

Jack Evans Boat Harbour Plan of Management

Adopted 18 February 2021



Acknowledgement of Country

We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands.

Version	Date of Council resolution	Description
1.0	15 August 2019	Draft version for submission to Department for approval.
1.1	4 June 2020	Updated scope of plan, categorisations, adopted Tweed Shire <i>Open Space Strategy</i> and minor corrections.
1.2	18 February 2021	Minor corrections and community consultation update. Plan for adoption.

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1. Executive summary

Jack Evans Boat Harbour Precinct is envisioned as the recreational and tourism centrepiece for the Tweed City Centre and provides a unique urban parkland for recreation, cultural engagement, nature appreciation and tourist activity.

The 11 hectare Precinct includes areas for passive and active recreation and caters for major and minor events and activities as a regional level open space for the Tweed community which benefited from an \$8 million revitalisation project in 2010.

This plan of management (the Plan) draws on feedback from extensive public consultation undertaken in 2018 and aims to protect and manage the environmental values and natural beauty of the area and will provide guidelines to ensure the Jack Evans Boat Harbour Precinct is suitably managed as a community-friendly, high quality, diverse and accessible facility, reflective of the values and aspirations of the Tweed residents.

In accordance with the *Crown Land Management Act 2016* (NSW) and the *Local Government Act 1993* (NSW) this Plan provides:

- Objectives for the management of the land in alignment with Council's *Community Strategic Plan 2017–2027* (CSP) and *Delivery Program 2017–2021 and Operational Plan 2019–2020* (DPOP);
- Performance targets that define the way Council will achieve its objectives;
- Actions (means of achievement) for Council to achieve its targets;
- Performance measures for assessment of each action; and
- Guidelines for permissible uses and works within the area.





2. Background

2.1 Introduction

Jack Evans Boat Harbour Reserve Trust resolved at its meeting Thursday 18 May 2017 that:

Tweed Heads Jack Evans Boat Harbour Reserve Trust prepares a plan of management for the Jack Evans Boat Harbour in consultation with the community and with regard to the current event guidelines for the Jack Evans Boat Harbour.

The *Tweed City Centre Plan – Vision* document nominates the area “as the recreational and tourism centrepiece for the Tweed City Centre”. While the *Tweed Shire Open Space Strategy 2019–2029* nominates the precinct as a regional level open space which has benefited from an \$8 million revitalisation project in 2010.

As such, the Plan aims to provide guidelines to ensure the Jack Evans Boat Harbour Precinct is suitably managed as a community-friendly, high quality and accessible facility, reflective of the values and aspirations of the Tweed residents.

Jack Evans Boat Harbour Precinct is situated at the northern end of the city between the commercial core and the Flagstaff Hill/ Duranbah Beach area. The Precinct provides a unique urban parkland for recreation, cultural engagement, nature appreciation and tourist activity within the Tweed Heads city centre. The Precinct is generally flat and its protected waters are ideal for the recreation activities of older age groups and families with children.



2.2 Plans of management and relevant legislation

What is a plan of management?

A plan of management provides the framework for managing public land or Crown land. It sets out how the land is intended to be used, managed, maintained and enhanced in the future.

Plans of management:

- are compiled in accordance with a framework outlined within relevant legislation;
- are compiled by Council in consultation with the community;
- identify the important features of the land (e.g. areas of natural significance, buildings);
- clarify how Council will manage the land; and
- indicate how the land may be used or developed e.g. leasing.

It is anticipated that this Plan will assist Council, residents and stakeholders to source funds and develop budgets for the future maintenance and improvement of the subject site.

Land tenure and planning legislation

Crown land is owned by the State or Commonwealth for the benefit of all persons and is managed under the provisions of the *Crown Land Management Act 2016* (NSW) (CLM Act). Crown land is managed by the State unless a Crown Land Manager is appointed by the Minister which can be either a Council or non-Council Manager. (Part 3 CLM Act).

Public land is defined as land vested in a Council (Part 2 *Local Government Act 1993* (NSW) (LG Act)).

Public land and Council Managed Crown land is to be classified and categorised as shown in Figure 1.

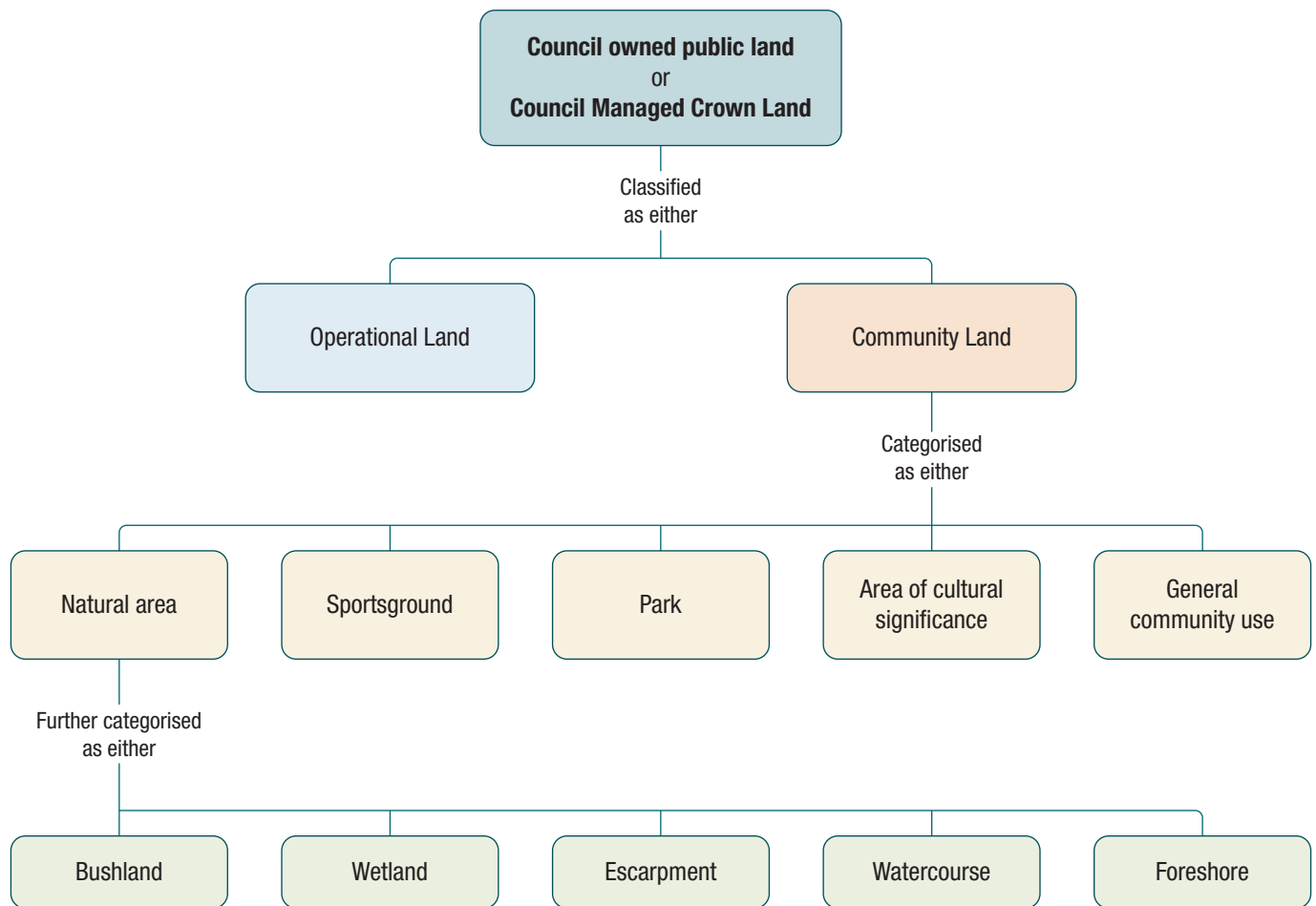


Figure 1: Process for classification and categorisation.

