

RECREATION STREET PUBLIC RESERVE PLAN OF MANAGEMENT

PREPARED FOR



RECREATION STREET PUBLIC RESERVE
LOT 1 IN DEPOSITED PLAN 133066

JULY 2004



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TABLE OF CONTENTS

1.0	INTRODUCTION	6
1.1	Background	6
1.2	Community Land Covered by the Plan.....	7
1.3	Management Units	7
1.4	Category and Class of Land	8
2.0	LOCAL GOVERNMENT ACT - PUBLIC LAND	9
2.1	Management of Public Land – Statutory Background.....	9
2.2	Preparation of Plans of Management for Community Land	9
2.3	Plans of Management – Process & Adoption	10
2.4	Community Participation	11
3.0	LAND DESCRIPTION & SITE DETAILS	12
3.1	Land Tenure	12
3.2	Existing Statutory Zoning	12
3.3	Adjoining land uses.....	12
3.4	Community land.....	12
4.0	MANAGEMENT UNITS.....	14
4.1	Management Unit 1 – Sportsground	14
4.2	Management Unit 2 - Community Facilities / Police & Community Youth Club / Child Care Centres	16
4.3	Existing Improvements.....	20
4.4	Natural Values / Environmental Significance	21
5.0	COUNCIL POLICIES / FOUNDATION PRINCIPLES	22
5.1	Planning	22
5.2	Management	22
5.3	Funding of New, and Improvement of Existing, Facilities.....	22
5.4	Vegetation Management	23
5.5	Maintenance.....	23
5.6	Fees	23
5.7	Sale of Alcohol	23
5.8	Signage	24
5.9	Easements	24
5.10	Leases, Licenses and Other Estates.....	24
5.11	Animals on Reserves	25
5.12	Public Safety	25
6.0	MANAGEMENT OBJECTIVES & ISSUES.....	26
6.1	Management Issues.....	26
6.2	Use of Sportsground.....	26

6.3 Vegetation27

6.4 Police & Community Youth Club Building27

6.5 Childcare Centres28

6.6 Access28

7.0 MANAGEMENT STRATEGIES29

MANAGEMENT UNIT 1 - SPORTSGROUND29

MANAGEMENT UNIT 2 - GENERAL COMMUNITY USE31

8.0 ACTION STRATEGIES / PERMITTED USES32

Action Strategies32

9.0 TABLE OF PERMISSIBLE DEVELOPMENT39

ACTIVITIES / WORKS / USES PERMITTED39

10.0 APPENDIX A – MANAGEMENT UNIT LAYOUT (AERIAL)42

11.0 APPENDIX B – LOCAL GOVERNMENT ACT EXTRACT43

12.0 APPENDIX C – DEPOSITED PLAN49

Adopted by Council 7 July 2004	
Schedule of Amendments	
Date Amended	Nature of Amendment

1.0 INTRODUCTION

1.1 Background

The land covered by this plan includes the oval and surrounds commonly referred to as the Recreation Street Public Reserve (See *Figure No.1*). This plan aims to satisfy the provisions of the Local Government Act 1993, which requires all Council land to be managed in accord with a plan of management specific to the land. This plan also compliments Council's Local Environmental Plan 2000 in so much that it identifies that development that can be carried out upon the land.

The land is legally described as Lot 1 in Deposited Plan No. 133066.

This property is public land vested in the ownership of Tweed Shire Council and has been classified "Community" land pursuant to the provisions of the Local Government Act, 1993. This land was vested in Council's ownership by way of gazetted transfer (from the State Government) in 1977.

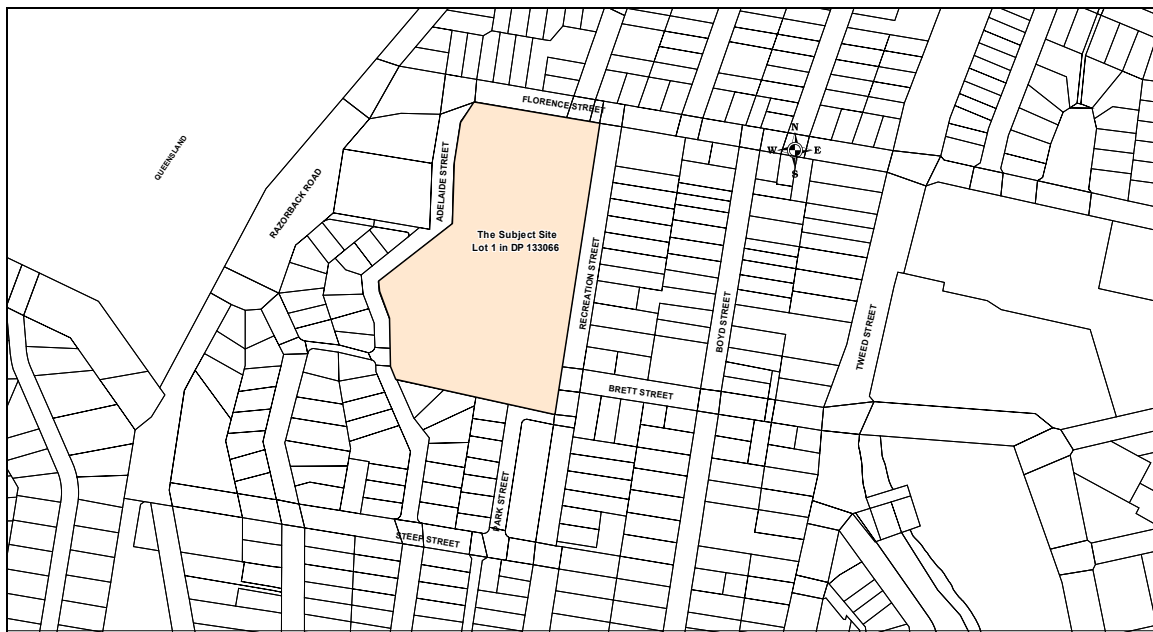


FIGURE NO.1 – RECREATION STREET RESERVE – LOCALITY PLAN

The Local Government Act also requires that Council prepare a Plan of Management in conjunction with the community to identify the important features of the land, clarify how Council will manage the land and how the land may be used or developed.

Until a Plan of Management for Community Land is adopted, the nature and use of the land cannot be changed and Council cannot carry out new development or improvements to the land.

This Plan of Management has been prepared in order to achieve and promote balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of both local neighborhood groups and the broader community. It identifies appropriate outcomes for the reserve and provides a way for achieving these outcomes through a series of clear strategies and detailed actions.

1.2 Community Land Covered by the Plan

The community land covered by this plan is shown in *Figures 1 & 2*.

This land is legally described as Lot 1 in DP 133066.

The area covered by this plan covers approximately 3.805ha.

