

Community and Crown Land PLAN OF MANAGEMENT GENERAL COMMUNITY USE



Prepared by

ROSS Planning on behalf of

© Kyogle Council

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Acknowledgments

Kyogle Council acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. It acknowledges the traditional custodians of the lands on which it operates and pays its respects to Elders past and present.

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1.0 INTRODUCTION



1.0 INTRODUCTION

Council's previous Generic Plan of Management for Community Land was adopted in July 1996. In December 2009, Council adopted the Crown Reserves Strategic Plan 2009-2013 to provide a management framework for both Council and community members involved in use, protection and enhancement of Crown reserves in the Kyogle LGA.

Introduction of the New South Wales (NSW) *Crown Land Management Act* (CLM Act) in 2016 resulted in significant changes to the management of Crown land by councils, effectively resulting in councils managing dedicated or reserved land, as if it were public land under the *Local Government Act 1993*, where land is classified as community land.

This new Community Land Generic Plan of Management is a review of the 1996 and 2009 documents, and includes both public land classified as community land and Crown land, managed by Kyogle Council.

1.1 Community Land and Plans of Management

Community land open space (generally known as parks, reserves and sportsgrounds) is land, owned or managed by Kyogle Council and recognised as an important component of the urban environment, providing opportunities for recreation, leisure and contact with the natural environment.

Community land open space supports a broad spectrum of activities and interactions between people and nature and sustains critical environmental functions for the health of communities. Open spaces are significant public assets that contribute to the development of liveable and sustainable communities.

Under the *Local Government Act 1993*, Council is required to develop Plans of Management over community land. The *Local Government Act* identifies five categories of community land that are outlined in the table below.

Table 1. Categories and descriptions of community land

Category	Description
Park	areas primarily used for passive recreation
Sportsground	areas primarily used for sport or competitive recreation
General community use	areas primarily used for recreation, including physical, cultural, social and intellectual welfare or development
Cultural significance	areas with Aboriginal aesthetic, archaeological, historical, technical, research or social significance
Natural area	areas important for biodiversity and ecological values and further categorised as either: <ul style="list-style-type: none"> - bushland - wetland - escarpment - watercourse - a category prescribed by the regulations

Plans of Management for Community Land

Plans of Management (POMs) are statutory documents that govern the use and management of community land under the care, control and management of Kyogle Council. POMs set out for the community how Council plans to manage community and Crown land, into the future. The Plan sets out for the community the permissible use and management of the land in accordance with the Plan. The Plan must identify the:

- category of the land
- objectives
- performance targets
- the means by which the Council proposes to achieve the objectives and targets.

Table 2 indicates how this Plan incorporates the requirements of the *Local Government Act 1993*.

Table 2. Plan of Management requirements under the *Local Government Act 1993*

Requirements of the Local Government Act 1993	Reference in this Plan of Management
A description of 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	Section 3.3
A description of the use of the land and any such buildings or improvements, as at the date of adoption of the Plan of Management	Section 3.3
Categorisation of community land	Section 2.1
Core objectives for management of the land	Section 4.2
The purposes for which the land, and any such buildings or improvements, will be permitted to be used	Section 4.3.3
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise	Section 4.3.3
A description of the scale and intensity of any such permitted use or development	Section 4.3.3
Authorisation of leases, licences or other estates over community land	Section 4.3.4
Performance targets	Section 4.4
A means for assessing achievement of objectives and performance targets	Section 4.4

Native Title considerations

Council has an appointed Native Title Manager (NTM) who is responsible for providing advice to Council in connection with its Native Title obligations. The NTM has advised that the Plan of Management was validated against subdivision S24JA of the *Native Title Act 1993*, and that copies of the Plan of Management were provided to NTSCORP Limited as part of the consultation process. The NTM advised that there were no objections raised to the Plan of Management.

The NTM advises that any disturbance of ground within the nominated footprint included in the adopted Plan of Management does not require any further Native Title notification. However, any disturbance of ground outside the nominated footprint will require further Native Title notification. Advice is to be sought from Council's NTM for any proposed future acts.

Classification of public land

The *Local Government Act*, requires classification of public land into either community or operational. The classification of community land in Kyogle is made by Council resolution.

Council's ability to dispose of or alienate land by sale, leasing, licensing or other means is directly affected by the classification of land. Under the *Local Government Act* community land must not be sold, exchanged or otherwise disposed of by Council and the land must be used and managed in accordance with an adopted POM. Land classified as operational land is not subject to these restrictions and can be sold, disposed of, exchanged or leased, including exclusive use over the land.

The classification of land is achieved by either a *Local Environmental Plan* (LEP) or by resolution of Council. If land is not classified within the nominated period (3 months) from acquisition, it automatically becomes community land, regardless of the land meeting the objectives for community land outlined in the *Local Government Act*.

Other relevant legislation and statutory controls

Under section 35 of the *Local Government Act*, community land is required to be used and managed in accordance with a Plan of Management and any law permitting the use of the land for a specific purpose. Table 3 summarises other legislation that applies, or potentially may apply, to management and use of community land.

Table 3. Legislation that may be applicable to community land

Legislation	Application to community land
Crown Land Management Act 2016 (NSW)	The Act establishes a range of principles for Crown land management, including environmental protection, conservation of natural resources, encouragement of appropriate public use and multiple use, that use and enjoyment of the land is sustainable, in perpetuity, and that Crown land is occupied, sold, leased, licensed, and in the best interests of the state and these principles. The Act provides for the ownership, use and management of Crown land, clarifies applicable laws, provides for consistent, efficient, fair and transparent management for the benefit of people living in NSW, facilitates the use of Crown land by Aboriginal people of NSW because of the spiritual, social, cultural and economic importance of land to Aboriginal people and enable co-management.
Environmental Planning and Assessment Act 1993 (NSW)	This Act provides environmental planning instruments for development control at the state (State Environmental Planning Policies), regional (Regional Environmental Plans) and local (LEPs) levels. While this Plan of Management determines permitted uses, specific activity or development will require assessments through the development application (DA) process under Part 4 of this Act. Where a proposal is likely to have a significant impact on the environment, an environmental impact assessment (EIA) must be conducted under Part 5 of the Act. The DA and EIA processes consider and provide the public with information on the environmental, social, cultural and economic impacts of the proposed activity or development and enable members of the public to comment on the proposal.
Native Title Act 1993 (Commonwealth)	The Native Title Act 1993 recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters, according to their traditional laws and customs. The Act establishes a process for claiming and recognising Native Title lands and waters in Australia. The NTA aims to balance Indigenous and non-Indigenous peoples' rights to land, and sets out how Native Title rights and interests fit within Australian law.
Aboriginal Land Rights Act 1983 (NSW)	Under the Aboriginal Land Rights Act 1983 (ALRA) in NSW, Aboriginal Land Councils can claim land as compensation for historic dispossession of land and to support Aboriginal communities' social and economic development. The ALRA recognises the traditional ownership and occupation of the land by Aboriginal peoples and the importance of their connection to land. The ALRA recognises the spiritual, cultural and economic importance of land to the state's Aboriginal peoples.
State Environmental Planning Policies (SEPPs)	Relevant State Government legislation is the State Environmental Planning Policy (Infrastructure) 2007, known as ISEPP. ISEPP allows certain development to be carried out by Council without consent in public reserves under its control. Refer to ISEPP for these development types.
National Parks and Wildlife Act 1974 (NSW)	Under this Act, it is an offence to knowingly disturb an Aboriginal object or site without a consent permit issued by the Office of Environment and Heritage (OEH). Traditional Aboriginal cultural activities, conservation works and emergency activities are exempt from this provision.
Heritage Act 1977 (NSW)	This Act covers the protection and management of non-Aboriginal heritage. It provides for listing of significant sites on the State Heritage Register or under Local Environmental Plans.
Biodiversity Conservation Act 2016 (NSW)	Commenced in August 2017, this Act provides for the management of biodiversity conservation and native vegetation, including through a Biodiversity Offsets Scheme, declaration of Areas of Outstanding Biodiversity Value and protection of threatened species. It provides for the listing and protection of flora and fauna species and ecological communities, as well as the management of threatening processes.
Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	This Commonwealth legislation provides for the protection of nationally significant threatened species and cultural heritage.
Biosecurity Act 2015 (NSW)	This Act provides for the management of animal and plant pests, diseases and contaminants that threaten the environment, biodiversity, the economy and the community.
Rural Fires Act 1997 (NSW)	Under this Act, public authorities have a duty to take steps to prevent the occurrence of bushfires on their land and minimise the danger of the spread of bushfires from that land.
ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)	This charter was created by the International Council on Monuments and Sites (ICOMOS) in order to define the basic principles and procedures to be observed in the conservation of important cultural places.