The Jack Evans Boat Harbour (JEBH) precinct comprises of primarily Council Managed Crown Land classified as ‘Community Land’ with two parcels of Council owned ‘Operational Land’. This is detailed further in Section 3.2 of this Plan.

Under the CLM Act, Council is to manage Crown Land reserves to which it has been appointed Crown land Manager as if it were public land within the meaning of the LG Act (Part 3, Div 3.4 CLM Act). As such, Council must prepare a plan of management for the land in accordance with Section 36 LG Act.

Plans of management are not required for Council owned Operational Land. Nonetheless, it is considered that these lots can feature within a Crown Land plan of management however, any directions of this Plan will not be empowered under the CLM Act, nor section 36 of the LG Act and instead be a Council Policy given Council’s ownership of the parcels.

Other Statutory Provisions

Other relevant legislation, plans and policies that guide the management of Community Land identified in this Plan include, but are not limited to:

- *Environmental Planning & Assessment Act 1979* (NSW)
- *State Environmental Planning Policies*
- *Tweed City Centre Local Environmental Plan 2012*
- *Aboriginal Land Rights Act 1983* (NSW)
- *Native Title Act 1993* (Cth)
- *Biodiversity Conservation Act 2016* (NSW)
- *Coastal Management Act 2016* (NSW)
- *Fisheries Management Act 1994* (NSW)
- *Water Management Act 2000* (NSW)
- *National Parks and Wildlife Act 1974* (NSW)
- *Noxious Weeds Act 1993* (NSW)
- *Companion Animals Act 1998* (NSW)
- *Disability Discrimination Act 1992* (NSW)
- *Tweed Shire Open Space Strategy 2019–2029*
- *Policy – Commercial Recreation Activities on Public Open Space, 2011*



2.3 Recent precinct planning and projects

Tweed Heads Town Centre Masterplan (2004)

In August 2002, the then Minister for Urban Affairs and Planning NSW, established a Ministerial Taskforce to provide advice and recommendations on the revitalisation of the Tweed Heads CBD. The *Tweed Heads Town Centre Masterplan* was subsequently adopted by Council on 7 October 2004, with conditions that there be funding sources for capital and recurrent costs. Council also resolved to prioritise the JEBH redevelopment as its contribution to the implementation of the Masterplan.

Jack Evans Boat Harbour Concept Plan (2005–2006)

The *Jack Evans Boat Harbour Concept Plan* was developed following analysis of site environmental conditions, infrastructure requirements and planning implications. The Concept Plan was endorsed and the outcomes from the consultation process were used to form the brief and define the framework for the revitalisation project.

Jack Evans Boat Harbour Revitalisation Project (2009–2011)

Stage 1 of the \$8 million revitalisation project was undertaken which consisted of foreshore embellishment works to create parklands featuring extensive walkways, cycleways, boardwalks, landscaping, amenities block, drainage and opportunities for passive water based recreation. Federal and State funding was contributed to the project which won the 2012 AILA National Landscape Architecture Award for Design.

Tweed City Centre Plan – Vision, Tweed City Centre Local Environmental Plan 2012 and Tweed City Centre Development Control Plan (Section B2) (2009–2012)

The Tweed City Centre Plan formed part of the Regional Cities Project which was about reinvigorating the major centres of important regions and offering new lifestyle, residential, service and job opportunities. As part of this initiative three planning documents were developed:

- *Tweed City Centre Vision*;
- *Tweed City Centre Local Environmental Plan 2012*; and
- *Tweed City Centre Development Control Plan (Section B2)*.

Other Council policies

Policy – Commercial Recreation Activities on Public Open Space

Adopted 13 December 2017, the policy outlines considerations when issuing licences for commercial recreation activities undertaken on Council administered land. See Appendix A.

Jack Evans Boat Harbour Parkland Usage and Event Guidelines

Adopted in 2011, this document provides guidance in the approval and management of temporary outdoor events and regular on-going park use'. See Appendix B.

Tweed Shire Open Space Strategy 2019–2029

This document sets out a decade-long plan to improve Council's parks, sports fields, natural areas, playgrounds and other open spaces.

Draft Tweed River Estuary Coastal Management Program

This Coastal Management Program (CMP) provides a ten year strategic plan that are recommended to meet the objectives and intent of the *Coastal Management Act 2016* (NSW). This document includes a suite of coastal planning and management actions that aim to protect and conserve estuarine and terrestrial ecosystems for the enjoyment of all stakeholders, whilst optimising the value of the floodplain and waterways for existing agricultural, commercial, recreational and cultural users. The actions have been developed and prioritised based on the assessed risk of the threats to the estuary values. The CMP actions draw on existing programs and funding, with additional priority actions to be implemented as funding becomes available.

Tweed Shire Events Strategy 2016–2020

Tweed Shire Events Strategy sets Council's direction and realigns Council's position on events, with the desires of the community. Events are considered to be important catalysts for economic development, social inclusion and community well-being, with each event type delivering a specific flow-on to the community.



2.4 Community consultation

Stage 1 of the community consultation regarding this Plan was undertaken from 8 October 2018 to 30 November 2018 where Council provided an opportunity for the community to be involved and share what they believe is important about the area, the facilities, and how they would like to see the precinct managed in the future.

Stage 1 community feedback received comprised of:

- 1028 completed ‘What’s your Vision for Jack Evans Boat Harbour?’ surveys:
 - 378 from a randomised postal survey
 - 650 from a non-postal, self-selected online and hard copy survey
- 37 written submissions (including 23 from www.yoursaytweed.com.au/JEBH)
- 16 tourist/visitor surveys
- 11 postcard submissions.

Responses were captured and analysed in two ways comprising quantitative data (numerical data and statistics) and qualitative data (free form open ended comments and opinions). Council commissioned Jetty Research to analyse and report the quantitative findings from the ‘What’s your Vision for Jack Evans Boat Harbour?’ surveys.

The draft Plan was informed by the results of the Stage 1 feedback and taking into consideration Council’s ongoing contact with the community with regard to land management issues in the area.

Stage 2 of the community consultation comprised of the public exhibition of the draft Plan. The community was invited to provide feedback from 26 October till 8 December 2020 in accordance with the *Local Government Act 1993*. 40 submissions were received.

The key findings of the community consultation are reported within ‘Appendix C1: Report – Community Consultation Feedback for the proposed draft *Jack Evans Boat Harbour Plan of Management – March 2019 – Stage 1*’ and ‘Appendix C2: Report – Public Exhibition Feedback Report for the draft *Jack Evans Boat Harbour Plan of Management – Stage 2*’.





