



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

**BUSINESS PAPER
EXTRAORDINARY COUNCIL
MEETING
16 FEBRUARY 2023**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that a **Extraordinary Council Meeting** will be held in the "Koreelah Room", Council Administration Building, 247 Rouse St, Tenterfield NSW, on **Thursday 16 February 2023** commencing at **9.30 am**.

Daryl Buckingham
Chief Executive

COMMUNITY CONSULTATION – PUBLIC ACCESS

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.00 am and 9.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

~~~000~~~

## ORDER OF BUSINESS

### Community Consultation (Public Access)

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Open Council Reports
  - Our Community
6. Meeting Close

## **AGENDA**

### **COMMUNITY CONSULTATION (PUBLIC ACCESS)**

#### **WEBCASTING OF MEETING**

This meeting will be recorded for placement on Council's website and livestreamed on Council's YouTube Channel for the purposes of broadening knowledge and participation in Council issues and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

#### **1. OPENING & WELCOME**

#### **2. (A) OPENING PRAYER**

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

#### **(B) ACKNOWLEDGEMENT OF COUNTRY**

*"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."*

#### **3. APOLOGIES**

#### **4. DISCLOSURES & DECLARATIONS OF INTEREST**

#### **5. OPEN COUNCIL REPORTS**

#### **OUR COMMUNITY**

(ITEM COM1/23) CROWN LANDS PLAN OF MANAGEMENT RESERVE  
R22044 ..... 5

#### **6. MEETING CLOSED**

Our Community No. 1 Cont...

|                      |                                                      |
|----------------------|------------------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                        |
| <b>Submitted by:</b> | Fiona Keneally, Director Infrastructure              |
| <b>Reference:</b>    | <b>ITEM COM1/23</b>                                  |
| <b>Subject:</b>      | <b>CROWN LANDS PLAN OF MANAGEMENT RESERVE R22044</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                         |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - The community is supported by accessible and equitably distributed facilities and recreational opportunities for people of all ages. |
| <b>CSP Strategy:</b> | Provide safe and accessible public spaces and places that are well maintained, clean and fun.                                                           |

#### **SUMMARY**

The purpose of this report is to present Council with the results of public consultation and to obtain a Council resolution to adopt the Plan of Management for Crown Reserve R22044. The Reserve is over Lot 12 Section 22 DP 758959, Lot 701 DP 1059521 and Lot 7029 DP 1112788.

#### **OFFICER'S RECOMMENDATION:**

##### **That Council:**

**Adopt the Plan of Management for the Old Power House Reserve - Crown Reserve R22044 pursuant to Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016.**

#### **BACKGROUND**

The Crown Land Management Act 2016 (CLM Act) came into effect on July 1, 2018 with a requirement that all councils appointed to manage Crown Land reserves manage such land as if it were public land under the Local Government Act 1993 (LG Act). R22044 is a Crown reserve that is managed as 'community' land under the LG Act and a Plan of Management (PoM) is required for all 'community' classified land.

R22044 was historically devolved to Council which meant that Council was responsible for the maintenance and care of the Reserve but were not in a position to manage or approve uses or buildings on the Reserve.

Section 39 of the LG Act requires that any draft PoM for a Crown Reserve, including the first Plan of Management prepared, is required to be referred to Department of Planning, Industry, and Environment – Crown Lands (the Minister) as the owner of the land, in draft form to seek the consent of the Minister.

A draft PoM was being prepared over R22044 in accordance with:

- The categorisations approved by the Minister (Park (part) and Natural Area Watercourse (part))
- The Reserve purpose which is for Public Recreation
- The CLM Act and published guidelines for drafting a PoM
- The Aboriginal Land Claim over Lot 12 Section 22 DP 758959

Our Community No. 1 Cont...

