community land without authorisation in a POM.

Native Title Act, 1993 requires consideration and provides restrictions on potential actions, activities and developments on reserved Crown land managed by Council. Consideration of Native Title implications must be addressed regarding any proposals on Crown land. Written advice of Council's appointed Native Title Manager is to be obtained prior to any development or formalised occupation being approved.

State Government Legislation and Policies

- *Aboriginal Land Rights Act, 1983* (Crown Reserves);
- *Companion Animals Act 1998*;
- *Disability Discrimination Act 1992*;
- *Environmental Planning and Assessment Act 1979*;
- *Heritage Act 1977*;
- *Pesticides Act 1999*;
- *Protection of the Environment Operations Act 1997*;
- *Retail Leases Act 1994*;
- *State Environmental Planning Policies (SEPPs)*;
- *Threatened Species Conservation Act 1995*;
- *Waste Minimisation Act 1995*;
- *Water Management Act 2000*.

Council Plans and Policies

- *Tenterfield Shire Council – Community Strategic Plan 2017-2027*;
- *Delivery Program 2017-2021 & Operational Plan 2019-2020*;
- *Plan of Management for Parks & Sportsgrounds 2014*.

Specifically, Tenterfield Shire Council recognises the important role park land plays in the wellbeing of the community in terms of both residents and visitors. The land provides informative, vibrant and welcoming town entrances, centres and streets with places to meet that creatively reflect the diversity of our townships.

As Parks provide a place for persons to relax, exercise, play and socialise, Council recognises that they play a wide and varied role in the community. The range of recreational opportunities provided allows residents and visitors to gain many health benefits through activities including: physical, mental, social, cultural, economic and environmental that lead to overall wellness and health in the community.

Parks are provided to contribute effectively to the needs of adults and children who use them, through the provision of facilities and aesthetically pleasing open space areas for people of all ages, abilities and backgrounds.

Council recognises that some parks, particularly those bordering creeks or in catchment areas, serve a dual function in both recreation and drainage, and that these functions must be monitored closely in order to maintain the integrity of the values associated with these assets.

Tenterfield Shire Council's Community Strategic Plan sets out the following goals:

- Tenterfield Shire is a vibrant, welcoming and safe community. Our public spaces and places are designed to minimise risk to users and incorporate crime prevention by design practices;
- Health and quality of life are supported by a wide range of recreation and leisure opportunities;
- Provide a wide range of high quality and well maintained active and passive recreation facilities;
- Relevant community services, sporting facilities, open spaces and cultural infrastructure are maintained and improved;
- Sporting facilities are modern, provide choice and cater for the diverse needs of the community;
- Our range of services and facilities support accessibility for all in our community;
- Ensure that public places and spaces are clean and well maintained.

3.4 Review of this plan

This POM will require regular review in order to align with community values and changing community needs, legislative changes and to reflect alterations in Council priorities.

The performance of this POM will be reviewed on a regular basis to ensure the reserves are well maintained and provide a safe environment for public enjoyment.

Strategic reviews of this POM will occur at a minimum of ten-year intervals.

The Appendices to this POM may be updated from time to time, without the requirement for public exhibition or review by Council. Amendment to the Appendices may reflect significant changes to the condition of the community land, new acquisitions, dedications of land, or reclassifications.

This POM, when adopted, will revoke any existing generic Community Land Plan of Management for the land to which this POM applies.

3.3 Community consultation

Council's Community Engagement Policy (Policy No. 1.036) was developed in November 2016 and outlines Tenterfield Shire Council's commitment and approach to engaging with our community.


This policy operates in conjunction with the Community Engagement Strategy and Community Engagement Guide/Toolkit providing the framework to enable the Tenterfield Shire Community to provide input to the formulation of Council strategy, policy and decision making and to provide a consistent and transparent approach to consultation.

Council engagement principles recognise the following key issues:

- Social justice – equity, access, participation and rights;
- Community inclusivity – engage a balanced cross-section of the community via a range of methods, involve targeted groups, allow for special needs, consider how to engage hard to reach community cohorts.

The process of community engagement is set out in Figure 1.

Figure 1. Public Participation Spectrum

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To give the public a real voice in the final decision making*
INCREASING LEVEL OF PUBLIC PARTICIPATION 				

Source: Tenterfield Shire Council Community Engagement Policy (2016)

During the development of this POM, a range of people were contacted to gain an insight into the use of the land and any issues that required consideration, and other stakeholders identified. A summary of those contacted is provided in Table 1.

Table 1. Specific Stakeholders Contacted

Land	Stakeholder(s) contacted	Other stakeholders	Comments/issues
Woodward Park	Drake Progress Association (Mr Woodward)	Drake Village Resource Centre	Markets are held in the park. Native Title Determination exists. Future works will require NTSCORP notification.
Jennings Border Park	Wallangarra Jennings Progress Association		Potential boundary alignment issues. Survey to establish boundaries required. Aboriginal land claim made (No. 50279), undetermined. Assume native title exists.
Tenterfield Park	Tenterfield Naturalists Inc. (Mr Donnelly)	Tenterfield Pony Club	Tenterfield Naturalists developed park management plans in 2005 and 2009. Many of those plans unrealised. They also help maintain the park. Fire hazard is a key issue. Aboriginal Land Claim 32081 lodged 2010, incomplete. Assume native title exists.
Jubilee Park	Tenterfield Lions Club (Ms Dalton)	Numerous	Lions & Rotary Clubs hold a combined Xmas Carnival fundraiser for Westpac chopper, TSC supports. Access to power can be limiting (only 1 power box). Assume native title exists.
Market Square	Tenterfield Preschool Kindergarten Inc. Tenterfield Lions Club (Ms Dalton)		Tenterfield Preschool Kindergarten Inc. lease lot 702, a small 300m strip next to pre-school, requires investigation. Lions Club considering adding a BBQ to the picnic tables they maintain. Assume native title exists.

Community consultation and input is important to ensure a POM meets the needs of the local community. It also encourages an appreciation of the Council's aims for management of public land.

Public notice of a draft POM must be given pursuant to Section 38 of the *CLM Act*. The draft plan must be placed on public exhibition for not less than 28 days. The public notice must specify that a period of not less than 42 days is available for submissions to be lodged with Council.

A public hearing in respect of a draft POM is only required if the plan proposes categorising, or altering the categorisation of community land. There are no changes of category proposed in this POM.

4. Development and maintenance

4.1 General principles

Parks throughout the Shire will continue to provide a resource that encourages, promotes and facilitates recreational pursuits (whether formal or informal) in the community as a whole. As the parks within the Shire have been designed to handle a capacity that is beyond the current level of use, it is envisaged that they are well equipped to facilitate future population increase and/or increases in usage.

Where a significant future increase in use is identified for a specific park, Council and its committees will consider the potential need for future development, and any requisite community consultation.

Future development activities should be managed in a manner that allows for public consultation, as well as in a way that minimises any adverse impacts upon neighbouring residents and allowing for ongoing dual purposes such as drainage.

Any future use of the land needs to consider the following objectives, however is not limited to:

- Provide appropriate amenity, aesthetics and landscaping features within parks for the benefit of all users;
- Protect and enhance environmental values of open space areas to preserve biodiversity, waterways and mitigate against environmental harm;
- Maximise funding opportunities for the development and enhancement of park facilities;
- Provide and maintain, within budget, quality facilities to meet community needs and expectations;
- Manage open spaces effectively and efficiently, while retaining the values which are inherent to the surrounding areas and character of the local area.

Future developments need to be considered in accordance with the Future Act provisions of the Native Title Act 1993 (Cwlth) and any current interests under the Aboriginal Land Rights

Act 1983 (NSW) where applicable to any Crown land included in this plan. Written Native Title advice is to be obtained prior to any development, formalised occupation or use is approved.

4.2 Leasing and licensing

A lease or licence is a contract between a land owner and another entity, granting that entity a right to occupy an area, usually exclusively and for a specified period of time. Council will consider leasing or licencing areas of the land covered by this POM especially in the following situations:

- There is a clear reason for granting a lease or licence, and the lease or licence is consistent with the intended use of the land;
- The occupant has made (or intends to make) a significant financial contribution to the asset e.g. maintaining buildings or fences, weed and pest control;
- There is a very strong link between the nature of the asset and the proposed tenant.

A plan of management does not need to name a particular lessee etc. in order to authorise a lease. It must contain a statement of authorisation that is wide enough to apply to the particular lease proposal (see Table 3 in Section 9 for details).

In addition, the *CLM Act* and its Regulation specify some additional uses (e.g. public infrastructure) which are permitted and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity.

The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. A licence may be granted to formally recognise and endorse shared uses. For example, a food vendor may use a space in the park for the weekends, but not all week.

Short term licences and bookings may be used to allow the Council to program different uses at different times, allowing the best overall use. The Council may use short term licences or bookings to manage the types of uses set out in Table 3 in section 9.2 below.

The *CLM Act* requires that any lease or licence of Community Land must be authorised by a POM. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act.

Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the Act and Clause 119 of the *Local Government (General) Regulation 2005*.

5. POM administration and management

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

Key management principles are:

1. **Facilities will be sustainable** - sustainable community facilities enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. They limit negative environmental, social and economic impacts. Sustainable community facilities planning and provision considers long term factors and has regard for future generations.
2. **Facilities will be multipurpose and flexible** - multi-purpose community facilities enhance the well-being and life opportunities for diverse groups within the community. They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
3. **Community facilities will promote a positive local identity** - the design of community facilities can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres (e.g. play equipment, gardens, historical information displays), relating to and integrating with surrounding retail and other services.

Proposed occupations and entitlements need to be in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under the *Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown Land included in this plan.

Native Title Manager advice must be obtained prior to any of the following:

- (a) Granting leases, licences, permits, forestry rights, easements or rights of way over the land;
- (b) Mortgaging the land or allowing it to be mortgaged;
- (c) Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;

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

6. Parks – an introduction

As **Parks** provide a place for persons to relax, exercise, play and socialise, Council recognises that they play a wide and varied role in the community. The range of recreational opportunities provided allows residents and visitors to gain many health benefits through activities including: physical, mental, social, cultural, economic and environmental that lead to overall wellness and health in the community.

Parks are provided to contribute effectively to the needs of adults and children who use them, through the provision of facilities and aesthetically pleasing open space areas for people of all ages, abilities and backgrounds.

Council recognises that some parks, particularly those bordering creeks or in catchment areas, serve a dual function in both recreation and drainage, and that these functions must be monitored closely in order to maintain the integrity of the values associated with these assets.