3. Land subject to this Plan

3.1 Scope of this plan

Land that is subject to this Plan is mapped below:

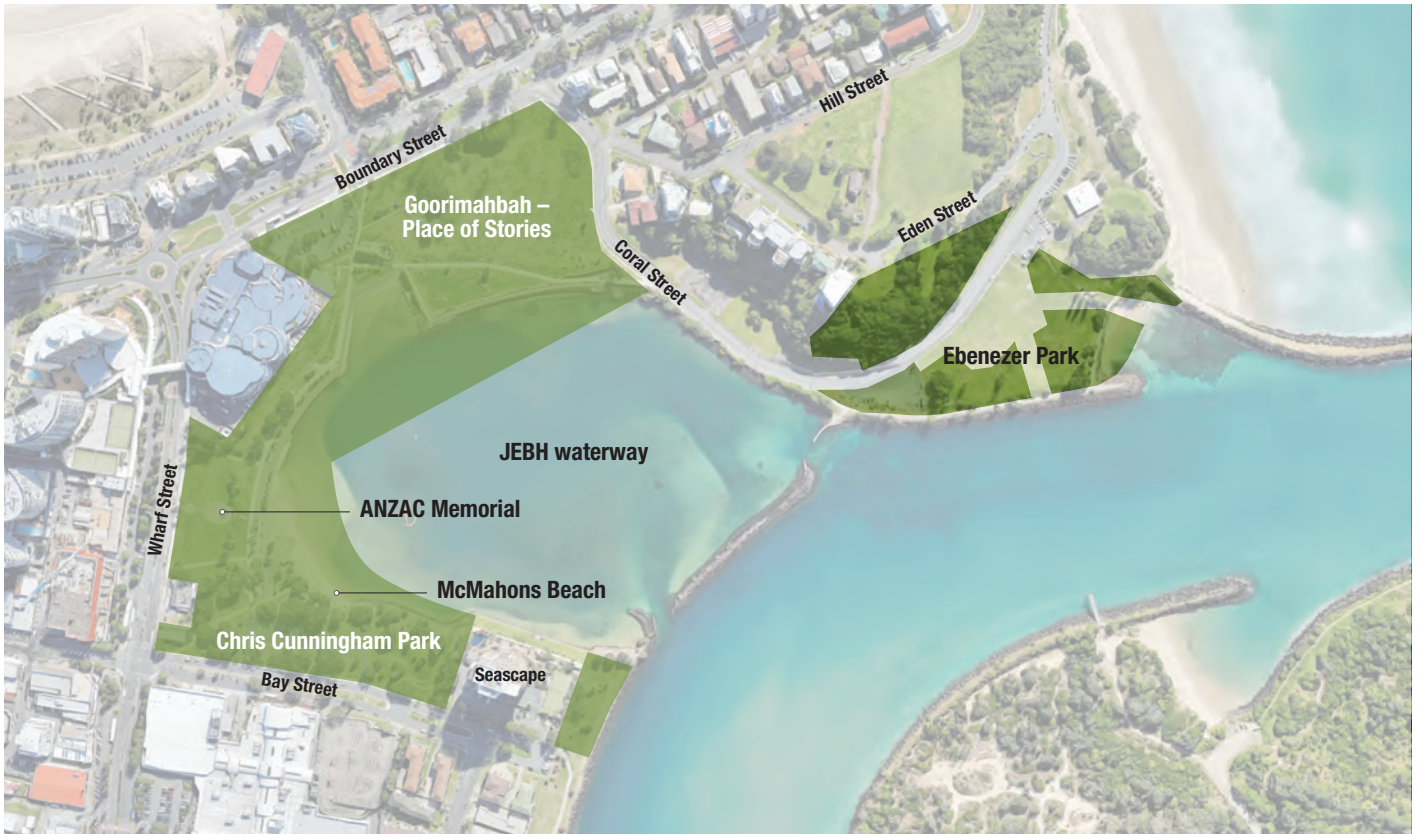


Figure 2: Scope of the subject Plan.

As shown above, the areas that the Plan will cover are:

- Jack Evans Boat Harbour parklands which includes Chris Cunningham Park, boardwalk and McMahons Beach, Anzac Memorial, Goorimahbah – Place of Stories and a section of John Follent Park east of the Seascape building
- the northern and western sections of the Jack Evans Boat Harbour waterway
- Council managed sections of Ebenezer Park
- north of Coral Street adjacent to Ebenezer Park.

3.2 Land tenure, classification and categorisation

This Plan incorporates land with varying ownership, management and classification which is summarised in the table below and Figure 3:

Crown Reserve no.	Lot//DP	Land owner or manager and classification	Reserve purpose (applicable to Crown land only)	Categorisation (LGA)
A Part Reserve 1012191	2//1150839	Council Managed Crown Land – Community Land	Access and Public Requirements, Rural Services, Tourism Purposes and Environmental and Heritage Conservation	Park
B 96867	1–2//1150839	Council Managed Crown Land – Community Land	Public Recreation	Park
C Part Reserve 80245	7036//1054009	Council Managed Crown Land – Community Land	Public Recreation	Park
D 55246	7034//1052935 7068//1113061	Council Managed Crown Land – Community Land	Public Recreation	Park
E Part Reserve 57974	448 and 653//755740; 704//877249; 7062//1072130; 7340–7344//1166191	Council Managed Crown Land – Community Land	Access; Public Recreation; Quarry	Park, Natural Area (Bushland)
F	2//554400	Council vested Operational Land	N/A	N/A
G	1//607300	Council vested Operational Land	N/A	N/A

Lot 2 DP 554400 and Lot 1 DP 607300 (Reserves F and G) are land parcels vested in Council and classified as Operational. Although a plan of management is not required for this land under the LG Act, this Plan acts as guidance for Council with regard to the ongoing management of the Precinct.

As shown in the table above, in accordance with Section 36 of the LG Act, Council managed Crown land has been declared by Council as comprising land categorised as a Park or Natural Area (Bushland). These categorisations are consistent with the relevant Reserve Purpose and the existing site conditions. The following figure highlights the tenure and categories outlined in the previous table.

Council can only adopt Plans of Management over land where Council has been appointed Crown Land Manager. Council cannot be appointed Crown Land Manager of Lot 7339 DP 1166191 within Ebenezer Park as such, this Lot remains State Managed Crown Land and is not subject to this Plan of Management.



Figure 3: Land tenure and categorisation.

Council managed Crown land categorised as Park is considered to meet the following Guidelines in accordance with Clause 104 of the LG Regulations.

Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

Council managed Crown land categorised as Natural Area (Bushland) is considered to meet the following Guidelines in accordance with Clause 102 of the LG Regulations.

Land should be categorised as a natural area under section 36 (4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.

It is noted that Lot 7062 within Crown Reserve 57974 (E) is proposed as the category 'Natural Area' as the site includes land identified as 'littoral rainforest' under the *State Environmental Planning Policy (Coastal Management) 2018*.

3.3 Land use zoning under Tweed City Centre Local Environmental Plan 2012

The *Environmental Planning and Assessment Act 1979* (NSW) (as amended) guides land use planning in New South Wales. Under this legislation Tweed City Centre Local Environmental Plan (TCCLEP) 2012 has been adopted which defines and regulates land use within this area.

Within the Jack Evans Boat Harbour Precinct under TCCLEP 2012, the waterway is zoned W2 Recreational Waterways. Most of the parkland is zoned RE1 Public Recreation except for areas north of Coral Street that are zoned E2 Environmental Conservation as shown in Figure 4.