1.2 Scope of this Plan of Management

This Plan of Management applies to all categories of community land within the Kyogle Local Government Area (LGA). All community land is categorised as general community use. Category maps are provided at Appendix B.

Including these areas in a generic POM ensures consistent management to support a unified approach to meeting the varied needs of the community.

Specific Plans of Management

Some open spaces are not covered by this document, as they require specific Plans of Management to be prepared. Specific POMs have been prepared for community land (Crown and council-owned) due to the substantial size, large number and variety of uses and community concern about particular sites. The LG Act also requires specific POMs for community land included in this list:

- land declared to be critical habitat under the Fisheries Management Act 1994
- land subject to threat-abatement plan prepared by the Office of Environment and Heritage (OEH) under the Fisheries Management Act 1994 for key threatening processes
- land subject to recovery plans prepared by OEH under the Fisheries Management Act 1994
- land declared by Council to contain significant natural features
- land declared by Council to contain an area of cultural significance.

Table 8 lists community land subject to specific Plans of Management.

1.3 Process of preparing this Plan of Management

The process of preparing this Plan of Management is depicted in this flowchart.



1.4 Council Plans and Policies relevant to Plans of Management

Relevant Council strategic planning and policy documents were reviewed to inform development of this Plan of Management and are summarised here.

Kyogle Community Strategic Plan - Planning for Growth

The Plan highlights the opportunities available in the Kyogle Local Government Area (LGA) for growth and investment, as an established agricultural and lifestyle locale. The Plan provides a range of cues that address priority themes to enhance liveability and sustainability of the area, while maintaining a contemporary position, commensurate with growth and emerging opportunities in other regions. These themes were identified through broad community consultation and focus groups.

Kyogle Economic Development Future - Pathways to Prosperity

Council is identifying and implementing a range of strategies to encourage development of a broad range of industries, particularly those that generate high employment, to strengthen the economic base for the area. The amenity and attractiveness of places are directly connected to key growth indicators and can contribute to population growth, business investment and higher property prices. Place-based economic development is the practice of using a community's public spaces to contribute to economic progress.

This approach focuses on identifying and leveraging the unique characteristics of places and existing assets to attract investment and strengthen existing businesses.

Visions of Village Life Master Plan

In consultation and collaboration with Village communities across the municipality, Council developed Village Master Plans setting out the vision, goals and priorities for each locality. The plans guide design, project delivery and decision-making, as well as specific projects, actions and initiatives that Council will deliver to support achievement of Village vision statements.

Kyogle Open Space Design Guide

The Open Space Design Guide was established to provide a framework to guide the delivery and ongoing maintenance of infrastructure within a range of public open spaces and reserves across the Kyogle Local Government Area (LGA). The guide includes a series of guiding principles and processes, which have been established from emerging and best practices in urban design. The guide also identifies and applies best practice approaches to place making in a regional and rural context by providing advice on the character, design, appointment and activation of key public spaces to reflect an established place character and community identity.

The guide provides a locally relevant categorisation of open spaces to inform future planning, engagement and activation processes by Council. It prescribes infrastructure requirements for open space materials, finishes and forms, addresses the maintenance requirements associated with such items, and considers the suitability of materials in the context of the prevailing climatic conditions in the region.

1.5 Change and review of Plan of Management

Plans of Management require periodic review in order to align with community values and changing community needs and to reflect changes in Council priorities. This POM will be reviewed, when required, at a minimum of five-year intervals, to ensure that community land is well maintained and provides a safe environment for public enjoyment.

The performance of this Plan of Management will be reviewed by 30 June 2024 and every four years, thereafter.



2.0 THE CONTEXT



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2.1 The residents of Kyogle municipality

2.1.1 Community profile - key facts and trends

Understanding the municipality's demographic profile, such as age, household composition and income and employment patterns, provides an insight into potential leisure and recreation patterns for the town of Kyogle and Villages. The following snapshot provides an overview of key demographic information that may influence the use of different types of parks in the LGA.



POPULATION

The population of the Kyogle LGA is 8,870.

50.7% (4,529) are male and 49.3% (4,411) are female.

381 or 4.3% of the population are of Aboriginal or Torres Strait Islander descent

MEDIAN AGE

The median age of the municipality is 50 years.

EMPLOYMENT

3,230 people living in the Kyogle LGA in 2016 were employed (91.3%).

50% of employed people worked full-time and just under 40% worked part-time.

People who were looking for full-time or part-time work made up 8.7% (308 people) of the total labour force.



INCOME

The median weekly personal income in the LGA is: **\$465**

The median weekly household income in the LGA is: **\$814**



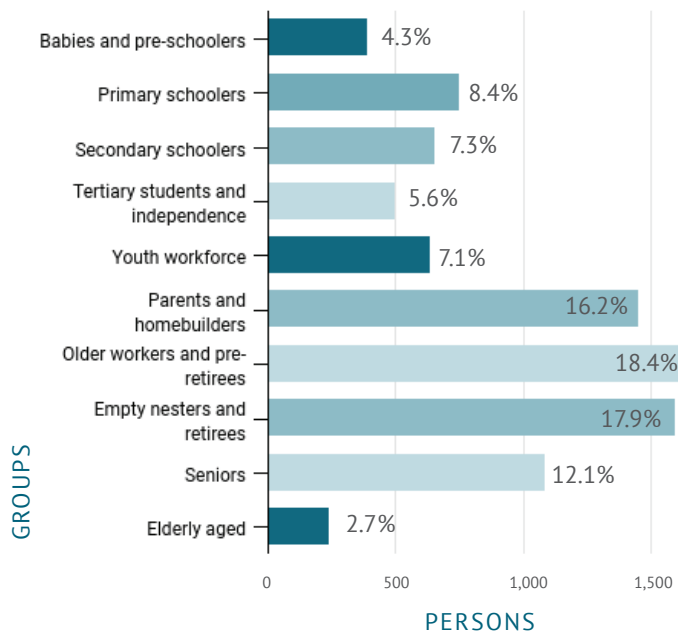
VEHICLE

In Kyogle, 46.7% of private dwellings had one registered vehicle, 28.0% had two registered vehicles and 9.6% had three or more registered vehicles. 76 private dwellings did not have a registered vehicle.



INTERNET

67.6% of households had at least one person who accessed the internet from a computer, mobile/smart phone, tablet, tv or other device. 248 households or 28.5% reported that internet was not accessed from the household.



SERVICE AGE GROUPS

Examining the age structure of people living in Kyogle provides insight into the potential demand for different types of public open space and the embellishments required to provide appropriate recreation opportunities.

Interestingly, the proportion of people aged 35 and older - those in the parents and homebuilders, older workers, empty nesters, seniors and elderly categories - represent 67.3% of the community compared with those aged under 35 years (32.7%).

2.1.2 Implications for open space

Enhancing the amenity and liveability of Kyogle and Villages are key objectives of Council and the community. Access to green and open spaces is a key contributor to these objectives and are linked to recreation enjoyment, health benefits, community connection and the preservation of cultural heritage, ecosystems and species¹.

The demographic profile of residents living in Kyogle and Villages has implications for the types of open space reserves and parks and the way they are embellished to provide recreation opportunities for residents.

Policy, planning and design

The Australian Department of Health has developed *Australia's Physical Activity Guidelines and the Australian 24-Hour Movement Guidelines*² by applying rigorous research evidence. The guides aim to support health and wellbeing by encouraging adequate levels of physical activity and reducing levels of sedentary behaviour, regardless of age. Development of parks and reserves within Kyogle and Villages provides opportunities for physical activity, that can contribute to positive mental health and making friends and social connections. Age and stage of life can heavily influence the way people use open space.

Council has recently developed the *Kyogle and Villages Open Space Design Guide* that provides detailed information to assist Council and the community to develop a range of open spaces to support the health and wellbeing of residents and visitors to the municipality.