At the Ordinary Meeting of Council 28 September 2022 (Res 198/22) Council resolved to –

- (1) *Endorse the draft Plan of Management Old Power House Reserve – Crown Reserve R22044; and*
- (2) *Forward to the Crown Lands Minister for approval prior to the compulsory community consultation period.*

#### **REPORT:**

On 7 October 2022 the draft Plan of Management was referred to the Department of Planning and Environment – Crown Lands (the Minister) as the owner of the land, in draft form to seek consent of the Minister, with approval granted on the 19 December 2022 to progress to public exhibition, after minor amendments were made, for a period of 28 days allowing 42 days for the acceptance of submissions.

Accordingly, the documents were made available on Council's website on the 22<sup>nd</sup> December 2022 and submissions were accepted until 5pm Wednesday 8<sup>th</sup> February 2023.

A total of three (3) submissions were received and are included as attachments to this report. The following table summarises and addresses relevant issues raised as a result of the public exhibition.

| <b>Comment / Issue Raised</b>                                                                                                                                                                                                                                                                                                                                                                                               | <b>Staff Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| As I understand this reserve is categorised as Park and Natural Area (PoM Figure 2) and as such designated for passive recreational activities. I cannot see this reflected in this PoM which seems to accommodate the use for loud, physical activities and events. The grant funding which will cover the cost of this project is clear however there is no mention of how Council intends to manage it once constructed. | The guidelines for categorisation of land as Park under clause 104 of the Local Government (General) Regulation 2021 are if the land:<br>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.<br>Council currently manage and maintain this reserve. |
| A basic human right is to have access to safe, clean drinking water and we have not been able to provide this to our residents or tourists while they are in the main street, shopping or accessing services as the water fountain has not been working for several years. How are we going to manage this PoM?                                                                                                             | The drawings contained in the PoM are conceptual and subject to final detailed design. Water fountains are to be addressed in the detailed design.                                                                                                                                                                                                                                                                                                                                              |
| Pedestrian Crossings - the vicinity to the Coles shopping, multi-cinema complex, bowling arcade, cafes, childcare centre, medical centre, carpark and entry/exit driveway (DA 2021- 132) concerns me in regards to the safety of pedestrians on                                                                                                                                                                             | The drawings contained in the PoM are conceptual and subject to final detailed design.<br><br>The final design and location of pedestrian crossings have been endorsed and                                                                                                                                                                                                                                                                                                                      |

## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>skates or bikes who may not pay much attention to traffic when crossing. To note, several EV charging stations have been installed just inside the entry/exit recently, which seems to foresee an increase in EVs which do not omit any noise and, as such will cause increased danger to children and youth as they leave the Youth Precinct. Furthermore, there is no reference to a pedestrian crossing on the Miles Street side which is opposite the Catholic Church, and which is the street which children use when leaving St. Joseph's Primary School. There is a DDA footpath that leads to the corner of Crown and Miles Street where there is no pedestrian crossing or footpath along the perimeter.</p> | <p>approved by TfNSW and TSC Local Traffic Committee</p>                                                                                                                                                                                                                            |
| <p>Off street parking – Inadequate and there is no mention how this will be regulated?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Noted. The drawings contained in the PoM are conceptual and subject to final detailed design. Parking facilities will be designed and constructed in accordance with site and budget constraints.</p>                                                                            |
| <p>Intermediate to advanced pump tracks – I do not believe this can be considered passive recreation as it generates increase in volume of noise, aggressive sound and litter and pollution into the creek. A creek in which you can often find shopping trolleys, plastic and drink cans in now. I do not see it as appropriate to the land</p>                                                                                                                                                                                                                                                                                                                                                                         | <p>Noted.<br/>Guidelines for categorisation of land as Park under clause 104 of the Local Government (General) Regulation 2021.</p>                                                                                                                                                 |
| <p>Beginner asphalt – there is no mention on maintenance of the track due to wear and tear or how the debris from usage or weather damage will be managed. Thus one is to assume debris will end up in the grass, spread when mowing is done and end up in the creek. Is this the best we can do to protect our waterways?</p>                                                                                                                                                                                                                                                                                                                                                                                           | <p>Noted. The drawings contained in the PoM are conceptual and subject to final detailed design. Asphalt is mixture of bitumen with coarse and fine aggregates, generally used as a road surface – it is unlikely that non-motorised wheeled equipment will damage the surface.</p> |