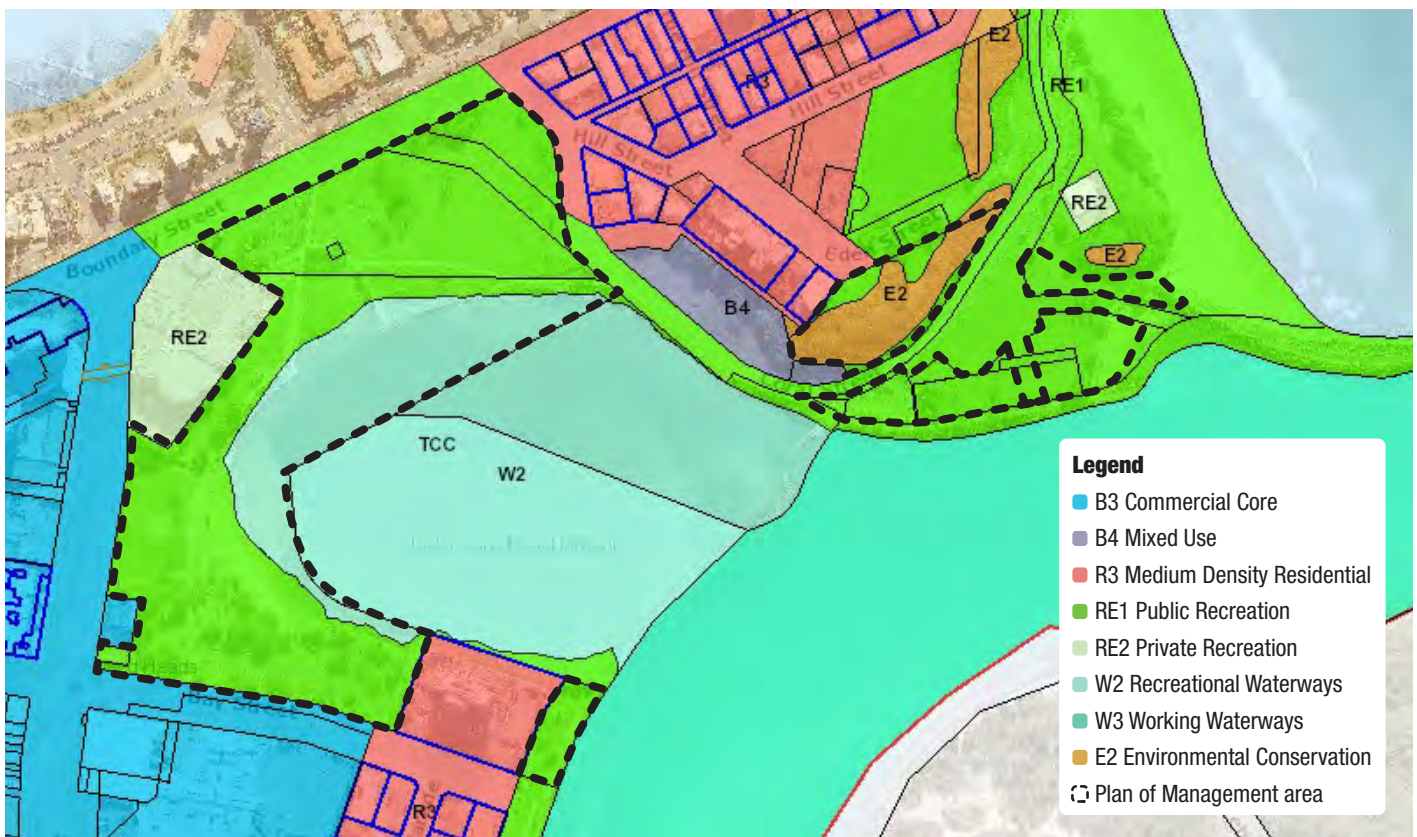


Figure 4: Land use zoning under Tweed City Centre Local Environmental Plan 2012.

Appendix D includes an excerpt from TCCLEP 2012 listing the zone objectives and permissible and prohibited land uses for each zone.

3.4 Adjoining land uses and surrounding development

The Tweed Heads commercial centre featuring Tweed Mall, shop top housing and tourist accommodation is located to the west and south. Residential developments are located to the north and south east overlooking the harbour. Further along Coral Street to the north east is Duranbah Beach and Lovers Rocks that is overlooked by Point Danger.



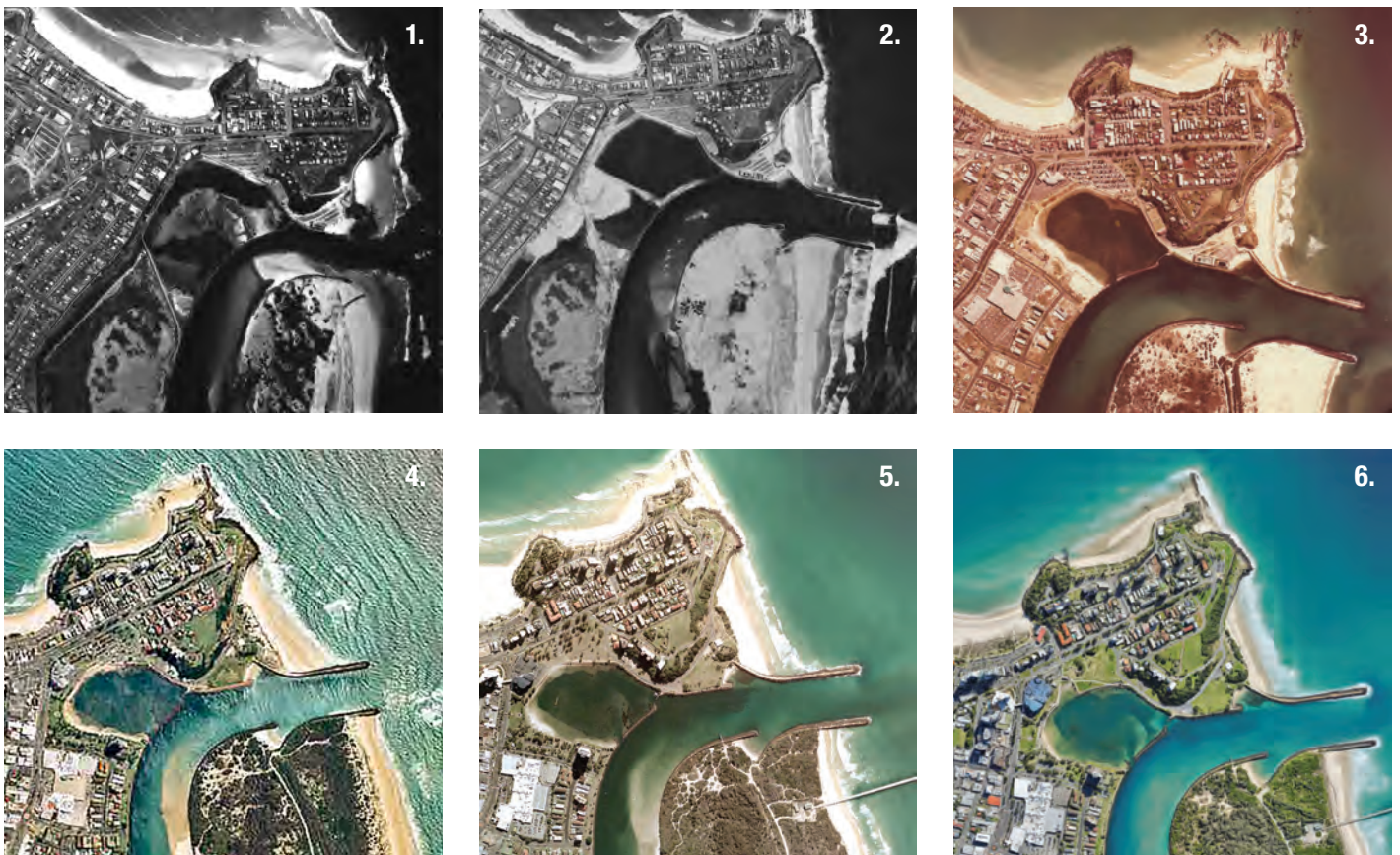
Figure 5: Site context.