The land is zoned as 6(a) Open Space pursuant to the Tweed Local Environmental Plan 2000. The reserve is adjoined by 2(b) Medium Density zoned land to the north, south, east and west. The reserve is also adjoined by land zoned 5(a) Cemetery to the west and on the opposite side of the Adelaide Street road reserve (*See Figure No.2*)

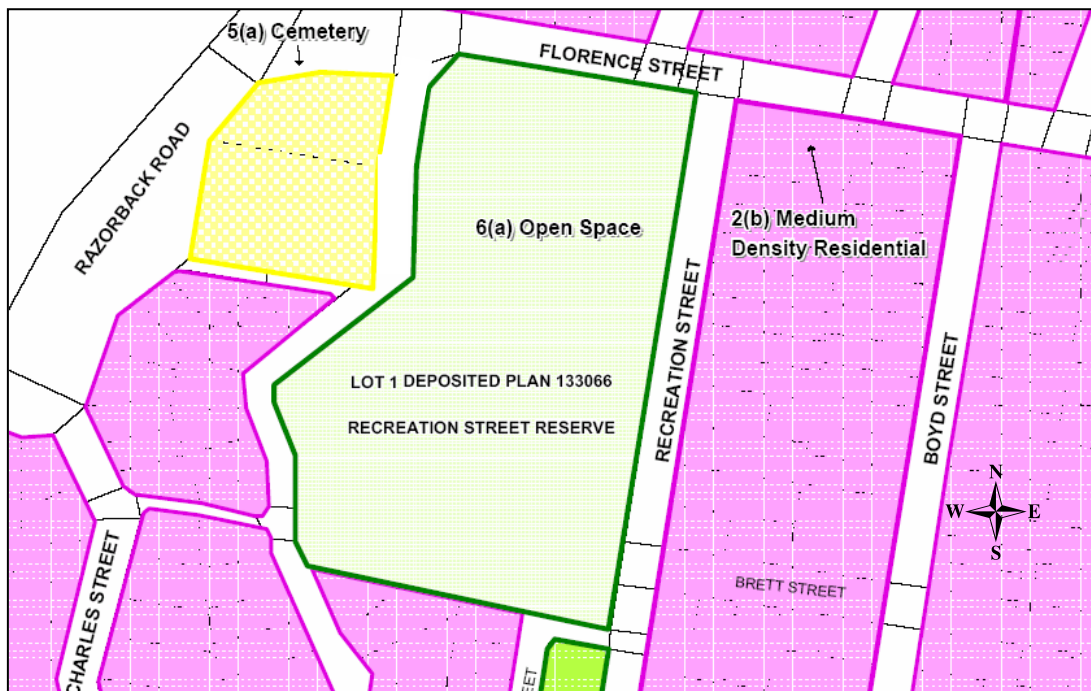


FIGURE 2. ZONING PLAN

1.3 Management Units

For management purposes the land has been separated into two (2) units which reflect the existing uses and physical characteristics of the site:

- Management Unit 1 – Sports ground / Playground
- Management Unit 2 – Community Facilities / Police & Community Youth Club / Childcare Centre

These units are illustrated in Figure No.3 (see appendix A)

Management objectives have been developed for each unit to effectively and appropriately deal with the different issues and requirements inherent for each unit. These objectives are then supported by various sets of management strategies and actions which are detailed in this plan.

The suggested management strategies and actions are to be evaluated against established performance targets.

1.4 Category and Class of Land

The land subject to this Plan of Management is classified as Community Land pursuant to the provisions of the Local Government Act, 1993.

Pursuant to the provisions of the Local Government Act, 1993, all community land must be categorised as one of the following categories:-

- Natural Area
- Sportsground
- Park
- Area of Cultural Significance
- General Community Use

It is considered that the Management Units shown above are best managed as different categories. In accordance with the guidelines set out in the Local Government (General) Regulation, 1999, the identified units are categorised as follows:-

- Management Unit 1 - Sportsground
- Management Unit 2 - General Community Use

These categories reflect the present uses of the site and are generally depicted in Figure 3 (Appendix A).

2.0 LOCAL GOVERNMENT ACT - PUBLIC LAND

2.1 Management of Public Land – Statutory Background

All public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) is required to be classified as either 'community' or 'operational'.

The classification will generally be achieved by a local environmental plan, but may, in some circumstances, be achieved by resolution of the council (see sections 31, 32 and 33). The purpose of classification is to identify clearly land that should be kept for use by the general public (community) and that land which should not be (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold. Community land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or license is given and, in the event that an objection is made to the proposed lease or license, the Minister's consent is obtained. No such restrictions apply to operational land.

The use and management of community land is to be regulated by a plan of management. Importantly, the Local Government Act stipulates that until a plan of management is adopted, the nature and use of the land must not change.

2.2 Preparation of Plans of Management for Community Land

Section 36 of the Local Government Act, 1993 sets out the relevant criteria pertaining to the both the need to prepare Plans of Management for public land and also the required form and content of such plans.

Section 36 of the Local Government Act, 1993 states, inter alia:-

Section 36.

- (1) *A council must prepare a draft plan of management for community land.*
- (2) *A draft plan of management may apply to one or more areas of community land, except provided by this division.*
- (3) *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 plans objectives and performance targets, and may require the prior approval of council to the carrying out of any specified activity on the land.*

- (3A) 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 license or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.
- (4) For the purposes of this section, 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.
- (5) 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;
 - (d) watercourse;
 - (e) foreshore;
 - (f) a category prescribed by the regulations.
- (6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:
- (a) defining any expression used in subsection (4) or (5), and
 - (b) prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.

Some areas of Community Land can contain a number of categories described above.

2.3 Plans of Management – Process & Adoption

The process undertaken in the preparation of a Plan of Management for Council owned community land must follow the steps and requirements set down under the Local Government Act 1993. These steps are:

- Prepare the draft plan.
- Council must give public notice of the existence of the draft plan.
- The draft plan is to be exhibited for at least twenty-eight (28) days and a submission period of at least 42 days during which submissions may be made to Council.
- Hold a public hearing in respect of the plan if the proposed plan categorises community land under Section 36 (4) or (5) of the Local Government Amendment Act 1998.

- Consider all submissions made to the public hearing and any written submissions made to Council on the draft plan during the period of public exhibition. Council may then decide to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.
- Subject to no further amendments being required the Plan of Management is then formally adopted by Council.

2.4 Community Participation

Community consultation is a fundamental source of information necessary to provide the most efficient and effective Plan of Management for community land. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of the people most affected by the plan itself. Community participation will also result in an increased general awareness of Council's responsibilities, activities, policies and plans for land management.

3.0 LAND DESCRIPTION & SITE DETAILS

3.1 Land Tenure

The Recreation Street reserve is classified as community land and owned in fee simple by Tweed Shire Council. The reserve is limited to one allotment or title, being Lot 1 in DP 133066.

3.2 Existing Statutory Zoning

The Recreation Street Reserve is zoned as 6(a) Public Open Space pursuant to the provisions of the Tweed Local Environmental Plan (LEP) 2000. In accordance with the Environmental Planning and Assessment Act 1979, Tweed Shire Council as the consent authority, controls development and the use of land on parks and reserves in the Tweed Shire Council local government area. Consistency between Council's LEP and the principles of community land management is important.

3.3 Adjoining land uses

The reserve is adjoined to the north, east, south and west by medium density zoned land (2(b) Zone pursuant to the Tweed LEP 2000). Land immediately to the west of the site is also zoned 5(a) Cemetery.