With a relatively small population overall and residents living in the township of Kyogle, Villages or on rural properties, it is important that Council plans and develops parks and reserves to meet the needs of the community. With the vast majority of people in Kyogle having access to a backyard (and larger rural properties), parks and reserves are more likely to provide opportunities for group activities and social connection.

Villages across Kyogle typically include local recreation parks and sport facilities. The range of activities is limited in Villages, due to the population catchments they service, resulting in the need to travel to access a broader range of activities and services. As a consequence, parks and reserves with population catchments greater than Villages, such as destination parks, specialised sport parks and recreation and sport parks located in the town of Kyogle, will require higher levels of embellishment, including car parking, to cater for potential users from across the municipality.

Transport to activities and events

While public transport is currently limited within the municipality, almost all residents have access to a vehicle, and therefore, are able to travel to destinations for recreation and sport, if required. Active transport, via walking and cycling, is supported by Council with a network of footpaths and shared paths under progressive development.

Life stages

The importance of play to the healthy development of infants, toddlers and young children, up to school age, is well documented and understood. It is important to create play spaces that are accessible, provide opportunities for play and amenities, including shade and rest areas.

By the time children reach primary school, their need for engaging and challenging physical activity is apparent. Commencing school provides children with opportunities to learn more formal games and many play sport in teams through either school or community sport clubs. Physical activity through play is still important and primary school-aged children are high users of both recreation and sport parks, as well as other open spaces that provide recreation opportunities, such as waterways, footpaths and cycleways.

Positive effect of green space on wellbeing:

- structured activity in local parks is a motivator for older adults to visit and share with their peers
- youth engaging in parks find nature to be therapeutic and rewarding, which facilitates their health, wellbeing and spiritual growth
- children involved in unstructured play in nature are calmer; will engage in richer imaginative play, increased physical activity and more focused play; and have positive social interactions
- adolescents who spend time in nature have a greater sense of calm and focus during study, increased health and wellbeing, and a greater environmental awareness
- students with learning disabilities and/or behavioural conditions benefit the most from school-based learning that incorporates the outdoors
- restoration of attention and general sense of wellbeing increases after sitting in a park for 15 minutes
- time spent outdoors is linked with increased work productivity and creativity, and decreased levels of stress and anxiety
- exercising in parks benefits adults' relaxation and stress management, improving their capacity to disconnect from the rigours of their busy lives
- spending time in nature provides rehabilitative and recuperative benefits to those suffering serious physical and mental illnesses.

Children continue to enjoy active recreation and sport, as they enter secondary or high school, however, at approximately age 15, there is a noticeable drop in participation, particularly for females in structured sport activities. Those, aged 5 to 35 years of age, are the most likely to participate in sport, and in rural areas, joining a sport club can form a significant part of people's social life. Social sport has been growing in popularity for over a decade and continues to gain popularity, as games are shorter, less competitive and require less commitment than traditional sport. Twenty-20 cricket is a prime example.

Participation in structured sport reduces significantly, as people have families, purchase homes and establish careers. The main contributing factors cited to explain reduced participation include lack of time and affordability. Over 67% of Kyogle's population falls into the following service age groups: parents and homebuilders, older workers, empty nesters, seniors and elderly.

The top 10 most popular participation activities in Australia (regardless of age) are listed, in order, here:

- walking
- fitness/gym
- swimming
- running/athletics
- cycling
- football (soccer)
- tennis
- bush walking
- basketball
- golf.

The participation trends of the local community should be investigated to inform planning decisions for parks and reserves.

Cost of participation

The median weekly personal and household incomes for people living in the Kyogle LGA are relatively low and therefore, indicate a lack of disposable income. This is an important consideration as public access to free and low-cost activities in parks and reserves becomes an important factor contributing to liveability and equity. It is an important consideration, when Council sets fees and charges (e.g. pool entry) as well as lease and licence fees that may be passed on to members of clubs. The cost of participation in sport (membership fees, uniforms and equipment) is increasing and the affordability of sport has been identified as contributing to lower levels of sport participation across Australia.

¹ Australia State of the Environment 2016

² Australian Government, Department of Health, 12 April 2019



Bloore Street Park, Kyogle



Harrison Park, Kyogle



Memorial Park, Kyogle



Mallangane Lookout



Norman Johnston Oval, Bonalbo



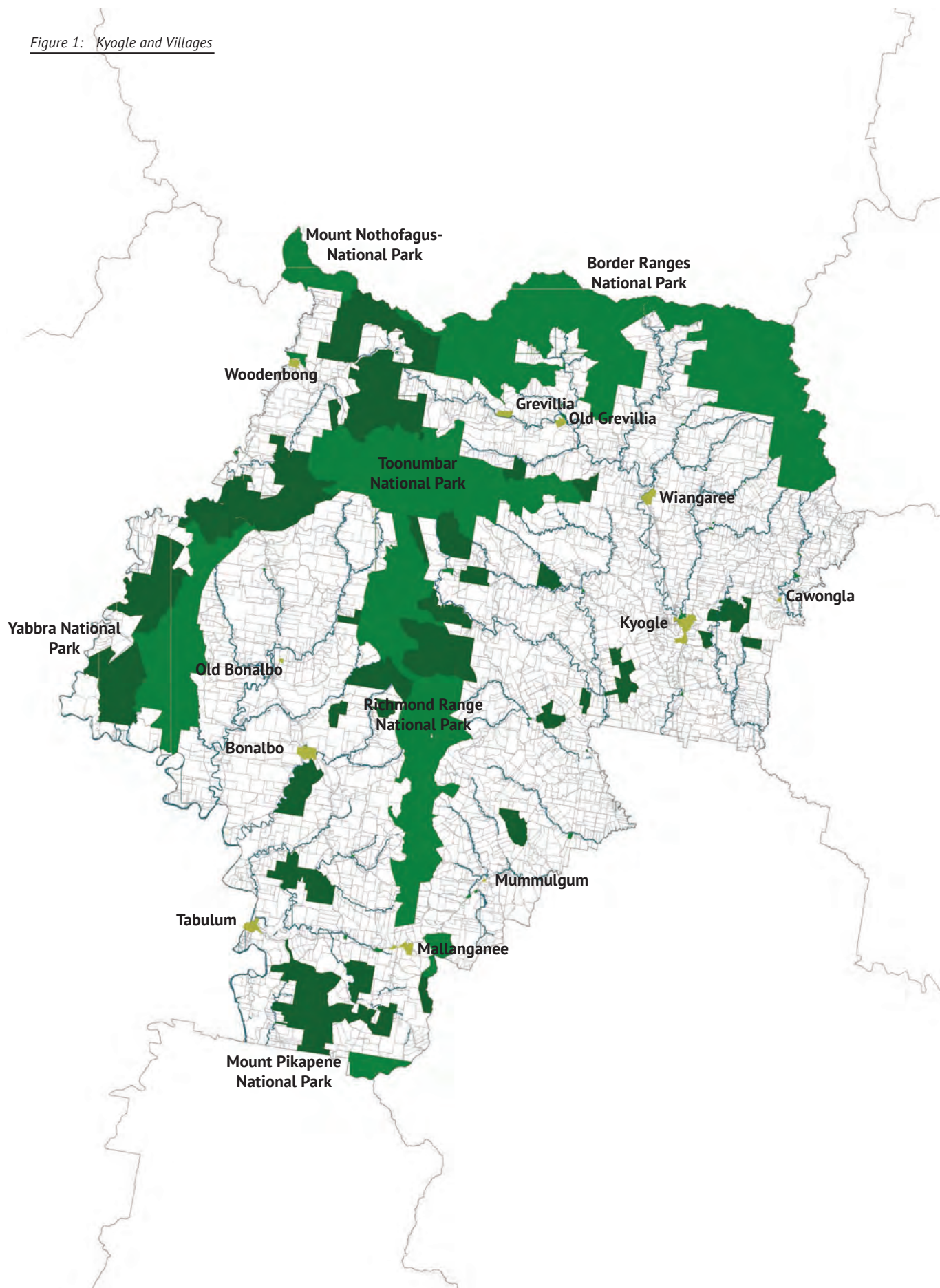
ANZAC Park, Kyogle

2.2 Community Land in Kyogle Local Government Area

2.2.1 Where does this Plan of Management apply?

This Community Land Generic Plan of Management applies to the Kyogle Local Government Area, shown in Figure 1.