3.5 Historical context

The Jack Evans Boat Harbour Precinct is rich in Aboriginal and European settlement history and environmental landscape history.

The Jack Evans Boat Harbour is a remnant of the Tweed River Back Channel which, along with Greenbank Island was reclaimed in the late 1960s. Many residential, commercial and civic buildings are now located where the Back Channel and Greenbank Island once were.

The Jack Evans Boat Harbour area has previously been the home to the Border Caravan Park, Tweed Heads Coolangatta Bowling Club, Tweed Heads Rowing and Aquatic Club and Jack Evans Porpoise Pool.



Above: Aerial photography of Jack Evans Boat Harbour area **1.** 1962, **2.** 1966, **3.** 1976, **4.** 1996, **5.** 2004 and **6.** 2019 (Google image).



Left: The 'back channel', Tweed Heads, C. 1908. Tweed Regional Museum Collection. K1660.



1: Camping on the border, Tweed Heads, Back Channel in background. Christmas 1920. Copy of original photo by Robert Warbrooke. MUS2017.8.3

2: Tweed Heads & Coolangatta, 1960. Tweed Regional Museum Collection. TH109-16

3: Part Aerial photo of Boyds Bay and the 'back channel', photographer Ray Duke, 1964. Tweed Regional Museum Collection. THSL00080

4: Aerial, Tweed River mouth, rock wall in foreground separating Jack Evans Boat Harbour from the River, Flagstaff Hill on left, Jack Evans Porpoise Pool on left, photographer Bob Anthony (Jnr), 1980s.

5: Greenbank Island and Tweed Heads, photographer Bob Anthony, 1970. Tweed Regional Museum Collection. TH62-37

6: Tweed Heads at the mouth of the river, photographer Bob Anthony, c. 1970. Tweed Regional Museum Collection. TH138-23

3.6 Condition of the land

The Jack Evans Boat Harbour Precinct is situated at the northern end of Tweed Heads between the commercial centre and the Flagstaff Hill/Duranbah Beach Precinct. The boat harbour area is the primary open space and community focus providing views from the city centre across the water to Flagstaff Hill. The Precinct is generally flat and its protected waters are ideal for the recreation activities of older age groups and families with children. The Twin Towns club building and the twenty four storey Seascape residential tower overlook the harbour.

The Precinct features the following Management Areas shown in Figure 6.



Figure 6: Management areas map.

In accordance with Section 36(3A) of the LG Act, the following provides a description of the Management Areas, current uses and any building and improvements. See Appendix E which outlines considerations for the Condition Assessment Guidelines.

3.7 Land condition table

Management precinct	Description of the condition of the land and of any buildings or other improvements on the land (s36 (3A)(i))	A description of the use of the land (s36 (3A)(ii))	Any such buildings or improvements on the land. (s36 (3A (a) (ii))	Condition rating. (1= good, 5 = very poor, see Appendix E)
JEBH Waterway	Protected waterway with open water connection to the Tweed River.	Public recreation including boating, non-motorised watercraft, swimming.	Revetment walls	2–4
Central Beach	Constructed timber/sand beach with all-abilities water access ramp and landscaping.	Public recreation.	All-abilities water access ramp,	2
			landscaping,	2
			timber water access	2.5
McMahon's Beach	Sand beach and main water access.	Public recreation. Base for non-motorised watersports commercial operation.	Landscaping	3
Goorimahbah – Place of Stories	Car park accessed from Boundary Street, children's playground, BBQ, picnic shelters, outdoor showers, public toilets, infrastructure, landscaping, established vegetation, open space.	Public recreation, markets, community events and festivals,	Car parking,	2
			public toilets,	3
			playground,	2.5
			landscaping,	2
			story wall,	2
			BBQ facilities	2
Twin Towns frontage and boardwalk area	Landscaped flat parklands, timber boardwalk and concrete pathway that overlooks the water.	Public recreation and community events.	Boardwalk,	3.5
			Seating,	3
			concrete pathway,	2
			landscaping,	2
			lighting,	2
			storage shed	4
Memorial Park	Open space featuring a centrally located Anzac Memorial and fountain.	Public recreation and community events.	Memorial fountain,	2
			Statues & flags,	2
			landscaping	1.5
Chris Cunningham Park	Car park accessed from Bay Street, BBQ, picnic shelters, landscaping, established vegetation.	Public recreation. Base for non-motorised watersports commercial operation.	Car parking,	2.5
			landscaping,	2
			BBQ facilities	2
			Showers	3

Management precinct	Description of the condition of the land and of any buildings or other improvements on the land (s36 (3A)(i))	A description of the use of the land (s36 (3A)(ii))	Any such buildings or improvements on the land. (s36 (3A) (a) (ii))	Condition rating. (1= good, 5 = very poor, see Appendix E)
John Follent Park section	Open space, minimal landscaping and revetment wall used as a water access point.	Public recreation.	Seating, landscaping	3 2
North of Coral Street	Steep vegetated land sloping up from Coral Street to Eden Street to the north.	Restricted access, environmental protection works	Landscaping	3
Ebenezer Park	Open space, landscaping and memorial. The southern end is informally used for car parking and as a water access point.	Public recreation, community events and festivals.	Landscaping, memorial, footpath, Car parking	2 3 3-4 3.5
Visitor Information Centre Building	Visitor Information Centre building which also provides public toilets.	Community building and amenities.	Visitor information centre building, public toilets, landscaping	2 2.5 2



4. Management of the Land

4.1 Principles of Crown Land Management (CLM Act)

Section 1.4 of the CLM Act, outline the Principles of Crown land Management which are as follows:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land;*
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;*
- (c) that public use and enjoyment of appropriate Crown land be encouraged;*
- (d) that, where appropriate, multiple use of Crown land be encouraged;*
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity; and*
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.*

4.2 Category core objectives (LG Act)

Part 2 Division 2 of the LG Act provides the core objectives for the management of land for each category. The relevant core objectives are as follows:

Park

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

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



Natural Area

The core objectives for management of community land categorised as a natural area are:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and*
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and*
- (c) to provide for the restoration and regeneration of the land, and*
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and*
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 (NSW) or the Fisheries Management Act 1994 (NSW).*

Subcategory of Natural Area: Bushland

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and*
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and*
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and*
- (d) to restore degraded bushland, and*
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and*
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and*
- (g) to protect bushland as a natural stabiliser of the soil surface.*

4.3 Tweed Shire Open Space Strategy 2019–2029 (OSS)

The *Tweed Shire Open Space Strategy 2019–2029* establishes the following vision:

“The Tweed Shire is recognised for its diverse network of quality open spaces that meet the needs of a healthy and active community, whilst protecting our rich natural and cultural heritage for future generations.”

