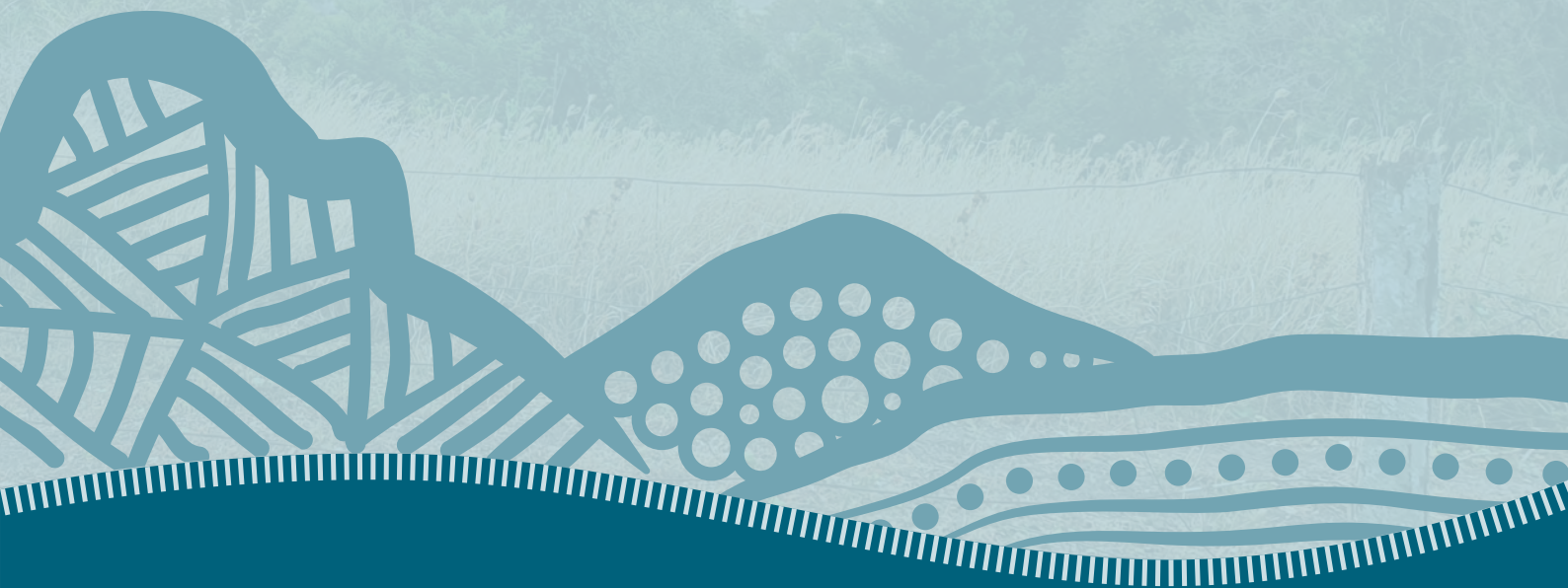


*Mallanganee Lookout*  
R89945

# PLAN OF MANAGEMENT





#### Prepared by

ROSS Planning on behalf of

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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.

#### Version Control

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|---------|-------------------|--------------|
| 1.0     | Preliminary Draft | January 2020 |
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# CONTENTS

