



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.

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## 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**

|                      |                                                                                                                                                         |
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| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 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...

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| <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...

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| <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> |
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Our Community No. 1 Cont...

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| <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>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>There is minimal clearing of existing trees planned for this site. A review of environmental factors has been prepared for the work.</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>                                   |
| <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...

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| <p>Solar light poles – no indication of where they will be positioned?</p> <p>Basketball court, stage 2 – have conversations with the Parks and Garden Committee started? Why is it in this plan?</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>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>Is Council intending on removing further services from residents to maintain this space as outlined in PoM Crown Reserve – R22044?</p> | <p>The drawings contained in the PoM are conceptual and subject to final detailed design.</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>See previous comment on drinking fountain.<br/>Council currently manages maintains this reserve.</p> <p>Park furniture and rubbish facilities will be designed and constructed in accordance with site and budget constraints.</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>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.</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...

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| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted.                                                                                                                                                                                        |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 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>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>                                                                                                                                                                                                                                                                                                       | Noted.                                                                                                                                                                                        |
| <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>                                                                                                                                                                                                                                                                                                                                                                 | Noted.                                                                                                                                                                                        |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Noted.<br>The drawings contained in the PoM are conceptual and subject to final detailed design. The facilities and landscaping will                                                          |

Our Community No. 1 Cont...

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| <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  |



## **Plan of Management**

**Old Power House Reserve**  
**Crown Street, Tenterfield**

Version 1.2 – December 2022



**Plan of Management**

Document Version History & Approvals

| Version No. | Description                              | Edited/Approved by   | Date       |
|-------------|------------------------------------------|----------------------|------------|
| 0.1         | Draft PoM prepared                       | Latsyrc              | 25/08/2022 |
| 0.2         | Reviewed by TSC and comments provided    | Fiona Keneally - TSC | 02/09/2022 |
| 0.3         | Draft updated                            | Latsyrc              | 04/09/2022 |
| 0.4         | Reviewed by TSC and comments provided    | Neville Coonan – TSC | 09/09/2022 |
| 0.5         | PoM updated following meeting with TSC   | Latsyrc              | 16/09/2022 |
| 1.0         | Final PoM provided to Council for review | TSC                  |            |
| 1.1         | PoM amended following Crown Lands review | Latsyrc              | 20/12/2022 |
| 1.2         | PoM progressed to public exhibition      | TSC                  | 20/12/2022 |
|             |                                          |                      |            |
|             |                                          |                      |            |

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



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## Plan of Management

### Executive Summary

Tenterfield Shire Council resolved to endorse the draft Plan of Management (PoM), for Crown Reserve R22044, Crown Street, Tenterfield and submit to Crown Lands for approval. The Crown reserve will be referred to as Old Power House Reserve in this Plan.

The purpose of this Plan is to provide Council with a framework that enables decisions regarding Old Power House Reserve, 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.

Old Power House Reserve is owned by the NSW State Government (the Crown) and is managed by Tenterfield Shire Council as Crown Land Manager, under the CLM Act. Old Power House Reserve shares a boundary fence with the Tenterfield showgrounds and is surrounded by Manners Street, Crown Street and Miles Street 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 Old Power House Reserve.

#### 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.



## Plan of Management

# 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. Old Power House Reserve 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 Old Power House Reserve site under the community land category of PARK 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 Old Power House Reserve, 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 Old Power House Reserve 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 categorisation of Park 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,



## Plan of Management

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.

Community consultation has already been undertaken for the proposed development (Appendix B). 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 Youth Precinct.





**Plan of Management**

**2. Land Description**

**2.1. Land to which this Plan applies**

This Plan applies to part of Old Power House Reserve situated on Crown reserve R22044, Crown Street, Tenterfield. The reserve information is detailed below in Table 1.