The *Tweed Shire Open Space Strategy 2019–2029* supports this vision with guiding principles and the following strategic outcomes in determining the priorities, strategies and actions of Council and its partners to deliver an open space network that is socially, environmentally, culturally, and economically sustainable:

- Our open spaces are high quality and offer diverse sport and recreation opportunities for everyone to enjoy.
- Our open space network promotes physical activity, fosters good health and well-being and is safe.
- Our open spaces are equitably distributed, well connected and accessible to everyone.
- The Tweed Shire’s natural and cultural heritage is protected and enhanced for future generations.
- The open space network is effectively managed and economically sustainable.

4.4 Vision statement

In the *Vision – Revitalising Tweed City Centre Plan (2011)*, the Principles outlined for Tweed Heads include:

- Celebrating Tweed Heads’ special character as the river city;
- Enhancing and revitalising the Jack Evans Boat Harbour as the focus of recreation and tourism;
- Creating an attractive and liveable city for residents, workers and tourists; and
- Establishing a socially inclusive and vibrant city.

Jack Evans Boat Harbour provides a unique urban parkland for recreation, cultural engagement, nature appreciation and tourist activity within the Tweed Heads city centre providing a connection between the city centre and the Tweed River. The natural beauty of the area is highly valued.

As stated in Tweed Development Control Plan 2008, Jack Evans Boat Harbour is envisioned as the recreational and tourism centrepiece for the Tweed City Centre.

This public space is positioned with the potential to be a lively recreation centre for Tweed Heads that provides for a diverse range of activities for residents and visitors of all age groups, and offers a point of difference to the Gold Coast environment. The Precinct includes areas for passive and active recreation and caters for large and small events and activities as a regional level open space facility for the Tweed community.

4.5 Management objectives

This plan seeks to provide a clear and transparent management framework which aligns with the values of the community and helps achieve the objectives of the *Community Strategic Plan 2017–2027 (CSP)*, *Delivery Program 2017–2021 and Operational Plan 2019–2020 (DPOP)*.

The Objectives of the management of the land are:

- To protect and manage the environmental and cultural heritage values and natural beauty of the area for current and future generations particularly with regard to biodiversity, vegetation and waterways (CSP 1.1);
- To support the healthy activation of the Precinct for the enjoyment and well-being of the community and visitors to the Tweed by encouraging a variety of recreational uses by:
 - Providing and effectively managing the Jack Evans Boat Harbour Precinct as a quality and accessible public parkland (DPOP 3.2.7); and
 - Supporting social and cultural opportunities and activities enabling healthy, safer and more inclusive communities (CSP 3.1).

In accordance with Section 36 of the LG Act, the following Actions Table outlines the direction for the management and development of parcels of Community land and includes:

- Objectives in alignment with Council's CSP and DPOP;
- Performance Targets that define the way Council will achieve its objectives;
- Actions (means of achievement), for Council to achieve its targets; and
- Performance measures for assessment of each action.



4.6 Objectives, performance targets and actions

To protect and manage the environmental and cultural heritage values and natural beauty of the area for current and future generations particularly with regard to biodiversity, vegetation and waterways.

Performance target	Actions – means of achievement	Manner of assessment
Support the protection, and enhancement of natural habitats and their connectivity, including littoral rainforests, river banks, riparian vegetation and fish habitat (DCMP*).	Regulate or prevent land uses that detrimentally impact the ecological and cultural heritage values of the Precinct. Environmental impacts are to be considered when determining whether to issue leases or licences.	Periodic inspection and impact assessments and monitoring Customer Service Requests (CSR).
	Provide for appropriate public access and use of natural areas.	Periodic inspection and impact assessments.
	The vegetated area north of Coral Street is to be protected and regulated in accordance with <i>State Environmental Planning Policy (Coastal Management) 2018</i> .	Compliance with relevant legislation. Periodic environmental protection works undertaken.
Increase resilience of river banks to erosion. Stabilise eroding banks using techniques that increase habitat value and enhance amenity. Manage river bank erosion by bank rehabilitation and through encouraging compatible use of the waterway and riparian zone (DCMP*).	Support implementation of the actions within an adopted Coastal Management Program (CMP). These Actions address concerns related to water quality, biodiversity, erosion and water access in accordance with the <i>Coastal Management Act 2016</i> (NSW). Draft Actions include water quality assessment, habitat management, improved recreational water access and rock revetment restoration works (DCMP*).	Revetment improvement works completed. Periodic inspection and impact assessments of access provision and ongoing maintenance undertaken. Review each target against directions within the adopted Coastal Management Program.
Achieve greater compliance with water quality objectives and ensure that river water is clean and safe, and can support abundant native aquatic life and safe recreational uses (DCMP*).		
Improve public access to the river and foreshore for both land and water based activities. Provide and maintain a diverse range of user appropriate, well connected and easily accessed open space and facilities (DCMP*).		
Scenic quality and amenity – protect and enhance the quality of views to and from waterways and foreshores (DCMP*).		
Increase natural shade.	Undertake a review of park plantings and increase the shade cover across the Precinct in stages.	Assess for increases in canopy cover.
Ensure long term environmental sustainability and develop resilience to the impacts of climate change.	Planning, design and management of open spaces integrates environmental sustainable design principles.	Review works and management practices in accordance with Council's Environmental Sustainability Prioritisation Strategy.

*DCMP – Draft Coastal Management Program

To support the healthy activation of the Precinct for the enjoyment and well-being of the community and visitors to the Tweed by encouraging a variety of recreational uses by:

- Providing and effectively managing the JEBH Precinct as a quality and accessible public parkland (DPO 3.2.7); and
- Supporting social and cultural opportunities and activities enabling healthy, safer and more inclusive communities (CSP 3.1)

Performance target	Actions – means of achievement	Manner of assessment
Increase healthy use of the Precinct by providing sustainable, high quality, inclusive places, spaces and facilities for the sporting, recreation, leisure and cultural pursuits of locals and visitors.	Provide park infrastructure that reflects a regional level open space in accordance with Council's adopted Open Space Strategy. Upgrade picnic facilities to accommodate more people, increase natural shade and review and install park infrastructure required for events including power and temporary vehicular access.	Park patronage is observed to grow with enhancement.
	Develop a masterplan for 'Goorimahbah – Place of Stories' as an inclusive and accessible park that integrates Aboriginal elements and stories and incorporates an upgrade of the existing children's playground in accordance with the detailed brief in Section 4.7.	Masterplan completed and adopted. Implementation of the Masterplan will be prioritised and delivered in conjunction with directions from the adopted Open Space Strategy.
	Investigate feasibility and opportunities for: <ul style="list-style-type: none"> • Exercise equipment; • Youth precinct featuring for example volleyball nets, table tennis or basketball half court; • Inclusion of small scale water play within the playground upgrade within Goorimahbah; • Stage for live music. 	Investigation undertaken. Projects will be considered as part of the Goorimahbah Masterplan. Implementation of the Masterplan to be prioritised and delivered in conjunction with actions from the adopted Open Space Strategy.
	Investigate feasibility and opportunities for an artificial reef in conjunction with facilities and water access that supports scuba diving and snorkelling.	Investigation undertaken. Land based facility works complete. Facility patronage is observed to grow with enhancement.
	Undertake a footpath review considering connectivity, shared use arrangements and maintenance.	Reduce user conflict and improve footpath connectivity. Feedback from users and residents.
	Undertake a signage review regarding accessible facilities within the Precinct to improve way finding and increase awareness of accessible facilities.	Signage and facility provision review undertaken in association with Access and Inclusion Plan actions.
	Undertake a car parking review and develop a parking plan that includes formalising parking along Coral Street and addresses related signage.	Observations and feedback from park users reveal reduced user conflict and reduced car parking on parkland.
	Investigate feasibility and opportunities for: <ul style="list-style-type: none"> • Appropriately designed storage building for the non-motorised watersports hire business to operate from; • Construction of a kiosk/café which formed part of Stage 2 of the 2009 redevelopment or commercial kitchen building for hire or seasonal lease. 	Investigation undertaken. Implementation to be prioritised and delivered in conjunction with actions from the adopted Open Space Strategy.
	Ensure planning and design of open spaces and facilities sustainably balances environmental, economic, cultural and social priorities.	Carrying capacity assessment and observation. Feedback from park users.