The *LG Act* (Section 36I) states that:

“The core objectives for management of community land categorised as a park are -

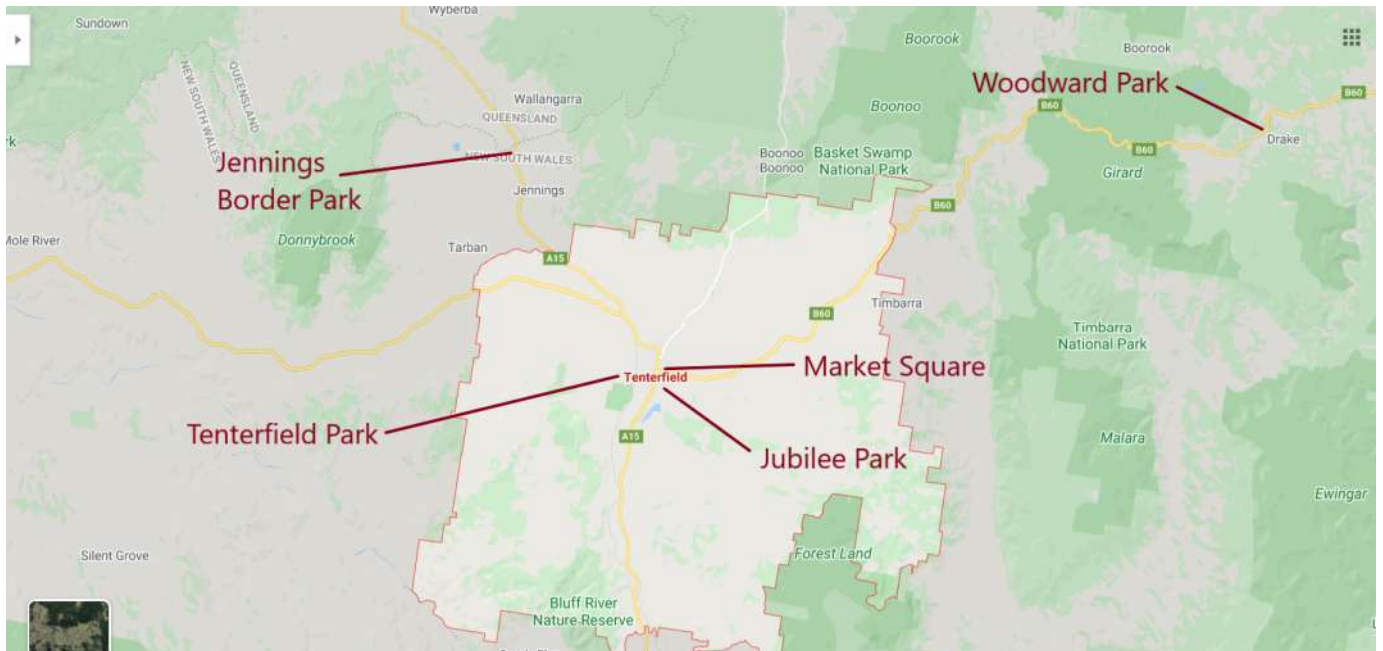
(a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and

(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”.

The reserves categorised as Parks within the Tenterfield Shire Council LGA are located in both Tenterfield and smaller villages in the Tenterfield LGA (see Figure 2).

Figure 2. Location of Tenterfield Crown Land Parks



The parks are used for a range of purposes which provide a number of community values and uses including:

- Outdoor recreation (e.g. walking, bike riding, play equipment);
- Picnic and BBQ facilities
- Operating markets;
- Wildlife viewing;
- Horse riding;
- Garden and native plant displays;
- Interpretative signage.

The status of the parks varies. Some are in a good state of repair (e.g. new sheltered tables in Market Square), while others require maintenance work (e.g. Tenterfield Park weed and fire control).

7. Parks – key issues

7.1 Maintenance

Maintenance of the facilities is an essential consideration when designing parks. Council is required to meet appropriate standards whilst facing ever-increasing workloads and stringent budget allocation.

The maintenance of Parks includes but is not limited to the following:

- Watering, top dressing, mowing, herbicide application for weed treatment and removal;
- Maintenance of irrigation system;
- Tree maintenance including pruning and removal of dead trees;
- Repairs to and cleaning of built structures;
- Inspection and repairs to pathways, stairs, handrails and fencing;
- Installation of regulatory signs;
- Rubbish removal;
- Fire hazard reduction.

The frequency of inspection of facilities is dependent upon a number of factors which will vary from year to year. For example, after prolonged periods of wet weather tractors may not be able to enter some areas for several weeks due to soil consistency and poor drainage. Poor access for maintenance purposes could prove costly in the long run. When planning future parks, emphasis should be placed on low maintenance facilities.

7.2 Access and Connectivity

Equitable access in parks involves a range of measures that when considered in combination makes access to a park manageable for all user types. Some items to be considered in future park design are:

- Designated parking close to the park, including mini bus parking;
- A path leading from the car park into the park to appropriate seating and to the toilet;
- Ramps where possible to replace steps;
- Handrails where appropriate;
- Accessible toilet facilities in close proximity to seating and car park;
- Picnic tables to accommodate wheelchairs;
- Park benches which include arm rests and back support;
- The provision of shade or shelter over accessible picnic area;
- Accessible picnic area should take advantage of any outlook, vista or tranquil setting.

Park areas are often located adjacent to or in close proximity to natural areas, sportsgrounds and other community land. Open space linkages provide greater movement oriented recreation as more and more people are now cycling or walking for pleasure. Cycleways and walkways may be provided on existing public reserves, wildlife corridors, drainage reserves, transmission line easements, road reserves and disused railway corridors may be utilised. Linkages and cycleways may also be used to connect parks, areas of interest such as heritage items, commercial centres and schools.

7.3 Dogs

Walking a dog is a recognised recreational activity for many people. However, this should not impinge on the quality of the recreational experience for other users. Dogs can have a detrimental impact on the amenity due to defecation, barking, aggression, non-compliance with leash laws and other nuisance behaviour. Dogs are not permitted to be walked 'off a leash' unless they are within one of Council's designated dog exercise areas. Signs are installed at various locations describing the permitted usage of the area.

Dog clubs are required to seek Council permission to conduct dog obedience and training activities on community land and they are responsible for the removal of all dog excrement.

7.4 Car Parking

Larger parks require car parking to be provided within the park or on land adjacent or opposite the park. Car parks should be located to minimise the impact on the park that they serve. Ideally, car parks should not be located immediately adjacent to children's play areas, as there is an issue of safety.

Parking on any Council reserve, apart from designated parking areas, is not permitted. Emergency and service vehicles are the only vehicles permitted complete access within parks. However for special events, Council can approve parking on grassed areas.

8. Parks – development and use

This section outlines the general uses and forms of development which may occur on community land categorised as a Parks.

TSC intends to facilitate a wide range of uses and activities within its buildings, recreational and sporting facilities which will increase the vitality and general enjoyment of the land while having minimal impact on the surrounding area.

The permissibility of development proposed for community land is to be considered in accordance with the *Tenterfield Local Environmental Plan (2013)*. Plans of Management cannot override, or replace, or stand in place of planning instruments such as Local Environmental Plans.

8.1 Developments on community land and the LG Act

The proponent of any development of land covered by this POM must provide written details of any proposal to Council who will determine whether the proposed development will receive in-principle owner's consent from Council. Section 47E (1) of the *LG Act* states that a development on community land requires Council approval (i.e. Council are not permitted to delegate the authority of approving development to Council staff) if:

- (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or;
- (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or;
- (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or;
- (d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.

Section 47E (2) states that the following buildings are exempt from subsection (1) (a):

- (a) toilet facilities;
- (b) small refreshment kiosks;
- (c) shelters for persons from the sun and weather;
- (d) picnic facilities;
- (e) structures (other than accommodations for spectators) required for the playing of games or sports;
- (f) playground structures;
- (g) work sheds or storage sheds;
- (h) buildings of a kind prescribed by the regulations.

Section 47E (3) states: An "existing area" referred to in subsection (1) (b) does not include the area of any awning, balcony, veranda or other thing that extends beyond the main structural outline of the building.

Section 47E (4) states: A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

It is advised that all applications for development on community land refer directly to the *LG Act* at the time of lodging.

8.2 Native Title

Section 8.7 of the *CLM Act* requires that written advice of Council's Native Title manager is obtained and complies with the *Native Title Act 1993* prior to carrying out any of the following activities in relation to crown land:

- a. Grant leases, licences, permits forestry rights, easements or rights of way over the land;
- b. Mortgage the land or allow it to be mortgaged;
- c. Impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- d. Approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph a, b or c.

The generic nature of this Plan of Management and the diverse parcels of Crown Lands covered by the Plan does not allow for provision of a specific Native Title Status.

The Plan limits authority to approve dealings on each parcel of land without first undertaking appropriate review, consideration and advice in accordance with the *Native Title Act 1993*.

8.3 Signage

Permissible signage includes signs that are erected by Council to regulate various activities under Section 632 of the *LG Act*.

These include but are not limited to, signs advising the reserve name and/or facilities contained within it, directional signs and traffic signs. Any signage that is not specifically exempt under an Environmental Planning Instrument will require an application for development consent.

Council will determine development applications for signage by assessing applications in accordance with the *Environmental Planning & Assessment Act 1979*, the *Tenterfield Local Environmental Plan* and the relevant Development Control Plans.

It is suggested that Council erect new signs on each reserve identifying them as Crown Land, and outlining the activities that are permissible on that reserve. This is important as

research conducted during the development of this POM indicated that many local people were not aware the land was a Crown Reserve and activities were being conducted on those reserves without a licence.

8.4 Special Events

For special events such as carnivals, trade shows and other commercial use, Council will consider all applications for use and assess all applications lodged with Council.

Any approvals will be accompanied by conditions and a fee. A bond may apply to ensure any necessary restoration works are undertaken.

Applications for special events will need to be prepared in consideration of Council's relevant Development Control Plan and adopted Fees and Charges.

8.5 Sale of alcohol

The sale of alcohol by a sporting or community committee, club, or group requires the approval from the NSW Liquor and Gaming through the issue of a Limited Licence.

When making an application for the use of an area for the sale of alcohol, applicants are required to comply with any requirements of both the Department of Industry Liquor & Gaming and TSC.

The licence must be produced to Council in each instance. Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely or between certain hours. This is usually due to inappropriate use of an area, malicious damage to property, littering, offensive behaviour or other crimes. Under Section 632 of the *LG Act* Council is authorised to erect signs prohibiting certain activities.

8.6 Infrastructure and community facilities

Council may construct or approve construction of a variety of facilities on community land. Projects proposed by external persons such as community groups must accord with Council's own strategic plans and the provisions of any applicable legislation and environmental planning instruments.

Council may request that a written proposal be submitted outlining a description of the project, proposed location, estimated costs, scaled plans, justification for the proposed works, future maintenance requirements and other elements relevant to the project.

9. Parks – management framework

9.1 The approach to managing Parks

Table 2 provides an overview of council's approach to managing parks on Crown land, including performance objectives and targets.

