



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

ADDENDUM ITEMS FOR ORDINARY COUNCIL MEETING 22 MARCH 2023

Notice is hereby given pursuant to Clause 7(1) of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room", Administration Building, 247 Rouse St, Tenterfield, on **Wednesday 22 March 2023** commencing at **9.30 am**.

Daryl Buckingham
Chief Executive

AGENDA

10. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

(ITEM GOV15/23) PROPOSED BORROWINGS 2022-23 FINANCIAL YEAR..... 2

(ITEM COM3/23) CROWN LANDS PLAN OF MANAGEMENT RESERVE 57957
- JUBILEE PARK 5

CONFIDENTIAL

(ITEM ECO4/23) SALE OF COUNCIL - OWNED LAND - "BENDALL'S" 8933
NEW ENGLAND HIGHWAY, TENTERFIELD.

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Department:	Office of the Chief Corporate Officer
Submitted by:	Roy Jones, Manager Finance & Technology
Reference:	ITEM GOV15/23
Subject:	PROPOSED BORROWINGS 2022-23 FINANCIAL YEAR

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is to present to Council the quotations received from three financial institutions with fixed term loan indicative interest rates, for the 2022/2023 proposed borrowings totaling \$3,100,000 to fund capital expenditure.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Approves a loan of \$3,100,000 for Transport Infrastructure (and supportive plant items) with the most competitive financial institution (quotations are indicative interest rates subject to change and will be tabled at the meeting).**
- (2) That Council notify the Office of Local Government when the above loans are obtained.**

BACKGROUND

The adopted Operational Plan and Budget for 2022/2023 allowed for borrowings totaling \$3,100,000 to fund capital expenditure which included:

Transport Network	\$3,100,000	Transport Infrastructure
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This was reported on Council's 2022/2023 Proposed Borrowings return to the Office of Local Government.

REPORT:

In order to fund the capital works program for 2022/2023, it is necessary to obtain loan funding for the Transport Network which will be repaid from the General fund.

Council has contacted three financial institutions (NAB, CBA and ANZ) to obtain indicative interest rates on a fixed interest rate loan for periods of 10, 15 and 20 years in order to determine the best option for Council.

Considering the current economic conditions domestically and internationally which are key driving forces for commercial interest rate borrowing

Our Governance No. 15 Cont...

At the time of writing this report, these quotations have not yet been received from ANZ and these will be tabled at the meeting if provided.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Council's original loan borrowings were incorporated into the draft Operational Plan and Budget for 2022/2023 that went out for public consultation, prior to the adoption of the final Operational Plan and Budget for 2022/2023 in May 2022.

No additional consultation is required.

2. Policy and Regulation

Council's borrowing is regulated by both the Local Government Act, Borrowing Guidelines issued by the Office of Local Government and Council's Borrowing Policy.

3. Financial (Annual Budget & LTFP)

The impact on Council's finances will be the difference in the final interest rate obtained for the new loans in comparison to the estimated rate of 6.00% used for planning purposes when the Operational Plan was adopted in May 2022.

4. Asset Management (AMS)

All of the infrastructure funded by the loan amount is required to meet Council's Asset requirements.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Roy Jones, Manager Finance & Technology
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	1 Indicative Quotes for Loans Borrowing

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Report Attachment - Loans Borrowing for 2022-23 Indicative Quotes

Long Term Fixed Term Loan

Institution	Duration		
	10 Years	15 Years	20 Years
Commonwealth Bank (CBA)	5.40%	5.55%	5.62%
National Australia Bank (NAB)	6.37%	6.54%	6.67%
Australia and New Zealand Banking (ANZ)	6.19%	6.56%	6.95%

Institution	Duration		
	10 Years	15 Years	20 Years
Commonwealth Bank (CBA)	5.40%	5.55%	5.62%
Semi Annual Repayments	\$ 202,667.29	\$ 153,633.61	\$ 130,067.50

Institution	Duration		
	10 Years	15 Years	20 Years
National Australia Bank (NAB)	6.37%	6.54%	6.67%
Semi Annual Repayments	\$ 212,040.63	\$ 163,817.48	\$ 141,559.36

Institution	Duration		
	10 Years	15 Years	20 Years
Australia and New Zealand Banking (ANZ)	6.19%	6.56%	6.95%
Semi Annual Repayments	\$ 210,203.13	\$ 163,937.44	\$ 144,602.15

Ability to Renogiate Loan Terms after 2 and 5 years- Loan Duration 20 Years

Institution	Duration	
	2 Years	5 Years
Commonwealth Bank (CBA)	4.58%	4.92%
National Australia Bank (NAB)	6.09%	6.30%
Australia and New Zealand Banking (ANZ)	Not Provided	Not Provided

Institution	Duration	
	2 Years	5 Years
Commonwealth Bank (CBA)	4.58%	4.92%
Semi Annual Repayments	\$ 138,472.41	\$ 134,545.81

Institution	Duration	
	2 Years	5 Years
National Australia Bank (NAB) *	6.09%	6.30%
Semi Annual Repayments	\$ 141,559.36	\$ 141,559.36

Institution	Duration	
	2 Years	5 Years
Australia and New Zealand Banking (ANZ)	Not Provided	Not Provided
Semi Annual Repayments	Not Provided	Not Provided

* Please note that National Australia Bank are unable to predict floating rate after 5,10 and 15 years. Therefore, the institution uses the maximum Principal and Interest repayment over 20 year fixed - regardless of length of loan fixed term (i.e 2 or 5 years)

Department:	Engineering Department
Submitted by:	Jessica Gibbins, Engineering Officer (Technical Support) P/T
Reference:	ITEM COM3/23
Subject:	CROWN LANDS PLAN OF MANAGEMENT RESERVE 57957 - JUBILEE PARK

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

SUMMARY

The purpose of this report is for Council to consider a draft Plan of Management (PoM) for Crown Land described as Jubilee Park Reserve R57957. The Reserve is over Lot 1 Section 28 DP 758959 and Lot 7320 DP 1143501.