Figure 1: *Kyogle and Villages*



2.2.2 Location of Community Land covered by this Plan of Management

This Plan of Management applies to all categories of community land within the Kyogle LGA. Some areas of community land contain more than one category.

Each parcel of community land covered by this Plan is listed in Table 7. This table lists the categories in each open space and designates their functions as primary or secondary.

The distribution of open space across the Kyogle LGA has evolved over the history of the municipality and has been influenced by factors, including geographic form, nature conservation, built infrastructure and private open space.

2.2.3 Categories of Community Land

There are five categories of community land that are outlined in the table below.

Table 4. Categories of community land and description of function

Category of community land	Description of function
Parks	Parks are predominantly for passive recreation and fulfil social, educational and cultural functions. Parks are of various sizes and have different characters.
Sportsgrounds	Sportsgrounds are for organised and informal sport activities and games. Sportsgrounds provide space for active recreation for schools, community groups and sporting clubs.
General community use	General community use land is to support the health and wellbeing of the community and may house buildings and structures, including neighbourhood or youth centres and community halls, catering for formal and informal leisure and recreation activities.
Cultural significance	This community land category is for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
Natural area	This community land is for areas that are important for ecology and include bushland, escarpment, foreshore, watercourse and wetlands.

2.2.4 Land owned by other authorities

A number of parks and reserves managed by Council are Crown land owned by the State of New South Wales. The *Local Government Act* requires that a Plan of Management must:

- identify the owner of the land
- state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant
- state whether the use or management of the land is subject to any condition or restriction imposed by the owner
- include any provisions that may be required by the authority owning the land
- not contain provisions without the owner's requirements.

Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by Council and the land must be used and managed in accordance with an adopted Plan of Management (POM).

2.2.5 Hierarchy of open space in Kyogle LGA

A needs-based approach is currently applied for open space planning, provision and development in Kyogle LGA. Weight is given to the needs of the planning area (town or village) including the social, demographic and environmental characteristics of an area and the type of embellishment required in an open space. Open spaces, owned or managed by Council, are classified as passive recreation, active recreation or environmental open space and are given a hierarchy of either town or local, within the open space framework. An open space area or parcel of land can contain several classifications of open space (i.e. passive, active, environmental) however, will be identified as either town or local within the open space hierarchy. Council's Open Space Design Guide identifies several park typologies, summarised in Table 6, to provide more detailed direction for development of open space to meet the needs of the community.

Table 5. Hierarchy of open space in Kyogle LGA

Core function and purpose	Classification	Hierarchy	Park Typology (OS Design Guide)	Description
Passive recreation Provides a setting for informal play and physical activity, relaxation and social interaction	Passive recreation open space	Local (core) Town (core)	Civic spaces Destination parks Town parks Local parks Play spaces	Provide a range of passive recreation activities in a predominantly informal setting. The sites can also contribute to the amenity and environmental values of towns and villages.
		Linear (non-core)	Green links Natural areas	Long and narrow interconnected open space that can contain natural creek lines and associated riparian vegetation. Linear reserves can also play an important secondary role providing cycle and pedestrian pathways, and values consistent with other open space categories.
		Encumbered (non-core)	Rest areas Green links Civic spaces	Encumbered open space is often associated with areas for stormwater, drainage and utility infrastructure. However, it can also add value to the core open space network through provision of pedestrian connections and enhancing visual amenity
Active recreation Provides a setting for formal structured sporting activities	Active recreation open space	Local (core) Town (core)	Sporting parks and reserves	Sites predominantly used for active or competitive recreation, including grassed or synthetic playing fields and courts.
		Specialised (non-core)	Sporting parks and reserves Aquatic facilities Showgrounds	Open space provided for sporting activities where the nature of the sport precludes the easy transfer of use to an alternative sport, or the nature of the activity precludes free, unrestricted access to members of the public, or where the land and facility requirements result in provision of high level provision or sport (e.g. large stadia).
Environmental protection Provides a setting where biodiversity is the primary purpose of the reserve	Environmental open space	Natural areas (non-core)	Green links Natural areas Camping areas Destination parks	Reserves that contain biodiversity features of local, regional, state or federal significance. As the primary use of the open space is for environmental protection, the area is likely to be significantly encumbered and may preclude unrestricted public access. The reserve may provide a natural backdrop to a neighbourhood and/or recreation opportunities, as a secondary function.

Park typologies

Council's *Open Space Design Guide* details several park typologies that further describe the purpose, use and development of passive, active and environmental open space.

The following table provides a summary of park typologies.

Table 6. *Kyogle OS Design Guide park typologies and descriptions*

Park typology	Description
Civic spaces	Civic spaces are focal points in the open space network providing for social connection, civic pride and community expression.
Destination parks	Unique parks with special attributes, such as size, diversity or function, are destinations and people typically drive or travel for the experience.
Town recreation parks	Town parks are larger parks providing a range of activity spaces and facilities for recreation by multiple groups of people for short and extended visits.
Local recreation parks	Local parks contain limited infrastructure, yet offer community benefits and are intended to complement backyards, generally catering for short visits by small groups.
Play spaces	Successful play spaces are well located, use natural elements, provide diverse experiences, are accessible, meet community needs, allow risk and challenge and are well maintained.
Sport parks and reserves	Sport parks cater for unstructured recreation and structured sport and can include indoor or outdoor sport facilities and surfaces, spectator facilities, car parking, shade and amenities.
Green link	Linear parks link areas of open space incorporating off-road shared walk and cycle paths, often following environmental corridors, waterways, drainage lines and utility reserves.
Aquatic facilities	A complex, usually including swimming pools or water toys for either sport, exercise, health benefits or play,
Showgrounds	A showground is an event venue, traditionally for agricultural shows and equestrian and animal sports and activities. Motor sports are often compatible contemporary uses.
Rest areas	Sites, providing travellers with a place to take a break from the car and driving, eat or drink and dispose of waste, are commonly known as rest areas.
Natural area	Land primarily set aside to protect and enhance areas with significant biodiversity, environmental or cultural value.
Camping area	Camping areas are places, usually away from urban areas, where tents or simple buildings (such as cabins) are erected for shelter or for temporary residence. In New South Wales, primitive camping areas are regulated.

2.2.6 Community Land covered by this Plan of Management

Table 7 list the community and Crown land covered by this Generic Plan of Management. The table indicates:

- the owner of the land
- how each open space is categorised to comply with the Local Government Act
- the level in the open space hierarchy for each park or reserve.

2.2.7 Category maps

Community land covered by this Plan of Management has been categorised as General Community Use in accordance with the *Local Government Act 1993*. Site maps, identifying the boundaries of community land and the boundaries of categories within the sites, are provided in Appendix B.

Table 7. Community and Crown land covered by this Generic Plan of Management

Map reference	Name	Land identification	Reserve number	Crown reserve purpose	Town or village	Category	Hierarchy	Owner
1	Bloore Street Park	Lot 88 DP 1071123	NA	NA	Kyogle	General community use	Local	Council
2	Bonalbo Native Gardens	Lot 6 DP 17478	NA	NA	Bonalbo	General community use	Local	Council
3	Bonalbo Natural Area	Lot 2 DP 550147	NA	NA	Bonalbo	General community use	NA	Council
4	Cedar Point Hall	Lot 180 DP 755734	R58107	Public Hall	Cedar Point	General community use	NA	Crown
5-7	Cedar Point Reserve	Lot 7013 DP 1051360 Lot 7010 DP 1051361 Lot 7015 DP 1061540	R63033	Public Recreation	Cedar Point	General community use	NA	Crown
8-11	Don Gulley Oval	Lots 2 - 4 Section 9 DP 4973 Lot 3 DP 1027750	NA	NA	Kyogle	General community use	Local	Council
12	Golf Course Estate (open space)	Lot 34 DP 834552	NA	NA	Kyogle	General community use	NA	Council
13	Golf Course Estate (buffer)	Lot 32 DP 834552	NA	NA	Kyogle	General community use	NA	Council
14	Harrison Park	Lot 332 DP 260861	NA	NA	Kyogle	General community use	Local	Council
15-16	Highfield Park	Lots 16, 17 DP 6798 Section A	NA	NA	Kyogle	General community use	Local	Council
17	Horseshoe Creek Cricket Ground*	Lot 7303 DP 1129861	R69277	Public Recreation	Horseshoe Creek	General community use*	Local	Crown
18	Kyogle Community Centre	Lot 87 DP 1071123	NA	NA	Kyogle	General community use	NA	Council
19	Kyogle Lookout	Lot 191 DP 755734	R87232	Public Recreation	Kyogle	General community use	NA	Crown
20	Lillyfield Reserve	Lot 232 DP 746088	NA	NA	Wadeville	General community use	NA	Council
21	Old Lillyfield Quarry	Lot 231 DP 746088	NA	NA	Wadeville	General community use	NA	Council
22	Old Roseberry Street Quarry	Lot 1 DP 781680	NA	NA	Kyogle	General community use	NA	Council
23	Mallanganee Tennis Courts	Lot 3 DP 17533	NA	NA	Mallanganee	General community use	Specialised	Council
24	Mount Street Recreation Reserve	Lot 181 DP 755734	R97087	Public Recreation	Kyogle	General community use	NA	Crown

*Intent to seek approval to convert to operational land for purpose of disposal subject to Ministerial Approval from the Minister for Lands.