|            |  |           |                   |   |           |
|------------|--|-----------|-------------------|---|-----------|
| <b>1.0</b> | <b>Key information</b>                               | <b>4</b>  | <b>4.0</b>        | <b>The Plan of Management</b>                                   | <b>19</b> |
| <b>2.0</b> | <b>Introduction</b>                                  | <b>5</b>  | 4.1               | Aims of the Plan of Management                                  | 19        |
| 2.1        | Community Land and Plans of Management               | 5         | 4.2               | Core objectives of this Plan of Management                      | 19        |
| 2.1.1      | Classification of public land                        | 5         | 4.3               | Use and Development of Community Land at<br>Mallanganee Lookout | 19        |
| 2.1.2      | Community Land                                       | 5         | 4.3.1             | Zoning  | 19        |
| 2.1.3      | Category of Community Land                           | 5         | 4.3.2             | Development allowed in RE1 Public<br>Recreation zone            | 19        |
| 2.1.4      | Plans of Management for Community Land               | 5         | 4.3.3             | Permissible uses and developments                               | 20        |
| 2.1.5      | Specific Plans of Management                         | 5         | 4.3.4             | Leases, licences and other estates                              | 21        |
| 2.1.6      | Legislation pertaining<br>to this Plan of Management | 6         | 4.4               | Management objectives and actions for<br>Mallanganee Lookout    | 22        |
| 2.1.7      | Council documents                                    | 7         | 4.5               | Objectives and performance targets                              | 23        |
| 2.2        | Process of preparing this Plan of Management         | 8         |                   |   |           |
| 2.3        | Change and review of Plan of Management              | 8         |                   |   |           |
| <b>3.0</b> | <b>The Context</b>                                   | <b>11</b> |                   |   |           |
| 3.1        | Mallanganee Lookout and nearby Village               | 11        |                   |   |           |
| 3.1.1      | Community profile - key facts and trends             | 11        |                   |   |           |
| 3.1.2      | Implications for open space                          | 11        |                   |   |           |
| 3.2        | Community Land in Mallanganee                        | 11        |                   |   |           |
| 3.2.1      | Open space at Mallanganee Lookout                    | 11        |                   |   |           |
| 3.2.2      | Parks near Mallanganee Lookout                       | 11        |                   |   |           |
| 3.3        | Description of Mallanganee Lookout                   | 13        |                   |   |           |
| 3.3.1      | Key features and landscape character                 | 16        |                   |   |           |
| 3.3.2      | Key stakeholders                                     | 16        |                   |   |           |
| 3.3.3      | Consultation summary                                 | 16        |                   |   |           |
| 3.3.4      | Leases/licences                                      | 16        |                   |   |           |
| 3.3.5      | Infrastructure and embellishments                    | 16        |                   |   |           |
| 3.3.6      | Signage  | 16        |                   |   |           |
| 3.3.7      | Access, circulation and parking                      | 17        |                   |   |           |
| 3.3.8      | Lighting   | 17        |                   |   |           |
| 3.3.9      | Toilets and park furniture                           | 17        |                   |   |           |
| 3.3.10     | Stormwater and drainage                              | 17        |                   |   |           |
| 3.3.11     | Buildings  | 17        |                   |   |           |
|            |  |           | <b>APPENDICES</b> |   | <b>24</b> |

# INTRODUCTION

## 1.0 KEY INFORMATION

|                         |                     |
|-------------------------|---------------------|
| Plan of Management for: | Mallanganee Lookout |
| Reserve number:         | 89945               |
| Reserve purpose:        | Public Recreation   |
| Local Government:       | Kyogle Council      |
| Size of Reserve:        | 14,745 sqm          |
| Date of adoption:       | 14 December 2020    |





## 2.0 INTRODUCTION

### 2.1 Community Land and Plans of Management

#### 2.1.1 Classification of public land

Introduction of the *Crown Land Management Act 2016* (NSW) (CLM Act) resulted in Councils now managing Crown land as if it were public land under the *Local Government Act 1993* (NSW) (LG Act). The LG Act requires classification of public land into either community or operational and the land is managed in accordance with the LG Act. The classification of community land in Kyogle is made by Council resolution.

This Plan of Management (POM) applies to Mallangane Lookout located in the Village of Mallangane within the Kyogle Local Government Area (LGA). Mallangane is located in the southern part of the municipality.

A total area of 1.47 hectares of public reserve is covered under this Plan. Refer to figure 1.

Currently the park is covered by Council's Generic Plan of Management, however, the location, features and community priorities warrants a specific Plan of Management.