The site is bordered by Recreation, Florence, Adelaide and Park Streets.

3.4 Community land

Community land must be managed in accordance with the *Local Government Act 1993*, the *Local Government Amendment (Community Land Management) Act 1998* and the *Local Government (General) Regulation, 1999*. The ways in which community land can be used and managed are strictly governed in accordance with an adopted plan of management and any law permitting the use of the land for a specified purpose or otherwise regulating its use.

Community land is owned in fee simple by Council and must not be sold, exchanged or otherwise disposed of except in the instance of enabling the land to be added to Crown reserve or a protected area under the *National Parks and Wildlife Act 1974*. Leases,

licences or estate may be granted subject to requirements of the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*. The use and management of community land must also be consistent with its designated categories and core objectives. Furthermore, the nature and use of community land may not change without an adopted plan of management.

4.0 MANAGEMENT UNITS

The existing reserve contains two (2) distinct Management Units.

Please refer to Figure 3 (Appendix A) for greater detail in this regard.

Those management units contained in this plan are described as follows:-

4.1 Management Unit 1 – Sportsground

This unit includes the active recreation area or playing field. This part of the reserve is restricted to the lowest lying portion of the site and in this regard also acts as a stormwater detention basin for runoff from the catchments draining into the reserve. In times of heavy rainfall the playing surface is covered by water and so for short periods of time is unavailable for use.

Please refer to the attached aerial photograph for depiction of Management Unit 1 (Figure 3 – Appendix A).

Presently the playing field is not used for any formal purposes, with the exception of Markets and other informal sporting activities conducted by local schools. The sporting field currently accommodates long jump and other sporting related improvements i.e. shot put and discus pads (concrete). Given that the area is no longer used by Little Athletics, these facilities are not maintained to any significant standard. Any future formal athletic use is likely to necessitate an upgrade of the existing athletics facilities.

The existing markets are coordinated by the Police & Community Youth Club and are held every 1st and 3rd Sunday of the month.



Other facilities existing within this area include public seating, lighting and a toilet block. These facilities are in good condition although the existing lighting provides light to only a

limited part of the playing area and so restricts the use of lighting for formal sporting activities.

Vehicle access and car parking is provided directly off Recreation Street, Park Street and Florence Street.

At the corner of Recreation and Florence Streets is an existing playground facility and sewerage pump station. Please note that the existing playground area is has been incorporated into Management Unit 1.



Plate 2. Playground and Sewerage Pump Station at corner of Florence and Recreation Streets.



Plate 3. Existing Public Toilet facilities to south of PC&Y Club and to the west of sports field.

4.2 Management Unit 2 - Community Facilities / Police & Community Youth Club / Child Care Centres

The second management unit within the site is characterized by the existing Police & Community Youth Club building located in the north western corner of the reserve and those other buildings located within the sites bounds.

Please refer to the attached aerial photograph for depiction of Management Unit 1 (Figure 3 – Appendix A).

The most dominant structure on the site is the existing Police & Community Youth Club. This building and its surrounds are utilized for a number of activities and is vested in the management of the Police & Community Youth Club. This arrangement is formalized by way of long term lease agreements between the current occupiers and Council. This lease was renewed for 10 years in 2000 and includes a further 10 year option.

The building measures approximately 50m x 21m and incorporates both lower and upper levels. The northern end of the building is adjoined by an existing basketball court, whilst the southern end of the structure is accommodated by an existing childcare centre (Tweed Heads Community Pre School Inc.).

It is noted that the building currently sits within the Adelaide Street road reserve and that appropriate steps have been initiated to rectify this arrangement by way of partial road closure.

The existing structure provides for a large internal open space performance and activity areas and relevant administration, storage and toilet facilities. It is also noted that existing canteen facilities are evident and that these facilities are sub let with Council's agreement.

A sealed car park (23 spaces) serving both the Police & Community Youth Club and the adjacent sportsfield is located to the east of the building. A further two (2) existing car spaces are evident immediately adjacent the existing external basketball court.

This management unit also accommodates a number of other smaller structures. These buildings include an existing structure located in the southeastern corner of the site and an existing structure located in the south western corner. That building located at the corner of Park Street and Recreation Street currently accommodates a child care centre commonly referred to as Cooloon Long Day Care Centre. The existing structure located in the south western corner of the site currently accommodates the Twin Towns Preschool and the Twin Towns Playgroup, and the Tweed Bridge Club.



Plate 4. View south down Adelaide Street to existing P&CY Club building.

Each of the existing uses is formalized by way of appropriate lease agreements with Council. It is also noted that development consents, where relevant, have been sought and granted for the subject uses.

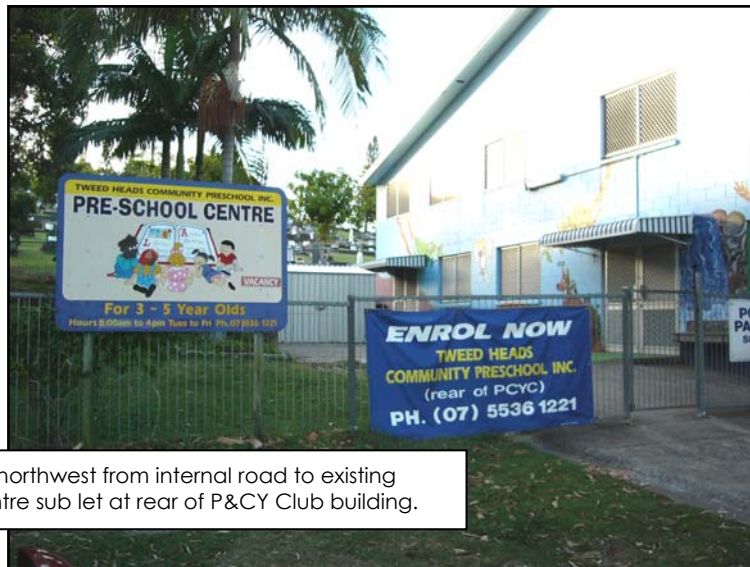


Plate 5. View northwest from internal road to existing child care centre sub let at rear of P&CY Club building.



Plate 6. View from internal road entry on Florence Street to existing P&CY building.



Plate 7. View north west from internal road to existing Bridge Club building and Child Care Centre.



Plate 8. View south west from internal road to existing child care centre outdoor play area.



Plate 9. View northwest from entrance of internal road off Recreation Street to existing child care centre.



Plate 10. View north from internal road to existing child care centre and associated car parking area to south of existing

4.3 Existing Improvements

The following tables summarise the existing improvements within the reserve and the level of values that both the site and its facilities hold:-

Existing Improvements	
Improvement	Existing Condition
Building 1 (P&CY Club)	Fair condition. Needs refurbishment internally and on going maintenance and upkeep of exterior.
Building 2 (Tweed Bridge Club / Child Care Centre)	Fair condition. Needs refurbishment internally and on going maintenance and upkeep of exterior.
Building 3 (Child Care Centre)	Fair condition. Needs refurbishment internally and on going maintenance and upkeep of exterior.
Building 4 (Public Toilets)	Fair to poor condition. Needs continual upkeep and refurbishment due to nature of use.
Building 5 (storage building)	Good condition.
Playground Equipment	Good condition.
Sports Field (inc. turfed area, sporting facilities and the like)	Fair to poor condition. Existing sporting fields appear to have poor top soil coverage and therefore struggle to maintain lush grass coverage throughout the year. Field also exhibits level variation across its bounds.
Public Facilities (seating etc)	Good condition
Internal Roads / Infrastructure	Good condition. All roads and verges appear to be in good condition and do not exhibit significant signs of wear and tear.