Table 1: Reserve information

|                                     |                                                                       |
|-------------------------------------|-----------------------------------------------------------------------|
| <b>Reserve number</b>               | R22044                                                                |
| <b>Gazetted date</b>                | 19 January 1895                                                       |
| <b>Reserve purpose</b>              | Public Recreation                                                     |
| <b>Land parcel/s</b>                | Lot 12 Sec. 22 DP 758959<br>Lot 701 DP 1059521<br>Lot 7029 DP 1112788 |
| <b>Area (sqm)</b>                   | 19,608                                                                |
| <b>LEP 2013 zoning</b>              | RU5 – Village                                                         |
| <b>Assigned category/categories</b> | Park<br>Natural Area – Watercourse                                    |

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



Figure 1: Land to which this Plan applies (Old Power House Reserve)

Plan of Management – Old Power House Reserve – Crown Reserve R22044





## Plan of Management

### 2.2. Owner of the land

Old Power House Reserve 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) Old Power House Reserve is categorised as:

- Park
- 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 and Natural Area – Watercourse. See Figure 2 for categorisation of the Reserve.



**Plan of Management**



Figure 2: Categorisation of the Reserve

**2.4. Zoning of the reserve**

Old Power House Reserve 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

Plan of Management – Old Power House Reserve – Crown Reserve R22044





## Plan of Management

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](http://www.geo.seed.nsw.gov.au)) and an eSPADE search ([www.environment.nsw.gov.au/eSpade2Webapp](http://www.environment.nsw.gov.au/eSpade2Webapp)) were conducted on 24/08/2022. 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):

- Eel Tailed Catfish – Tenterfield Creek
- Southern Purple Spotted Gudgeon – Tenterfield Creek

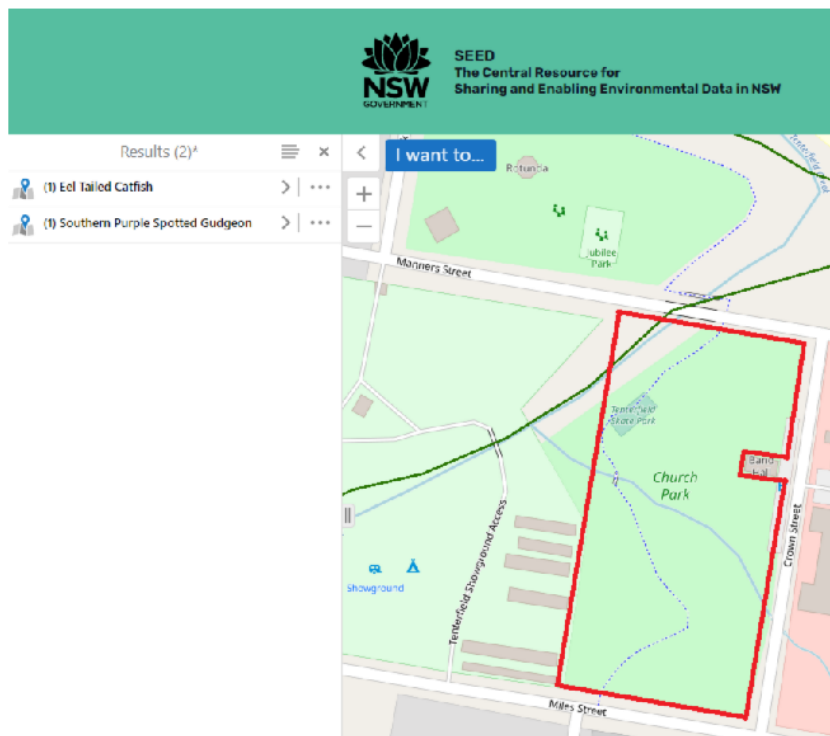


Figure 4: Identified threatened species (search conducted 24/08/2022)

### 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.



## Plan of Management

### 2.7. Culturally significant land

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

#### 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)*.

It is noted that Crown Lands have advised Council of an Aboriginal Land Claim (31658). That was lodged on 13 October 2010 for Lot 12 Section 22 DP 758959 on behalf of the Moombahlene Local Aboriginal Land Council. No works can be conducted on Lot 12 until such time as advice is received regarding the claim.