| <p>Bench seats – please define your interpretation of 'strategic' as no image has been supplied? The latest ABS demographic figures illustrate that 10% of our population is aged between 5 and 14, while 56.6% is aged between 50 and 85. The 'strategic' seats I located on the PoM are all near bike tracks and I imagine there will be bike stands near them or will</p>                                                                                                                                                                                                                                                                                                                                             | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Park furniture facilities will be designed and constructed in accordance with site and budget constraints.</p>                                                                            |



## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>the bikes be lying on the ground? How do they fit in with the DDA? I was not able to locate any seating for those wanting peace and quiet to sit and enjoy the surroundings.</p> <p>Hangouts - again no image or specifications. How is this going to be managed if we cannot manage the other parks. Please note that Council has chosen to keep the Baby/child changing rooms in Jubilee Park closed to the public due to vandalism. There is no mention of how these 'hangouts' will be kept graffiti clean and what the 'hangouts' include. Furthermore, will they become a gathering place for the ever-increasing number of homeless people in our small town or for those partaking in alcohol or substance abuse? To note there is a bottle shop within 20 metres of this reserve and a further one 100 metres away. Will Council be able to ensure litter, rubbish and broken bottles will not end up detracting from citizens enjoyment of the park.</p> <p>New skate park - my only doubt here is the vicinity to vehicle parking and footpaths.</p> <p>Café - There is an existing Kiosk in Jubilee Park which in my 4 years living here has never been utilised. Wouldn't it make more economic sense to use this existing structure which is already part of Council's assets than create another asset. The above-mentioned Kiosk is near the beautiful rotunda and public facilities in Jubilee Park which features, BBQ facility, tables/chairs with rain cover, cycleway, rotunda, lighting, fitness track and exercise equipment, and an undercover playground.</p> <p>Active footpath spine - further information required. There is no mention of material to be used and how it will be managed. There is no supporting documentation in regard to or how it fits in with the DDA and the Tenterfield Shire Council Disability and Inclusion Policy.</p> | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Park furniture and rubbish facilities will be designed and constructed in accordance with site and budget constraints.</p> <p>The drawings contained in the PoM are conceptual and subject to final detailed design.</p> <p>The container café is a temporary fixture and future viability subject to measurable outcomes and is funded under the NSW Streets as Shared Spaces program.</p> <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Pedestrian facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>New culvert bridge – again no drawing or specs provided. What impact will the roofing area and concrete car parking area of DA 2021-132 have on the water flow into the Crown Street open discharge point? What specs were used to engineer the bridge? Council has already had disasters in the engineering and maintaining the bridge over the creek in proximity of the high school.</p>                            | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. There are no immediate plans to construct an additional crossing. The plan is to be viewed as a conceptual masterplan subject to future funding and approvals.</p>                                                                                                           |
| <p>Yarning circle – there are no shade trees at present which may be the reason why very few people use the park at present. There is no water fountain or rubbish bin and no mention of how it will be managed after flash flooding and heavy rain.</p>                                                                                                                                                                  | <p>The drawings contained in the PoM are conceptual and subject to final detailed design.</p>                                                                                                                                                                                                                                                                          |
| <p>Skills track – what material is to be used? How will the water and debris run off be managed? What is the environmental impact on the creek?</p>                                                                                                                                                                                                                                                                       | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Materials for construction will be selected in line with best practice and budget constraints</p>                                                                                                                                                                            |
| <p>DDA footpath – There is no existing shade at present and from the plan there is no evidence of shade along the footpath as there is no seating either. If I were pushing a wheelchair or a stroller, I would expect to be able to sit down and enjoy the space with the person I am accompanying. Furthermore, are the trees to be planted natives? What impact will future plantings have on footpath (tripping)?</p> | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Pedestrian facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p> <p>There is minimal clearing of existing trees planned for this site. A review of environmental factors has been prepared for the work.</p> |
| <p>Informal granite sand footpath – will this limit access to all users to the site? Are we restricting those with a disability or limited vision or movement only to the DDA footpath? Does this mean they will not be able to access or enjoy the tranquility of the creek?</p>                                                                                                                                         | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Pedestrian facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p>                                                                                                                                             |