Table: Values & Levels of Significance			
	Level of Significance		
	Local	Regional	State
Natural & Cultural Values			
Historic Context	✓		
Natural Landscape Character	✓		
Biodiversity	✓		
Educational / Scientific Values	✓		
Recreation, Access & Social Values			
Public access, pedestrian circulation and linkages	✓		
Playground facilities	✓		
Shade / shelter, seating and passive recreation facilities	✓		
Social welfare facilities	✓		

4.4 Natural Values / Environmental Significance

The existing reserve provides for little in terms of significant environmental value, with perhaps its most important feature being the ability of the site to act as centralized stormwater catchment for the surrounding elevated areas.

The subject land provides for a number of significant stands of mature eucalypt vegetation. These stands primarily ring the existing sporting field. Despite their maturity, those existing trees evident upon the site are independently sited of one another and therefore are not representative of established habitat or vegetation communities. Nonetheless, the existing trees upon the site provide for significant landscape and visual appeal and should therefore be retained where practical.

No other striking natural features or physical characteristics are evident upon the site.

5.0 COUNCIL POLICIES / FOUNDATION PRINCIPLES

This section outlines Council's general management principles related to the planning, management and maintenance of Lot 1 in DP 133066 (Recreation Street Reserve).

Any strategies and actions proposed in accordance with this plan must be generally consistent with the principles listed.

5.1 Planning

Council will:

- Consider and attempt to balance the need for community recreation facilities with the impact that development of such sites will have on local residents;
- Attempt to balance the provision of active and passive recreational facilities;
- Consider access to recreational facilities for young families and disabled users;
- Integrate access for disabled users in plans for future developments;
- Limit facilities and uses on the site to those facilities and uses that can demonstrate consistency with the objectives of the Plan of Management;
- Attempt to provide safe pedestrian links and corridors between components of the open space network; and
- Have regard to Council's Environmental Sustainability responsibilities when approving works on the site.

5.2 Management

Council will:

- Reserve the right to control the use of, and access to, community land;
- Create opportunities for community consultation and participation in the planning and development of community land; and
- Facilitate a system whereby enquires and complaints from the public can be efficiently and promptly dealt with.

5.3 Funding of New, and Improvement of Existing, Facilities

All major developments and improvements to be funded (solely or partially) by Council will be approved through inclusion in Council's Capital Works Schedule or other approved forms of funding. Works included in Council's Capital Works Program will be funded from income generated from Council's entrepreneurial activities, general

revenue, Section 94 contributions and external funds in the form of Government grants. If the anticipated yields from these sources are not achieved it will result in the proposed works being delayed to later dates.

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

5.4 Vegetation Management

The control of noxious weeds and the maintenance of existing vegetation upon the site shall remain with the Tweed Shire Council.

This may involve the use of herbicides or mechanical methods as well as minimum disturbance methods where appropriate.

5.5 Maintenance

Council will:

- Subject to specific lease (and sub lease) and management agreements, carry out maintenance and inspection of existing assets when and as required;
- Review maintenance service levels to ensure that facilities are maintained efficiently and within budget constraints;
- Encourage community groups to assist with maintenance;
- Ensure the efficient and conservative use of water, pesticides, herbicides and fertilizers on Council ground; and

5.6 Fees

Council applies fees for the use of Council reserves. An application must be lodged with Council prior to the event where required.

All applicable fees must be paid prior to the hire/use of the reserve.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc, are detailed in Council's adopted fees and charges Schedule.

Council's fee structure is reviewed on an annual basis.

5.7 Sale of Alcohol

Council must approve the sale of alcohol on Council property. Before approval is sought, a Functions License must be obtained from the NSW Police Department. This license must

be produced in every instance where an application involving the sale of alcohol on Council property is sought.

Applications must meet the requirements set down by the Licensing Board, Courts of NSW and Council.

5.8 Signage

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits. Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of a reserve.

All signs must meet a design standard and be approved by the General Manager. All signs must be sympathetic to their environment in their design, construction and location.

All Council signs erected under Section 632 of the Local Government Act plus reserve name signs and traffic and safety signs, are permissible. Council must approve all other signs before erection.

5.9 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements / agreements on the site.

5.10 Leases, Licenses and Other Estates

This Plan of Management authorises the lease, licence or grant of any other estate over part or all of the areas stated in this Plan of Management for the purpose of public recreation or the physical, cultural, social and intellectual welfare or development of members of the public including the use of part of the community land for the construction and use of fields, courts, change rooms, clubrooms, grandstands, amenities and associated facilities.

This plan of management also authorises, subject to the agreement of Council, the continued operation of existing facilities / uses (subject to lease or licence agreements) and the introduction or expansion of new facilities upon the site so long as demonstrated consistency can be achieved in relation to the objectives and provisions of this plan.

The following general restrictions also apply to Council in relation to the grant of leases etc over community land:

- council must call tenders for leases etc over 5 years, unless the lease etc is to be granted to a non-profit organisation (s.46A)

- subleases are only allowable for the same purpose as the original lease, except for a handful of exceptions listed in cl.26, Local Government (General) Regulation. For example, the lease of a building to a sporting club for holding events/lessons/training cannot be subleased by the sporting club for public meetings, or markets (s.47C)
- council may only grant exclusive occupation of community land through a lease, licence or other estate. Council cannot bypass the Act by signing a 'management agreement' for example (s.47D)
- council cannot avoid the 21 year limit on leasing etc by including certain other terms in the lease (s.47(10))
- certain developments on community land must be determined by the council itself rather than by staff under delegated authority (s.47E).

5.11 Animals on Reserves

Existing Acts and Regulations regarding the prohibition of animals such as dogs and horses on community land including a public place or part thereof, without prior Council approval, must be enforced to keep these areas free of animals and excrement. Council will enforce the Companion Animals Act 1998 and Regulations or equivalent which states that the owner of a dog found in a prohibited place is in breach of the law.

In general, without prior approval of Council a dog is not permitted in the following places (whether or not they are leashed or otherwise controlled):

- Within 10 metres of any playing apparatus provided or part for the use of children;
- Within 10 metres of any apparatus provided for the preparation or consumption of food by humans;
- Public bathing areas including a beach that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition;
- Any areas provided or set apart for public recreation or the playing of games that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition.

5.12 Public Safety

Subject to the content of relevant leases and sub leases, Council, as landowner will ensure that all buildings under their ownership and those operations approved for use by Council, are appropriately managed and operated in accord with relevant workplace health and safety requirements and that all fixtures and facilities are maintained in a safe and secure condition.