#### Non-Aboriginal Significance

Old Power House Reserve is not identified as a significant item of Environmental Heritage under *Tenterfield Local Environmental Plan 2013 (LEP)*.

## 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
- Skate Park – fair condition
- Basketball Court – fair condition

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



## Plan of Management

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

Old Power House Reserve's current use is Park and Natural Area – Watercourse, shared-use pathway, skate park and basketball court used by pedestrians and cyclists.

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

### 3.4. Permitted use

The purpose of Old Power House Reserve is for public recreation, the assigned category is Park and Natural Area – Watercourse. This purpose and category 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.

### 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 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 Youth Precinct & Mountain Bike Trail Head in the Reserve (Appendix B). This concept design will be updated once final design plans are received.

### 3.6. Scale and intensity

Old Power House Reserve's current use is Park and Natural Area – Watercourse, shared-use pathway, skate park and basketball court used by pedestrians and cyclists. 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*.



## Plan of Management

- 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.

### 3.8. Short term Casual Purposes

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

- a) the playing of a musical instrument, or singing, for fee or reward,
- b) engaging in a trade or business,
- c) the playing of a lawful game or sport,
- d) the delivery of a public address,
- e) commercial photographic sessions,
- f) picnics and private celebrations such as weddings and family gatherings,
- g) filming sessions.

### 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.



## Plan of Management

### 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.





## Plan of Management

### 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.



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# Part 2: Detailed Information Regarding Categories of Land

## 5. Category: Park

### 5.1. Introduction

Part of Lot 7029 & Lot 701 and all of Lot 12 of Old Power House Reserve 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 Old Power House Reserve include but are not limited to:

#### Linkages to Other Land

The Crown reserve incorporates sections of the shared use pathway linking through to the potentially Heritage listed band hall (further investigation required) from Jubilee Park. There is also a sewer line that runs through the Crown reserve.

#### Threatened Fauna

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

Threatened species identified on the site include:

- Eel Tailed Catfish – Tenterfield Creek
- Southern Purple Spotted Gudgeon – Tenterfield Creek

### 5.3. Development and use

The current use of the land categorised as Park within Old Power House Reserve is public recreation, with pedestrian access and cyclists utilising the shared-use pathway, skate park and basketball court.



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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.

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



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**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.

*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"> <li>• Kiosk areas, including seating and tables</li> <li>• Management of court facilities</li> <li>• Hire or sale of recreational equipment</li> </ul>                                                                                                                                                                                                                                                                                                                                             |
| Licence                    | As per statutory requirements | <ul style="list-style-type: none"> <li>• Outdoor kiosk seating and tables</li> <li>• Management of court or similar facilities</li> <li>• Hire or sale of recreational equipment</li> </ul>                                                                                                                                                                                                                                                                                                                                           |
| Short-term licence         | As per statutory requirements | <ul style="list-style-type: none"> <li>• The playing of a musical instrument, or singing, for fee or reward</li> <li>• Engaging in a trade or business, such as community events, festivals, fairs, markets, auctions, and similar activities</li> <li>• The playing of a lawful game or sport</li> <li>• The delivery of a public address, public performances</li> <li>• Commercial photographic sessions</li> <li>• Picnics and private celebrations such as weddings and family gatherings</li> <li>• Filming sessions</li> </ul> |
| 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    |



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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                                                                                                                                                                                                            |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.<br><br>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).<br><br>Undertake appropriate maintenance to facilities. | Park is well maintained, neat, tidy and safe.<br><br>The reserve is maintained in accordance with Council's SLA for the site.<br><br>Park is well used by a range of user groups.<br><br>Inspections are made by appropriate Council staff when required. |

**6. Category: Natural Area – Watercourse**

**6.1. Introduction**

Part of Lot 7029 and Part of Lot 701 on Old Power House Reserve are 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.