The Reserve is classified as Community Land. The Reserve purpose is for Public Recreation. In accordance with the enactment of the Crown Land Management Act 2016, Council is required to generate a Plan of Management (PoM) for the Reserve which is Crown Land.

OFFICER'S RECOMMENDATION:**That Council:**

- (1) Endorse the draft Plan of Management Jubilee Park – Crown Reserve R57957; and**
- (2) Forward the draft Plan of Management to the Crown Lands Minister for approval prior to the compulsory community consultation period.**

BACKGROUND

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018, introducing legislation to govern the management of Crown land in NSW, which facilitated the passing of management of some Crown Land Reserves to Councils.

Council is the Crown Land Manager for R57957.

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). All activities on the Reserve must be consistent with the Reserve purpose and Native Title Act 1993 (Cth) (NT Act) and Council must obtain Native Title Manager advice for any future act contained in, and authorised by, the adopted PoM.

A PoM also requires Minister's consent prior to adoption by Council under the CLM Act. This requirement was brought about by the Crown Land Management Amendment (Plan of Management) Regulation 2021, which came into effect on 4 June 2021.

Our Community No. 3 Cont...

Under Section 36 of the Local Government Act 1993, reserves classified as Community Land must be further categorised as one or more of the following:

- (a) a natural area;
- (b) a sportsground;
- (c) a park;
- (d) an area of cultural significance;
- (e) general community use.

Further, under section 3.23 of the CLM Act, Crown Land reserves managed by Council are required to be categorised into one or more of the following categories according to their purpose:

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

On 3rd April 2020, advice was received from a delegate of the Minister for Water, Property and Housing confirming that Council had assigned a category that most closely aligns with the purpose and land use characteristics of the Crown Reserve under Sections 36G and 36M of the LG Act which was 'Park'.

It is recommended that Council request the Minister to recategorise the Reserve to include 'Natural Area Watercourse' (part) and 'Sportsground' (part). This will closely align the categories with the Reserve purpose and land use characteristics. This should form part of the PoM.

REPORT:

As introduced in the background section of this report the next step is for Council to approve a PoM for the Reserve and then submit the PoM to the Minister for approval.

A draft PoM has been prepared over R57957 and is annexed. Refer to Attachment 1.

The draft PoM has been prepared in accordance with:

- The original categorisation approved by the Minister (Park)
- The reserve purpose which is for Public Recreation
- The CLM Act and published guidelines for drafting a PoM

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.

The public exhibition requirements of the section 38 of the LG Act, are required to be undertaken by Council after the draft PoM has been submitted to the Minister and approved by the Minister but prior to adoption.

Our Community No. 3 Cont...

If the Council is required to make any changes to the draft PoM under direction of the Minister, these changes must be reflected in the version of the draft PoM on which public consultation is undertaken.

If the public exhibition process results in substantive changes to the draft PoM, it will need to be resubmitted to the Minister prior to final adoption.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Community Consultation was undertaken for the Youth Precinct project at the adjacent Old Power House Reserve and taken into consideration in the preparation of this 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 – a basketball court rated highly, however was not funded through the NSW Public Spaces Legacy Program. Council has since received funding through the NSW Stronger Country Communities Fund (R5) to provide for a basketball court as Stage 2 of the Youth Precinct Project.

Once the draft plans have been approved by the Minister for Crown lands, they must be placed on public exhibition for not less than 28 days, and allow for submissions to be made to Council for a period of not less than 42 days after the date they were placed on public exhibition.

2. Policy and Regulation

- 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 Plans not more than every 10 years.

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.

As Native Title has not been extinguished, it is possible that a claim for compensation may be made in the future after construction is complete. Compensation is payable in accordance with Division 5 NT Act (Cwlth) by the Crown in the right of the state if the act is attributable to the state.

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 increase in maintenance.

5. Workforce (WMS)

Ongoing maintenance of existing and new infrastructure.

Our Community No. 3 Cont...

6. Legal and Risk Management

Council being the Crown Land Manager together with the process behind classification/categorisation and approval of PoM's, provides a sound framework for Council to make future decisions and therefore mitigate risk.

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.

In the absence of an approved PoM no future construction works can commence.

Native Title has not been extinguished. A Native Title Manager's report to validate the proposed uses/acts within the PoM will need to be completed prior to submitting the draft to the Minister and before acts can take place.

7. Performance Measures

Having an approved PoM will allow Council to act more quickly to approve/support future community infrastructure development and utility of the Reserves by Council.

Plans will need to be reviewed regularly not more than every 10 years.

8. Project Management

Council has received NSW funding for the Youth Precinct to include the following:

- Installation of a public outdoor basketball court;
- Renovation of the existing amenities block for the public to access facilities and improve connectivity of walking and cycling options;
- Widening of the exiting footpath and create new footpaths to the existing amenity block for the public to access the facilities and to improve connectivity of walking and cycling options; and
- Installation of a range of park furniture and open space amenities.

Approval of the PoM for this Reserve is crucial prior to any construction works can commence.