Table 2. Parks management framework

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Community facilities	Provide sustainable community facilities for a range of community, social, and other compatible activities.	Provide community facilities which are multi purpose and flexible to a range of appropriate uses. Ensure community facilities are universally accessible. Ensure that community facilities are safe and of high quality. Facilities provided and managed in consultation and partnership with user groups and the community. Bushfire mitigation activities conducted in a timely manner.	Increased usage and visitation. Facility inspections and audits. Reduced level of community complaints to councils about issues on reserves. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey). Reduced fire damage.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Landscape amenity	To improve landscape character and visual quality.	Ensure general maintenance (e.g. mowing, pruning, fencing) is conducted in a timely manner. Bushfire mitigation activities. Weed control activities conducted in a timely manner.	Increased appreciation of the property as measured by positive comments received by Council. Community consultation to determine level of use and any community concerns. Maintain records of public comments in relation to properties. Regularly review records
Buildings	Buildings and structures to contribute to amenity, facilitate a range of uses and have regard for environmental sustainable design, resource use and maintenance.	Building and structure design specifications to consider park character, expected use and environmental sustainability features. Apply for Crown Land funding grants to upgrade buildings.	Buildings provide positive contribution to amenity and use. Increased park land bookings and use. Positive comments by user groups. Grant funding successfully sources and upgrades completed. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Cultural/historical	Appreciation and interpretation of the heritage significance of the site in terms of both natural and cultural components.	In conjunction with key community stakeholders, identify cultural and heritage values for retention and interpretation. Where appropriate incorporate historical information on property signage to instil understanding and appreciation of the site and the history it represents. Installation of public art and interpretation.	Retention and interpretation of heritage and cultural values provides increased appreciation of the property and its history as measured by visitation and community/stakeholder feedback to council.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Asset management	To provide professional, efficient management of park land/structures.	Regular visitation and condition assessments. Regular communication with community stakeholders and leases.	Positive comments by user groups. Grant funding successfully sources and upgrades completed. Reduction in neighbour issues. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Access	Provide safe and improved access.	Property upgrades, refurbishments and/or improvement works to consider and include improvements to public access. Apply for Crown Land funding grants to upgrade buildings.	Increased use and visitation of reserves and buildings (e.g. museum) where the land is not leased.
Environmentally Sustainable Principles	Ensure best environmental management practises and principles having regard to environmental sustainable design, resource use and maintenance.	<ul style="list-style-type: none"> – Energy efficiency – Water savings – Waste reduction – Natural heating and cooling – Sense of place and local identity Apply for Crown Land funding grants to upgrade buildings. Regular communication with leases.	Measurement and verification savings plan. Real time measurement.
Safety and Risk Management	Provide safe facilities	Building upgrades via Crown Lands funding. Bushfire mitigation activities.	Works to be in accordance with relevant Australian Standards. Safe use with no reported incidents.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Traffic and Parking	Safe environment for park property users and do not impact on the amenity of the properties.	Ensure use of vehicles, when permitted in parks are regulated and does not affect the normal functioning of these properties for recreational, sporting and community use. Installation of signage preventing vehicles from entering unauthorised areas. Provide clearly demarked vehicle movement areas and encourage safe driver behaviour. Provide access for emergency or service.	Reduced pedestrian, cyclist and vehicle conflicts. Improved public safety.
Natural environment	Maintain and enhance the health of park ecology, including flora, fauna, wetland and watercourses. Maintain, protect and improve health of identified significant trees and surrounding street trees, and improve soil health. Ensure access is appropriately controlled to any environmentally sensitive areas.	Develop and implement a native vegetation planting programme to provide additional habitat for local fauna. Manage wetland to maintain and improve the quality of the environment. Environmentally sensitive areas identified and appropriate access control measures implemented.	Improved health of existing trees and successful establishment of new trees Measurement and monitoring of created native vegetation and habitat. Water quality monitoring of wetland and watercourses.

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Ownership and Tenure	Ensure that ownership, tenure and permitted use arrangements allow the widest possible community access and are orientated to mutually compatible recreational, community and other activities on reserves where that is a key objective. Leases and licences to be granted only for activities which are consistent with the objectives of this POM. Minimise conflicts between users.	All future leases and licences to meet the requirements of the <i>LG Act</i> and the <i>CLM Act</i> . Consider potential uses before granting leases/licences, including neighbour impacts.	Type and extent of licencing and leasing as measured by record keeping, survey and observation. Appropriate communication with stakeholders/community.

It should be noted that TSC is not funded by Crown Lands to conduct these management activities, hence any management works must come from the TSC budget.

9.2 Leasing and licensing

This POM authorises existing leases and licence agreements until the end of their current term. The leased or licensed area may be renewed or changed in future. The leased or licensed area may be reconfigured in the future to reflect changes in community needs.

This POM expressly authorises Council to grant leases, licences or any other estates for community land covered in this POM for purposes and uses which are identified or consistent with those in the Table 3. These are referred to as **Express Authorisations**.

Pursuant to Section 68 of the LG Act community members and organisations will be required to make application to Council in order to secure the authorised use of the parcels of land covered in this POM. Applications can be found on the Council website.

<https://www.tenterfield.nsw.gov.au/your-council/forms/application-for-an-event-at-a-council-park-oval-or-reserve>

Table 3. Activities for which lease or license may be granted

Purpose/Use	Development
Park Category	
<ul style="list-style-type: none"> ▪ Active and passive recreation including children's play; ▪ Group recreational use, such as picnics and private celebrations; ▪ Festivals, parades, markets, fairs, auctions and similar events and gatherings; ▪ Exhibitions; ▪ Filming and photographic projects; ▪ Busking; ▪ Public address (speeches); ▪ Community gardens; ▪ Café or refreshment areas (kiosks/restaurants) including external seating ▪ Publicly accessible ancillary areas, such as toilet facilities, picnic tables, barbeques, shade structures; ▪ Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment); ▪ Service areas ancillary to the use of land (e.g. loading areas, car spaces, bicycle racks); ▪ Low intensity commercial activities (e.g. recreational equipment hire) 	<ul style="list-style-type: none"> ▫ Development for the purposes of improving access, amenity and the visual character of the park; ▫ Amenities to facilitate the safety, use and enjoyment of the park e.g. children's play equipment; ▫ Lighting, seating, toilet facilities, marked areas (e.g. access paths and activity trails) ▫ Hard and soft landscaped areas; ▫ BBQ facilities and sheltered seating areas; ▫ Ancillary service, transport or loading areas; ▫ Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas; ▫ Community gardens

10. Appendices

APPENDIX 1

Woodward Park (R77166)

Cnr Fairfield Street & Alison Street (Bruxner Hwy), Drake

Lots 10 & 11 Section 41 DP 758359

Gazette date: 15 October 1954

Woodward Park was so named for Oliver Woodward who was a Captain in World War I.

The Park is a popular area for the Drake community where markets are held and tourists stop off on their travels.

Key features and landscape character

Area: 2,024m²

Childrens play equipment.

Public toilets (male, female, disabled).

Barbeque.

Picnic table.

Activities carried out

Children play, tourists rest stop, public gatherings.

Markets (First Saturday of each month, facilitated by Mr & Mrs Woodward).

Leases Lic.ences

Nil

Stakeholders

Drake School of Arts & Progress Association (Mr Woodward).

Drake Village Resource Centre.

Neighbouring residents.

Future development / Use

Future use as is. Equipment in this park was recently upgraded so no major development imminent.

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.



LAND
REGISTRY
SERVICES

Order number: 61290063
Your Reference: CAS-17529-7S21 - CLM
05/03/20 10:25



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/41/758359

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:25 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 10 OF SECTION 41 IN DEPOSITED PLAN 758359
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
(FORMERLY KNOWN AS ALLOTMENT 10 OF SECTION 41)
TITLE DIAGRAM CROWN PLAN 52.1775

FIRST SCHEDULE

THE MINISTER FOR LANDS (T G115068)

SECOND SCHEDULE (1 NOTIFICATION)

- * 1 THE LAND ABOVE DESCRIBED IS AFFECTED BY S25A CROWN LANDS
CONSOLIDATION ACT, 1913 AND MAY BE DEALT WITH AS CROWN LAND. SEE
GOVERNMENT GAZETTE DATED 15-10-1954 FOL 6936

NOTATIONS

NOTE: RESERVATION OF CROWN LAND (RESERVE NO 77166) VIDE GOVT GAZ
DATED 15-10-1954 FOL 3181

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations
has not been formally recorded in the Register.



LAND
REGISTRY
SERVICES

Order number: 61290063
Your Reference: CAS-17529-7S21 - CLM
05/03/20 10:27



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/41/758359

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:27 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 11 OF SECTION 41 IN DEPOSITED PLAN 758359
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
(FORMERLY KNOWN AS ALLOTMENT 11 OF SECTION 41)
TITLE DIAGRAM CROWN PLAN 43.1775

FIRST SCHEDULE

THE MINISTER FOR LANDS

(T G115068)

SECOND SCHEDULE (1 NOTIFICATION)

- * 1 THE LAND ABOVE DESCRIBED IS AFFECTED BY S25A CROWN LANDS
CONSOLIDATION ACT, 1913 AND MAY BE DEALT WITH AS CROWN LAND. SEE
GOVERNMENT GAZETTE DATED 15-10-1954 FOL 6936

NOTATIONS

NOTE: RESERVATION OF CROWN LAND (RESERVE NO 77166) VIDE GOVT GAZ
DATED 15-10-1954 FOL 3181

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

Woodward Park



APPENDIX 2

Jennings Border Park (R1002844)

Phelhampton Crescent (New England Highway), Jennings

Lot 128 DP 47529

Gazette date: 30 July 1999

Jennings Border Park is adjacent to the border of New South Wales and Queensland. The land was originally public road, however in 1968 Crown Land closed that section and in 1999 it was Gazetted to Tenterfield Shire Council for management and reserved for Public Recreation.

Key features and landscape character

Blazed surveyor's tree under shelter from 1965.
Rock monument for World War I and World War II.
Rock retaining wall.
Flagpole.

Activities carried out

Council attend to the mowing and maintenance.

Leases / Licences

Nil.

Stakeholders

Wallangarra Jennings Progress Association.
Neighbouring residents.

Future Development / Use

Potential boundary alignment issues – survey required.

Native Title

None found but assume it exists.

Aboriginal Land Claim

Aboriginal land claim 50729 lodged 21/11/2019, incomplete.