**6.2. Key issues**

The key issues associated with the land categorised as Natural Area - Watercourse within Old Power House Reserve include but are not limited to:

Linkages to Other Land

The Crown reserve incorporates sections of the shared use pathway linking through to the potentially Heritage listed band hall (further investigation required) from Jubilee Park. There is also a sewer line that runs through the Crown reserve.



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**Threatened Fauna**

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

Threatened species identified on the site include:

- Eel Tailed Catfish – Tenterfield Creek
- Southern Purple Spotted Gudgeon – Tenterfield Creek

**6.3. Development and use**

The current use of the land categorised as Natural Area – Watercourse within Old Power House Reserve is used 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.

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 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 Natural Area – Watercourse*

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



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**6.4. 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 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 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"> <li>Walkways, pathways, bridges, causeways</li> <li>Observation platforms, signs</li> <li>Information kiosk</li> <li>Kiosk selling light refreshments (but not restaurants)</li> <li>Bicycle/boat hire or similar</li> <li>Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>Toilets</li> <li>Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul> |
| Licence                    | As per statutory requirements | <ul style="list-style-type: none"> <li>Walkways, pathways, bridges, causeways</li> <li>Observation platforms, signs</li> <li>Information kiosk</li> <li>Kiosk selling light refreshments (but not restaurants)</li> <li>Bicycle/boat hire or similar</li> <li>Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>Toilets</li> <li>Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul> |
| Short-term licence         | As per statutory requirements | <ul style="list-style-type: none"> <li>Scientific studies and surveys or similar</li> <li>Bicycle/boat hire or similar</li> <li>Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>                                                                                                                                                                                                                                             |
| 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.                                                                                                                                |

**6.5. Management framework for land categorised as Natural Area –  
 Watercourse**

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



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- 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 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.<br>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).<br>Undertake appropriate maintenance to facilities. | Park is well maintained, neat, tidy and safe.<br>The reserve is maintained in accordance with Council's SLA for the site.<br>Park is well used by a range of user groups.<br>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](http://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.

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.



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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.

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.



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### *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.

## 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.



## Plan of Management

*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



Plan of Management

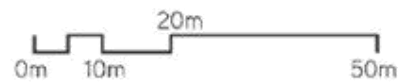
# TENTERFIELD YOUTH PRECINCT



**LEGEND**

**YOUTH RECREATION FACILITY**

- 1 New Zebra crossing points
- 2 New off 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 Farming 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 DDA footpath along Crown st
- 15 New informal granite, wood 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



Unit 13, 46-50 Regent Street  
 Richmond VIC 3121  
 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)



## Plan of Management

### 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 R22044 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.

At the time of preparing this plan of management, Crown Lands have advised Council of an Aboriginal Land Claim (31658). That was lodged on 13 October 2010 for Lot 12 Section 22 DP 758959 (Crown Reserve R22044) on behalf of the Moombahlene Local Aboriginal Land Council. No works can be conducted on Lot 12 until such time as advice is received regarding the claim.

**Department of Planning and Environment**



Our ref: DOC22/208397; LBN22/1538

Daryl Buckingham  
Chief Executive  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372  
By email: council@tenterfield.nsw.gov.au

Attention: Neville Coonan (n.coonan@tenterfield.nsw.gov.au)

15 December 2022

**Subject:** Tenterfield Shire Council draft Plan of Management – Old Powerhouse Reserve

Dear Mr Buckingham

Thank you for submitting the draft Plan of Management (PoM) for Old Powerhouse Reserve on 7 October 2022.