Fiona Keneally
Director Infrastructure

Prepared by staff member:	Jessica Gibbins, Engineering Officer (Technical Support) P/T
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department
Attachments:	1 DRAFT Plan of Management - Jubilee Park Tenterfield
	37 Pages



Plan of Management

**Jubilee Park
Manners Street, Tenterfield**

Version 1.0 – March 2023



Plan of Management

Document Version History & Approvals

Version No.	Description	Edited/Approved by	Date
0.1	Draft PoM prepared	Latsyrc	15/01/2023
0.2	Reviewed by TSC and comments provided	TSC	20/03/2023
0.3	Draft updated following TSC feedback	Latsyrc	20/03/2023
1.0	Final copy for Council consideration	Latsyrc/TSC	21/03/2023

Note: This report was prepared by Latsyrc Project Management in conjunction with Tenterfield Shire Council

DRAFT



Plan of Management

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Executive Summary

Tenterfield Shire Council resolved to endorse the draft Plan of Management (PoM), for Crown Reserve R57957, Manners Street, Tenterfield and submit to Crown Lands for approval. The Crown reserve will be referred to as Jubilee Park in this Plan.

The purpose of this Plan is to provide Council with a framework that enables decisions regarding Jubilee Park, to be made on a consistent and equitable basis. The Plan meets all the requirements of the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act) as amended and Local Government (General) Regulation 2021.

Jubilee Park is owned by the NSW State Government (the Crown) and is managed by Tenterfield Shire Council as Crown Land Manager, under the CLM Act. Jubilee Park shares a boundary with the Tenterfield High School & Petherick Park and is surrounded by Manners Street, Link Street and Whereat Lane on the other three sides. This Plan replaces the existing plan of management, previously adopted by Council for the land. It should be read in conjunction with any plan of management that applies to the remainder of Jubilee Park.

Acknowledgement of Country

Tenterfield Shire Council would like to acknowledge the traditional custodians of this land and would also like to pay respect to the elders past, present and emerging of the Jukemba, Kamilaroi and Bundjalung nations and extend that respect to other aboriginal people.



Part 1: General Information

1. Introduction

The *Crown Land Management Act 2016* (CLM Act) commenced on 1 July 2018, introducing legislation to govern the management of Crown land in NSW. Councils will now manage their Crown reserved land as if it were public land under the *Local Government Act 1993* (LG Act).

Most of this land is expected to be 'community land' under the LG Act, meaning that Councils will be required to have plans of management in place for the land. Jubilee Park is a Crown reserve and is classified as community land under the LG Act. Therefore, this Plan of Management (the Plan) has been prepared to comply with the legislation.

1.1. What is a Plan of Management for Community Land

A Plan of Management (PoM) is a document that guides the management of a particular category, or specific areas, of community land that are directly owned by Council, or under the care and management of Council.

Plans of Management may take either of two forms:

1. GENERIC – covering a number of sites where attributes remain the same; or,
2. SPECIFIC – covering a unique site where management issues are more complex and may require site specific planning targets.

This Plan is a SPECIFIC PLAN covering the Jubilee Park site under the community land category of PARK, SPORTSGROUND and NATURAL AREA - WATERCOURSE.

This Plan has a role in assisting the community to gain a better understanding of the complex day-to-day management Council undertakes for its public lands, which can take the form of routine management and maintenance; design and construction of new facilities; and the management of sensitive areas.

1.2. Corporate objectives

The purpose of this Plan is to provide Council with a framework that enables decisions, with regards to Jubilee Park, to be made in a consistent and equitable basis. The Plan meets all the requirements of the CLM Act and LG Act, as amended.

Council's vision for Jubilee Park recognises the long-term use of the site, as socially, culturally, and physically enhancing the community. The site will be managed and maintained according to the categorisations of Park, Sportsground and Natural Area – Watercourse as detailed in this Plan.

The Plan is influenced by the core management objectives within the Tenterfield *Parks and Sportsgrounds Plan of Management*. These are:

1. To encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities; and,
2. To provide for passive recreational activities or pastimes and for the casual playing of games; and,



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3. 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 Plan is also written to reflect each of Council's core values: Integrity – Community focus – Accountability – Respect – Excellence.

Further information about the legislative context of Crown Reserve Plans of Management can be found in Appendix A of this document.

1.3. Review of this plan

Council reviews plans of management as required. Reviewing the Plan is the only way to change the land category, nature, and use of the land.

1.4. Community consultation

Tenterfield Shire Council recognises community participation is an integral aspect of planning and is committed to providing opportunities for the community to be involved in the planning system.

This Plan is required to be placed on public exhibition for a period of 28 days in accordance with the LG Act. The public exhibition will provide opportunity for the community to provide feedback via submissions.



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2. Land Description

2.1. Land to which this Plan applies

This Plan applies to part of Jubilee Park situated on Crown reserve R57957, Manners Street, Tenterfield. The reserve information is detailed below in Table 1.

Table 1: Reserve information

Reserve number	R57957
Gazetted date	1 May 1925
Reserve purpose	Public Recreation
Land parcel/s	Lot 1 Sec. 28 DP 758959 Lot 7320 DP 1143501
Area (sqm)	22,202.67
LEP 2013 zoning	RU5 – Village
Assigned category/categories	Park Sportsground Natural Area – Watercourse

See Figure 1 below for land to which this Plan applies.



Figure 1: Land to which this Plan applies (Jubilee Park)



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2.2. Owner of the land

Jubilee Park is owned by the NSW State Government (the Crown) and is managed by Tenterfield Shire Council as Crown Land Manager, under the CLM Act. There are restrictions on transfer and management of Crown land under section 2.12 and 3.22 of the CLM Act.

2.3. Categorisation of the reserve

Under section 3.23 of the CLM Act, Crown land reserves managed by Council are required to be categorised into one or more of the following categories according to their purpose:

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

In accordance with advice from the Department of Planning, Industry and Environment – Crown Lands, the guidelines set out in the *Local Government (General) Regulation 2021*, and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) Jubilee Park is categorised as:

- Park

With the below categories to be added:

- Sportsground
- Natural Area – Watercourse

Council currently manages and will continue to manage the reserve in a way that allows the public to utilise the site as for the purpose which is outlined in the core objectives of Park, Sportsground and Natural Area – Watercourse. See Figure 2 for categorisation of the Reserve.