Performance target	Actions – means of achievement	Manner of assessment
Increase healthy use of the Precinct by effectively managing sustainable, high quality, inclusive places, spaces and facilities for the sporting, recreation, leisure and cultural pursuits of locals and visitors.	Provide well maintained and suitable public toilets and facilities	The Precinct is consistently maintained in accordance with Council's service level, asset management plans and current <i>Delivery Program 2017–2021 and Operational Plan 2019–2020</i> .
	Provide well maintained landscaping and park facilities that contributes to the amenity of the Precinct.	The Precinct is consistently maintained in accordance with Council's service level, asset management plans and current <i>Delivery Program 2017–2021 and Operational Plan 2019–2020</i> .
	Provide Compliance Services to support a safe and healthy built and natural environment through the enforcement of local government rules and regulations (CSP 3.1.4) working with other regulatory authorities.	Observations and Customer Service Request (CSR) reporting.
	Ensure regulation and management of open spaces and facilities sustainably balances environmental, economic, cultural and social priorities.	Carrying capacity assessment, observations and Customer Service Request (CSR) reporting.
Increase healthy use of the Precinct through supporting recreational activities and community events at the Precinct.	Provide support to businesses or community groups who wish to provide opportunities for an improved recreational use of the Precinct which include mobile food and drink facilities and other temporary services.	Observed increase in patronage and park bookings. Compliance with the relevant legislation.
Promote public health and environmental safety through education, inspections and enforcement of government rules and regulations (CSP 3.1.6) with regard to land uses and events at the Precinct	Activities and events are to be assessed and regulated in accordance with the CLM Act, LG Act, Council's Commercial Recreation Activities on Public Open Space Policy and the Tweed Shire Events Strategy.	
Develop, attract and support events that showcase the Tweed's unique characteristics and identity (CSP 3.1.7).		
Increase tourist visitor numbers to the Tweed (CSP 3.1.12)	Support Tweed Tourism Co. market the Tweed as a tourism destination (DPO 3.2.12) taking advantage of what JEBH offers as a tourism destination in accordance with an adopted Tweed Destination Management Plan.	Review tourist visitor numbers and other outcomes within adopted Tweed Destination Management Plan.
Provide social, cultural and economic opportunities and activities enabling healthy, safer and more inclusive communities by assisting people to participate in social and economic life (CSP 3.1.3)	Provide community education and engagement in relation to the availability of community activities and services. Approach social issues in the area associated with homelessness in accordance with Council's Homelessness Policy.	Observations and Customer Service Request (CSR) reporting.

Implementation, prioritisation and funding

The implementation of the open space related actions outlined in this Plan are to be prioritised in accordance with Council's Open Space Prioritisation Matrix and integrated into the Tweed Shire Open Space Strategy's Implementation Plan. Council's Open Space Prioritisation Matrix will prioritise all actions proposed for the Tweed Shire including capital works projects, giving consideration to factors such as cost, available funding, asset condition and safety, community need, demand and community benefit.

Similarly, the Draft Tweed River Estuary Coastal Management Program considers the estuary health and condition as a whole and nominates prioritisation of actions in accordance with the outlined risk assessment toward the best outcomes for JEBH and the entire Tweed River. Accordingly, actions listed within this Plan will be prioritised in accordance with the adopted Coastal Management Program.

Funding for projects on Council Managed Crown Land can be partially sourced from the Crown Reserves Improvement Fund. Other sources of funding include other NSW Government grants, Section 7.11 Developer Contributions and Council's Operational budget.

4.7 Permitted land uses and improvements

Guidelines for future uses and developments

It is not possible to forecast every activity, development or structure that may occur in the Jack Evans Boat Harbour Precinct. New activities and structures may be proposed in an application for use for the park, because funding or another opportunity arises, or to address a future need or management issue. The following provides guidelines for assessing future activities or uses.

Further to activities outlined within the Action Plan, activities within the Jack Evans Boat Harbour Precinct and their permitted scale and intensity are required to be considered against the following:

- *Environmental Planning and Assessment Act 1979* (NSW) and any applicable *State Environmental Planning Policies*;
- *Tweed City Centre Local Environmental Plan 2012*;
- *Native Title Act 1993* (Cth)
- *Coastal Management Act 2016* (NSW);
- *Tweed Shire Open Space Strategy 2019–2029* (OSS);
- JEBH Vision Statement (Section 4.4);
- Management Objectives (Section 4.5);
- Objectives, Performance Targets and Actions (Section 4.6);
- Commercial Recreation Activities on Public Open Space Policy (Appendix A);
- Jack Evans Boat Harbour Parkland Usage and Event Guidelines (Appendix B);
- Provisions relevant depending on the nature and location of the proposal and the relevant land tenure, Classification and Categorisation discussed in Sections 2.2 and 3.2 which may include:
 - Principles of Crown Land Management (Section 4.1);
 - The Reserve Purpose;
 - Chapter 6 Part 2 of *Local Government Act 1993* (NSW) (including Section 46 and Core Objectives of the land Category summarised in Section 4.2);
 - Section 68 of the *Local Government Act 1993* (NSW).

Generally, development or land uses are permitted for the purposes of:

- Environmental protection works, coastal protection works, public utility works or used for emergency purposes, including training, when the need arises;
- Community, cultural or recreational activities and events;
- Landscaping, improving access, amenity and the visual character of the general community area; and
- The provision of structures, services or other amenity areas to facilitate recreational use and enjoyment by the community.

Further to the above, generally any development or land uses and their scale and intensity should have regard for:

- The setting and natural character of the surrounding area;
- Capacity of the park and its facilities;
- Any detrimental impacts that may arise as a result including amenity impacts or environmental or facility damage;
- An appropriate level of use that does not negatively impact on the peaceful enjoyment of the area or the natural visual amenity;
- Availability to all sectors of the community; and
- Community consultation.

All groups including commercial and non-commercial operators utilising the parklands or waterway must hold leases, licences or park use agreements in accordance with the relevant legislation and Council Policy. All uses would be subject to Council's standard conditions, approval processes and booking fees.

Exclusive use of the reserve should be minimised to avoid sections of the community becoming alienated from using the reserve. However, access as of right does not mean entirely free access. Reasonable entry fees and charges may be imposed, as well as other legal constraints to entry such as those relating to health and safety for example.

Only service and emergency vehicles are permitted within the Parklands outside nominated car parking areas except by prior arrangement. Information in this regard must form part of any application for a park use agreement. Any damage to the park surface or infrastructure is to be repaired and charged to the offending party.

Further to the above guidelines, all proposals remain subject to the provisions of the *Environmental Planning and Assessment Act 1979* (NSW). This includes consideration of whether works require approval and whether works may impact places of heritage significance. Further, the lodgement of a Development Application requires landowner's/land manager's consent. All requests for landowner's/manager's consent are to be received and processed by Council as landowner/manager prior to the lodgement of a Development Application. All requests must accompany sufficient details of the proposal that addresses how the proposal meets the relevant legislation and is consistent with this Plan.