I have reviewed the draft PoM and council can now progress to public exhibition with the following amendments:

- Page 5 – executive summary. Provide further clarification as to the extent of Old Powerhouse reserve and other PoMs which apply to the land. Also remove the date adopted. Council Meeting Minutes indicate that Council resolved to endorse the Draft PoM and submit to Crown Lands for approval.
- Page 6 (Section 1.2) – Update sentence “The site will be managed and maintained according to the categorisation of Park *and Natural Area (watercourse)* as detailed in this Plan.”
- Page 8 – The correct gazette date is 19 January 1895, please correct in the PoM.
- Page 10 (Section 2.4) – Amend this text in this section as the reserve is zoned for RU5 Village, not public recreation.
- Page 17 (Section 5.3) and Page 21 (Section 6.3) – activities or development must also be consistent with the reserve purpose. Update the sentences “These activities or developments must also be consistent with the land categorisation *and reserve purpose*”.
- Page 31 – The concept design is hard to read to understand the proposed development. Please include a high resolution image in the final document.

Please also ensure that council conducts a final review of the document to ensure all legislation referenced is currently in force, departmental names are up to date, and spelling, grammar and formatting is correct and consistent.

Provided there are no changes following public exhibition, as a delegate for the Minister for Lands and Water, I consent to council to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018.

If the PoM is amended after public exhibition (except for minor editorial and formatting changes), council must resubmit the draft PoM for Minister’s consent to adopt. With the amended PoM, please provide the following documents:

- a table of PoM amendments, or tracked changes
- summary report of submissions from public exhibition (if any)
- council reports on the proposed adoption (if any)

**Department of Planning and Environment**



If there are no amendments to the PoM, please provide a copy of the adopted PoM. All documents must be sent to [council.clm@crowmland.nsw.gov.au](mailto:council.clm@crowmland.nsw.gov.au).

Please remember, an adopted PoM authorises the lawful use and occupation of Crown land. Council must ensure that any activities planned on the reserve are expressly authorised in the adopted PoM and native title obligations are met.

If you have any further questions or need assistance, please contact the Council Crown Land Management Team at [council.clm@crowmland.nsw.gov.au](mailto:council.clm@crowmland.nsw.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Janelle Pearson".

Janelle Pearson  
Principal Policy and Project Manager  
Department of Planning and Environment – Crown Lands

The Chief Executive  
Tenterfield Shire Council  
TENTERFIELD NSW 2372

29 January 2023

Dear Mr. Buckingham,

I am writing to lodge my objection to the PoM of the **Old Power Reserve – Crown Reserve R22044**. 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 <https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/NSW-Public-Spaces-Legacy-Program#:~:text=Tenterfield%20Shire%20Council,mountain%20bike%20trailhead> is clear however there is no mention of how Council intends to manage it once constructed. I am referring to the cost of maintenance which will be an extra burden to council which already has issues dealing with the parks and gardens already under its control.

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? Further objects are set out below.

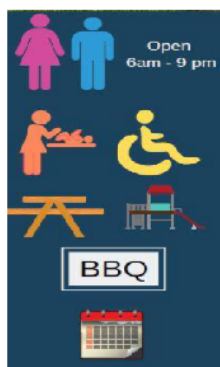
Reference Numbers refer to the legend included in *Appendix B: Revised Concept Design – Youth Precinct & Mountain Bike Trail Head Reserve*. Pg 31 of 33.

1. **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 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 foresees 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. This is to become a busy intersection with the construction of **DA2021-132**. I have made the above considerations after consulting [How to Prepare a Pedestrian Access and Mobility Plan - an easy three stage guide \(nsw.gov.au\)](https://www.nsw.gov.au/how-to-prepare-a-pedestrian-access-and-mobility-plan) and find this PoM lacking.
2. **Off street parking** – Inadequate and there is no mention how this will be regulated? The Crown Street parking area is planned to accommodate 17 vehicles (15 + 2) and Miles Street parking area accommodates 19 vehicles (17 regular + 2). At present there are over 10 regular sized vehicles and some extra long vehicles and RVs parked on the Crown Street reserve at any time 7 days a week. Furthermore, as a regular Catholic church goer, I can say that there are usually more than 10 cars parked on the Miles Street side during Saturday and



Sunday services. Lastly, no traffic assessment is included for the present traffic flow or to flow when DA2021-132 is executed.