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Figure 2: Categorisation of the Reserve

2.4. Zoning of the reserve

Jubilee Park is zoned as RU5 Village under the *Tenterfield Local Environmental Plan 2013 (LEP)*. The reserve adjoins other lands zoned RU5 Village. Land zones are shown in Figure 3 below.



Figure 3: Land Zones



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The objectives of the RU5 - Village zone in the LEP include:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To enable development of a scale that is compatible with the general residential character of village areas and that will not prejudice the viability of established shopping and commercial centres.

Refer to the LEP for permissible uses in the RU5 - Village zone and other attributes present on the site.

2.5. Land comprising the habitat of endangered or threatened species

A SEED search (www.geo.seed.nsw.gov.au) and an eSPADE search (www.environment.nsw.gov.au/eSpade2Webapp) were conducted on 17/01/2023. Under the *Biodiversity Conservation Act 2016* (BC Act) no known records of endangered ecological communities on the site were identified.

Threatened species identified under the BC Act in the reserve include (see Figure 4):

- Southern Purple Spotted Gudgeon – Tenterfield Creek



Figure 4: Identified threatened species (search conducted 17/01/2023)

2.6. Land containing significant natural features

The site has not been identified under Section 36C of the LG Act, with regards to significant natural features.

2.7. Culturally significant land

Under Section 36D of the LG Act, the reserve has not been identified as an Area of Cultural Significance.



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Aboriginal Significance

At the time the plan was made, no identified items of cultural heritage significance, known Aboriginal archaeological sites, or places of specific Aboriginal heritage significance were located within the reserve. Nevertheless, any works proposed should ensure consistency with the *Tenterfield LGA Aboriginal Heritage Study (2013)*.

Non-Aboriginal Significance

The Jubilee Rotunda located in Jubilee Park is listed as a locally significant item of Environmental Heritage under *Tenterfield Local Environmental Plan 2013 (LEP)*. The heritage listing for the Jubilee Rotunda is LEP# I055.

Any works proposed should ensure consistency with Chapter 7 – Development and Heritage Conservation in the Tenterfield Shire Council Development Control Plan 2014.



Figure 5: Jubilee Rotunda, Jubilee Park Tenterfield

The Jubilee Rotunda has a unique and elegant circular classical architectural design and the only such example in Tenterfield. It is historically, socially and aesthetically significant, demonstrating the social and cultural development of the township and district. It holds associations to the various former Tenterfield Brass Bands and the Caledonian Pipe Bands which were an intrinsic element of the Tenterfield society and demonstrates an aspect of recreation in Tenterfield particularly prior to electronic forms of entertainment. The Rotunda has aesthetic significance as a landmark element within Jubilee Park and retains a high degree of original fabric which is carefully conserved. It also enjoys a particularly lovely setting in spacious parkland surrounded by mature specimens of deciduous trees and proximity to Tenterfield Creek. The Rotunda is of high social significance to the community of Tenterfield as a part of a formal parkland meeting place and a place for entertainment and is rare locally.



3. Development and Use

3.1. Overview

Council's Resourcing Strategy ensures sufficient financial and human resources exist to provide services and infrastructure assets expected by the community. The Long-Term Financial Plan, Asset Management Strategy, and Workforce Management Plan contained within the strategy address strategies and actions contained within the Community Plan. These strategies and actions are then implemented through the Delivery Program and Operational Plan. The Resourcing Strategy ensures Council has an ongoing commitment to the maintenance of this reserve.

3.2. Condition of the land and structures on adoption of the Plan

Council's Asset Management Plan reports on the current state of Council assets. Asset conditions are assessed as part of comprehensive network inspections. These assessments are undertaken in accordance with the Institute of Public Works Engineering Australasia Practice Notes.

At the date of adoption of this Plan, assets identified on the site and their current condition include:

- Footpath – varying condition
- Signs – good condition
- Fencing – fair condition
- Playground – good condition
- Rotunda – good condition
- Amenities block – fair condition

Vegetation consists of mowed exotic parkland grasses and is in good condition.

3.3. Use of the land and structures as at the date of adoption of the Plan

Jubilee Park's use is to be Park, Sportsground and Natural Area – Watercourse, shared-use pathway used by pedestrians and cyclists, playground, amenities block and rotunda.

See Appendix C for current leases and licences on the site.

3.4. Permitted use

The purpose of Jubilee Park is for public recreation, the assigned categories are Park, Sportsground and Natural Area – Watercourse. These purposes and categories align with the reserve's past and current use and corporate objectives. Refer to the LEP for permissible uses in the RU5 – Village zone and other attributes present on the site. At the time of this report no permitted use were identified; however, contractors should exercise due diligence before commencing any development works.



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3.5. Further development

Further development may be considered along with maintenance of existing infrastructure if it is consistent with the categories and purpose for the reserve and relevant legislation such as the LG Act, *Native Title Act 1993*, and the CLM Act.

The general types of uses which may occur on community land categorised as Park, Sportsground and Natural Area – Watercourse, and the forms of development generally associated with those uses, are set out in tables in Sections 5 & 6 of this Plan.

Currently there is a concept design for a basketball court in the Reserve (Appendix B). This concept design will be updated once final design plans are received.

3.6. Scale and intensity

Jubilee Park's current use is Park with Sportsground and Natural Area – Watercourse to be added, shared-use pathway used by pedestrians and cyclists, playground, amenities and rotunda. The intensity with which this reserve is used is dependent on varying factors such as weather, day of the week and holidays. The reserve will be used in future for public recreation, with public right of access to all outdoor areas.