The following Council and Crown open space community land parks or reserves are covered by specific Plans of Management.

Table 8. Open space community land covered by specific Plans of Management

Name	Land identification	Reserve number	Crown Reserve purpose	Town or Village	Category	Hierarchy	Owner
ANZAC Park	Lots 1 - 12 Section 5 and Lot 8 Section 7 DP 4973 Lot 22,23,24 DP 703935 Lot 32, 34 DP 834552	NA	NA	Kyogle	General community use	Town	Council
Kyogle Recreation Reserve	Lot 76 DP 755753 Lots 751-756 DP 1104367 Lot 7004 DP 1124806	R69556	Public Recreation	Kyogle	General community use	Town	Crown
Mallanganee Lookout	Lot 109 DP 752395 Lot 104 DP 755723	R89945	Public Recreation	Mallanganee	General community use	Local	Crown
Mallanganee Sportsground	Lot A and B DP 367971	NA	NA	Mallanganee	General community use	Local	Council
Norman Johnston Oval	Lots 169-170 DP 40185 Lot 131 DP 751077 Lot 1 DP 1128870	R70864	Public Recreation, Park	Bonalbo	General community use	Local	Crown
Old Bonalbo Tennis Courts	Lots 12-14 Section 1 DP 23347	R86567	Public Recreation	Old Bonalbo	General community use	Local	Crown
Tabulam Sports Oval	Lots 1 and 3 DP 617667	NA	NA	Tabulam	General community use	Local	Council
Wiangaree Rodeo Grounds	Lot 92 DP 755753	R57843	Public Recreation	Wiangaree	General community use	Local	Crown
Woodenbong Sportsground	Lot 7008 DP 1075469	R81500	Public Recreation	Woodenbong	General community use	Local	Crown

3.0 PLAN OF MANAGEMENT



3.0 THE PLAN OF MANAGEMENT

3.1 Aims of the Plan of Management

The Plan of Management aims to:

- fulfil Council's statutory obligations in respect to public land management under the requirements of the Local Government Act 1993 and for Crown land, the provisions of the Crown Land Management Act 2016
- provide a framework and maximise opportunities for sustainable, long-term management of community land
- be consistent with Council's strategic plans and provide a basis for prioritising capital and operational works programming and budgets
- maximise utilisation of the land for community use within Council's capacity
- respond to current needs and opportunities, as well as provide guidance for future development
- reflect the values and expectations of key stakeholders, the local community for future use and enjoyment of parks and reserves
- be a resource for both Council staff and the public, regarding the use of the land, including leasing and licensing.

3.2 Guidelines and core objectives of this Plan of Management

The *Local Government Act* sets out core objectives for the management of community land. The core objectives for the categories detailed in Table 9 below.

Table 9. Community land categories, guidelines and core objectives

Category	Guidelines from Local Government (General) Regulation 2005	Core objectives from Local Government Act 1993
Parks	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.	36G Core objectives for management of community land categorised as a 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.
Sportsground	Land should be categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	36F Core objectives for management of community land categorised as a sportsground The core objectives for management of community land categorised 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.
General Community Use	Land should be categorised as general community use under section 36(4) of the Act if the land-- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.	36I Core objectives for management of community land categorised as general community use 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 and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence 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).

Category	Guidelines from Local Government (General) Regulation 2005	Core objectives from Local Government Act 1993
Cultural significance	<p>Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—</p> <ul style="list-style-type: none"> (a) an area of Aboriginal significance, because the land— <ul style="list-style-type: none"> (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or (iii) is of significance or interest because of Aboriginal associations, or (iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or (v) is associated with Aboriginal stories, or (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or (b) an area of aesthetic significance, by virtue of— <ul style="list-style-type: none"> (i) having strong visual or sensory appeal or cohesion, or (ii) including a significant landmark, or (iii) having creative or technical qualities, such as architectural excellence, or (c) an area of archaeological significance, because the area contains— <ul style="list-style-type: none"> (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or (ii) any other deposit, object or material that relates to the settlement of the land, or (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons. 	<p>36H Core objectives for management of community land categorised as an area of cultural significance</p> <p>(1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p> <p>(2) Those conservation methods may include any or all of the following methods--</p> <ul style="list-style-type: none"> (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. <p>(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.</p>
Natural area	<p>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.</p>	<p>36E Core objectives for management of community land categorised as a natural area</p> <p>The core objectives for management of community land categorised as a natural area are--</p> <ul style="list-style-type: none"> (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 or the Fisheries Management Act 1994 .

Category	Guidelines from Local Government (General) Regulation 2005	Core objectives from Local Government Act 1993
Natural area - bushland	<p>(1) Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>(2) Such land includes—</p> <p>(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>	<p>36J Core objectives for management of community land categorised as bushland</p> <p>The core objectives for management of community land categorised as bushland are--</p> <p>(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</p> <p>(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(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</p> <p>(d) to restore degraded bushland, and</p> <p>(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(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</p> <p>(g) to protect bushland as a natural stabiliser of the soil surface.</p>
Natural area - wetland	<p>Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>	<p>36K Core objectives for management of community land categorised as wetland</p> <p>The core objectives for management of community land categorised as wetland are--</p> <p>(a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and</p> <p>(b) to restore and regenerate degraded wetlands, and</p> <p>(c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.</p>
Natural area - escarpment	<p>Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if—</p> <p>(a) the land includes such features as a long cliff-like ridge or rock, and</p> <p>(b) the land includes significant or unusual geological, geomorphological or scenic qualities.</p>	<p>36L Core objectives for management of community land categorised as an escarpment</p> <p>The core objectives for management of community land categorised as an escarpment are--</p> <p>(a) to protect any important geological, geomorphological or scenic features of the escarpment, and</p> <p>(b) to facilitate safe community use and enjoyment of the escarpment.</p>
Natural area - watercourse	<p>Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—</p> <p>(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</p> <p>(b) associated riparian land or vegetation, including land that is protected land for the purposes of the Rivers and Foreshores Improvement Act 1948 or State protected land identified in an order under section 7 of the Native Vegetation Conservation Act 1997.</p>	<p>36M Core objectives for management of community land categorised as a watercourse</p> <p>The core objectives for management of community land categorised as a watercourse are--</p> <p>(a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and</p> <p>(b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</p> <p>(c) to restore degraded watercourses, and</p> <p>(d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</p>
Natural area - foreshore	<p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p>	<p>36N Core objectives for management of community land categorised as foreshore</p> <p>The core objectives for management of community land categorised as foreshore are--</p> <p>(a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and</p> <p>(b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>

3.3 Use and Development of Community Land

3.3.1 Zoning

The community land covered by this Plan is zoned either: RU1 Primary Production, RU5 Village or RE1 Public Recreation.