3. **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.
4. **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.
5. **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 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.
6. **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.
7. No comment.
8. **New skate park** – my only doubt here is the vicinity to vehicle parking and footpaths.
9. **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. The image below was taken from the Council website but unfortunately has not been updated.



Furthermore, Council has approved DA 2021-132 which includes cafés. Any new building council erects will involve a Carbon Footprint, as well as **increase our assets and depreciation**.

Do we really need to increase brick and mortar assets?

10. **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 regards to or how it fits in with the DDA and the Tenterfield Shire Council Disability and Inclusion Policy .

11. **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.

12. **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.
13. **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? There is no documentation to support this is the most suitable place for the track. It isn't enough to look good or to fit in, it needs backup to why that location was chosen and the environmental impact it will have.
14. **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)?
15. **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 tranquillity of the creek?
16. **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? From my understanding of the DDA it is unlawful for public places to be inaccessible to people with a disability. This in turn reflects back to point 10,12 &15.
17. **Solar light poles** – no indication of where they will be positioned?
18. **Basket ball court, stage 2** – have conversations with the Parks and Garden Committee started? Why is it in this plan?
19. **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? Will we see shopping trollies not only in the creek and in front of Council Chambers but also litter throughout this new space.
20. **Rubbish Bines** – 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? Furthermore, there is no mention if they will be differentiated bins or not.

Council is also expected to supply performance target and levels. I have seen no evidence of this or cost & maintenance figures. **Is Council intending on removing further services from residents to maintain this space as outlined in PoM Crown Reserve – R22044?** Furthermore, I have seen no **Environment and Sustainability Study** or **traffic study** which I would expect to see for such a site. A site which the Mayor expects to generate a notable increase to tourism, which in turn increases the amount of users to the site.

Since becoming a Councillor, Executive staff have continually reminded us of the dire financial situation we are in, with the advice to sell off Council owned assets in order to decrease maintenance and depreciation. If we cannot maintain what we have at present how are we to maintain and preserve this Crown Reserve under this **PoM**. I voted against it when it came to council

and am still against it now as I do not see this project as appropriate for this particular site. This whole concept doesn't seem to have been well thought through.

My closing argument lies in the following:

**ITEM 191/22** in which **Council Resolved to accept the tender of Collaborative Construction Professional for RFT08-21/22 for a contract total of \$2,181,198.29 incl. GST & provisional items** and then said company withdrew. As councillor I have not sighted the document in which Mr. Joe Smith states the reasons for his withdrawal.

Best regards,

Giana Saccon.

**Submission re: Old Power House Reserve Plan of Management – Crown Reserve R22044.**

The above document for public exhibition is an improvement on last year's work (Concept Design legend was illegible) however our 3 page submission is based upon various aspects and issues that are not clearly addressed or acknowledged.

The several names are confusing – Church Park on one of the maps, Crown Reserve, Tenterfield Youth Precinct, Youth Precinct and Mountain Bike Trail Head.

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.

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 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.

The existing skatepark is not labelled, instead its location is 7 Existing half court .....

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?

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.

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).

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 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.

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.

The anticipated increased vehicle traffic with the proposed development on the corner of Rouse, Crown and Miles Street must be safely accommodated.

The Aboriginal Land Claim for Lot 12 is still pending.

Council's Resourcing Strategy – are there sufficient financial and human resources to provide services and infrastructure assets for this proposed development?

Public recreation in a Park and Natural Area-Watercourse – how will material harm be identified, monitored and remedied?

Important heritage and tourism value in historic information signs for the Band Hall and the site of the Old Power House.

The optimistic request for Community Assistance from this lower socio economic shire will be a challenge for new and existing facilities.

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.