All appropriate insurance covers should be in place at all times. In most circumstances the responsibility in this regard will rest with the leaseholder.

6.0 MANAGEMENT OBJECTIVES & ISSUES

6.1 Management Issues

This section discusses the objectives of the reserve, the various management issues identified and possible options and solutions.

6.2 Use of Sportsground

The predominant use of the sports ground is presently for licensed Markets and informal school usage. No other sporting clubs claim use of the grounds at the time of writing, although it is evident that approaches have been made in the past and that potential exists to accommodate like uses in the future.

It is considered that the sporting grounds upon the site are under utilized for the purposes of formal sporting activities and that potential exists for other sporting bodies to utilise such space. In this regard, potential opportunities exist in relation to the use of the land for such sporting activities as touch football, soccer, hockey, softball, rugby union / league, baseball and other like activities.

Dual or multiple uses must be encouraged in order to allow for as many groups as possible to use the sportsground and also to maximise the use of the asset.

Constraints evident in relation to the above comments include the poor quality of the ground itself, poor lighting and the fact that the oval generally doubles as a drainage reserve. Perhaps the most significant constraint is the lack of formal change room facilities, storage areas and clubhouse facilities. In this regard, any approach to utilise the sporting fields for a use requiring such facilities should also include attempts to negotiate financial contribution towards such facilities.

No conflicts are considered likely in relation to existing uses and any likely sporting use, particularly as most formal sporting activities will be carried out on a weekend. It is noted however that any future use must take all care and consideration so as to ensure that no conflicts arise in relation to existing uses / facilities on the site.

The subject reserve could also be used for the purposes of Circus events, concerts, fetes and other like public gatherings. In this regard, due consideration must be given to the impacts of any such proposal on the ability of others to enjoy the reserve, the amenity of the area and the physical suitability of the site.

6.3 Vegetation

Generally the trees within the site have grown naturally and are limited to mature stands of eucalypt and malaleuca spp. These trees are largely limited to perimeter plantings adjacent to external roads and between buildings on the site.

No dominant weed species are evident upon the site.

Further screen and shade planting is considered desirable in and around the Little Athletics storage building.

There will be instances from time to time where pruning and general maintenance of existing vegetation will be required. Such works must only be carried out in accordance with the relevant Australian Standards.

6.4 Police & Community Youth Club Building

This Centre is the dominant structure on the site and is presently accommodated and managed by the Police & Community Youth Club. This arrangement is formalized by way of a 10 year (with 10 year option) lease arrangement with Council. It is noted that the building, although functional and in fair condition, is likely to be subject to redevelopment work within the near future.

The present use of the building represents an important social element and should be encouraged if possible. In this regard, consideration should be given to further extending the lease arrangement so as to provide suitable tenure and the security in relation to any proposed redevelopment works.

Whilst the existing external basketball court provides an important recreational facility for local residents, this area could also be utilized within any redevelopment plans put to Council. In this regard, suitable alternate sites for the provision of basketball or like facilities could be found within the sites bounds.

The existing structure encroached significantly within the Adelaide Street road reserve. This encroachment should be rectified by way of partial road closure at the earliest opportunity.

6.5 Childcare Centres

The subject site presently accommodates two (2) community based preschools.

Independent facilities (subject to individual Council lease arrangements) are located in the south eastern corner of the site (Cooloon Long Day Care Centre), the south western corner of the site, and attached to the rear of the Police & Community Youth Club building (Tweed Heads Community Pre-School Inc).

These uses have demonstrated an ability over a number of years to exist on the site without cause for concern. In this regard, no constraints are evident in relation to the expansion of the existing facilities or indeed, the introduction of new child care related facilities. It is considered that any proposal to provide for additional such facilities can generally be accommodated within the bounds of either Management Units 1 or 2. Please note however that child care centres are only to be permitted within the bounds of Management Unit 1 so long as they remain ancillary to the recreational use of the land and do not result in any net loss of active recreational space / facilities.

Any proposal to expand, alter or construct existing / new buildings should only be done so via the submission of appropriate applications to Council.

6.6 Access

Vehicle access to the reserve is provided off both Florence Street and Recreation Street. The subject site provides for a sealed and partially kerbed internal road. The existing road is in a generally good condition (relative to existing uses) and provides direct and unfettered access to each of the existing buildings on site.

Improvements could also be made to the reserve in relation to both cycleway and pedestrian footpaths. In this regard, any attempt to significantly develop or refurbish existing facilities should be accompanied by an integrated acknowledgement of surrounding facilities and the need to improve connectivity between and within the site.

7.0 MANAGEMENT STRATEGIES

This section describes the preferred management objectives and principles for each of the identified Management Units within the Recreation Street Reserve.

MANAGEMENT UNIT 1 - SPORTSGROUND

1. Core Objectives for management of community land categorized as Sportsgrounds

Section 36 f The core objectives for management of community land categorized as a Sportsground are:

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

2. Management Statement & Objectives Statement

The Recreation Street Reserve will be managed to provide active recreation opportunities for the Tweed Shire which will optimize availability by providing a balance between physical use and the carrying capacity of the reserves and recognizing their potential for mitigating the effects of urban stormwater drainage.

3. Specific Requirements

Leases, Licenses & other estates

Leases, licenses or other estates over this reserve will be permitted under this plan of management for the purposes of sports use including the provision of built sporting recreation facilities, subject to the satisfaction of the following:-

- (a) the type of use proposed and/or any required facilities being to the benefit of the community of Tweed Shire and meet a recognised need, and
- (b) Council approval of the proposed tenure term, and
- (c) the requirements of the Local Government Act 1993, Amendment 1998 & Regulation 1999, and
- (d) the requirements of Council's Local Environment Plan (LEP) relating to permissible uses, and
- (e) the negotiation of an appropriate lease, license or other estate fee, and
- (f) specific conditions contained in the lease agreement.

Community Land Easement Requirements

Council will permit the granting of easements from properties adjoining community land for connection to Council facilities and / or other public authorities or cross community classified land as per Section 46 of the Local Government (Community Land Management) Amendment Act 1998, subject to the following conditions which will be listed in this Plan of Management:-

- Easements will be granted for the purposes described above subject to a fee being paid by the developer applicant based on a valuation of the land required assessment to be based upon the enhancement to the dominant tenement and the impact upon the servient tenement; and
- Council approval of the proposed location, design and engineering requirements which will be based on:
 - a) Council's stormwater drainage management requirements and
 - b) Compliance with Community Land core objectives (as described in the Act) and
 - c) Location of and impact on existing assets and infrastructure; *and*
- Stormwater to be connected directly into existing facilities or piped directly into natural watercourses to avoid overland flow; and
- Stormwater design to include details of the proposed outlet structure if into a watercourse; and
- Satisfaction of any required reports e.g. hydrological, geochemical, geotechnical, archeological etc. associated with any future installation, construction method and / or associated soil and sub-soil rehabilitation; and
- Stormwater proposals to include on-site detention systems, including nutrient and sediment control devices as per Council's Stormwater Policy for Development; and
- The cost of all works to be borne by the developer / proponent; and
- Each individual application to be assessed by relevant Council officers on a merit basis; and
- Compliance with relevant statutory requirements; and
- Conditions of any easement to cover the installation and future maintenance and access requirements, that are satisfactory to Council; and
- Review of continuing need or alternative site for existing easements; and
- Negotiation with the easement holder regarding existing easement maintenance practices.