Mallangane Lookout is is Crown land managed by Kyogle Council for public use. The park is adjacent to World-heritage-listed national parks and offers extensive views over the Border Ranges National Park.

A Plan of Management (POM) is required to ensure the values of the land are protected, that the use of the reserve meets a range of community needs and that appropriate management actions are identified and implemented. A supporting Master Plan has been prepared for the site to provide additional development guidance.

The reserve is adjacent to national parks, a telecommunications tower and privately owned rural and residential properties.

This POM has been prepared in accordance with requirements of the *NSW Local Government Act 1993*. The Act requires that all community land be subject to a POM. The Act also requires the management objectives specified for community land be included in the POM.

#### 2.1.2 Community Land

Open space community land (generally known as parks, reserves and sportsgrounds) is land, owned or controlled by councils and other government entities and recognised as an important element of the urban environment, providing opportunities for recreation. Under the LG Act, there are five categories of community land comprising:

- park
- sportsground
- general community use
- cultural significance
- natural area.

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

- bushland
- wetland
- escarpment
- watercourse
- foreshore
- a category prescribed by the regulations.

#### 2.1.3 Mallangane Lookout Community Land category

Mallangane Lookout is categorised as General Community Use.

#### 2.1.4 Plans of Management for Community Land

The *Local Government Act 1993* requires all councils to prepare Plans of Management (POMs) to govern the use and management of all community land, owned or under their care, control and management.

Councils may not undertake any activities, uses or developments that are not provided for in POMs. Any changes to POMs must be publicly exhibited in accordance with the Local Government Act.

Section 36 of the LG Act sets out the requirements for a POM that are summarised below.

A Plan of Management for community land must identify the following:

- the category of the land
- the objectives and performance targets of the Plan, with respect to the land
- the means by which the council proposes to achieve the Plan's objectives and performance targets
- the manner in which the Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

A POM that applies to one area of community land must also include a description of the:

- condition of the land, and any buildings or other improvements on the land, as at the date of adoption of the Plan of Management
- use of the land and any such buildings and improvements as at that date
- purposes for which the land, and any such buildings or improvements, will be permitted to be used
- purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- scale and intensity of any such use or development.

#### 2.1.5 Specific Plans of Management

Council's Community Land Generic Plan of Management states that some open spaces need specific POMs to be prepared for reasons, such as 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.

This POM for Mallangane Lookout is a specific POM. The area requires its own specific POM because it is significant to the community.

## 2.1.6 Legislation pertaining to this Plan of Management

The park is located within the Kyogle Council LGA and is Crown land managed by Kyogle Council.

Council's management responsibilities for the reserve are framed by the NSW Local Government Act 1993 (LG Act) and the Environmental Planning and Assessment Act 1979 (EP&A Act) and amendments.

The LG Act provides the management framework and processes for the land, while the EP&A Act and related planning instruments and policies control the use and development of the land.

Plans of Management for public land must be prepared in accordance with the statutory requirements of the LG Act.

Use and management of reserves must comply with all applicable planning controls under the EP&A Act, namely the Kyogle LEP 2012.

### Local Government Act 1993

The Plan of Management is a statutory document that sets out for the community how Kyogle Council plans to manage Mallangane Lookout, into the future. Division 2 of the *Local Government Act 1993* requires Council to prepare a Plan of Management for Community Land and to use and manage that land only in accordance with that plan. The LG Act also requires that a Plan of Management must identify the objectives, performance targets and permissible uses for community land. Table 1 indicates how this POM incorporates the requirements of the LG Act.

Table 1. 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 adoptions 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                          |

### Local Environmental Plan 2012

The Kyogle Local Environmental Plan 2012 (LEP) is a statutory instrument prepared in accordance with the Environmental Planning and Assessment Act 1979 to set out development objectives and consent requirements for particular areas. Under the LEP, the land parcels making up Mallangane Lookout are zoned RE1 Public Recreation.

The objectives of the RE1 zone are:

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

While an extensive range of uses is permitted in the zone, this POM identifies a reduced range of uses considered suitable for the reserve.