| <p>Signage – insufficient. There are at least 5 entry points to the area. Will the DDA footpath identified in Appendix B of PoM Crown Reserve – R22044 give only limited access to the site?</p>                                                                                                                                                                                                                          | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Pedestrian facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p>                                                                                                                                             |

## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Solar light poles – no indication of where they will be positioned?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The drawings contained in the PoM are conceptual and subject to final detailed design.</p>                                             |
| <p>Basketball court, stage 2 – have conversations with the Parks and Garden Committee started? Why is it in this plan?</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Jubilee Park does not form part of this PoM</p> |
| <p>Drinking fountains – insufficient taking into consideration that this proposal is for active sport recreation in an open environment. How will Council maintain them if they cannot maintain the one in the main street, in front of Bruxner Park? If there are insufficient drinking fountains this will result in users buying drinks and the possibility of increased litter from overflowing bins which will end up in the creek or scattered around the park. Again, what management and costs are involved in the maintenance of this area?</p> | <p>See previous comment on drinking fountain.<br/>Council currently manages maintains this reserve.</p>                                   |
| <p>Rubbish Bins – insufficient which means a danger to the environment. There has been no bin allocated anywhere along the creek frontage, near one of the hangout hubs or yarning circle. To date Council has cut back on garden and park staff, what frequency will Council have the bins emptied?</p>                                                                                                                                                                                                                                                 | <p>Park furniture and rubbish facilities will be designed and constructed in accordance with site and budget constraints.</p>             |
| <p>Is Council intending on removing further services from residents to maintain this space as outlined in PoM Crown Reserve – R22044?</p>                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Council currently manages /maintains this reserve.</p>                                                                                 |
| <p>The current title - Old Power House Reserve (OPHR) – indicates this park is culturally significant and should be acknowledged and historically documented as such. The park is surrounded by listed heritage buildings – Church Hall in Scott Street, “Old Mill” house in Manners Street and the Jubilee Rotunda in the park opposite.</p>                                                                                                                                                                                                            | <p>Noted.</p>                                                                                                                             |
| <p>The Band Hall, located in the park and not shown on the Concept Design, is also listed as a Heritage Item Schedule 5. The Heritage Report, commissioned by Tenterfield Shire Council in 2019, recommends it remain in situ or be relocated nearby, noting its historic link to</p>                                                                                                                                                                                                                                                                    | <p>Noted.<br/>DP758959 Lot 11 does not form part of this PoM and is the subject of a separate Council resolution.</p>                     |

Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>the rotunda. A recent privately commissioned Heritage Report on the band hall has not been made public. The POM states ..... potentially Heritage listed band hall (further investigation required) p.17. Onsite meetings were held with school groups, the indigenous community and key stakeholders. Did they include the two community groups who were using the hall for many years? There is no need for a new café as the Band Hall can be modernised for a café, community meeting room and toilet on site. Its location on the ridge would provide an unobstructed and attractive view of the park, particularly if a surrounding deck is installed.</p> |                                                                                                                                                                                                      |
| <p>The existing skatepark is not labelled, instead its location is 7 Existing half court .....</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Noted.</p>                                                                                                                                                                                        |
| <p>Why is previously grant funded and expensive infrastructure (the skatepark and a section of bike path not shown on the Concept Design) to be demolished for this proposed design?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>At the August 2020 Ordinary Council Meeting Council identified the Tenterfield Skate Park Upgrade as a project to include in the initial application for the PSLP funding, Resolution 161/20.</p> |
| <p>The Tenterfield Local Environment Plan 2013 does not identify the OPHR as a significant item of Environmental Heritage. There is no reference to the reserve's trees in the POM, only grass vegetation. Maintained wetlands and flood ways are noted in 3.12 Management Actions and including/adding shade trees is vital for public recreation areas.</p>                                                                                                                                                                                                                                                                                                       | <p>Noted.</p>                                                                                                                                                                                        |