Table 10. Existing land title, tenure and zoning

Name	Approximate area hectare (ha)	Owner	Reserve number	LEP 2012 zoning
Bloore Street Park	0.1101 ha	Council	NA	RE1
Bonalbo Native Gardens	0.0142 ha	Council	NA	RU5
Bonalbo Natural Area	1.200 ha	Council	NA	RU1
Cedar Point Hall	0.202 ha	Crown	R58107	RE1
Cedar Point Reserve	4.23 ha	Crown	R63033	RE1
Don Gulley Oval	1.34 ha	Council	NA	RE1
Golf Course Estate (open space)	1.789 ha	Council	NA	RU1
Golf Course Estate (buffer)	0.0492 ha	Council	NA	R5
Harrison Park	0.6623 ha	Council	NA	R1
Highfield Park	0.2267 ha	Council	NA	R1
Horseshoe Creek Cricket Ground	1.698 ha	Crown	R69277	RU1
Kyogle Lookout	0.5607 ha	Crown	R87232	RE1
Kyogle Community Centre	0.1301 ha	Council	NA	RE1
Lillyfield Reserve	0.8404 ha	Council	NA	RU1 & RU2
Old Lillyfield Quarry	0.9199 ha	Council	NA	RU1 & RU2
Old Roseberry Street Quarry	5.026 ha	Council	NA	RU2
Mallanganee Tennis Courts	0.2604 ha	Council	NA	RU1
Mount Street Recreation Reserve	0.0943 ha	Crown	R97087	RE1

3.3.2 Development allowed in Zones

The following excerpts from the Kyogle Local Environmental Plan (LEP) 2012 are provided as a guide only and reference to the LEP is required to conduct appropriate due diligence prior to planning and development of any site.

RU1 Primary Production Zone

The objectives of the RU1 zone are to:

- encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- encourage diversity in primary industry enterprises and systems appropriate for the area
- minimise the fragmentation and alienation of resource lands
- minimise conflict between land uses within this zone and land uses within adjoining zones
- ensure that the productive capacity of agricultural land is appropriately recognised and managed
- enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.

Consent is not required for activities, including environmental protection works, extensive agriculture, home-based child care, home occupations and intensive plant agriculture.

The following activities are permitted with the consent of Council in the RU1 zone:

Airstrips, animal boarding or training establishments, aquaculture, bed and breakfast accommodation, boat sheds, building identification signs, business identification signs, camping grounds, caravan parks, cellar door premises, cemeteries, charter and tourism boating facilities, community facilities, crematoria, dual occupancies, dwelling houses, ecotourist facilities, educational establishments, environmental facilities, extractive industries, farm buildings, farm-stay accommodation, flood-mitigation works, forestry, function centres, helipads, home businesses, home industries, industrial training facilities, information and education facilities, intensive livestock agriculture, open-cut mining, plant nurseries, recreation areas, recreation facilities (outdoor), restaurants and cafes, roads, roadside stalls, rural industries, rural supplies, rural workers' dwellings, secondary dwellings, timber yards, turf farming, veterinary hospitals, water-supply systems.

RU2 - Rural Landscape

The objectives of the RU2 zone are to:

- encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- maintain the rural landscape character of the land
- provide for a range of compatible land uses, including extensive agriculture
- provide for agricultural processing and support facilities directly related to the use and development of resources in the zone
- encourage development that involves restoration or enhancement of the natural environment where consistent with the production and landscape character of the land
- enable development that does not adversely impact on the natural environment, including habitat and waterways.

Consent is not required for activities, including environmental protection works, extensive agriculture, home-based child care, home occupations and intensive plant agriculture.

The following activities are permitted with the consent of Council in the RU2 zone:

Airstrips, animal boarding or training establishments, aquaculture, bed and breakfast accommodation, building identification signs, business identification signs, camping grounds, caravan parks, cellar door premises, cemeteries, charter and tourism boating facilities, community facilities, crematoria, dual occupancies, dwelling houses, ecotourist facilities, educational establishments, environmental facilities, extractive industries, farm buildings, farm-stay accommodation, flood mitigation works, forestry, function centres, helipads, home businesses, home industries, industrial training facilities, information and education facilities, intensive livestock agriculture, places of public worship, plant nurseries, recreation areas, recreation facilities (outdoor), restaurants and cafes, roads, roadside stalls, rural industries, rural supplies, rural workers' dwellings, secondary dwellings, timber yards, turf farming, veterinary hospitals, water-supply systems.

RE1 Public Recreation Zone

The objectives of the RE1 zone is to:

- enable land to be used for public open space or recreational purposes
- provide a range of recreational settings and activities and compatible land uses
- protect and enhance the natural environment for recreational purposes
- provide for tourism-related uses that support the recreational purpose of the land.

Consent is not required for activities, including environmental facilities, environmental protection works, extensive agriculture.

The following activities are permitted with the consent of Council in the RE1 zone:

Aquaculture, boat launching ramps, boat sheds, building identification signs, camping grounds, caravan parks, community facilities, flood mitigation works, information and education facilities, jetties, kiosks, markets, recreation areas, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor), research stations, restaurants or cafes, roads, roadside stalls, stock and sale yards, takeaway food and drink premises, water recreation structures, water-recycling facilities, water-supply systems, wharf or boating facilities.

RU5 Village

The objectives of the RU5 zone are to:

- provide for a range of land uses, services and facilities that are associated with a rural Village
- promote development in existing villages that reflects or enhances their local character and identity
- ensure that the amenity of existing developments is not adversely affected by new development.

Consent is not required for activities, including extensive agriculture, home-based child care and home occupations.

The following activities are permitted with the consent of Council in the RU5 zone:

Agricultural produce industries, amusement centres, animal boarding or training establishments, boat building and repair facilities, boat sheds, building identification signs, business identification signs, camping grounds, car parks, caravan parks, cemeteries, centre-based child care facilities, commercial premises, community facilities, depots, dwelling houses, electricity-generating works, entertainment facilities, environmental facilities, environmental protection works, exhibition homes, exhibition villages, farm buildings, flood-mitigation works, freight transport facilities, function centres, highway service centres, home businesses, industrial retail outlets, industrial training facilities, information and education facilities, intensive plant agriculture, light industries, marinas, mortuaries, neighbourhood shops, oyster aquaculture, passenger transport facilities, places of public worship, public administration buildings, recreation areas, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor), registered clubs, residential accommodation, respite day care centres, restricted premises, roads, sawmill or log processing works, schools, service stations, sewerage systems, storage premises, tank-based aquaculture, tourist and visitor accommodation, transport depots, truck depots, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouse or distribution centres, water recreation structures, water-supply systems, wholesale supplies.

3.3.3 Permissible uses and developments

The land covered by this Plan of Management is permitted for community purposes consistent with applicable zoning (refer to Table 11), the General Community Use category of community land, and the purposes for which Crown land is dedicated or reserved (refer to Table 7). Uses of land covered by this Plan of Management are further subject to demand, assessment of the carrying capacity of the land, development assessment and consent, and Council's resolution.

This Plan of Management authorises, within the requirements of relevant legislation and Council policy, the future development of Council's parks and reserves included in this Plan for the purposes and uses listed in Table 11 below.

Any future development of the land will need to comply with relevant laws governing use and development of the land, including the *Native Title Act 1993*.

Permissible uses and developments, and the scale and intensity of such use and development, are listed below.

Table 11. Permissible use and development of community land categorised as General Community Use, Sportsground, Park or Natural Area

COMMUNITY LAND - GENERAL COMMUNITY USE Purpose/Use	Development to facilitate use
<p>Providing a location for, and supporting, the gathering of community-based interest groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (e.g. community halls and centres) with specialised community uses, such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings, including for social, recreational, educational or cultural purposes • functions • concerts, including all musical genres • performances, including film and stage • exhibitions, fairs, parades • leisure or training classes • children's services • social services • designated group use, such as scout and girl guide use • entertainment facilities of appropriate scale • community-based commercial operations, which are sympathetic to and support use in the area and are of appropriate scale. 	<ul style="list-style-type: none"> • Provision of buildings or other amenity areas to facilitate use and enjoyment by the community, including licensed clubs and associated facilities, such as a refreshment room • development of buildings and grounds for the purposes of addressing the needs of a particular group • commercial operations • sports fields and courts • development to facilitate sporting use, such as lighting and fencing • benches, picnic tables, shade structures • hard and soft landscaping • water-saving initiatives, such as stormwater harvesting, rain gardens and swales • energy-saving initiatives, such as solar lights and solar panels, where appropriate • car parking and loading areas, driveways, access roads or similar • bridges, boardwalks, etc. • locational, directional, regulatory, heritage and cultural interpretation signage • utilities to improve amenity or safety of the reserve, e.g. CCTV cameras. <p>Advertising and promotional structures and signage (such as A-frames and banners) that:</p> <ul style="list-style-type: none"> • relate to approved uses/activities • are discreet and temporary • are approved by Council.