Application fee

Council will only consider a request for a private easement, via the completion of an application in the prescribed format that must be accompanied by a non-refundable application fee, as detailed within Council's Fees & Charges Schedule.

MANAGEMENT UNIT 2 - GENERAL COMMUNITY USE

1. Core Objectives for management of Community Land categorised as a General Community Use

Section 36i The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social & intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities.).

2. Management Statement & Objectives

General Community Use Land will be managed as the venue for community activities within the Tweed Shire Local Government Area.

3. Specific Requirements

Leases, Licenses & other estates

Leases, licenses or other estates over General Community Use areas or designated General Community Use areas within parks and/or Reserves will be permitted under this Plan of Management for the purposes of providing / facilitating uses of the land and to provide facilities on the land to meet the current and future needs of the local community and of the wider public, subject to the satisfaction of the following:-

- (a) Consistency with the core objectives of the identified Management Unit; and
- (b) The type of use proposed and / or any required facilities being to the benefit of the community of the Tweed Shire and meet a recognised need and/or the use is for a residential purpose in relation to housing owned by the Council in accordance with section 46 (1)(b)(iv), and
- (c) Council approval of the proposed tenure term, and
- (d) The requirements of the Local Government Act 1993, Amendment 1998 & Regulation 1999, and
- (e) the requirements of Council's Local Environment Plan (LEP) relating to permissible uses, and
- (f) the negotiation of an appropriate lease, license or other estate fee, and
- (g) specific conditions contained in the lease agreement.

8.0 ACTION STRATEGIES / PERMITTED USES

Action Strategies

An Action Plan defines the “means of achievement” (management actions) in accordance with desired outcomes and core objectives (refer to the following Action Strategy sheets). The “means of assessment” provide a system of checks and balances to assess actions and performance. Priorities are assigned according to specific action’s relative importance.

Permitted Uses

It is an express provision of this Plan of Management that Council may enter into legal agreements for, and charge for, the use of the area and may license operators of business undertakings which it determines will assist in achieving the objectives of this plan.

Proponents of future developments and those responsible for existing uses should also have regard to Council’s Exempt & Complying Development Control Plan (DCP 40) and the provisions of Section 68 of the Local Government Act, 1993.

Those uses permitted without consent are listed in the following Management Table.

Management Strategies and Actions			
MANAGEMENT UNIT NO.1 - SPORTSGROUND			
Management Objectives	Management Strategies Performance Targets	Actions (means of achieving targets)	Performance Evaluation (how they will be assessed)
<ul style="list-style-type: none"> Encourage, promote and facilitate recreational pursuits in the community involving organized and informal sporting activities. 	<ul style="list-style-type: none"> Maintain sports fields and associated assets at a safe and acceptable level as Council funds permit. Plan for the provision and management of new sporting facilities as well as improvements to existing facilities as funds permit. Provide opportunities for community participation in provision of sporting facilities. Provide opportunities for participation by integrating access for people with disabilities. 	<ul style="list-style-type: none"> Maintain sports grounds to a suitable standard. Allocate funding in Council's budget for the maintenance and development of this reserve. Seek external funding for development of sports ground facilities. Wherever possible provide safe and convenient access to facilities for people with disabilities. 	<ul style="list-style-type: none"> Development of Appropriate Policy. Receipt of funding. Equitable and justified allocation fields for sporting and other activities. Provision of access for people with disabilities (within reason).
<ul style="list-style-type: none"> Ensure that such facilities are managed having regard to any adverse impact on nearby residences, the environment and the needs of the community. To ensure that all existing and future uses are sustainable. 	<ul style="list-style-type: none"> Obtain development consent for any works as required under Council's LEP 2000. That those uses / works that are permitted without consent do not impact upon the environment. 	<ul style="list-style-type: none"> Prepare suitable plans and submit development applications as required. Manage facilities in accordance with development consent. Council to approve only those 	<ul style="list-style-type: none"> Development application lodged for works as required. Compliance with development consent. Compliance with Section 9.0 of this plan and the LEP.

	<ul style="list-style-type: none"> ▪ Activities and uses to be in accordance with Section 9.0 of this plan or in accordance with those permitted under the 6(a) zoning of Council's LEP. 	<p>uses in accordance with Section 9 of this Plan and those permitted under the 6(a) zoning.</p> <ul style="list-style-type: none"> ▪ Council's Manager Recreation Services and Manager Development Assessment to consider the adverse impact on nearby residences when allocating ground use. ▪ Council to create opportunities for community participation in the development and management of recreational facilities. ▪ Consultation with community 	<ul style="list-style-type: none"> ▪ Re-allocation of ground use if necessary.
<ul style="list-style-type: none"> ▪ To ensure that all existing and future facilities and land are maintained to a suitable standard 	<ul style="list-style-type: none"> ▪ Provision and maintenance of a suitable level of grass cover that is consistent with the desired recreational use of the reserve. ▪ Maintain and provide garden beds so as to provide a suitable level of visual and general amenity for park users. ▪ Minimise adverse impacts associated with litter. ▪ Maintain a suitable level of access within the reserve for all persons. 	<ul style="list-style-type: none"> ▪ Develop infrastructure and vegetation maintenance and management plans that are commensurate with recreational uses and available resources. 	<ul style="list-style-type: none"> ▪ Implement mowing program. Undertake turf maintenance as required ▪ Full cover length >20, <100mm ▪ Rubbish free, mulched and incorporates healthy viable plants ▪ Grounds litter free and no overflowing bins ▪ Clear of obstructions, weed free, safe from obstructions and no on going damage

	<ul style="list-style-type: none"> ▪ Maintain and expand upon existing car parking so as to maximize community use of the asset. ▪ Provide sufficient lighting and associated facilities so as to promote structured recreational use and enjoyment of the reserve. ▪ Provide and maintain suitable facilities within the reserve such as seating and toilet amenities. 		<ul style="list-style-type: none"> ▪ Clear of Obstructions, relatively free of soil and sediment, safe from obstructions, no ongoing damage. Must be to engineers standard ▪ All lights operational, no bent poles or broken luminaries. ▪ Minimum monthly bed clean up. Apply 100mm cover mulch. Replace dead/diseased plants. Undertake horticultural maintenance as required. ▪ No broken slats, all seats fixed to ground, no missing bolts and clean surfaces.
<ul style="list-style-type: none"> ▪ Optimised Sportsfield Use 	<ul style="list-style-type: none"> ▪ Provide clear and legible park signage aimed at promoting recreational use of the park. ▪ Optimise or maximize the usage of sportsfields for recreational purposes. 	<ul style="list-style-type: none"> ▪ Undertake survey of existing park signage ▪ Assess requirements for information to be conveyed. ▪ Design appropriate signage system to accommodate information requirements. ▪ Remove unnecessary signage & install new signage system. ▪ Review reserve usage levels ▪ Establish areas of low use. ▪ Assess reasons for low use. ▪ Reassess value as a sports 	<ul style="list-style-type: none"> ▪ Information regarding use of the park to be contained in a standardised interpretive system for all sports fields ▪ Available for competition sports. ▪ Use more than 50% of available time in one season