3.7. Leases, Licences & other Estates

This Plan expressly authorises leasing, licensing, or granting of any other estate over this reserve for any community purpose as determined by Council. Any agreement which may be entered into will be in accordance with relevant section of the LG Act (s. 46 and 47) and in consideration of native title implications for Crown land.

This Plan expressly authorises the issue of leases, licences, and other estates over the reserve, provided that:

- The purpose is consistent with the reserve purpose of the land.
- The purpose is consistent with the core objectives for the category of the land.
- The lease, licence or other estate is for a permitted purpose listed in the LG Act or the *Local Government (General) Regulation 2021*.
- The issue of the lease, licence or other estate and the provisions of the lease, licence or other estate for Crown land can be validated by the provisions of the *Native Title Act 1993*.
- Where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- The lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the *Local Government (General) Regulation 2021*.
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- Council Crown Land Managers have obtained written advice from a qualified Native Title Manager that any proposed lease or licence arrangements comply with any applicable provisions of the *Native Title Act 1993* for Crown land.

Tables in the relevant category sections of this Plan further identify the purposes for which leases and licences may be issued over the reserve.



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3.8. Short term Casual Purposes

Subject to Council approval, the following short term casual purposes may be allowed if considered appropriate:

- a) sporting fixtures and events
- b) sports and fitness training and classes
- c) broadcasting or filming of sporting fixtures
- d) ancillary ceremonies (e.g. rehearsal of opening and closing ceremonies, cheer squads, etc)
- e) uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (e.g. "guest" events for juniors; gala days; club meetings).

3.9. Signs

Council uses signs to regulate the activities carried out on community land and to provide educational information. All Council signs erected under Part 9 of the CLM Act, plus reserve name signs and traffic and safety signs, are permissible. Council must approve all other signs, including design before erection. All signs must be sympathetic to their environment in their design, construction, and location.

3.10. Easements

Council reserves the right to grant easements as required for utilities and access.

3.11. Alcohol

Council can declare the area an alcohol-free zone under Chapter 16, Part 4 – Street Drinking (s.642-648) of the LG Act.

3.12. Management actions

Management actions must be consistent with those outlined in this Plan. Council shall provide (when required) the construction and maintenance of utility services, provision and maintenance of wetlands, flood ways, cycle ways, vehicular access ways and the granting of easements.

3.13. Fees and charges

Council fees and charges may apply for specific uses of the reserve, these are outlined in Council's Fees and Charges Schedule. Applications must be lodged with Council for reserve hire.



4. Additional matters

4.1. Definitions

The terms used within this Plan are to be understood as they are presented in the LG Act. For terms which require further definition, please see the *Interpretations Act 1987*.

4.2. Native Title Assessment

The CLM Act provides new direction for the management of Crown Land and Council is now responsible for compliance with Native Title legislation for the Crown land that it manages.

Council is required to undertake steps to identify if any activities that they do, or do not allow on Crown land, will have native title implications, what provisions of the *Native Title Act 1993* will validate the activity and what procedures should be taken in relation to a particular activity prior to its commencement.

Council must receive written advice from its Native Title Manager in relation to certain activities and acts it intends to carry out on Crown land.

Where a plan of management covers both Crown and Council owned land, native title assessment and advice for any activity is only required for the Crown land portion of the reserve.

See Appendix D for more information regarding Aboriginal Interests in Crown Land.

4.3. Community assistance

Council will encourage, where appropriate, community assistance in the development of new facilities as well as maintenance of existing facilities through the co-operation and assistance of local groups.



Part 2: Detailed Information Regarding Categories of Land

5. Category: Park

5.1. Introduction

Lot 1 and Lot 7320 of Jubilee Park are categorised as Park.

The guidelines for categorisation of land as Park under clause 104 of the *Local Government (General) Regulation 2021* are 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.

This reserve contains a shared-use pathway and mowed grass. It is therefore categorised as Park.

The core objectives for the management of land categorised as Park are:

- To encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and
- To provide for passive recreational activities or pastimes and for the casual playing of games, and
- To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

5.2. Key issues

The key issues associated with the land categorised as Park within Jubilee Park include but are not limited to:

Linkages to Other Land

The Crown reserve incorporates sections of the shared use pathway linking through to the Old Power House Reserve from Jubilee Park.

Threatened Fauna

Ensure threatened fauna are protected and mitigate impact by the community.

Threatened species identified on the site include:

- Southern Purple Spotted Gudgeon – Tenterfield Creek

5.3. Development and use

The current use of the land categorised as Park within Jubilee Park is public recreation, with pedestrian access and cyclists utilising the shared-use pathway, playground, amenities and rotunda.

Developments and uses on the reserve must be consistent and permissible under the LEP and State Environmental Planning Policies (SEPPs) applicable to this site. These activities or developments must also be consistent with the land categorisation and reserve purpose.

Council approval may be required prior to any development or improvement made to Community Land.



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

The general types of uses which may occur on community land categorised as Park, the forms of development which generally associate with those uses, as set out in detail in Table 2. The facilities on community land may change over time, reflecting the needs of the community. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list

Table 2: Possible permissible use and development of community land categorised as Park