| <p>Once data has been collected by researchers, platypus may be listed as a threatened species. These creatures have been seen in different sections of Tenterfield Creek over the years. Ecologically sustainable development is important for this park (Biodiversity Conservation Act 2016).</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>Noted.</p>                                                                                                                                                                                        |
| <p>The first reference to Youth Precinct is on p.7 with no background or explanation as to the origin of this proposal and its source of funding. The NSW Public Spaces Legacy Program date for completion of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Noted.<br/>The drawings contained in the PoM are conceptual and subject to final detailed design. The facilities and landscaping will</p>                                                         |

Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>construction was December 2022. TSC nominated Jennings Park upgrade (finished) and the creation of a youth precinct in Tenterfield including construction of a new mountain bike trailhead. The Program website states funding is not for staff, maintenance, construction of organised sporting facilities, commercial operations. Other similarly funded councils proposed projects supporting green space, tree coverage, waterway and riparian corridor, biodiversity and fauna conservation, visual and landscape amenity, landscaping, passive recreation. All of these apply to the OPHR that is ripe for similar improvements. The Concept Design appears very busy with many paths too close together, many zig zags and some of the established trees appear under threat.</p> | <p>be designed and constructed in accordance with current standards and site and budget constraints.</p>                                                                                                                          |
| <p>The recently installed pedestrian crossing is very close to the narrow, busy Coles Supermarket car park entrance/exit. The accident risk is increased if the planned parking spaces opposite are located in close proximity to the crossing as shown on the map. There is space further north along Crown Street for car parking, currently used informally. The proposed Crown Street parking allocation appears inadequate considering Coles staff use the area at present.<br/>The anticipated increased vehicle traffic with the proposed development on the corner of Rouse, Crown and Miles Street must be safely accommodated.</p>                                                                                                                                                | <p>The drawings contained in the PoM are conceptual and subject to final detailed design.<br/>The final design and location of pedestrian crossings have been endorsed and approved by TfNSW and TSC Local Traffic Committee.</p> |
| <p>The Aboriginal Land Claim for Lot 12 is still pending.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>As noted in the PoM.</p>                                                                                                                                                                                                       |
| <p>Council’s Resourcing Strategy – are there sufficient financial and human resources to provide services and infrastructure assets for this proposed development?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Council currently manage and maintain this reserve</p>                                                                                                                                                                         |
| <p>Public recreation in a Park and Natural Area-Watercourse – how will material harm be identified, monitored and remedied?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Environmental impacts will be managed in accordance with internal procedures and protocols and the review of environmental factors</p>                                                                                         |

## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Important heritage and tourism value in historic information signs for the Band Hall and the site of the Old Power House.</p>                                                                                                                                                                                                                                                                             | <p>Noted.</p>                                                                                                                                                                                                                                                                                                   |
| <p>The optimistic request for Community Assistance from this lower socio-economic Shire will be a challenge for new and existing facilities.</p>                                                                                                                                                                                                                                                             | <p>Noted.</p>                                                                                                                                                                                                                                                                                                   |
| <p>Tenterfield Local Strategic Planning Statement 2040, issued 2020, states projected population in 2041 will be approximately 5,450 with 47% over 60. Facilities to include the needs of the increasing older demographic will be worthwhile. Peaceful enjoyment, casual playing and passive recreational pursuits would be popular in a carefully landscaped and managed park with shade, seating etc.</p> | <p>Noted.</p>                                                                                                                                                                                                                                                                                                   |
| <p>Last year's State of the Environment Report is relevant to this Crown Reserve.</p>                                                                                                                                                                                                                                                                                                                        | <p>Noted.</p>                                                                                                                                                                                                                                                                                                   |