#### 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.

## Other relevant legislation and statutory controls

Under section 35 of the LG 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 2 summarises the legislation (other than the LG Act) that applies, or potentially may apply, to management and use of Mallanganeer Lookout.

Table 2. Legislation that may be applicable to Mallanganeer Lookout

| Legislation  | Application to Mallanganeer Lookout  |
|--|--|
| Crown Land Management Act 2016 (NSW)   | This Act provides for the ownership, use and management of Crown land in NSW and provides clarity concerning the law applicable to Crown land. Under the Act, environmental, social, cultural and economic considerations are required to be taken into account in decision-making about Crown land. The Act provides for the consistent, fair and transparent management of Crown land for the benefit of the people of NSW and to facilitate use by the Aboriginal people of NSW because of spiritual, social, cultural and economic importance of land to Aboriginal people, and to allow co-management of dedicated or reserved Crown land, where appropriate. The Act provides for the management of Crown land having regard to the principles of Crown land 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 in Mallanganeer Lookout, 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.  |
| 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 section 63 of 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.  |

### 2.1.7 Council documents

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 to guide planning, project delivery and decision making, as well as specific projects, actions and initiatives Council will deliver to support achievement of Village vision statements.

Relevant information contained in the Mallanganeer Village Master Plan has been included in this Plan of Management and used as basis for further community engagement and consultation. The Village vision is:

*For Mallanganeer to remain a beautiful, quiet, small village where people can enjoy nature, wildlife and the country town atmosphere.*

#### 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.

## 2.2 Process of preparing this Plan of Management

The process of preparing this Plan of Management is:

| >                                | >  | >                 | >  | >                 | >  | >                        | >                   | >  |
|----------------------------------|--|-------------------|--|-------------------|--|--------------------------|---------------------|--|
| Initial stakeholder consultation | Prepare draft POM with Native Title Manager advice | Notify land owner | Council resolution to publicly exhibit the POM | Public exhibition | Report to Council discussing submissions | Preparation of final POM | Adoption by Council | Prepare a Works Plan with short, medium and long-term actions to guide implementation of the POM |

## 2.3 Change and review of this 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 regularly to ensure that the document reflects current uses, management objectives and performance targets.

The Plan of Management for Mallanganeer Lookout will be reviewed by 30 June 2024 and every four years, thereafter.



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# THE CONTEXT





## 3.0 THE CONTEXT

### 3.1 Mallanganeer Lookout and nearby Village

#### 3.1.1 Community profile - key facts and trends

Mallanganeer Lookout is located on a peak of the Richmond Range just off the Bruxner Highway about 40 minutes' drive from Casino and 75 minutes' drive from Tenterfield. The lookout is near the Village of Mallanganeer and is a destination park attracting visitors from within and outside of the municipality.

The views from the lookout are spectacular across the Mallanganeer Nature Reserve and the Cambridge Plateau. On clear days, Mount Warning and the coastal region to the east can be seen, as well as the Great Dividing Range along the horizon to the west.

Mallanganeer Lookout is a key destination along Rainforest Way, a drive-tourism road trip promoted by the NSW State Government.

The Mallanganeer Lookout is 5 minutes drive from the Village of Mallanganeer. Approximately 148 people lived in Mallanganeer at the last Census collected in 2016. The median age was 52 years, slightly older than 50 years for the Kyogle Local Government Area and 14 years older than the NSW median of 38 years. Mallanganeer Primary School closed in 2009 due to insufficient enrolments.

Enhancement of the lookout and increased visitation could benefit the nearby Village by generating increased visits from travellers and tourists.

#### 3.1.2 Implications for open space

Mallanganeer Lookout is unique within the open space network across the municipality, and is a destination for locals and visitors, drawing people of all ages and abilities to view and appreciate the surrounding natural environment.

There is an opportunity for Council to create a customised design for the lookout to enhance the attractiveness and appeal of the lookout and contribute to positive visitor experiences.