Additional site specific guidelines for future uses and developments

JEBH Waterway

The future use of the waterway should be encouraged as a mixed use recreation area primarily for swimming and non-motorised watersports with boating permitted as a secondary use. All uses must meet legislative requirements. Consistent with NSW Maritime guidelines, no personal watercraft (e.g. jet skis) are permitted. The area is considered to be a "Primary Contact" area which represents a risk to passive users due to waste issues. Therefore no overnight anchoring is allowed consistent with the Tweed Estuary Boating Plan (NSW Maritime).

Based on the above guidelines, additional future developments for the waterway also could include:

- Improved water access for swimmers and non-motorised watersports on the eastern sides of the harbour; and
- Small scale facilities and water access that supports scuba diving and snorkelling.

All commercial operators utilising the parklands or waterway must hold leases, licences or use agreements in accordance with the relevant legislation.

Goorimahbah – Place of Stories

This area includes the northern car park, toilet facilities, children’s playground and open space. The future use of this area is for public recreation including markets and community events and festivals.

‘Goorimahbah – Place of Stories’ is a proposed Aboriginal and Torres Strait Islander Botanic and Artwork Garden and contemporary meeting place on the northern section of the former Border Caravan Park as shown below. The works were to form part of Stage 2 of the JEBH redevelopment, timing of which were dependent on funding availability.



Figure 7: Excerpt from Jack Evans Boat Harbour Masterplan 2009.

'Goorimahbah – Place of Stories' was designed and named as part of The City of the Arts 'Indigenous Public Place-making Project', initiated in 2002 by the Tweed Shire Council Aboriginal Advisory Committee (AAC) and was intended to create a high profile community cultural site.

The Project was officially launched in September 2005 followed by a mapping workshop at Minjungbal Cultural Museum. The local community came together to map and define the initial thematic concepts to be included in the artistic brief. From this meeting a steering committee was convened. Subsequently, three local artists were commissioned to work in a team with Council officers to produce concept designs, which were integrated into the landscape for the JEBH parklands.

With the Council resolution to develop a plan of management for the site, given the history and level of commitment by Council to the Aboriginal community, it was determined that the design for the project be revisited and defined prior to commencing the community consultation with regard to the Plan. A workshop was undertaken regarding a future redesign of the project which was supported by the AAC in August 2018. The following design brief has been compiled:

- The existing design eludes to an 'exclusive Aboriginal Park' which is undesirable. What is preferred is to integrate Aboriginal elements and stories into an inclusive park that is also accessible.
- The open space is valuable and valued.
- Retention of the open space is preferred with the addition of shade trees and other embellishments around the edges that facilitates occasional larger scale uses (eg circus) and multi-family gatherings (eg Christmas parties). This is in addition to an extension to the 'Purple Park' playground.
- The previous consultation and workshops regarding the design's concepts and themes was extensive and a sufficient starting point to inform a revised design to be compiled by Council's Landscape Architect.
- The Aboriginal storytelling needs to be integrated in playground and park design utilising clever and subtle approaches rather than large crude overbearing art installations.
- Any story telling or playground addition should feature:
 - interactive media.
 - nature play (including small/ medium size trees for climbing).
 - a sensory and edible garden.
 - a tactile form.
 - an informal food garden.
 - a mix of story boards and interactive pieces.
- Universal accessibility is important.
- Visual connectivity to the waterway is important.
- Parking should be reviewed
- Consider power, amenities, shelters, seating and BBQs for the eastern end of the park
- An Aboriginal Diggers Memorial Wall be included for consideration.

Council endorsed the minutes of the AAC meeting held 3 August 2018 which supported the abovementioned design brief.

The abovementioned proposal forms part of the Action Plan in Section 4.6.

It is noted that a Tweed Regional Accessible Park and Playground was proposed for Ebenezer Park. Any proposed inclusive, accessible playground upgrade works for within the 'Goorimahbah – Place of Stories' are to consider the playground concept plan for Ebenezer Park adopted by Council at its meeting on 27 October 2016 and the community engagement undertaken as part of that process.

North of Coral Street

As highlighted in Figure 3, this area features established vegetation mapped as Littoral Rainforest under *State Environmental Planning Policy (Coastal Management) 2018* and therefore, this area has been categorised as Natural Area.

As such the management of this area is to be in accordance with the Natural Area category and the relevant legislation.

Within the Natural Area, works are proposed only for the purposes of improving biodiversity, geotechnical stability, amenity and the visual character of the area and include environmental protection works. Public access is not encouraged within this area.

4.8 Leases and licences

Existing leases and licences

This Plan authorises the current leases and licences until the end of their current terms before exercising any options.

Future leases, licences or use agreements

All groups including commercial and non-commercial operators utilising the parklands or waterway must hold leases, licences or park use agreements and must be consistent with the Section 4.6 Objectives, Performance Targets and Actions and in accordance with the relevant legislation or Council Policy as outlined in Section 4.7 Guidelines for future uses and developments.

All uses would be subject to Council's standard conditions, approval processes and booking fees. Licences and leases will vary depending on the land tenure of the site of the activity as outlined in Section 3.2 and must be considered to provide benefits, services, or facilities for users of the land.

A lease will be typically required where exclusive use or control of all or part of the precinct is proposed. Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the park is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict.

Organisers of any event or activity are responsible for cleaning up the site and are responsible for the cost of repairing any damage that may occur.

This Plan allows Council to grant 'an estate' over community land to provide public utilities and associated works or ancillary to public utilities in line with the *Local Government Act 1993* (NSW).

4.9 Native Title Manager advice

In accordance with Section 8.7 of the *Crown Land Management Act 2016* (NSW), Native Title Manager advice is required to be obtained outlining how any dealings proposed within this Plan complies with any applicable provisions of the Native Title legislation. This advice will be compiled upon acceptance of this Plan and will accompany the document.

No applications for leases, licences or short term tenure, as described in section 4.8 will be issued unless advice from the Native Title Manager is obtained.

4.10 Review of this plan of management

The *Jack Evans Boat Harbour Plan of Management* should be reviewed and updated every five years. This will ensure the plan continues to accurately reflect the needs of the community and that resources are available to meet its objectives.



5. Attachments

Appendix A: Policy – Commercial Recreation Activities on Public Open Space

Appendix B: Jack Evans Boat Harbour Parkland usage and event guidelines

Appendix C1: Report – Community Consultation Feedback for the proposed draft *Jack Evans Boat Harbour Plan of Management – March 2019 – Stage 1*

Appendix C2: Report – Public Exhibition Feedback Report for the draft *Jack Evans Boat Harbour Plan of Management – Stage 2*

Appendix D: Land Use Zonings: Excerpt from Tweed City Centre Local Environmental Plan 2012

Appendix E: Condition Assessment Guidelines

Appendix F: Native Title Manager Advice

6. Abbreviations and definitions

CLM Act: *Crown Land Management Act 2016* (NSW)

CSP: *Community Strategic Plan 2017–2027*

DPOP: *Delivery Program 2017–2021 and Operational Plan 2019–2020*

DCMP: Draft Coastal Management Plan

JEBH: Jack Evans Boat Harbour

LG Act: *Local Government Act 1993* (NSW)

OSS: *Tweed Shire Open Space Strategy 2019–2029*

TCCLEP: Tweed City Centre Local Environmental Plan 2012

TSC: Tweed Shire Council

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