Purpose/use	Examples of development to facilitate uses
<p>Active and passive recreation including children’s play and cycling</p> <ul style="list-style-type: none"> Group recreational use, such as picnics and private celebrations Eating and drinking in a relaxed setting Publicly accessible ancillary areas, such as toilets Festivals, parades, markets, fairs, exhibitions and similar events and gatherings Low intensity commercial activities (e.g. recreational equipment hire) Filming and photographic projects Busking Public address (speeches) Community gardening <p>NB: Some of the uses listed above require a permit from the council.</p>	<p>Development for the purposes of improving access, amenity and the visual character of the park, e.g. paths, public art, pergolas</p> <ul style="list-style-type: none"> Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts Amenities to facilitate the safe use and enjoyment of the park e.g. picnic tables, BBQs, sheltered seating areas Kiosk or refreshment areas including external seating Lighting, seating, toilet facilities, courts, paved areas Hard and soft landscaped areas Storage sheds Car parking and loading areas Commercial development which is sympathetic to and supports use in the area, e.g. hire of recreation equipment Community gardens Heritage and cultural interpretation, e.g. signs Advertising structures and signage (such as A frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council Bio-banking and carbon sequestration initiatives Water saving initiatives such as stormwater harvesting, rain gardens and swales Energy saving initiatives such as solar lights and solar panels Locational, directional and regulatory signage

5.4. Express authorisation of leases, licences, and other estates – Park

This plan of management expressly authorises the issue of leases licences and other estates over the land categorised as Park. Table 3 provides some possible types of purposes for which tenure may be granted. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.



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Table 3: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park

Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
Lease	As per statutory requirements	<ul style="list-style-type: none"> • Kiosk areas, including seating and tables • Management of court facilities • Hire or sale of recreational equipment
Licence	As per statutory requirements	<ul style="list-style-type: none"> • Outdoor kiosk seating and tables • Management of court or similar facilities • Hire or sale of recreational equipment
Short-term licence	As per statutory requirements	<ul style="list-style-type: none"> • The playing of a musical instrument, or singing, for fee or reward • Engaging in a trade or business, such as community events, festivals, fairs, markets, auctions, and similar activities • The playing of a lawful game or sport • The delivery of a public address, public performances • Commercial photographic sessions • Picnics and private celebrations such as weddings and family gatherings • Filming sessions
Other estates		This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

5.5. Management framework for land categorised as Park

The Action Plan (Table 4) is prepared in accordance with Section 36 of the LG Act and identifies the:

- Broad management issues,
- Objectives and performance targets of the Plan with respect to the land,
- Means by which Council proposes to achieve the Plan's objectives and performance targets; and
- The manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

Table 4: Action plan for land categorised as Park

Management Issues	s.36(3)(b) objectives and performance targets	s.36(3)(c) means of achievement of objectives	s.36(3)(d) manner of assessment of performance
Encourage use of the reserve	To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Ensure pedestrians can access the open space unimpeded.	Park is well used by a range of user groups
Facilities on the reserve	To provide for passive and active recreational activities or pastimes and for the casual playing of games.	Maintain pathway to an appropriate standard for use.	Facilities maintained as required. No negative reports from park users.
Improvements and maintenance to the reserve	To improve the land in such a way as to promote and	By generally maintaining the area in a neat, tidy and safe	Park is well maintained, neat, tidy and safe.



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Management Issues	s.36(3)(b) objectives and performance targets	s.36(3)(c) means of achievement of objectives	s.36(3)(d) manner of assessment of performance
	facilitate its use to achieve the other core objectives for its management.	condition in accordance with Council's Service Level Agreement (SLA). Undertake appropriate maintenance to facilities.	The reserve is maintained in accordance with Council's SLA for the site. Park is well used by a range of user groups. Inspections are made by appropriate Council staff when required.

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6. Category: Sportsground

6.1. Introduction

Lot 1 and Lot 7320 of Jubilee Park are to be categorised as Sportsground.

The guidelines for categorisation of land as Sportsground under clause 103 of the *Local Government (General) Regulation 2021* are if the land:

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

This reserve will contain a basketball court. It is therefore to be categorised as Sportsground.

The core objectives for the management of land categorised as Sportsground are:

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

6.2. Key issues

The key issues associated with the land categorised as Sportsground within Jubilee Park include but are not limited to:

Linkages to Other Land

The Crown reserve incorporates sections of the shared use pathway linking through to the Old Power House Reserve from Jubilee Park.

Threatened Fauna

Ensure threatened fauna are protected and mitigate impact by the community.

Threatened species identified on the site include:

- Southern Purple Spotted Gudgeon – Tenterfield Creek

6.3. Development and use

The use of the land is to be categorised as Sportsground within Jubilee Park is public recreation, with pedestrian access and cyclists utilising the shared-use pathway, playground, amenities and rotunda.

Developments and uses on the reserve must be consistent and permissible under the LEP and State Environmental Planning Policies (SEPPs) applicable to this site. These activities or developments must also be consistent with the land categorisation and reserve purpose.

Council approval may be required prior to any development or improvement made to Community Land.

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



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The general types of uses which may occur on community land categorised as Park, the forms of development which generally associate with those uses, as set out in detail in Table 5. The facilities on community land may change over time, reflecting the needs of the community. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list

Table 5: Possible permissible use and development of community land categorised as Sportsground

Purpose/use	Examples of development to facilitate uses
<p>Active and passive recreational and sporting activities consistent with the nature of the particular land and any relevant facilities, e.g.</p> <ul style="list-style-type: none"> ○ oval (cricket, football, rugby, track and field athletics, Australian rules, baseball, softball) ○ marked court (basketball, volleyball, badminton, tennis and netball) ○ aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities) <ul style="list-style-type: none"> ● Change room/locker areas ● Shower/toilet facilities ● Kiosk/café uses ● 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 ● Commercial uses associated with sports facilities (e.g. kiosks, cafes, sale or hire of recreational equipment, sports tuition, nutritionist, physiotherapist) <p>NB: Some of the uses listed above require a permit from the council.</p>	<p>Development for the purpose of conducting and facilitating organised sport (both amateur and professional)</p> <ul style="list-style-type: none"> ● Sports training ● Promotion of organised and unstructured recreation activities ● Provision of amenities to facilitate use and enjoyment of the community land including change rooms, toilets, storage, first aid areas ● Café/kiosk facilities ● Equipment sales/hire areas ● Meeting rooms/staff areas ● Compatible, small scale commercial uses (e.g. physiotherapy practice, dietician)

6.4. Express authorisation of leases, licences, and other estates – Park

This plan of management expressly authorises the issue of leases licences and other estates over the land categorised as Sportsground. Table 6 provides some possible types of purposes for which tenure may be granted. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.