As the Kyogle Local Government Area is promoted as the "gateway to the rainforest", Mallanganeer Lookout has the potential to contribute to a larger cross-section of locals and visitors gaining an appreciation of the close proximity of the national parks and state forests in the region.

## 3.2 Community Land in Mallanganeer

### 3.2.1 Open space at Mallanganeer Lookout

Kyogle's Open Space Design Guide details several park typologies to describe and direct use and embellishment to ensure the provision of a range of recreation opportunities for residents and visitors.

The following table provides a summary of park typologies that could apply to Mallanganeer Lookout.

Table 3. Kyogle OS Design Guide park typologies and descriptions

| Park typology     | Description  |
|-------------------|--|
| Destination parks | Unique parks with special attributes, such as size, diversity or function are destination and people typically drive or travel for the experience.     |
| 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.                                  |

### 3.2.2 Parks near Mallanganeer Lookout

There are a range of parks with different settings that provide different recreation opportunities and experiences for residents and visitors in the nearby Village of Mallanganeer.

Parks located in nearby Mallanganeer are detailed in the following table, together with the park typology and hierarchy.

Table 4. Parks and reserves within Mallanganeer by type and hierarchy

| Map ref. | Park/Reserve name               | Park typology               | Hierarchy                    |
|----------|---------------------------------|-----------------------------|------------------------------|
| 1        | Mallanganeer Park/ Sportsground | Sport parks<br>Camping area | Local                        |
| 2        | Everson park                    | Local recreation park       | Local                        |
| 3        | Memorial park                   | Local recreation park       | Local                        |
| 4        | Mallanganeer Tennis courts      | Sport parks                 | Local<br>Private specialised |
| 5        | Mallanganeer Showgrounds        | Showground                  | Private specialised          |
| 6        | Sandilands Park                 | Local recreation park       | Local                        |





Bruxner Highway





### 3.3 Description of Mallanganeer Lookout

#### 3.3.1 Location and context of Mallanganeer Lookout

Mallanganeer Lookout is located adjacent to the Bruxner Highway and approximately 40 kilometres from the town of Casino, in the neighbouring Lismore Local Government Area.

Mallanganeer National Park and Sugarloaf and Cherry Tree State Forests cover large tracts of land directly to the east of the Village.



#### LEGEND

|  |                  |
|--|------------------|
|  | Reserve boundary |
|--|------------------|

#### RESERVE CATEGORISATION

|  |                            |
|--|----------------------------|
|  | General Community Use      |
|  | Park                       |
|  | Sportsground               |
|  | Natural area - bushland    |
|  | Natural area - watercourse |
|  | Natural area - escarpment  |

NOT TO SCALE








## LEGEND

|  |                  |
|--|------------------|
|  | Reserve boundary |
|--|------------------|

## RESERVE CATEGORISATION

|  |                            |
|--|----------------------------|
|  | General Community Use      |
|  | Park                       |
|  | Sportsground               |
|  | Natural area - bushland    |
|  | Natural area - watercourse |
|  | Natural area - escarpment  |





**LEGEND**

|  |                  |
|--|------------------|
|  | Reserve boundary |
|--|------------------|

**RESERVE CATEGORISATION**

|  |                            |
|--|----------------------------|
|  | General Community Use      |
|  | Park                       |
|  | Sportsground               |
|  | Natural area - bushland    |
|  | Natural area - watercourse |
|  | Natural area - escarpment  |

NOT TO SCALE



### 3.3.1 Key features and landscape character

The views across the Richmond Range and distant volcanic plugs are the key feature of Mallanganeer Lookout.