3.3.4 Leases, licences and other estates

Leases, licences and other estates over community land must be expressly authorised in Plans of Management and comply with the conditions in the *Local Government Act 1993*. They must be in the best interests of the community, as a whole, and enable, wherever possible, shared use of community land. The term other estates includes other interests, charges, rights or titles in relation to the land (for example, easements).

The main difference between a lease and a licence is that a licence does not permit the sole, or exclusive, use of the area. Licences may be granted to formally recognise and endorse shared uses. Licences are commonly used for sports facilities, such as clubhouses.

Maximum term and public notice

The maximum term of a lease, licence or other estate is 30 years. The consent of the Minister for Local Government is required if the lease or licence exceeds 21 years. This consent is also required if the term of the lease or licence will be greater than five years and objections have been lodged against the proposal. Council must give public notice of the proposal and exhibit notice of it on the land to which the proposal relates. Council must consider all submissions made in response.

Granting a lease or licence

The grant of a lease or licence is an important step in using community land, but there may be other requirements relevant to any proposed use. For example, development consent may be required under the Environmental Planning and Assessment Act 1979. Any interested person should check carefully to ensure they are aware of all relevant requirements.

A lease, licence or other estate must not be granted, if it involves:

- an activity that is not in accordance with a permitted purpose
- an activity that is not consistent with the objectives of the Plan of Management
- any activity prohibited by the land zoning stated in Council's current Local Environmental Plan (LEP)
- an activity that is not consistent with the reserve purpose.

Leases, licences and other estates allowed on Crown and Council community land

In accordance with the requirements of the *Local Government Act 1993* and *Crown Land Management Act 2016*, this Plan of Management expressly authorises Council to grant a lease, licence or other estate where the activity is consistent with this POM and the core objectives for the category of land, and is for a purpose listed in Table 13.

Table 12. Purposes for which leases, licences and other estates may be authorised by Council

Type of arrangement	Category of community land	Purpose
Lease	General Community Use	<ul style="list-style-type: none"> • licensed community recreation club and associated facilities • classes and workshops for activities, such as yoga, dance, art and craft • community-based interest groups for a range of social, cultural, or recreational purposes • commercial operations to activate the site and provide community recreation • cafe (including outdoor dining area) • health or medical practitioners associated with the relevant facility (e.g. nutrition, physiotherapy) • children's services • car parks
Licence	General Community Use	<ul style="list-style-type: none"> • community-based interest groups for a range of social, cultural, or recreational purposes • classes and workshops for activities, such as yoga, dance, art and craft • small-scale commercial uses, e.g. mobile cafe, hire of sports and recreation equipment
Other estate (or, use agreement)	All categories	<p>This POM allows Council to grant an estate over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act 1993. Estates may also be granted across community land for 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 community land.</p> <p>A use agreement on Crown land may impact Native Title rights and interests. A use agreement issued on Crown land must be issued in accordance with future act provisions of the Native Title Act 1993, and in accordance with Part 8 of the <i>Crown Land Management Act 2016</i> unless Native Title is extinguished. For Crown land that is not <i>excluded land</i>, this will require written advice from Council's Native Title Manager that it complies with any applicable provision of the Native Title legislation.</p>
Short-term casual permit	General Community Use	<ul style="list-style-type: none"> • small-scale functions, displays, exhibitions, concerts • public speeches, meetings, seminars and presentations • community events, auctions, markets and similar activities • classes and workshops for activities, such as yoga, dance, art and craft • small-scale commercial uses, e.g. mobile cafe, hire of sports and recreation equipment

3.4 Objectives and performance targets

The Local Government Act requires objectives and performance targets for all community land. These are detailed in the following table.

Table 13. Objectives and performance targets for community land

Management objectives	Performance targets	How to achieve objectives and performance targets	Assessment of performance regarding objectives and performance targets
Develop a quality public environment	Provide access to a variety of leisure, sports and recreational activities	Provide safe, well-maintained community infrastructure, spaces and parks Provide community facilities, recreation and leisure opportunities that provide choice Maintain public areas, such as parks, gardens and ovals to a standard fit-for-purpose	Survey of users to ascertain satisfaction Community/stakeholder forums provide regular feedback on passive and active recreation needs.
	Open space is designed to be comfortable and engaging	Aim for all open spaces to comply with the Open Space Design Guide Maintain open spaces to the level required in the Parks and Reserves Asset Management Plan Parks and sportsgrounds have shade and seating Design parks that: <ul style="list-style-type: none"> • preserve the natural environment for contemplation, reflection and inspiration • invoke a sense of place • ameliorate mental fatigue • inspire artistic expression 	Regular inspections of parks and sportsgrounds confirm appropriate standard of amenity and quality to relevant Australian Standards. Parks and sportsgrounds are regularly inspected to ensure good maintenance. Survey of users to ascertain satisfaction. Community/stakeholder forums provide regular feedback on passive and active recreation needs.
	Provide play spaces at appropriate locations	Local passive open space is located close to many homes	Surveys confirm residents are satisfied with the proximity of open space to their homes.
	Public art reflecting the community is integrated into public spaces	Park typologies in the Open Space Design Guide are applied to ensure integration of public art and design features in public places	Survey of users to ascertain satisfaction.
Improve pedestrian and cycling amenity	Provide linkages with nearby destinations and open spaces	Provide wide, shaded, pedestrian and cycle paths to accommodate mobility scooters and prams within parks and sportsgrounds and to other destinations such as town/village centres Create a connected network of walk and cycle paths that link people to where they want to go (key destinations) including passing through parks and sportsgrounds	Surveys reveal users are satisfied with linkages provided within open space and to other destinations.
Improve community safety	Open space is designed to support natural surveillance and active frontages	Provide, where appropriate: <ul style="list-style-type: none"> • pedestrian lighting, particularly along perimeter pathways to make parks and sportsgrounds safer • safety lighting for cycle paths through parks and sportsgrounds • floodlighting to enable night-time training at sportsgrounds, • solar lighting, if possible Provide well-managed unleashed areas for social use by dogs and their owners Do not allow dogs within 10m of playgrounds and sport fields	Lighting is adequate and appropriate for each open space. Participants in night sport report that lighting is satisfactory. Surveys reveal that users feel safe in parks and sportsgrounds.