		<p>ground.</p> <ul style="list-style-type: none"> ▪ Actively promote its availability within the sporting community <p>or</p> <ul style="list-style-type: none"> ▪ Delete use as sports field. 	
<ul style="list-style-type: none"> ▪ To provide for well maintained and useable sports fields and facilities for use by the wider community. 	<ul style="list-style-type: none"> ▪ Condition of toilets & change rooms ▪ Condition of storage structure and public seating / sporting facilities. 	<ul style="list-style-type: none"> ▪ Building structurally sound, clean, no odour, dirt or mess. ▪ Paper & soap available ▪ Lights working ▪ Buildings locked after daylight hours unless special arrangements made. ▪ All buildings kept in good condition and provided with adequate security (subject to specific lease and sub lease agreements) ▪ Ensure that the existing playground equipment is installed, designed and maintained in accord with relevant Australian Standards 	<ul style="list-style-type: none"> ▪ Fortnightly check & replacement of items. Fortnightly clean. Works orders for repairs submitted. Council staff to open & close buildings unless special arrangements made.

Management Strategies and Actions			
MANAGEMENT UNIT NO.2 - GENERAL COMMUNITY USE (P&CY CLUB / CHILD CARE CENTRES / ANCILLARY STRUCTURES)			
Management Objectives	Management Strategies Performance Targets	Actions (means of achieving targets)	Performance Evaluation (how they will be assessed)
<ul style="list-style-type: none"> Structures Maintained in accord with relevant lease and sub-lease agreements. 	<ul style="list-style-type: none"> Maintenance to be consistent with responsibilities identified within the relevant lease and sub lease, or other appropriate agreement. To ensure that the use of the buildings complies with the requirements of the use and lease agreements. 	<ul style="list-style-type: none"> Carry out regular monitoring of all structures and works. The frequency of the inspections to be consistent with relevant SDI category. Orders for repairs submitted in a timely manner. Carry out programs as set by Council policy, the lease agreement and conditions of government funding. 	<ul style="list-style-type: none"> All structures undamaged, clean & available for use. Satisfactory provision and review of annual reports to Council by building occupiers. Maximise use in accord with the objectives of the management unit.
<ul style="list-style-type: none"> Ensure that such facilities are managed having regard to any adverse impact on nearby residences, the environment and the needs of the community. To ensure that all existing and future uses are sustainable. 	<ul style="list-style-type: none"> Obtain development consent for any works as required under Council's LEP 2000. That those uses / works that are permitted without consent do not impact upon the environment. Activities and uses to be in accordance with Section 9.0 of this plan or in accordance with those permitted under the 6(a) zoning of Council's LEP. 	<ul style="list-style-type: none"> Prepare suitable plans and submit development applications as required. Manage facilities in accordance with development consent. Council to approve only those uses in accordance with Section 9.0 of this Plan and those permitted under the 6(a) zoning. Council's Manager Recreation 	<ul style="list-style-type: none"> Development application lodged for works as required. Compliance with development consent. Compliance with Section 9.0 of this plan and the LEP. Re-allocation of ground use if necessary. Consultation with community.

		<p>Services and Manager Development Assessment to consider the adverse impact on nearby residences when allocating ground use.</p> <ul style="list-style-type: none">▪ Council to create opportunities for community participation in the development and management of recreational facilities.	
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9.0 TABLE OF PERMISSIBLE DEVELOPMENT

Following is a table of development and the identification of whether such development is capable of being carried out with Development Consent or without. Please note that if the development that you seek to carry out does not require development consent, this does not alter the need to gain approval from Council for the carrying out of the activity of use. In any event, early consultation should be carried out with both Council's Development Control Unit and Recreational Services Unit (0266702400).

ACTIVITIES / WORKS / USES PERMITTED	
Development Permissible Without Development Consent	Development Permissible with Development Consent.
<ul style="list-style-type: none"> • Advertising (if associated with a use permitted on the site with or without consent)– must be temporary only and non structural (no more than seven (7) continuous days). • Landscape Works (including weed removal). • Car parking area (sealed or unsealed) ancillary to use of the park and community facilities. • Circuses, rodeos or other similar events that include live animal acts will only be permitted providing the operator fully complies with the State Government's "Prevention of Cruelty to Animals Act" and produce a letter of certification from the RSPCA or the Animal Welfare League that animals are being satisfactorily cared for. Such events are to be limited in duration to no more than 7 days. • Community events e.g. fundraising events, announcements, awareness campaigns, health campaigns. • Concerts, playing of musical instruments or singing for fee or 	<ul style="list-style-type: none"> • Amenities Buildings / Toilets / Change Rooms / Dressing Rooms & like structures • Community Buildings, Public Buildings (unless exempted with exempt and complying DCP or opposite table) • Additions and alterations to existing buildings (subject to exempt and complying DCP provisions) • Child Care Centre • Concerts, playing of musical instruments or singing for fee or reward after 10pm and before 8am or between 8am and 10pm and for a period greater than two (2) days in duration • Drainage and stormwater works (major, such as detention basin) • Filling or cutting greater than 500mm in depth with the exception of ancillary mounding and landscaping works associated with the recreational use of the land.

reward for organised events during the hours of 8am to 10pm (limited to a total of two (2) days in duration).

- Construction of Barbecue or formal family picnic areas (less than 100m² in area).
- Drainage and stormwater works (minor)
- Minor earthworks, filling & leveling and the like. Mounding works associated with provision of recreational use and / or general landscaping is also exempt from requiring consent, with the exception of excavations that would require consent pursuant to Clause 35 of TLEP 2000.
- Filming & Still Photography (in accord with exempt and complying DCP)
- Fire hazard reduction activities
- Fireworks displays (no greater than one night in duration)
- Footpaths, boardwalks, minor bridges
- Helicopter landings – with the written permission of the General Manager
- Lighting of sportsgrounds and reserves and maintenance if existing facilities NB. Any additional lighting (over and above existing, will require development consent)
- Maintenance / minor works
- Functions and large formal gatherings and the like (must not exceed 1500 people)
- Mobile food & beverage vendors subject to licence approval (only permitted from a distance of no less than 250 metres from the nearest food/drink retailing establishment operational on the same day).

- Markets
- Restaurant / Refreshment Rooms or standalone kiosk or cafe
- Sporting facilities, club houses and the like
- One off events / gatherings, where the number of participants and /or spectators on any one day of an event exceeds 1,500
- Activities or temporary facilities occurring over a total of more than 14 days in a calendar year.
- Trade Shows / Exhibitions / Circuses / Fetes & Sporting Carnivals if longer than 7 days (consecutive) in duration.
- All other uses / works requiring development consent within the 6(a) Open Space Zone.