**LAND
REGISTRY
SERVICES**

Order number: 61292242
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:14



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 128/47529

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:14 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 128 IN DEPOSITED PLAN 47529
AT JENNINGS
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF BALLANDEAN COUNTY OF CLIVE
TITLE DIAGRAM DP47529

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(1A) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN ARE NOT SUFFICIENTLY DEFINED TO ENABLE THE CREATION OF AN ORDINARY FOLIO OF THE REGISTER
- * 2 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- * 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

6129067 NOTE: RESERVATION OF CROWN LAND (RESERVE NO.1002844)
GAZ.30.7.1999 FOL.5371

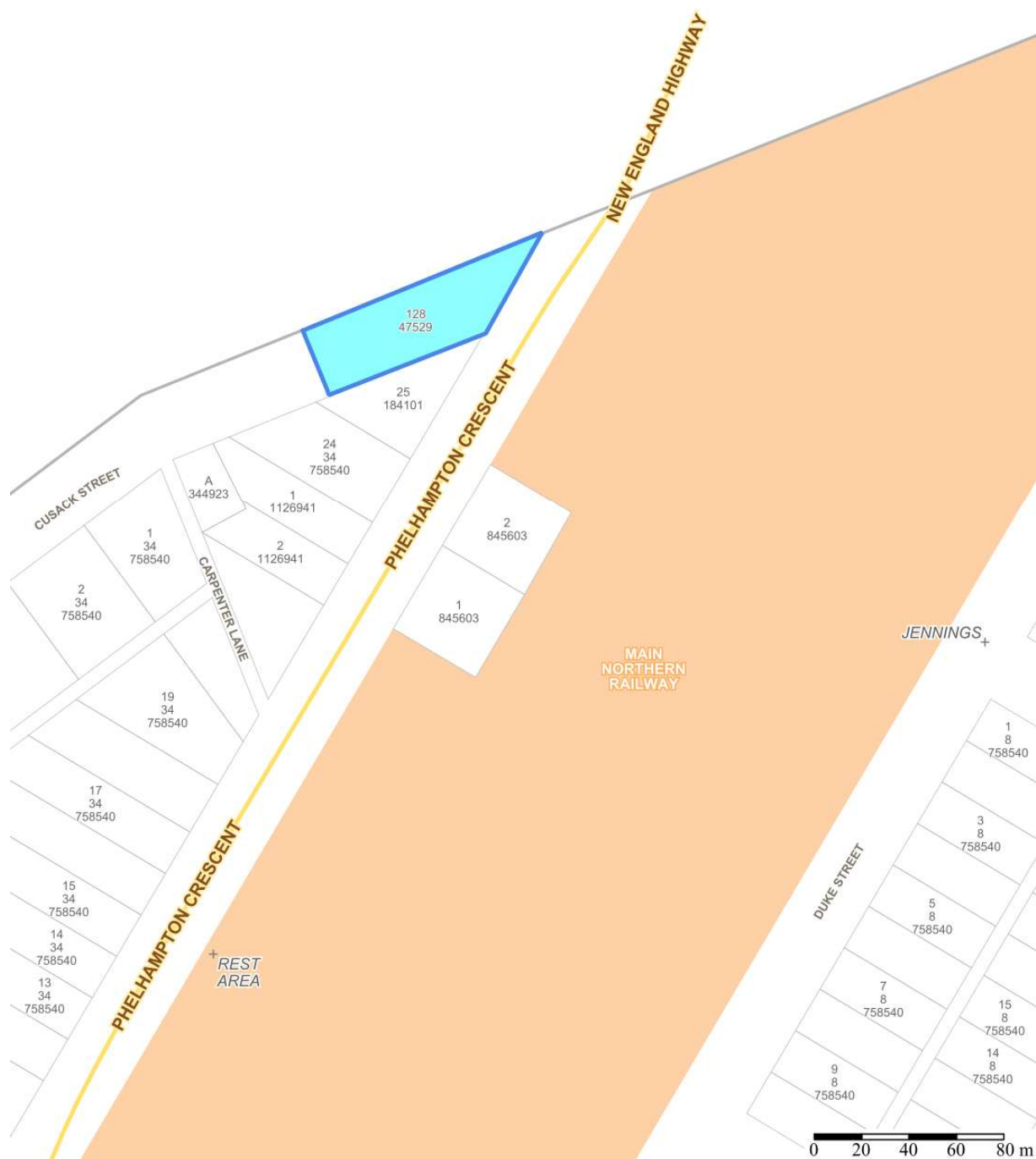
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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Jennings Border Park



APPENDIX 3

Tenterfield Park (R510013)

Derby Street, Tenterfield

Lot 7034 DP 1127231

Gazette date: 13 May 1887

Tenterfield Park was approved for dedication as a Public Park in the initial design of Tenterfield in 1851. The Dedication occurred on 13 May 1887 by Gazette. The land has had a number of uses over the time including a golf course, World War Two military training, horse riding, farming activities and the Tenterfield Naturalists Incorporated have held a lease.

Tenterfield Park is located in the south-eastern corner of the township of Tenterfield. It is surrounded by Derby Street, Bulwer Street, East Street (partially formed) and Park Street (unformed).

Key features and landscape character

The land is fenced and consists of undulating natural bushland and cleared areas. Threatened native species of trees, shrubs and grasses have been preserved.

Activities carried out

Day visitors, dog walking, bird watching

Stakeholders

Tenterfield Naturalists Incorporated. They have developed two plans of management, one in 2005 for the eastern (lower) section and one in 2009 for the western (upper) section of the park.

Neighbouring residents.

Leases / Licences

Nil.

Future Development / Use

Fire hazard reduction and weed control.

More toilet facilities.

Further develop and revegetate local species gardens and wildlife corridor.

Development as BMX / mountain bike track.

Department of Environment and Heritage mintbush plantings.

Improved water supply for watering plantings.

Native Title

None found but assume it exists.

Aboriginal Land Claim

Aboriginal land claim 32081 lodged 15/11/2010, incomplete.



LAND
REGISTRY
SERVICES

Order number: 61293738
Your Reference: CAS-17529-7S21 - CLM
05/03/20 11:56



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7034/1127231

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	11:56 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7034 IN DEPOSITED PLAN 1127231
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP1127231

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA130632)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE LAND IS DEDICATED FOR A PUBLIC PURPOSE

NOTATIONS

NOTE: PROPOSED EASEMENT IN CP 1630.3010

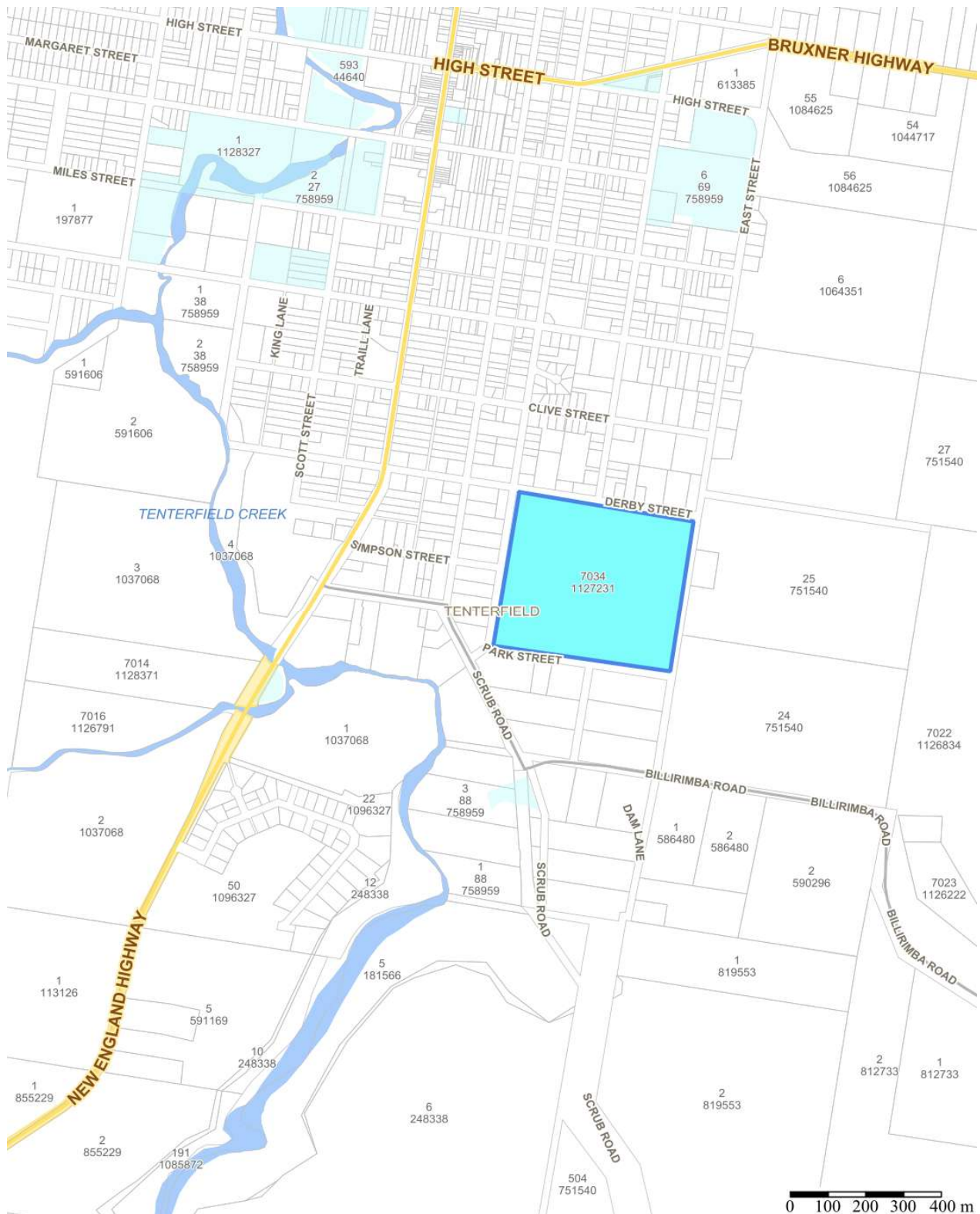
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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Tenterfield Park



APPENDIX 4

Jubilee Park (R57957)

Manners Street, Tenterfield

Lot 7320 DP 1143501, Lot 1 Section 28 DP 758959

Gazette date: 1 May 1925

Jubilee Park was developed to commemorate the Golden Jubilee of the Tenterfield Municipality from 1871 to 1921.

A War Memorial consists of the Tenterfield Australia Remembers Garden for the men and women who served in World War II.

Key features and landscape character

Covered and fenced children's play equipment (replaced May 2019), barbeques, picnic tables, rotunda, public toilet amenities, shade sails (replaced January 2016), landscaped gardens.

Activities carried out

Children's play, family gatherings, weddings, community events.

Stakeholders

Moombahlene Local Aboriginal Land Council.
Armajun Aboriginal Health Service.
St Josephs Primary School.
Sir Henry Parkes Memorial Primary School.
Tenterfield High School.
Mingoola Public School.
Rotary Club of Tenterfield.
Lions Club of Tenterfield.
Tenterfield Social Development Committee Ltd.
Oracles of the Bush.
Neighbouring residents.

Leases / Licences

Nil. Approvals given for day hiring for functions

Future Development / Use

Access to power for the combined Lions/Rotary Clubs annual Xmas power carnival can be a limitation (only one power box).

Native Title

None found but assume it exists.