| <p>The environmental impacts of the proposed facilities – hard wearing and safe footpath and track surfaces. The granitic sand footpaths (15) are erodible and impractical. Two rubbish bins are inadequate for the area, dog waste bag dispensers may be necessary.</p>                                                                                                                                     | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Park furniture and rubbish facilities will be designed and constructed in accordance with site and budget constraints.</p>                                                                                            |
| <p>A basketball court is planned as part of Stage 2 works in Jubilee Park. Its proximity to the nearby children's playground is not made clear. What else is proposed and where is the plan and funding?</p>                                                                                                                                                                                                 | <p>The drawings contained in the PoM are conceptual and subject to final detailed design. Jubilee Park does not form part of this PoM. The plan is to be viewed as a conceptual masterplan subject to future funding and approvals. Funding is proposed under the NSW Stronger Country Communities Fund R5.</p> |
| <p>The swale requires cleaning up to and beyond Crown Street with subsequent appropriate restoration/environmental work.</p>                                                                                                                                                                                                                                                                                 | <p>Noted.</p>                                                                                                                                                                                                                                                                                                   |
| <p>Is there a reason why neither the relevant TSC agenda report nor the updated POM have excluded the financial consequences of TSC taking management responsibility for this Crown Reserve owned by the State?</p>                                                                                                                                                                                          | <p>R22044 was historically devolved to Council which meant that Council was responsible for the maintenance and care of the Reserve but were not in a position to manage or approve uses or buildings on the Reserve.</p>                                                                                       |

## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>If staff, consider there is significant risk continuing to manage property for which Council had no ownership (being Crown Land) why was there no comment in the relevant agendas or the POM about the risk associated with taking full management responsibility for the Reserve?</p> | <p>Council resolved to apply to be appointed as the Crown Land Manager at the meeting held on 19 May 2021. <i>Resolution 104/21</i></p>                                                                                                                                                                                                                                                                                                                           |
| <p>How much has accepting this responsibility from the State cost TSC by year, including consultants, preparing &amp; getting approval for documents, staff time etc.?</p>                                                                                                                | <p>Council was appointed Crown Land Manager of the reserve from 18 June 2021 under Crown Land Management Act 2016 (CLM Act). Where a Council is appointed as the Crown land Manager under the CLM Act, the Crown Land is to be managed as it would under the Local Government Act 1993 (LGA). Under the LG Act, a plan of management (POM) must be adopted by council for all community land.</p>                                                                 |
| <p>What specific budgets and integrated Planning &amp; reporting inclusions are included for this "Old Powerhouse Reserve".</p>                                                                                                                                                           | <p>The reserve is included in Property, Parks, Gardens and Open Space Budgets</p>                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Does this (&amp; other documents) presume that as the State is the 'owner' and TSC is the Crown Land Manager, that TSC avoids expenses such as depreciation and avoids potential 'failing financial ratios'?</p>                                                                       | <p>Council is the owner of the assets it installs upon the reserve</p>                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>The report suggests this POM complies with all state legislative requirements. Is this correct? E.g. Capital expenditure guidelines?</p>                                                                                                                                               | <p>The PoM complies with relevant legislative CLM and LG Act requirements</p>                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>What is the total cost to TSC of the multiple Crown Land Management sites TSC has taken responsibility for &amp; what 'share' of TSC mandatory rates &amp; charges does it represent?</p>                                                                                              | <p>The Crown Land Management Act 2016 vested land under Council management via the legislation. The cost of management is distributed across the Property Service and Parks and Gardens for management and maintenance of the land however costing is not available by land type at this time. The budget for both services is contained in the Operational Plan and is evidence of the growing legislative burden on community to manage the land portfolio.</p> |
| <p>What \$ information over the 10 year long term financial plan (including cash flow) were Councillors provided (in which public documents) prior to any resolution supporting this seemingly significant activity?</p>                                                                  | <p>At the August 2020 Ordinary Council Meeting Council identified the Tenterfield Skate Park Upgrade as a project to include in the initial application for the PSLP funding, Resolution 161/20, Councillors are provided financial</p>                                                                                                                                                                                                                           |