- Overflow vehicle parking on a temporary basis for special events, large film shoots etc (no greater than 3 days in duration)
- Parks and associated buildings and structures (in accord with exempt and complying DCP)
- Park furniture, such as seating, shade structures and minor shelters
- Playground facilities and associated structures
- School activities
- Scouting organisation events and the like (no greater than 3 days in duration)
- Signage – compliance, directional, interpretive, identification (must be compliant with Exempt & Complying DCP, SEPP 64 or temporary in nature i.e. no greater than seven days in duration)
- Sporting events e.g. fun runs, triathlons, soccer carnivals etc.
- Temporary activities, developments or events that the number of participants and/or spectators on any one day of an event does not exceed 1500.
- E.g. Charity, non-profit, corporate, cultural, promotional, social and catered events, parties, festivals, fetes, outdoor cinemas and the like so long as they are no greater than 3 days in duration
- Wedding ceremonies / receptions (utilizing existing built facilities)
- Environmental Facilities (as defined in TLEP 2000)
- Recreation Areas (as defined in TLEP 2000)

10.0 APPENDIX A – MANAGEMENT UNIT LAYOUT (AERIAL)

As attached

11.0 APPENDIX B – LOCAL GOVERNMENT ACT EXTRACT

The following section is an extract from the Local Government (General) Amendment 1998 and explains the lease, licence and other estates policy. This section provides the reader with a general understanding of the fundamentals relating to the management and use of public land in NSW.

46 Leases, licences and other estates in respect of community land generally

- (1) A lease, licence or other estate in respect of community land:
 - (a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or
 - (b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
 - (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
 - (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
 - (iii) for a short-term, casual purpose prescribed by the regulations, or
 - (iv) for a residential purpose in relation to housing owned by the council, or
 - (v) for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land, but may not otherwise be granted.
- (2) Despite subsection (1), a lease, licence or other estate in respect of community land may be granted for a purpose mentioned in subsection (1) (b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this Part, of its categorisation.
- (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years.
- (4) The following purposes are prescribed for the purposes of subsection (1) (b) (i):
 - (a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
 - (i) public recreation,
 - (ii) the physical, cultural, social and intellectual welfare or development of persons,
 - (b) the provision of public roads.
- (5) Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.

- (6) A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

46A Means of granting leases, licences and other estates

- (1) A plan of management is to specify, in relation to the community land to which it applies, any purposes for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part 3.
- (2) Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.
- (3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

47 Leases, licences and other estates in respect of community land terms greater than 5 years

- (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
- (a) give public notice of the proposal, and
 - (b) exhibit notice of the proposal on the land to which the proposal relates, and
 - (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
 - (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.
- (2) A notice of the proposal must include:
- information sufficient to identify the community land concerned
 - the purpose for which the land will be used under the proposed lease, licence or other estate
 - the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
 - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
 - a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.
- (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
- (5) If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.
- (6) If the council applies for the Minister's consent, it must forward with its application:
- a copy of the plan of management for the land
 - details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
 - a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
 - a copy of the newspaper notice of the proposal

- a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
 - a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.
- (7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.
- (8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:
- (a) subsections (1), (2) and (6) have been complied with, and
 - (b) such consent would not contravene section 46, and
 - (c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).
- (9) The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).
- (10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or
 - (b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.

47A Leases, licences and other estates in respect of community land terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5) (9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5) (9) are to apply to the proposal:

- (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1) (8), and
- (b) section 47 (9) has effect with respect to the Minister's consent.

47C Sublease of community land

- (1) In addition to any restrictions created by the lease, community land that is the subject of a lease cannot be sublet for a purpose other than:
 - (a) the purpose for which, as notified under section 47 (2), the land was to be used under the lease, or
 - (b) a purpose prescribed by the regulations.
- (2) A lease is void to the extent that its provisions are inconsistent with this section.

47D Occupation of community land otherwise than by lease or licence

- (1) The exclusive occupation or exclusive use by any person of community land otherwise than in accordance with:
 - (a) a lease, licence or estate to which section 47 or 47A applies, or
 - (b) a sublease or other title directly or indirectly derived from the holder of such a lease, licence or estate, is prohibited.
- (2) This section does not apply to:
 - (a) the occupation or use of part of the site of a senior citizens' centre or home or community care facility by a duly appointed manager of the centre, or
 - (b) the occupation or use of community land by persons, and in circumstances, prescribed by the regulations.

47E Development of community land

- (1) No power of a council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the council, if:
 - (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or
 - (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or
 - (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or
 - (g) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.
- (2) The following buildings are exempt from the operation of subsection (1) (a):
 - (a) toilet facilities,
 - (b) small refreshment kiosks,
 - (c) shelters for persons from the sun and weather,
 - (d) picnic facilities,
 - (e) structures (other than accommodations for spectators) required for the playing of games or sports,
 - (f) playground structures,
 - (g) work sheds or storage sheds,
 - (h) buildings of a kind prescribed by the regulations.

- (3) An existing area referred to in subsection (1) (b) does not include the area of any awning, balcony, verandah or other thing that extends beyond the main structural outline of the building.
- (4) A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

The following section is an extract from the Local Government (General) Amendment (Community Land Management) Regulation 1999 that has been amended in 1998 and explains the lease, license and other estates policy.

6JF Leases, licenses and other estates in respect of community land

- (1) For the purposes of section 46 (1) (b) (iii) of the Act, the use or occupation of community land for the following events is prescribed as a purpose in respect of which a council may grant a license in respect of community land on a short-term casual basis:
 - (a) the playing of a musical instrument, or singing, for fee or reward,
 - (b) engaging in a trade or business,
 - (c) delivering a public address,
 - (d) commercial photographic sessions,
 - (e) picnics and private celebrations such as weddings and family gatherings,
 - (f) filming for cinema or television,
 - (g) the agistment of stock.
- (2) However, the use or occupation of community land for events listed in subclause (1) is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

6JG Exemptions from section 47A (Leases, licenses and other estates in respect of community land . terms of 5 years or less)

- (1) Leases, licenses and other estates granted for the following purposes are exempt from the provisions of section 47A of the Act:
 - (a) residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council,
 - (b) the provision of pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land,
 - (c) use and occupation of the community land for events such as:
 - (i) a public performance (that is, a theatrical, musical or other entertainment for the amusement of the public),
 - (ii) the playing of a musical instrument, or singing, for fee or reward,
 - (iii) engaging in a trade or business,
 - (iv) playing of any lawful game or sport,
 - (v) delivering a public address,
 - (vi) conducting a commercial photographic session,
 - (vii) picnics and private celebrations such as weddings and family gatherings,
 - (viii) filming for cinema or television.
- (2) However, the use or occupation of community land for events listed in subclause (1) (c) is exempt only if:

- (a) the use or occupation does not involve the erection of any building or structure of a permanent nature, and
- (b) In the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and
- (c) In the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

6JH Sublease of community land

For the purposes of section 47C (1) (b) of the Act:

- (a) refreshment kiosks, dances and private parties are prescribed as purposes for which community land that is leased for surf life-saving club or a sporting club may be sublet, and
- (b) a croquet club is prescribed as a purpose for which community land that is used as a bowling club may be sublet.

12.0 APPENDIX C – DEPOSITED PLAN