LAND
REGISTRY
SERVICES

Order number: 61293930
Your Reference: CAS-17529-7S21 - CLM
05/03/20 12:01



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7320/1143501

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	12:01 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7320 IN DEPOSITED PLAN 1143501
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP1143501

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA147938)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 2 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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LAND
REGISTRY
SERVICES

Order number: 61293930
Your Reference: CAS-17529-7S21 - CLM
05/03/20 12:01



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/28/758959

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	12:01 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 1 OF SECTION 28 IN DEPOSITED PLAN 758959
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
(FORMERLY KNOWN AS ALLOTMENT 1 OF SECTION 28)
TITLE DIAGRAM CROWN PLAN 39.1533

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA126626)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

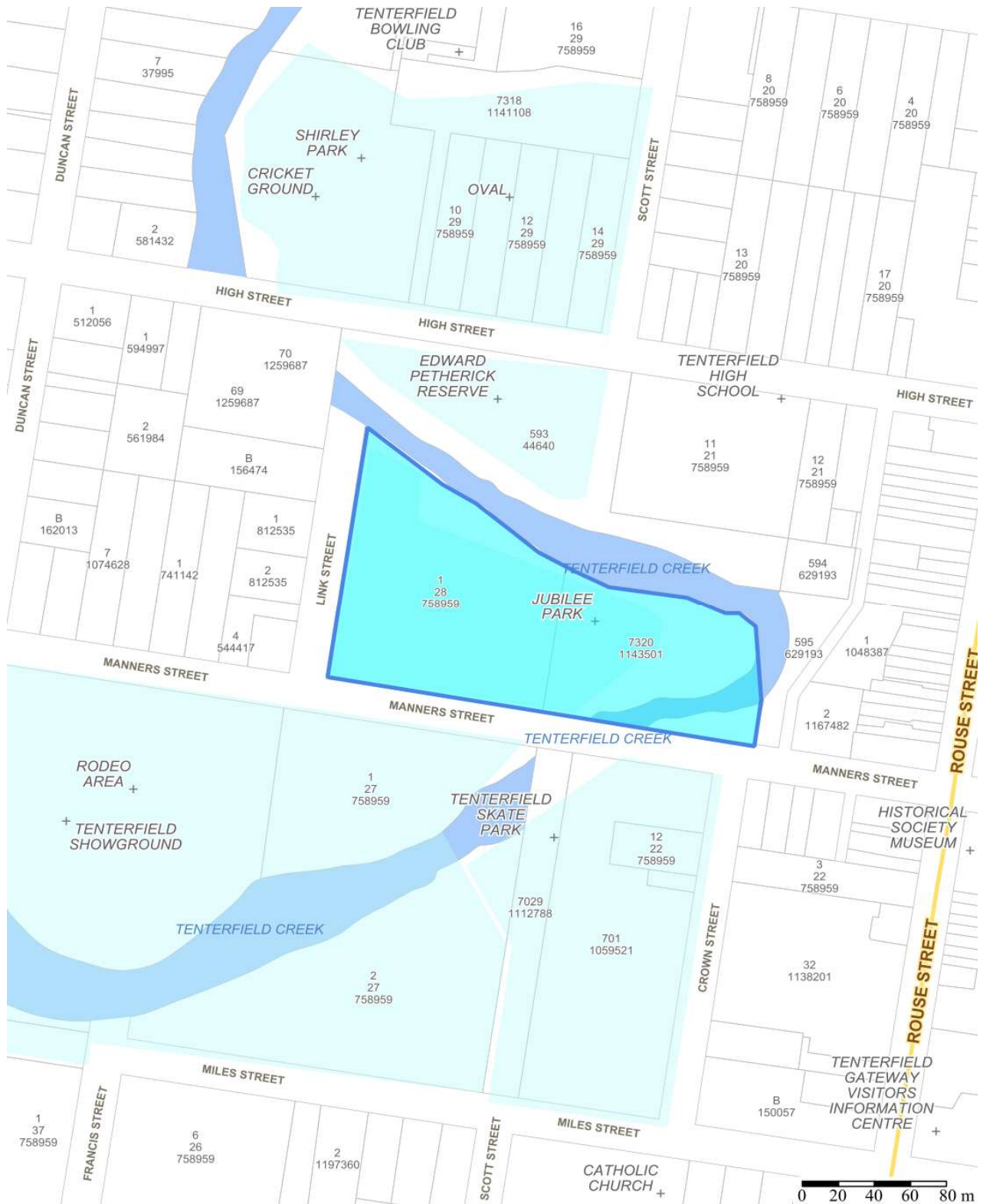
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

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Jubilee Park



APPENDIX 5

Market Square (R98007)

Clarence Street (Bruxner Highway), Tenterfield

Lot 703 DP 1227550

Lot 702 DP 1227550

Gazette date: 6 December 1985

Market Square provides a welcoming and easily accessible rest stop for tourists travelling to Tenterfield from the east.

Tenterfield Pre-School Kindergarten also benefit from the park.

Key features and landscape character

Public toilets, picnic tables, parking area. Landscaped gardens and mature trees.

Activities carried out

Tourist stop.

Leases / .Licences

Nil

Stakeholders

Tenterfield Lions Club (Ms Dalton).

Tenterfield Pre-School Kindergarten .

Neighbouring residents.

Future Development / Use

Perhaps an upgrade to the existing toilet facility.

Lions Club would like to add a BBQ – have funding.

Native Title

None found but assume it exists.



LAND
REGISTRY
SERVICES

Order number: 61351071
Your Reference: CAS-17529-7S21 - CLM
10/03/20 09:45



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 703/1227550

SEARCH DATE	TIME	EDITION NO	DATE
10/3/2020	9:46 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 703 IN DEPOSITED PLAN 1227550
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP1227550

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 10/3/2020

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Order number: 61351071
Your Reference: CAS-17529-7S21 - CLM
10/03/20 09:45



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 702/1227550

SEARCH DATE	TIME	EDITION NO	DATE
10/3/2020	9:46 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 702 IN DEPOSITED PLAN 1227550
AT TENTERFIELD
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF TENTERFIELD COUNTY OF CLIVE
TITLE DIAGRAM DP1227550

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 AM341143 RESERVE TRUST: MARKET SQUARE (R98007) RESERVE TRUST
SEE GOVERNMENT GAZETTE 22 JUNE 1990 FOLIO 5130
- * 3 AN177794 LEASE TO TENTERFIELD PRE-SCHOOL KINDERGARTEN
INCORPORATED EXPIRES: 22/4/2024.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 10/3/2020

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Market Square





PLAN OF MANAGEMENT

NATURAL AREAS

Date: 8th September 2020

Issue: Draft Version 1

Adopted:.....

Contents

1. Key Information	4
2. Introduction	4
2.1 Corporate objectives	4
Our Vision	4
2.2 Land to which the plan applies	5
2.3 Owner of the land	5
3. Relevant legislation, policies and procedures	6
3.1 Local Government Act 1993 (LG Act)	6
3.2 Crown Land Management Act 2016 (CLM Act)	7
3.3 Other relevant legislation and statutory controls	7
3.4 Review of this plan	9
3.3 Community consultation	9
4. Development and maintenance	12
4.1 General principles	12
4.2 Leasing and licensing	12
5. POM administration and management	13
6. Natural Areas – an introduction	14
7. Natural Areas – key issues	16
7.1 Environment	16
7.2 Maintenance	17
7.3 Landscape Design and Character	17
7.4 Safety and Risk Management	17
7.5 Access and Connectivity	18
7.6 Community Involvement	19
7.7 Recreational Use	19
7.8 Dogs	19
7.9 Recreational Vehicles	20
8. Natural Areas – development and use	20
8.1 Developments on community land and the LG Act	20
8.2 Native Title	21
8.3 Signage	22
8.4 Special Events	22
8.5 Sale of alcohol	22

8.6 Infrastructure and community facilities	23
9. Natural Areas – management framework.....	23
9.1 The approach to managing Natural Area reserves	23
9.2 Leasing and licensing.....	25
10. Appendices	28

1. Key Information

This is the Plan of Management for Crown Land in the **Tenterfield Shire Council** local government area which is managed by Tenterfield Shire Council and has been categorised as **Natural Areas** under Section 36 of the *Local Government Act 1993 (LG Act)*.

Natural Areas refers to land which that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public (*Local Government (General Regulation) 2005*).

In addition, **it is not** land which is categorised as general community use, park, sportsground or an area of cultural significance under the *LG Act*.

All land covered by this POM is categorised as **Natural Area**, as approved by the Minister on

2. Introduction

Tenterfield Shire is a rural local government area located in the New England region of New South Wales, Australia. The Shire is situated adjacent to the New England Highway, a major transport route between Sydney and Brisbane.

Council is responsible for a land area of 7,332 km² and a population of 6,628 people. The population is dominated by residents in the 55-69 year age category (29.6% of the population), however 20.7% of the population are aged under 19 years (ABS 2016).

Employment in the Shire is dominated by agriculture (27.1%), followed by Health Care & Social Assistance (12.7%), Retail Trade (9.7%) and Construction (8.4%) (REMPAN 2020).

2.1 Corporate objectives

Tenterfield Shire Council provides local civic leadership and a wide range of community services and facilities.

Our mission statement “Quality Nature, Quality Heritage and Quality Lifestyle” provides focus and direction in the manner in which we provide leadership and services.

Our Vision

As set out in the Community Strategic Plan, and delivered via the Delivery Program and Operational Plan (2017-2021), the vision of Tenterfield Shire Council is:

- To establish a shire where the environment will be protected and enhanced to ensure sustainability and inter-generational equity;
- To recognise and actively develop our cultural strengths and unique heritage;

- To establish a prosperous shire through balanced, sustainable economic growth managed in a way to create quality lifestyles and satisfy the employment, environmental and social aims of the community;
- To establish a community spirit which encourages a quality lifestyle, supports health and social well-being, promotes family life and lifestyle choices;
- To establish a community spirit which promotes opportunities to participate in sport and recreation, promotes equal access to all services and facilities;
- To encourage all people to participate in the economic and social life of the community with a supportive attitude towards equal life chances and equal opportunity for access to the Shire's resources.

All of these vision objectives can be delivered in part by the local community having access to the Crown Lands which council manages on behalf of the NSW Government.

As an organisation, Council will:

- Provide safe, well-maintained community infrastructure, spaces and parks;
- Provide community facilities, recreation and leisure programs that provide choice;
- Maintain public areas such as parks, gardens and ovals to a high standard.

2.2 Land to which the plan applies

Tenterfield Shire Council managed 17 parcels of Crown Land which are the subject of Plans of Management (POMs) as required under the *Crown Lands Management Act 2016 (CLM Act)* and the *LG Act*.

Those which have been categorised as **Natural Area** and are the subject of this POM are:

- Drake Reserve, R84128, area 3,492m², consisting of 1 lot (see Appendix 1 for details);
- Wallaby Creek Reserve, R86219, area 9.42ha, consisting of 1 lot (see Appendix 2 for details).

2.3 Owner of the land

The State of New South Wales is the owner of the land. Tenterfield Shire Council has been appointed the Crown Land Manager of the land pursuant to the *CLM Act*.

3. Relevant legislation, policies and procedures

3.1 Local Government Act 1993 (LG Act)

Under section 36(1) of the LG Act, POMs must be prepared for all community land.