### 3.3.2 Key stakeholders

Due to Mallanganeer Lookout being a destination and its regional significance, particularly as a relatively accessible location for people to share in spectacular views of the surrounding natural features, the key stakeholders have been identified to include:

- the community of Mallanganeer Village
- the broader Kyogle shire-wide community
- NSW National Parks and Wildlife Service
- NSW Roads and Maritime Services (RMS)

### 3.3.3 Consultation summary

During development of the Mallanganeer Village Master Plan, the outcomes of community consultation revealed the following key aspirations that are relevant to this Plan of Management:

- improve access road and parking by considering alignment and sealing road surface
- provide accessible, vandal-proof and secure public toilet facilities
- provide well-located, modernised lookout facilities
- visitor information bay promoting local attractions and visit to Mallanganeer
- new interpretive signage
- investigate feasibility of installing a viewing platform and/or skywalk for viewing rainforest
- native planting to attract birdlife
- bird hides and seating with views into wetland area
- wayfinding and interpretive signage
- identifying wildlife watching locations.

### 3.3.4 Leases and licences

There are currently no leases or licences over any part of the Mallanganeer Lookout.

### 3.3.5 Infrastructure and embellishments

A small area, approximately 600-800 square metres, has been fenced for the lookout. The frontage of this space has been fenced with timber posts and two timber rails with a framed timber entry. Timber posts and wire fencing have been installed for the remainder of the perimeter. The fencing is aged and in poor condition.

Three concrete pads have been installed to hold timber picnic shelters. Two shelters remain at the site.

### 3.3.6 Signage

A series of four interpretive and information signs have been installed on the eastern edge of the Lookout. The signs need to be relocated to better communicate the content of the signs.



- A. Unsealed car access
- B. Gate access to rest area
- C. Covered picnic table
- D. Lookout information signs
- E. Rest area overlooking range
- F. Fence posts to rest area
- G. Lookout signs with range in background
- H. Picnic shelter and setting
- I. Picnic table overlooking range
- J. Concrete base of former table



### **3.3.7 Access, circulation and parking**

The only access to the lookout is directly off the Bruxner Highway, with vehicles travelling at 100km/hr around a wide bend wrapping around the base of the peak on top of which the lookout is located.

Travelling from the north, turning off the Bruxner Highway into Bulmers Road to access the lookout, can be done relatively safely. However, there are no slip lanes provided to allow vehicles to slow down significantly prior to turning off the highway.

Travelling from the south, it is difficult to safely cross the highway and turn into Bulmers Road. The highway verge is wider and sealed at this point, and may be used by drivers wishing to access the lookout from the south.

Sightlines and distances are not ideal, for people driving vehicles and returning to the highway from the lookout. This is primarily due to the continuous bend in the Bruxner Highway where Bulmers Road intersects with the highway. A safety mirror has been placed on the western side of the highway at the Bulmers Road intersection so drivers can see vehicles approaching from the north.

Safe vehicle access to the lookout is a key constraint to increased use and enjoyment of the Mallangane Lookout.

An unsealed gravel loop road allows drivers to enter and exit the site in a continuous line. Car parking at the lookout is currently informal and unsealed.

### **3.3.8 Lighting**

No lighting is currently available at the lookout.

### **3.3.9 Toilets and park furniture**

There are no toilets located at the Lookout.

Two timber picnic shelters with tables and bench seats are positioned on the level part of the lookout.

### **3.3.10 Stormwater and drainage**

Stormwater and drainage is minimal on the site. Swales have been developed, particularly to ensure stormwater runoff from the roadway leading to the lookout.

### **3.3.11 Buildings**

There are no buildings located on the site.



# PLAN OF MANAGEMENT





## 4.0 THE PLAN OF MANAGEMENT

### 4.1 Aims of the Plan of Management

The Plan of Management for Mallangane Lookout aims to:

- fulfil Council's statutory obligations in respect to public land management under the requirements of the Local Government Act 1993
- 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 Mallangane Lookout
- be a resource for both Council staff and the public, regarding the use of the land including licensing and short-term permits.

### 4.2 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 category of general community use are below:

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
- 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).