Table 6: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground

Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
Lease	As per statutory requirements	<ul style="list-style-type: none"> ● Café/kiosk areas, including seating and tables ● Management of court facilities ● Hire or sale of recreational equipment
Licence	As per statutory requirements	<ul style="list-style-type: none"> ● Outdoor café/kiosk seating and tables ● Management of court or similar facilities ● Hire or sale of recreational equipment



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Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
		<ul style="list-style-type: none"> Any licence proposal will be assessed and considered, having regard to the community benefit, compatibility with this PoM and the capacity of the area to support the activity

6.5. Management framework for land categorised as Sportsground

The Action Plan (Table 7) is prepared in accordance with Section 36 of the LG Act and identifies the:

- Broad management issues,
- Objectives and performance targets of the Plan with respect to the land,
- Means by which Council proposes to achieve the Plan's objectives and performance targets; and
- The manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

Table 7: Action plan for land categorised as Sportsground

Management Issues	s.36(3)(b) objectives and performance targets	s.36(3)(c) means of achievement of objectives	s.36(3)(d) manner of assessment of performance
Encourage use of the reserve	To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Ensure pedestrians can access the open space unimpeded.	Park is well used by a range of user groups
Facilities on the reserve	To provide for passive and active recreational activities or pastimes and for the casual playing of games.	Maintain pathway to an appropriate standard for use.	Facilities maintained as required. No negative reports from park users.
Improvements and maintenance to the reserve	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	By generally maintaining the area in a neat, tidy and safe condition in accordance with Council's Service Level Agreement (SLA). Undertake appropriate maintenance to facilities.	Park is well maintained, neat, tidy and safe. The reserve is maintained in accordance with Council's SLA for the site. Park is well used by a range of user groups. Inspections are made by appropriate Council staff when required.



7. Category: Natural Area – Watercourse

7.1. Introduction

Part of Lot 1, Section 28 and Part of Lot 7320 on Jubilee Park are to be categorised as Natural Area – Watercourse.

Watercourses are defined in LG Regulation 110 as any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation.

The core objectives for watercourses, as outlined in Section 36M of the LG Act, are to:

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

7.2. Key issues

The key issues associated with the land categorised as Natural Area - Watercourse within Jubilee Park include but are not limited to:

Linkages to Other Land

The Crown reserve incorporates sections of the shared use pathway linking through to the Old Power House Reserve from Jubilee Park.

Threatened Fauna

Ensure threatened fauna are protected and mitigate impact by the community.

Threatened species identified on the site include:

- Southern Purple Spotted Gudgeon – Tenterfield Creek

7.3. Development and use

The use of the land is to be categorised as Natural Area – Watercourse within Jubilee Park is use for public recreation.

Developments and uses on the reserve must be consistent and permissible under the LEP and State Environmental Planning Policies (SEPPs) applicable to this site. These activities or developments must also be consistent with the land categorisation and reserve purpose.

Council approval may be required prior to any development or improvement made to Community Land.

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



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The general types of uses which may occur on community land categorised as Natural Area – Watercourse, the forms of development which generally associate with those uses, as set out in detail in Table 8. The facilities on community land may change over time, reflecting the needs of the community. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.

Table 8: Possible permissible use and development of community land categorised as Natural Area – Watercourse

Purpose/use	Examples of development to facilitate uses
<ul style="list-style-type: none"> • Preservation of the council's natural heritage including the identified endangered ecological communities • Preservation of biological diversity and habitat • Providing a location for relaxation and passive, informal, water-based recreation, unless prohibited. • Approved bush care projects requiring ecological restoration activities associated with the protection and conservation of flora and fauna • Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment. 	<ul style="list-style-type: none"> • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants) • Low-impact walking trails • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms • Work sheds or storage sheds required in connection with the maintenance of the land • Bicycle/boat hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage • Flood mitigation works, such as detention basins, realignment of water flows and banks, installation of pipes, culverts and other structures to assist in control of flood waters.

7.4. Express authorisation of leases, licences, and other estates – Natural Area – Watercourse

This plan of management expressly authorises the issue of leases licences and other estates over the land categorised as Natural Area – Watercourse. Table 9 provides some possible types of purposes for which tenure may be granted. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.

Table 9: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Watercourse

Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
Lease	As per statutory requirements	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Toilets



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Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
		<ul style="list-style-type: none"> • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licence	As per statutory requirements	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Toilets • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short-term licence	As per statutory requirements	<ul style="list-style-type: none"> • Scientific studies and surveys or similar • Bicycle/boat hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Other estates		This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

7.5. Management framework for land categorised as Natural Area – Watercourse

The Action Plan (Table 10) is prepared in accordance with Section 36 of the LG Act and identifies the:

- Broad management issues,
- Objectives and performance targets of the Plan with respect to the land,
- Means by which Council proposes to achieve the Plan's objectives and performance targets; and
- The manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

Table 10: Action plan for land categorised as Natural Area – Watercourse

Management Issues	s.36(3)(b) objectives and performance targets	s.36(3)(c) means of achievement of objectives	s.36(3)(d) manner of assessment of performance
Encourage use of the reserve	To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Ensure pedestrians can access the open space unimpeded.	Park is well used by a range of user groups
Facilities on the reserve	To provide for passive recreational activities or pastimes and for the casual playing of games.	Maintain Tenterfield Creek environment to an appropriate standard for use.	Facilities maintained as required. No negative reports from park users.