Plans of management:

- Are written by council in consultation with the community;
- Identify the important features of the land (e.g. natural significance, sportsground);
- Clarify how council will manage the land;
- Indicate how the land may be used or developed, such as leasing.

The minimum requirements for a POM are set out under section 36(3) of the LG Act and have been addressed in this POM.

The *LG Act* requires that all land within a Council's control and management must be classified as either Community land or Operational land. Within the classification of community land there are four categories which the land must be managed under: Park, Sportsground, General Community Use, Natural Area or Area of Cultural Significance.

Clause 102 of the *Local Government (General) Regulations 2005* sets out that: The land should be categorised as **Natural Area** under section 36(4) of the Act if the land:

- Whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act; and
- Does not satisfy the guidelines under clauses 103 – 106 for categorisation as general community use, park, sportsground, a part or an area of cultural significance.

Further, under Clause 107 of the *Local Government (General) Regulations 2005*, these two lots have been classified as **Bushland** which includes:

Land that contains primarily native vegetation and that vegetation:

- (a) Is the natural vegetation or a remainder of the natural vegetation of the land, or;
- (b) Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.

Such land includes:

- (a) Bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or;

- (b) Moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or;
- (c) Highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.

3.2 Crown Land Management Act 2016 (CLM Act)

Section 3.23(6) of the *CLM Act* requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as 'community land' under the *LG Act*.

These POMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the *LG Act*.

POMs must be adopted as soon as practicable before 30 June 2021. Existing POMs may be modified such that they address all applicable provisions of the *LG Act* and *CLM Act*, including the requirement to obtain written advice from Native title Managers where required.

Council has reviewed the Native Title status of each parcel of Crown Land for which it is Crown Land Manager by conducting searches via the National Native Title Tribunal and the Aboriginal Land Claims register.

If the draft first POM does not add, alter or change the initial assigned categories (as is the case for this POM), the council manager will not be required to hold public hearings, though must give public notice of the first draft.

The nature and use of the land cannot be changed while the adoption of a POM is pending.

3.3 Other relevant legislation and statutory controls

The *Environmental Planning and Assessment Act 1979 (EPA Act)* establishes the statutory planning framework for environmental and land use planning in NSW.

The *Tenterfield Local Environmental Plan 2013 (LEP)* is consistent with the strategic planning work Council has undertaken in the *Development Control Plan (2014)*. The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area.

Development or uses requiring a Development Application will be assessed under Section 79(c) of the *EPA Act*. The possible impacts of any proposal will be considered in the light of all relevant planning controls and Council policies.

In addition to the requirements of the *LG Act*, there are other pieces of legislation and Government policies that are relevant to the ongoing development and management of natural areas. Legislation and policies with direct relevance to the subject sites are:

Commonwealth legislation

The *Federal Telecommunications Act 1997* provides for telecommunication facilities being permitted on community land without authorisation in a POM.

Native Title Act, 1993 requires consideration and provides restrictions on potential actions, activities and developments on reserved Crown land managed by Council. Consideration of Native Title implications must be addressed regarding any proposals on Crown land. Written advice of Council's appointed Native Title Manager is to be obtained prior to any development or formalised occupation being approved.

State Government Legislation and Policies

- *Aboriginal Land Rights Act, 1983* (Crown Reserves);
- *Companion Animals Act 1998*;
- *Disability Discrimination Act 1992*;
- *Environmental Planning and Assessment Act 1979*;
- *Heritage Act 1977*;
- *Pesticides Act 1999*;
- *Protection of the Environment Operations Act 1997*;
- *Retail Leases Act 1994*;
- *State Environmental Planning Policies (SEPPs)*;
- *Threatened Species Conservation Act 1995*;
- *Waste Minimisation Act 1995*;
- *Water Management Act 2000*.

Council Plans and Policies

- *Tenterfield Shire Council – Community Strategic Plan 2017-2027*;
- *Delivery Program 2017-2021 & Operational Plan 2019-2020*.

Specifically, Tenterfield Shire Council recognises the important role Natural Areas play in the wellbeing of the community in terms of both residents and visitors. Our natural environment

forms the basis for much of our economic prosperity, supports to supporting our sense of identity and belonging through the towns, villages and rural areas we live in.

Tenterfield Shire Council's Community Strategic Plan sets out the following goals which are relevant to natural areas:

- Our natural environment will be protected, enhanced and promoted for future generations;
- Environmental risks and impacts are strategically managed;
- Secure, sustainable and environmentally sound infrastructure and services underpin Council delivery services;
- Land use planning and management enhances and protects biodiversity and natural heritage.

3.4 Review of this plan

This POM will require regular review in order to align with community values and changing community needs, legislative changes and to reflect alterations in Council priorities.

The performance of this POM will be reviewed on a regular basis to ensure the reserves are well maintained and provide a safe environment for public enjoyment.

Strategic reviews of this POM will occur at a minimum of ten-year intervals.

The Appendices to this POM may be updated from time to time, without the requirement for public exhibition or review by Council. Amendment to the Appendices may reflect significant changes to the condition of the community land, new acquisitions, dedications of land, or reclassifications.

This POM, when adopted, will revoke any existing generic Natural Area of Management for the land to which this POM applies.

3.3 Community consultation

Council's Community Engagement Policy (Policy No. 1.036) was developed in November 2016 and outlines Tenterfield Shire Council's commitment and approach to engaging with our community.


This policy operates in conjunction with the Community Engagement Strategy and Community Engagement Guide/Toolkit providing the framework to enable the Tenterfield Shire Community to provide input to the formulation of Council strategy, policy and decision making and to provide a consistent and transparent approach to consultation.

Council engagement principles recognise the following key issues:

- Social justice – equity, access, participation and rights;
- Community inclusivity – engage a balanced cross-section of the community via a range of methods, involve targeted groups, allow for special needs, consider how to engage hard to reach community cohorts.

The process of community engagement is set out in Figure 1.

Figure 1. Public Participation Spectrum

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To give the public a real voice in the final decision making*
INCREASING LEVEL OF PUBLIC PARTICIPATION 				

Source: Tenterfield Shire Council Community Engagement Policy (2016)

During the development of this POM, a range of specific people were contacted to gain an insight into the use of the land and any issues that required consideration. A summary of those contacted is provided in Table 1.

Table 1. Specific Stakeholders Contacted

Land	Stakeholder(s) contacted	Other stakeholders	Comments/issues
Drake Reserve	Drake Progress Association, reserve neighbour Mr Ellis	Drake Village Resource Centre	The reserve is fenced and occasionally grazed. Future fencing upgrade anticipated. Bushfire mitigation important. Woody weeds a problem (privet and camphor laurel). Minimal human visitation to/use of the reserve other than grazing. Native Title Determination exists. Future works will require NTSCORP notification.
Wallaby Creek Reserve	Reserve neighbours Mr Vinall, Mr Brown	Muli Muli Local Aboriginal Land Council	No leases, though grazing occurs from adjoining property. Minimal human visitation to/use of the reserve other than grazing. Native Title Determination exists. Future works will require NTSCORP notification.

Community consultation and input is important to ensure a POM meets the needs of the local community. It also encourages an appreciation of the Council's aims for management of public land.

Public notice of a draft POM must be given pursuant to Section 38 of the *CLM Act*. The draft plan must be placed on public exhibition for not less than 28 days. The public notice must specify that a period of not less than 42 days is available for submissions to be lodged with Council.

A public hearing in respect of a draft POM is only required if the plan proposes categorising, or altering the categorisation of community land. There are no changes of category proposed in this POM.

4. Development and maintenance

4.1 General principles

Natural Areas throughout the Shire will natural environment will be protected, enhanced and promoted for future generations.

Any future use of the land needs to consider the following objectives, however is not limited to:

- Provide appropriate amenity, aesthetics and landscaping features within the land for the benefit of all users;
- Protect and enhance environmental values of open space areas to preserve biodiversity, waterways and mitigate against environmental harm;
- Maximise funding opportunities for the development and enhancement of facilities;
- Provide and maintain, within budget, quality facilities to meet community needs and expectations;
- Manage land effectively and efficiently, while retaining the values which are inherent to the surrounding areas and character of the local area.

Future developments need to be considered in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under *the Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown land included in this plan. Written Native Title advice is to be obtained prior to any development, formalised occupation or use is approved.

4.2 Leasing and licensing

A lease or licence is a contract between a land owner and another entity, granting that entity a right to occupy an area, usually exclusively and for a specified period of time. Council will consider leasing or licencing areas of the land covered by this POM especially in the following situations:

- There is a clear reason for granting a lease or licence, and the lease or licence is consistent with the intended use of the land;
- The occupant has made (or intends to make) a significant financial contribution to the asset e.g. maintaining fences;
- There is a very strong link between the nature of the asset and the proposed tenant.

A plan of management does not need to name a particular lessee etc. in order to authorise a lease. It must contain a statement of authorisation that is wide enough to apply to the particular lease proposal (see Table 3 in Section 9 for details).

In addition, the *CLM Act* and its Regulation specify some additional uses (e.g. public infrastructure) which are permitted and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity.

The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. A licence may be granted to formally recognise and endorse shared uses. For example, a food vendor may use a space in the park for the weekends, but not all week.

Short term licences and bookings may be used to allow the Council to program different uses at different times, allowing the best overall use. The Council may use short term licences or bookings to manage the types of uses set out in Table 3 in section 9.2 below.

The *CLM Act* requires that any lease or licence of Community Land must be authorised by a POM. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act.

Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the Act and Clause 119 of the *Local Government (General) Regulation 2005*.

Note that on community land categorised as a Natural Area, there are specific limitations as outlined in Section 9.2 below.

5. POM administration and management

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

Key management principles are:

1. **Facilities will be sustainable** - sustainable community facilities enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. They limit negative environmental, social and economic impacts. Sustainable community facilities planning and provision considers long term factors and has regard for future generations.

2. **Facilities will be multipurpose and flexible** - multi-purpose community facilities enhance the well being and life opportunities for diverse groups within the community. They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
3. **Community facilities will promote a positive local identity** - the design of community facilities can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres (e.g. museums), relating to and integrating with surrounding retail and other services.

Proposed occupations and entitlements need to be in accordance with the Future Act provisions of the *Native Title Act 1993* (Cwlth) and any current interests under the *Aboriginal Land Rights Act 1983* (NSW) where applicable to any Crown Land included in this plan.

Native Title Manager advice must be obtained prior to any of the following:

- (a) Granting leases, licences, permits, forestry rights, easements or rights of way over the land;
- (b) Mortgaging the land or allowing it to be mortgaged;
- (c) Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- (d) Approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c).

6. Natural Areas – an introduction

Assessing the significance or conservation status of an area is a complex process, as not every natural area has the same significance. The significance of an area can depend on the size of that ecosystem, or how common that ecosystem is in the Tenterfield area. For example, an ecosystem or species at the geographical edge of its normal distribution can be quite significant.