## Our Community No. 1 Cont...

|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Did Councillors realise their agreement may result in TSC's approx. 5,000 ratepayers being forced to accept financial responsibility when it should remain as a State liability?</p> <p>What lease, licence for any community purpose is TSC administration likely to be considering and who will pay the related expenses?</p> | <p>information at scheduled workshops and in Council business papers</p> <p>Council is bound by legislation and has the responsibility for land as per the Crown Land Management Act 2016. The grant could have been applied for on a different parcel with the same operating costs of the upgrades.</p> <p>No lease or license has been resolved by Council at this time.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**COUNCIL IMPLICATIONS:****1. Community Engagement / Communication (per engagement strategy)**

The documents were made available on Council's website on the 22nd December 2022 and submissions were accepted until 5pm Wednesday 8th February 2023. Appropriate advertising was undertaken.

Community Consultation has been undertaken and taken into consideration in the preparation of the draft PoM. Three (3) onsite meetings were held with school groups, key stakeholders, and the indigenous community. School students also participated in a survey to identify what features they would like to see in the precinct.

**2. Policy and Regulation**

- Local Government Act 1993 (NSW)
- Local Government Act 1993 (NSW)
- Local Government Regulation 2021 (NSW)
- Crown Land Management Act 2016 (NSW)
- Aboriginal land Rights Act 1983 (NSW)
- Native Title Act 1993 (CTH)

**3. Financial (Annual Budget & LTFP)**

There will be costs involved with reviewing the Plan not more than every 10 years. These costs would not exceed the appropriate planning required in managing Council assets.

There will also be operational costs associated with the management of infrastructure and garden areas in the reserve as Council is the Crown Land Manager. However, Council historically and currently maintains this reserve

The most significant change will be infrastructure depreciation and a minor increase in maintenance.



Our Community No. 1 Cont...

#### **4. Asset Management (AMS)**

Given that Council already manages the lands and the activities carried out thereon the most significant change will be infrastructure depreciation and a minor increase in maintenance.

#### **5. Workforce (WMS)**

Nil change.

#### **6. Legal and Risk Management**

There are significant risks involved in continuing to manage the reserve without an approved PoM in place.

In accordance with the Crown Land Management Act 2016 and Local Government Act 1993, Council will be required to manage the reserve in accordance with the approved POM and the reserve purpose which is Public Recreation.

The Aboriginal Land Claim over Lot 12 Section 22 DP 758959 needs to be recognized and managed appropriately.

#### **7. Performance Measures**

Plan of Management are to be reviewed regularly but not more than every 10 years.

#### **8. Project Management**

Nil.

### **Daryl Buckingham Chief Executive**

|                               |                                                                             |          |
|-------------------------------|-----------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Fiona Keneally, Director Infrastructure.                                    |          |
| Approved/Reviewed by Manager: | Daryl Buckingham, Chief Executive                                           |          |
| Department:                   | Engineering Department                                                      |          |
| Attachments:                  | <b>1</b> PoM - Old Power House Reserve - Tenterfield.pdf                    | 34 Pages |
|                               | <b>2</b> Letter of Consent to exhibit and adopt PoM Old Power House Reserve | 2 Pages  |
|                               | <b>3</b> Submission - G Saccon PoM                                          | 4 Pages  |
|                               | <b>4</b> Submission J IOs PoM                                               | 3 Pages  |
|                               | <b>5</b> Submission C Jaque PoM                                             | 2 Pages  |