### 4.3 Use and Development of Community Land at Mallangane Lookout

#### 4.3.1 Zoning

The community land covered by this Plan is zoned RE1 Public Recreation

Table 5. Existing land title, tenure and zoning

| Legal descriptor  | Approx. area ha | Owner        | Control and mngt | LEP 2014 zoning       | Current category      |
|-------------------|-----------------|--------------|------------------|-----------------------|-----------------------|
| Lot 109 DP 752395 | 1.064 ha        | State of NSW | Kyogle Council   | RE1 Public Recreation | General community use |
| Lot 104 DP 755723 | 0.41 ha         | State of NSW | Kyogle Council   | RE1 Public Recreation | General community use |

#### 4.3.2 Development allowed in RE1 Public Recreation Zone

The objectives of the RE1 zone are 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 and 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.

### 4.3.3 Permissible uses and developments

Table 6. Uses and development allowed at Mallangane Lookout

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

Table 7. Scale and intensity of any permitted use or development at Mallangane Lookout

| USE or DEVELOPMENT  | SCALE   | INTENSITY   |
|---|---|---|
| Community-based interest group activities   | Subject to Council approval   | The intensity of use is not to cause nuisance to nearby residents and must comply with licence or permit conditions and relevant Council policies                       |
| Passive recreation uses   | Small scale   | The intensity of use is not to cause nuisance to nearby residents   |
| Landscape upgrades - natural (tree planting)  | Scale is not to compromise use of the site for passive recreation               | To enhance the site in terms of aesthetics, climate control and habitat   |
| Landscape upgrades - amenity (installation of seats, toilets etc.)  | Scale is not to compromise use of the site for active and passive recreation    | Low intensity to not compromise the natural and open character of the site. Sufficient provision to enhance the amenity of the site in terms of comfort and convenience |
| Infrastructure to support the environment (fencing, boardwalks, drystone walling etc.)  | Appropriate scale   | Scale to suit the community land category   |
| Car parks   | Limited to dedicated car parks provided, and to future infrastructure provided  | 24 hours a day, 7 days a week   |
| Roads and paths   | Limited to the dedicated roads and paths, and to future infrastructure provided | 24 hours a day, 7 days a week   |
| Commercial development which is sympathetic to, and supports uses, in the area (mobile coffee van, professional photography etc.) | Small scale   | Agreement, via licence or short-term casual permit, approved by Council   |
| Community events  | Limited to the physical constraints of the site                                 | Subject to Council approval   |
| Public art and signage  | Scale and style to suit character of site                                       | Limited amount to provide appropriate impact and help reinforce local identity  |

### 4.3.4 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. 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, license 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 in Mallangane Lookout

In accordance with the requirements of the Local Government Act 1993, this Plan of Management expressly authorises Council to grant a lease, licence or other estate at Mallangane Lookout, 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 8.

Table 8. Purposes for which leases, licences, and other estates may be authorised by Council at Mallangane Lookout

| Type of arrangement      | Category of community land | Purpose   |
|--------------------------|----------------------------|---|
| Licence                  | General Community Use      | <ul style="list-style-type: none"> <li>• community-based interest groups for a range of social, cultural, or recreational purposes</li> <li>• classes and workshops for activities, such as yoga, dance, art and craft</li> <li>• small-scale commercial uses, e.g. mobile cafe, professional photography</li> </ul>  |
| Other estate             | All categories             | 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 and Crown Land Management Act 2016. 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. |
| Short-term casual permit | General Community Use      | <ul style="list-style-type: none"> <li>• small-scale functions, displays, exhibitions, concerts</li> <li>• public speeches, meetings, seminars and presentations</li> <li>• community events, auctions, markets and similar activities</li> <li>• classes and workshops for activities, such as yoga, dance, art and craft</li> <li>• small scale commercial uses, e.g. mobile cafe, hire of sports and recreation equipment</li> </ul>   |

## 4.4 Management objectives and actions for Mallanganee Lookout

The following management objectives support environmental protection, active and passive recreation, social connection, appropriate commercial, recreation and visual amenity.