The core objectives for management of Community Land, categorised as a Natural Area in the Tenterfield Shire 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;
- (b) To maintain the land, or that feature or habitat, in its natural state and setting;
- (c) To provide for the restoration and regeneration of the land;

- (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;
- (e) To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

The reserves categorised as Natural Area within the Tenterfield Shire Council LGA are located in smaller villages and rural areas away from the main township of Tenterfield (see Figure 2).

Figure 2. Location of Tenterfield Crown Land Natural Areas



The Natural Area at Drake is a single lot within a reserve consisting of 6 lots, with the remainder of the reserve categorised as General Community Use. Livestock grazing the adjacent Drake Common across the creek may cross the unfenced creek and graze within the reserve. Fire mitigation and woody weed control are issues in the reserve. Felling of woody weeds into the creek causes the creek to become dammed leading to creek bank erosion problems.

The existence of the reserve is not well known locally, so there is minimal human activity on the land other than some grazing by cattle and horses.

The Natural Area at Wallaby Creek is a single fenced bushland reserve. The fact that this area is actually Crown Land is largely unknown by locals so there is virtually no human activity on the land, though the reserve is sometimes grazed by cattle from the adjoining property whose owner conducts fencing and other maintenance.

7. Natural Areas – key issues

7.1 Environment

Management and maintenance of community land needs to be undertaken in an ecological sustainable manner to prevent any long-term impacts on the environment. It is vital to maintain ecological processes and systems when managing community land. Fire management and weed control are important issues in this respect.

This is particularly important on land categorised as a Natural Area, as a key function of that area is to provide ecological services (e.g. connectivity for wildlife, riparian habitat, stream habitat).

Smaller, less viable reserves such as the two lots covered by this POM sometimes merely require more active management. They serve to sustain flora biodiversity and more mobile species such as birds and bats, and in some instances smaller arboreal mammals such as gliders. The linking of reserves by natural corridors can assist by facilitating movement of wildlife and plant distribution between reserves.

With regard to rare or threatened species, Winning (1990) suggests that given the large areas of land usually required for a minimum viable population and minimum viable area considerations, the management concepts for such species are difficult to apply to most local government reserves.

Key issues on such reserves include:

- Land clearing;
- Edge effects from urban development;
- Recreation development;
- Weed infestations due to disturbance;
- Feral animals;
- Reduced size of bushland remnant, enhanced habitat isolation and associated vegetation corridors;
- Altered fire regime.

The Wallaby Creek Reserve (R86219) is fenced, more remote and generally not recognised as Crown Land locally and therefore is less likely to be impacted by human activities though it is intermittently grazed.

The Drake Reserve (R84128) is within the village, is fenced although not along the creek so cattle can cross the creek to graze the reserve. As noted above, fire hazard reduction, woody weeds and creek bank erosion are issues identified by the neighbour. However, human visitation/activity on this reserve is minimal.

7.2 Maintenance

Maintenance of community land is one of Council's core business areas. In keeping with Council's service levels, Council is required to meet appropriate standards whilst facing ever-increasing workloads and stringent budget allocation.

Community land identified within this POM is maintained by TSC or by other parties under a lease or licence agreement, management agreement or in accordance with Section 355 of the Local Government Act 1993.

The maintenance of community land includes but is not limited to the following:

- Tree maintenance including pruning and removal of dead trees;
- Mowing;
- Rubbish removal;
- Irrigation;
- Building/equipment repairs;
- Weed control;
- Fire hazard control;
- Addressing acts of vandalism.

The frequency of inspection of facilities is dependent upon a number of factors which will vary from year to year. For example, after prolonged periods of wet weather tractors may not be able to enter some areas for several weeks due to soil consistency and poor drainage.

Due to the remote and unknown presence of these reserves by locals, virtually all maintenance (fencing, fire hazard reduction, weed control, erosion control) is carried out by the reserve neighbours.

7.3 Landscape Design and Character

Any structures, paths and signs installed within community land should be sympathetic to the existing setting, the landscape values or the unique character and/or features of the site. The inherent landscape features need to be retained and where possible enhanced, when developing community land. Site planning, material selection and colour schemes need to be considered when planning and designing facilities.

7.4 Safety and Risk Management

Safety is an issue Council must address on a regular basis. There are statutory responsibilities Council is obliged to abide by under common law to ensure the appropriate

steps are undertaken to protect people from reasonably foreseeable or risk in the use of public spaces and public assets. Community land and associated facilities must be maintained to an acceptable standard to ensure the safety of the community. The following issues need to be identified and considered when addressing safety issues for land classified as Natural Area:

- Due to the distributed location of community land across the LGA staff are unable to inspect each site on a regular basis;
- The effects of anti-social behaviour are ongoing;
- Community land can be affected by natural disasters such as fire, flood or severe weather conditions and this poses a threat to the safety of the users;
- Illegal dumping is often an issue within community land classified as a Natural Area and this could pose a threat to the safety of the users;
- Unsafe tracks and access points;
- Dogs, off leash, can threaten the health and safety of other users.

As public visitation to these reserves is almost zero, safety is not a significant issue.

7.5 Access and Connectivity

Access and parking are very important issues in the management of community land. Issues that are commonly encountered when managing community land include:

- Community land is not always easily accessible for people with disabilities and/or mobility challenges as pathways are not generally constructed;
- Limited access for pedestrians and cyclists;
- Some community land is unfenced, unauthorised vehicle access can cause problems and access tracks through areas exposes them to vandalism, anti-social behaviour and the dumping of rubbish;
- Provision of emergency access can often not be provided. Flood and fire evacuation of users' needs to be addressed and considered where appropriate.

Open space linkages provide greater movement as more and more people are now cycling or walking for pleasure. Cycleways and walkways could be provided on existing public reserves, wildlife corridors, drainage reserves, transmission line easements, road reserves and disused railway corridors may be utilised. Linkages and cycleways may also be used to connect community land, areas of interest such as heritage items, commercial centres and schools.

When planning for future access and parking on community land, provisions for emergency vehicles must be considered and provisions for any relevant Australian Standards for accessibility.

The location and unknown presence of these reserves mean that public access is a non-issue.

7.6 Community Involvement

Good neighbourly relations and community involvement are important in the management of community land. Community users are vital for the contribution to the planning and management process, as well as informing Council of any ongoing issues. A good relationship between the community and Council can be an effective way of managing community land classified as Natural Areas and ensuring they are maintained and kept clear of rubbish and anti-social behaviour.

The location and unknown presence of these reserves mean that community involvement is a non-issue.

7.7 Recreational Use

Recreation activities within community land classified as a Natural Area must be managed in accordance with the context of the site.

Generally, passive recreation is most appropriate with active recreation better being placed at sportsgrounds and parks.

Often the community is unaware of the classification of the land and a lack of signage identifying what can or cannot occur makes it difficult to curb certain activities. The over usage of signs however lead to clutter and visual pollution. However, some additional signage regarding uses and some media activity may be warranted to improve public knowledge of reserve uses.

7.8 Dogs

Walking a dog is a recognised recreational activity for many people. However, this should not impinge on the quality of the recreation experience for other users.

Dogs can have a detrimental impact on the amenity due to defecation, barking, aggression, non-compliance with leash laws and other nuisance behaviour.

Dogs are not permitted to be walked 'off a leash' unless they are within one of Council's designated dog exercise areas. Signs are installed at various locations describing the permitted usage of the area.

Dog clubs are required to seek Council approval to conduct dog obedience and training activities on community land and they are responsible for the removal of all dog excrement.

7.9 Recreational Vehicles

Reserves designated as Natural Areas may become a location for the use of recreational vehicles (motor bikes, 4WDs, pushbikes). This can create issues for both public safety and environmental damage. Council may need to consider appropriate signage to address this issues.

8. Natural Areas – development and use

This section outlines the general uses and forms of development which may occur on community land categorised as a Natural Area.

TSC intends to facilitate a wide range of uses and activities within its buildings, recreational and sporting facilities which will increase the vitality and general enjoyment of the land while having minimal impact on the surrounding area.

The permissibility of development proposed for community land is to be considered in accordance with the *Tenterfield Local Environmental Plan (2013)*. Plans of Management cannot override, or replace, or stand in place of planning instruments such as Local Environmental Plans.

8.1 Developments on community land and the LG Act

The proponent of any development of land covered by this POM must provide written details of any proposal to Council who will determine whether the proposed development will receive in-principle owner's consent from Council. Section 47E (1) of the *LG Act* states that a development on community land requires Council approval (i.e. Council are not permitted to delegate the authority of approving development to Council staff) if:

- (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or;
- (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or;
- (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or;
- (d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.

Section 47E (2) states that the following buildings are exempt from subsection (1) (a):

- (a) toilet facilities;
- (b) small refreshment kiosks;
- (c) shelters for persons from the sun and weather;
- (d) picnic facilities;
- (e) structures (other than accommodations for spectators) required for the playing of games or sports;
- (f) playground structures;
- (g) work sheds or storage sheds;
- (h) buildings of a kind prescribed by the regulations.

Section 47E (3) states: An "existing area" referred to in subsection (1) (b) does not include the area of any awning, balcony, veranda or other thing that extends beyond the main structural outline of the building.

Section 47E (4) states: A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

It is advised that all applications for development on community land refer directly to the *LG Act* at the time of lodging.

8.2 Native Title

Section 8.7 of the *CLM Act* requires that written advice of Council's Native Title manager is obtained and complies with the *Native Title Act 1993* prior to carrying out any of the following activities in relation to crown land:

- a. Grant leases, licences, permits forestry rights, easements or rights of way over the land;
- b. Mortgage the land or allow it to be mortgaged;
- c. Impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land;
- d. Approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph a, b or c.

The generic nature of this Plan of Management and the diverse parcels of Crown Lands covered by the Plan does not allow for provision of a specific Native Title Status.

The Plan limits authority to approve dealings on each parcel of land without first undertaking appropriate review, consideration and advice in accordance with the Native Title Act 1993.

8.3 Signage

Permissible signage includes signs that are erected by Council to regulate various activities under Section 632 of the *LG Act*.

These include but are not limited to, signs advising the reserve name and/or facilities contained within it, directional signs and traffic signs. Any signage that is not specifically exempt under an Environmental Planning Instrument will require an application for development consent.

Council will determine development applications for signage by assessing applications in accordance with the *Environmental Planning & Assessment Act 1979*, the *Tenterfield Local Environmental Plan* and the relevant Development Control Plans.

It is suggested that Council erect new signs on each reserve identifying them as Crown Land, and outlining the activities that are permissible on that reserve. This is important as research conducted during the development of this POM indicated that many local people were not aware the land was a Crown Reserve and activities were being conducted on those reserves without a licence (e.g. occasional grazing).

8.4 Special Events

For special events such as carnivals, trade shows and other commercial use, Council will consider all applications for use and assess all applications lodged with Council.

Any approvals will be accompanied by conditions and a fee. A bond may apply to ensure any necessary restoration works are undertaken.

Applications for special events will need to be prepared in consideration of Council's relevant Development Control Plan and adopted Fees and Charges.