Planning Priority 2 Nature-based, heritage and cultural tourism. ... protect those lands most important to tourism and ensure land conflicts do not occur. Planning provisions support tourism and conservation outcomes.

PP 3 .... Unique character of the towns ..... protect, enhance and conserve places and buildings of heritage significance.

PP 6 ..... tourism destination grounded on heritage.

Last year's State of the Environment Report is relevant to this Crown Reserve.

The sculpture is not mentioned in the text.

The environmental impacts of the proposed facilities – hard wearing and safe footpath and track surfaces. The granitic sand footpaths (15) are erodable and impractical. Two rubbish bins are inadequate for the area, dog waste bag dispensers may be necessary.

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?

The swale requires cleaning up to and beyond Crown Street with subsequent appropriate restoration/environmental work.

p.2

The Google Earth image below is the Old Power House Reserve in Tenterfield, December 2021. Note the current path, skatepark and Band Hall.



Council  
Mayor Petrie, Deputy Mayor Macnish

Re: media Release and POM document 20 December 2022 –  
still Not in Public Exhibition section of website, despite filename inferring that is where it is?  
(<https://www.tenterfield.nsw.gov.au/your-council/council-documents>)  
28 September 2022 Resolution to endorse POM & issue to Minister

The 28 September 2022 agenda report referred to additional costs associated with reviewing etc the management plans (every 10 years) operating costs, maintenance costs, depreciation, and 'significant risk in continuing to manage the reserve without an approved POM in place. NOT a mention in the finance section of the report of the actual 10 year long term financial plan expenditure or cash flow consequences?

**Q:** 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?

**Q:** 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?

This all seems like yet another 'cost shifting' exercise from the State to the TSC ratepayers and residents.

I have several questions, relating to potential further financial costs likely to be passed onto approximately 5,000 Tenterfield Shire Council (TSC) ratepayers & approximately 6,000 (including ratepayer residents) residents for the Old Powerhouse Crown Reserve R22044 (apparently containing or adjacent to the Youth Precinct and the Mountain Bike Trailhead), questions which I think would also be valid for all Crown Reserves which TSC now has \$ responsibility for operational management, asset maintenance and Plan/s development, expenditure & approval?

:

**Q1:** How much has accepting this responsibility from the State cost TSC by year, including consultants, preparing & getting approval for documents, staff time etc?

**Q2:** What specific budgets and integrated Planning & reporting inclusions are included for this "Old Powerhouse Reserve".

**Q3:** Does this (& 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'?

**Q4:** the report suggests this POM complies with all state legislative requirements. Is this correct? Eg Capital expenditure guidelines?

**Q5:** What is the total cost to TSC of the multiple Crown Land Management sites TSC has taken responsibility for & what 'share' of TSC mandatory rates & charges does it represent?

**Q6:** 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?

**Q7:** 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?

Q8: What lease, licence for any community purpose is TSC administration likely to be considering and who will pay the related expenses?

Thanks

## Plan of Management

Old Power House Reserve  
Crown Street, Tenterfield

Version 1.2 – December 2022

This Plan of Management will be on exhibition for a period of 28 days, being from Thursday, 22 December 2022 to 5.00pm Wednesday, 18 January 2023. Submissions will be accepted by Council until 5.00pm Wednesday, 1 February 2023.

Should no submissions be received on this Plan of Management, it will be considered adopted by Council under clause 70B of the Crown Land Management Regulation 2018.

Plan of management is available on Council's website <https://www.tenterfield.nsw.gov.au/yourcouncil/council-documents/public-exhibition-documents>.

All submissions are to be addressed to: The Chief Executive, PO Box 214, Tenterfield NSW 2372 or emailed to [council@tenterfield.nsw.gov.au](mailto:council@tenterfield.nsw.gov.au).

While the link to the public exhibition document suggests it is a 'Public Exhibition' document it only appears via the home page interesting news items NOT on the TSC website Public Exhibition documents page link.