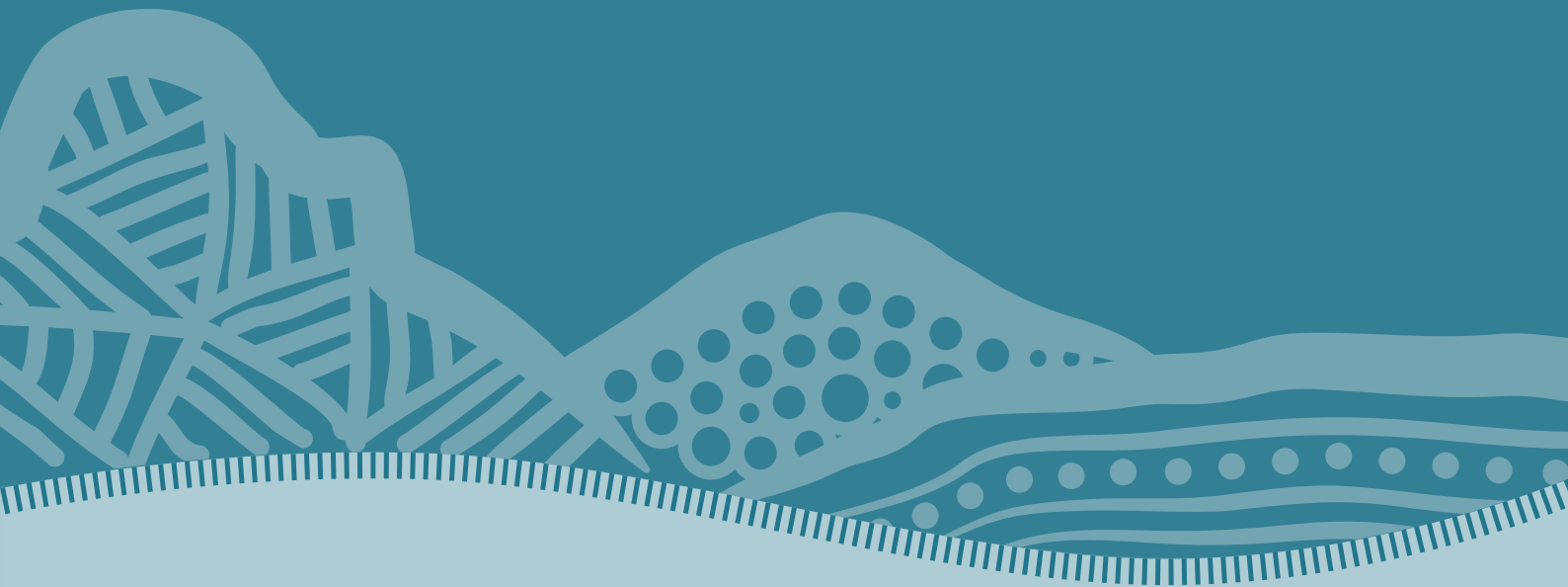
Management objectives	Performance targets	How to achieve objectives and performance targets	Assessment of performance regarding objectives and performance targets
Increase accessibility and integration	Ensure fairness and equity in use of parks and sportsgrounds	<p>Provide, where appropriate:</p> <ul style="list-style-type: none"> ramps, handrails, tactile, etc. obvious entries and signage access for maintenance and emergency vehicles, and service authorities car parking water-sensitive urban design <p>Ensure leases and licences do not overly limit public use by providing exclusive use to lessees/licensees</p> <p>Ensure revenue from events and activities in parks and sportsgrounds is based on user pays philosophy</p>	<p>Surveys of user groups reveal that no group is unfairly disadvantaged.</p> <p>Parking is adequate for all parks and sportsgrounds, most of the time.</p> <p>There is a steady, measurable increase in the number of WSUD elements incorporated into open spaces.</p>
	Provide signage to support and encourage use	<p>Provide, where appropriate:</p> <ul style="list-style-type: none"> park name signage wayfinding signage interpretive signs for heritage or natural features directional signage 	Surveys reveal that users are satisfied with signage provided.
Encourage a mix of uses	Open space is designed and embellished to maximise diverse uses	<p>Parks and sportsgrounds provide, where appropriate:</p> <ul style="list-style-type: none"> sport fields for formal sports space for unstructured activity playgrounds that encourage creative and independent play large level areas for passive recreation and community events facilities for a variety of ages (older people and younger people) pedestrian and cycle paths quiet areas for reflection 	<p>Survey of users to ascertain satisfaction.</p> <p>Community/stakeholder forums provide regular feedback on passive and active recreation needs.</p> <p>Surveys of user groups reveal that no group is unfairly disadvantaged.</p>
Encourage environmental sustainability	Encourage energy efficiency, water and resource conservation	<p>Provide solar lighting, if possible and appropriate</p> <p>Incorporate water-sensitive urban design elements into open spaces, where appropriate:</p> <ul style="list-style-type: none"> grassed swales rain gardens water-collecting tree pits and medians bioretention basins water tanks to harvest stormwater <p>Implement water-quality improvement programs in a coordinated and efficient manner</p> <p>Stabilise and monitor stormwater outlets and creek-line erosion in conjunction with Catchment Management Plans, where necessary</p>	<p>Steady increase in the number of participants in bushland management issues and activities.</p> <p>Reduction in level of gross pollutant, sediment and nutrient-enriched stormwater and septic tank effluent entering natural areas.</p> <p>No unacceptable fragmentation or deterioration of natural area quality, as a result of recreation, facilities.</p>
	Manage Council's natural areas to a high standard	<p>All relevant legislation is acknowledged by Council and addressed</p> <p>Recreation facilities and structures will only be constructed in natural areas if they are compatible with the carrying capacity of the site</p> <p>Assess vegetation in all open spaces taking into account issues, such as:</p> <ul style="list-style-type: none"> sightlines for spectator viewing of sports use of vegetation to divide use areas and provide buffers between sports fields and adjacent passive park/bushland limit exotic species to feature trees 	Reduction in the frequency and spread of declared noxious and invasive plants in bushland areas.

APPENDICES

> A: Reference and source documents

> B: Category Maps

> C: Schedule of Land



Appendix A: References and source documents

Australia State of the Environment Report 2016

Australia's Physical Activity Guidelines and Sedentary Behaviour Guidelines and the Australian 24-Hour Movement Guidelines, Commonwealth of Australian, Department of Health, 2019

Kyogle and Villages Open Space Design Guide, 2019

Kyogle Council Crown Reserves Strategic Plan 2009-2013, 2009

Kyogle Council Plan of Management for Community Land, 1996,

New South Wales Crown Land Management Act 2016 No 58

New South Wales Crown Land Management Regulation 2018

New South Wales Local Government Act 1993 No 30

Kyogle and Villages, Visions of Village Life Master Plans, 2018

Appendix B: Category maps

Maps detailing the category areas for each park or reserve have been provided for clear application of this POM.

ID	Park or Reserve
1	Bloore Street Park
2	Bonalbo Native Gardens
3	Bonalbo Natural Area
4	Cedar Point Hall
5 - 7	Cedar Point Reserve
8 - 11	Don Gulley Oval
12	Golf Course Estate (open space)
13	Golf Course Estate (buffer)
14	Harrison Park
15 - 16	Highfield Park
17	Horseshoe Creek Cricket Ground
18	Kyogle Community Centre
19	Kyogle Lookout
20	Lillyfield Reserve
21	Old Lillyfield Quarry
22	Old Roseberry Street Quarry
23	Mallanganee Tennis Courts
24	Mount Street Reserve

This schedule identifies the community land under Council's ownership and the categories that have been applied to that land. The categories identified for a particular park or reserve indicate that the park/reserve is covered by the Generic Plan of Management, except where individual Specific Plans of Management have been developed. For consistency of management, the schedule includes parks and reserves under Council care and control. Land ownership is included in the schedule. Where more than one category applies to a park or reserve, reference should be made to the relevant Category Map to determine the location of each category. Some parks and reserves may have individual plans developed subsequent to the development of the Generic Plan. If conflicting information arises between the Generic Plan of Management and a Specific Plan of Management, the Specific Plan of Management has precedence.

Reserve no.	Park/Reserve Name	Address/Location	Suburb (town/village)	Land Owner	Crown Reserve Purpose	Local Government Act Category								
						Natural Area					Sportsground	Park	Cultural significance	General Community Use
						Bushland	Wetland	Escarpment	Watercourse	Foreshore				
NA	Bonalbo Native Gardens	6 Peacock Street	Bonalbo	Council	NA									/
NA	Bonalbo Natural Area	Clarence Way	Bonalbo	Council	NA									/
58107	Cedar Point Hall	Summerland Way	Cedar Point	Crown	Public Hall									/
63033	Cedar Point Reserve	Summerland Way	Cedar Point	Crown	Public Recreation									/
69277	Horseshoe Creek Cricket Grounds	Horseshoe Creek Road	Horseshoe Creek	Crown	Public Recreation									/
NA	Bloore Street Park	Corner of Bloore and Wyangarie Streets	Kyogle	Council	NA									/
NA	Don Gulley Oval	Chauvel Street	Kyogle	Council	NA									/
NA	Golf Course Estate (open space)	access via Caddie Avenue	Kyogle	Council	NA									/
NA	Golf Course Estate (buffer)	Collins Creek Road	Kyogle	Council	NA									/
NA	Harrison Park	William Street	Kyogle	Council	NA									/
NA	Highfield Park	Highfield Road	Kyogle	Council	NA									/
87232	Kyogle Lookout	Mount Street	Kyogle	Crown	Public Recreation									/
NA	Kyogle Community Centre	3 Bloore Street	Kyogle	Council	NA									/
97087	Mount Street Recreation Reserve	Mount Street	Kyogle	Crown	Public Recreation									/
NA	Old Quarry Roseberry Street	Roseberry Street	Kyogle	Council	NA									/
NA	Mallanganee Tennis Courts	Sandilands Road	Mallanganee	Council	NA									/
NA	Lillyfield Community Centre	4505 Kyogle Road	Wadeville	Council	NA									/
NA	Old Lillyfield Quarry	Kyogle Road	Wadeville	Council	NA									/
NA	Abody Park	Corner of Worendo Street and Summerland Way	Wiagaree	Council	NA									/