8.5 Sale of alcohol

The sale of alcohol by a sporting or community committee, club, or group requires the approval from the NSW Liquor and Gaming through the issue of a Limited Licence.

When making an application for the use of an area for the sale of alcohol, applicants are required to comply with any requirements of both the Department of Industry Liquor & Gaming and TSC.

The licence must be produced to Council in each instance. Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely or between certain hours. This is usually due to inappropriate use of an area, malicious damage to property, littering, offensive behaviour or other crimes. Under Section 632 of the *LG Act* Council is authorised to erect signs prohibiting certain activities.

8.6 Infrastructure and community facilities

Council may construct or approve construction of a variety of facilities on community land. Projects proposed by external persons such as community groups must accord with Council's own strategic plans and the provisions of any applicable legislation and environmental planning instruments.

Council may request that a written proposal be submitted outlining a description of the project, proposed location, estimated costs, scaled plans, justification for the proposed works, future maintenance requirements and other elements relevant to the project.

9. Natural Areas – management framework

9.1 The approach to managing Natural Area reserves

Table 2 provides an overview of council's approach to managing natural area reserves, including performance objectives and targets.

Table 2. Natural Area management framework

Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Community facilities	Provide sustainable community facilities for a range of community, social, and other compatible activities.	Provide community facilities which are multi purpose and flexible to a range of appropriate uses. Ensure community facilities are universally accessible. Ensure that community facilities are safe and of high quality. Facilities provided and managed in consultation and partnership with	Facility inspections and audits. Reduced level of community complaints to councils about issues on reserves. More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey). Reduced fire damage.

		user groups and the community. Bushfire mitigation activities conducted in a timely manner.	
Landscape amenity	To improve landscape character and visual quality.	Ensure general maintenance (e.g. mowing, pruning, fencing) is conducted in a timely manner. Bushfire mitigation activities. Weed control activities conducted in a timely manner.	Increased appreciation of the property as measured by positive comments received by Council. Community consultation to determine level of use and any community concerns. Maintain records of public comments in relation to properties. Regularly review records
Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Biodiversity Conservation	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.	Manage the Council's natural areas such that lands containing areas of significant habitats are preserved. Apply appropriate eradication programs for weeds and pest species. Bushfire mitigation activities conducted in a timely manner.	Ecological composition and processes be maintained and enhanced through management. Reduction in weed and pest species. Reduced fire damage.
Management of bushland	To provide professional, efficient management of natural area land. Minimise and reduce encroachments and edge effects of any neighbouring development and open space management. 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	Visitation and condition assessments. Regular communication with community stakeholders and leases. Issues associated with rubbish dumping, garden refuse dumping and unauthorised structures, clearing or mowing by adjacent residents are addressed through the establishment of education programs, investigation and targeting unauthorised activity.	Education programs are conducted and communication is undertaken with landowners adjoining bushland reserves. Targeted communications with landowners adjoining impacted natural areas. Investigation and appropriate action for unauthorised activity. Grant funding successfully sources and upgrades completed. Fencing maintained in good working order. Reduction in neighbour issues.

	measures directed to minimising or mitigating any disturbance caused by human intrusion.		More people are satisfied with the look and feel of the built environment (Tenterfield Shire Council Community Satisfaction Survey).
Erosion Protection	Protect existing landforms such as natural drainage lines, watercourses and foreshores.	Riparian vegetation is maintained, and access points to watercourses managed. Woody weeds not felled into the creek causing damming and erosion.	Reduced watercourse bank erosion as determined by visual inspection
Management issues	Objectives & performance targets (s.36(3)(b))	Means of achieving objectives (s.36(3)(c))	Manner of assessment of performance (s.36(3)(d))
Safety and Risk Management	Provide safe facilities	Fencing maintained. Bushfire mitigation activities.	Works to be in accordance with relevant Australian Standards. Safe use with no reported incidents.
Ownership and Tenure	Ensure that ownership, tenure and permitted use arrangements allow the widest possible community access and are orientated to mutually compatible recreational, community and other activities on reserves where that is a key objective. Leases and licences to be granted only for activities which are consistent with the objectives of this POM. Minimise conflicts between users.	All future leases and licences to meet the requirements of the <i>LG Act</i> and the <i>CLM Act</i> . Consider potential uses before granting leases/licences, including neighbour impacts.	Type and extent of licencing and leasing as measured by record keeping, survey and observation. Appropriate communication with stakeholders/community.

It should be noted that TSC is not funded by Crown Lands to conduct these management activities, hence any management works must come from the TSC budget.

9.2 Leasing and licensing

This POM authorises existing leases and licence agreements until the end of their current term. The leased or licensed area may be renewed or changed in future. The leased or licensed area may be reconfigured in the future to reflect changes in community needs.

This POM expressly authorises Council to grant leases, licences or any other estates for community land covered in this POM for purposes and uses which are identified or consistent with those in the Table 2. These are referred to as **Express Authorisations**.

Pursuant to Section 68 of the LG Act community members and organisations will be required to make application to Council in order to secure the authorised use of the parcels of land covered in this POM. Applications can be found on the Council website.

<https://www.tenterfield.nsw.gov.au/your-council/forms/application-for-an-event-at-a-council-park-oval-or-reserve>

Note that unlike some other forms of community land, there are more limitations on what can be conducted under licence/lease on Natural Areas, as outlined in S47B of the LG Act. In particular, there are limitations on the types of buildings/structures that can be erected.

The lease/licence would be restricted to a use which has a public purpose and development which promotes or compliments the major function of the land (i.e. as a natural area).

From time to time, land may not be suitable for particular uses. For example, grazing may not be suitable on environmentally sensitive land. The department will consider the capability of the land when assessing a licence application. A site inspection may also be undertaken to assist in determining the capability and condition of the land.

Table 3. Activities for which lease or license may be granted

Purpose/Use	Development
Natural Area	
<ul style="list-style-type: none"> ▪ Filming and photographic projects; ▪ Publicly accessible ancillary areas, such as toilet facilities/rest rooms ▪ Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment); ▪ For an owner/occupier of adjoining land for the short-term casual purpose of transporting building/landscape material to, or waste from that property as part of works being carried out on that property. This is limited to access along an existing road or fire trail or through an open area. Clearing of vegetation for access is not permitted; ▪ To a commercial or community operator providing a recreation, cultural, educational, or tourism activity or program that compliments the objectives of this land category; 	<ul style="list-style-type: none"> ▫ Erection of buildings/structures is limited to walkways, pathways, bridges, causeways, observation platforms, signs; ▫ Buildings can only be used for the following purposes – information kiosk, refreshment kiosk (but not restaurant), work or storage sheds related to the maintenance of the land, toilets or rest rooms; ▫ Filming projects environmental qualities of the land were not compromised, and that any damage to the land was minimal and fully reinstated; ▫ For commercial operators the licence would include obligations upon the holder to ensure that the environmental qualities of the land were not compromised, and that any damage to the land was minimal and fully reinstated ▫ Private stormwater activities are subject to the following conditions - the following conditions - no economically viable alternative source of discharge or route is

<ul style="list-style-type: none"> ▪ For a private stormwater pipeline or utility service line across Community Land. 	<p>available, maintenance of the reserve will benefit from the underground discharge of stormwater or the underground placement of the utility services, market rent is charged for the occupation of the land, and any licence is to be in accordance with the LG Act.</p>
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10. Appendices

APPENDIX 1

Drake Reserve (R84128)

Lot 7026 DP 1050643

Gazette date: 28 December 1962

Key features and landscape character

Area: 3,492m²

Activities carried out

Cattle who graze the Common across the creek, also graze this land. There are fences around the land, apart from along the creek.

Leases / Licences

Nil – requires investigation.

Stakeholders

Drake School of Arts & Progress Association

Drake Village Resource Centre

Mr & Mrs Ellis – Neighbours

Future development / Use

Upgrade fencing

Carryout and maintain bush fire mitigation processes.

Native Title

Determination: Western Bundjalung People Part A

Native Title Determination NCD 2017/002 – this determination includes the Clarence Valley Council, Glen Innes Severn Shire Council, Kyogle Council, Richmond Valley Council, and Tenterfield Shire Council areas and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_FileNo=NCD2017/002

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.

ILUA No. NI2018/001 - the agreement covers about 5,773 square kilometres and is located northwest of Grafton and west of Casino and includes areas such as Boonoo Boonoo, Timbara, Drake and Boorook. NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2018/001

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.



LAND
REGISTRY
SERVICES

Order number: 61291084
Your Reference: CAS-17529-7S21 - CLM
05/03/20 10:48



NSWLRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7026/1050643

SEARCH DATE	TIME	EDITION NO	DATE
5/3/2020	10:48 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7026 IN DEPOSITED PLAN 1050643
AT DRAKE VILLAGE
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF WEST FAIRFIELD COUNTY OF DRAKE
TITLE DIAGRAM DP1050643

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA116568)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 5/3/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

Drake Reserve



APPENDIX 2

Wallaby Creek Reserve (R86219)

Rivertree Road, Upper Tooloom

Lot 7011 DP 1108193

Gazette date: 23 March 1967

Reserved from sale 23 March 1967 from Travelling Stock Route for Public Recreation purposes. The land appears to be fenced and is mostly bush.

Key features and landscape character

Located opposite the intersection of Paddys Flat Road and Tooloom Road.

Area: 9.42 hectares

Activities carried out

Grazing by neighbouring property (Mr Brown), but no lease/licence exists.

Leases / Licences

Nil – requires investigation.

Stakeholders

Mr Vinall (neighbour)

Mr Brown (neighbour)

Muli Muli Local Aboriginal Land Council

Future Development / Use

Grazing Licence

Native Title

Determination: Githabul People

ILUA No. NI2006/001 - The agreement area of approximately 1,199 square kilometres is located north of the townships of Casino and Tenterfield south of the Queensland / New South Wales State border. The area includes Border Ranges National Park, Richmond Range National Park, Richmond Range State Forest, Yabbra National Park, Yabbra State Forest, Toonumbar National Park and Toonumbar State Forest. It covers areas such as Tooloom and Upper Tooloom, Paddy's Flat, includes Tooloom Falls Reserve.

NTSCORP is the representative body to be notified on any issues which may be of relevance. More information can be found at:

http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/ILUA_details.aspx?NNTT_Fileno=NI2006/001

Notice of any future planned works will need to be notified to NTSCORP with 28 days for response.



LAND
REGISTRY
SERVICES

Order number: 61351474
Your Reference: CAS-17529-7S21 - CLM
10/03/20 09:54



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7011/1108193

SEARCH DATE	TIME	EDITION NO	DATE
10/3/2020	9:53 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7011 IN DEPOSITED PLAN 1108193
AT UPPER TOOLOOM
LOCAL GOVERNMENT AREA TENTERFIELD
PARISH OF KANGAROO COUNTY OF BULLER
TITLE DIAGRAM DP1108193

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

(CA109433)

SECOND SCHEDULE (3 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 10/3/2020

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