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Management Issues	s.36(3)(b) objectives and performance targets	s.36(3)(c) means of achievement of objectives	s.36(3)(d) manner of assessment of performance
Improvements and maintenance to the reserve	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	By generally maintaining the area in a neat, tidy and safe condition in accordance with Council's Service Level Agreement (SLA). Undertake appropriate maintenance to facilities.	Park is well maintained, neat, tidy and safe. The reserve is maintained in accordance with Council's SLA for the site. Park is well used by a range of user groups. Inspections are made by appropriate Council staff when required.

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Appendix A: Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

Local Government Act 1993 and Local Government (General) Regulation 2021

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance targets of the plan with respect to the land,
- c) the means by which the council proposes to achieve the plan's objectives and performance targets,
- d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- A. must include a description of:
 - i. the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - ii. the use of the land and any such buildings or improvements as at that date, and
- B. must:
 - i. specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - ii. specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - iii. describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment



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- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the Crown Land Management Act 2016 (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.



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Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure. Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.



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Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- 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 (a), (b) or (c).

Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

Tenterfield Local Environmental Plan 2013 (LEP)

Tenterfield Local Environmental Plan 2013 guides planning decisions for the city through zoning and development controls, which provide a framework for the way land can be used.

Tenterfield Local Strategic Planning Statement 2040

The Tenterfield Local Strategic Planning Statement (LSPS) is a long-term land use strategy for the Local Government Area (LGA) to 2040 that identifies how development will be managed into the future. The LSPS identifies a land use planning vision, supported by planning priorities and actions which inform Council planning, decisions and management of the future growth of the LGA based on economic, social and environmental needs.

Planning Priority 2 of the LSPS 'Nature-based, heritage and cultural tourism' and Planning Priority 7 'Protecting our environment and resources' requires Council to continue to review and update plans of management for Community land.

Tenterfield Parks and Sportsgrounds Plan of Management

Council's Parks and Sportsgrounds Plan of Management guides how Council will plan, implement and manage current and future open spaces and sport and recreation facilities across the Tenterfield Local Government Area. This PoM provides a hierarchy of parks which assists with decision making and planning.

Tenterfield Development Control Plan

The Development Control Plan provides guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area (LGA) and should be read in conjunction with the LEP. Chapter 7 refers to the LGAs development and heritage conservation controls.



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Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the [Biodiversity Conservation Act 2016](#). However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.



Plan of Management

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Crown land 2031: State Strategic Plan for Crown land

The State Strategic Plan for Crown land sets the vision, priorities and overarching strategy for the management of Crown land and outlines timeframes and outcomes.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.



Plan of Management

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter–2 - Vegetation in Non-Rural Areas

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

Chapter–8 - Sydney Drinking Water Catchment

This policy aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 -Infrastructure

This planning policy lists development allowed with consent or without consent on community land.

Other relevant legislation, policies and plans

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Council plans, strategies, policies, procedures and guidelines, generally as amended

Disability Discrimination Act 1992

Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)

Local Land Services Act 2013

Operations Act 1997

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Protection of the Environment Operations (Noise Control) Regulation 2008

Public Works Act 1912 (as amended)

Retail Leases Act 1994

Rural Fire Regulation 2002

Tenterfield Development Control Plan

Tenterfield Asset Management Plan

Soil Conservation Act 1938

Telecommunications Act 1997 (Cth)

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

The list above is not exhaustive. Depending on the nature of the land subject to a plan of management, there may be other relevant legislation, policies and procedures that need to be considered. Further advice on this can be sought by contacting Council.



Plan of Management

Appendix B: Revised Concept Design – Youth Precinct & Mountain Bike Trail Head

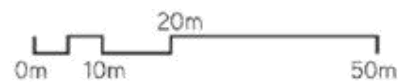
TENTERFIELD YOUTH PRECINCT



LEGEND

YOUTH RECREATION FACILITY

- 1 New Zebra crossing points
- 2 New oil Street car parking
- 3 Intermediate to advanced asphalt pump track, activating northern extent of site situated adjacent to the Tenterfield Creek. Keying into northern playground and basketball court location.
- 4 Beginner asphalt pump track loop.
- 5 Strategically located bench seats.
- 6 Hangout hubs with shade shelters and seating
- 7 Existing half court refurbished and painted with lined games and potential addition of hit up wall.
- 8 New contemporary concrete skatepark with bowl in prominent visual location in close proximity to new cafe, car park and Coles.
- 9 Cafe located in close proximity to new car park and skatepark with commercial on street access
- 10 New active footpath spine.
- 11 New culvert bridge crossing of swale.
- 12 Warning circle with sandstone block sealing, located under existing shade trees.
- 13 Skills track to be set out in east / west orientation to work with slope and allow users to go up and down hill.
- 14 New DGA footpath along Crown St
- 15 New informal granite sand footpath link.
- 16 Signage x3.
- 17 Freestanding solar light poles located throughout x15.
- 18 Basketball court as part of stage 2 works.
- 19 Drinking Fountain
- 20 Rubbish bins



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 T: (03) 9486 9899
 convic.com

PROJECT
 Tenterfield Youth Precinct

TITLE
 Masterplan Concept

DATE
 17.11.22

REVISION
 A





Plan of Management

Appendix C: Existing Leases & Licences on the site

Group/organisation	Type of tenure	Term
Nil		

(Current as at the date of adoption of the Plan)

DRAFT



Appendix D: Aboriginal Interests in Crown Lands

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

A search of the National Native Title Tribunal (NNTT) register indicates that there are no native title claims or determinations that include the land contained in Crown Reserve R57957 at the time of preparation of the Plan of Management.

For further information about native title and the future acts framework see the [Crown lands website](#).

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.