### **Develop a quality public environment**

By ensuring the creation of comfortable and engaging environments.

### **Improve pedestrian and cycling amenity**

By encouraging an increase in these forms of transport by improving the appeal of the environment to pedestrians and cyclists.

### **Improve community safety**

Through the promotion of CPTED to achieve natural surveillance of public spaces and active frontages.

### **Increase accessibility and integration**

By ensuring that the activity centre (i.e. recreation reserve, open/public space) is a focus for the entire community, is accessible to all and physically integrated within the surrounding neighbourhood.

### **Encourage a mix of uses**

By optimising the diversity of uses to promote vitality, extend the hours of activity and intensify the use of existing infrastructure.

### **Encourage environmental sustainability**

By promoting efficient use of existing assets, prolonged life cycle of structures and encouraging energy efficiency, water and resource conservation.

## 4.4 Objectives and performance targets

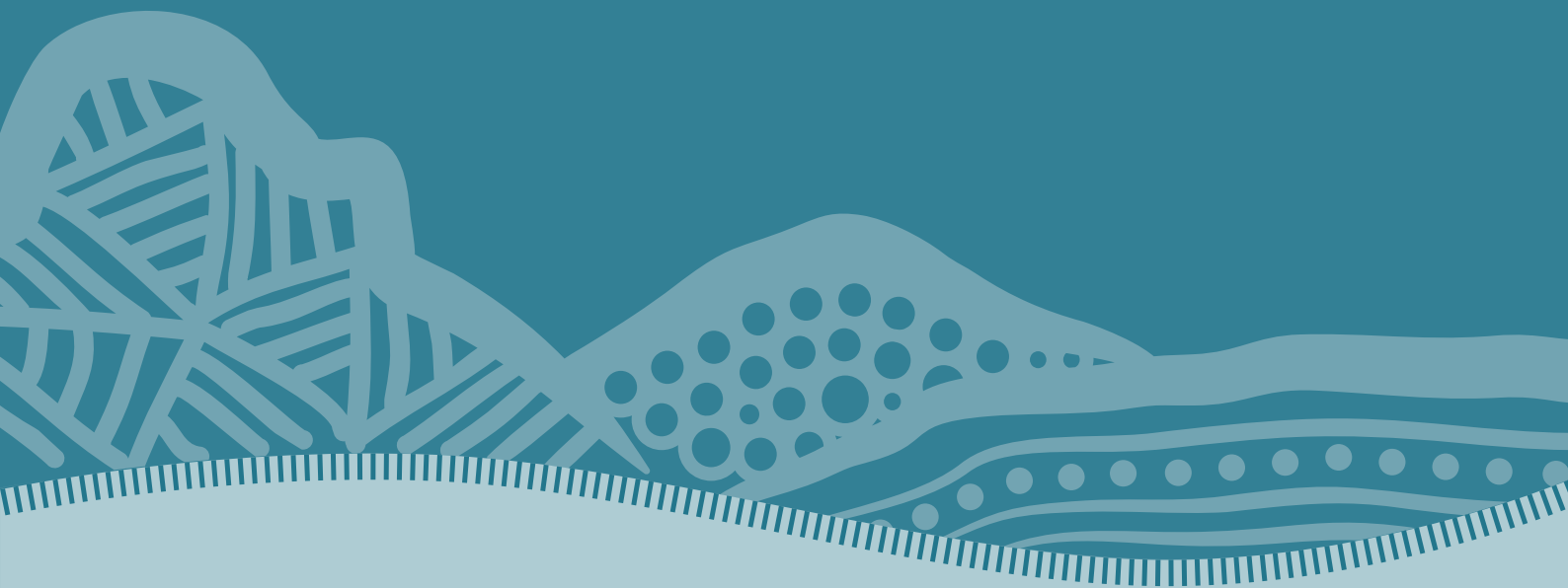
Table 9. Objectives and performance targets for Mallangane Lookout

| Management objectives                  | Performance targets  | How to achieve objectives and performance targets   | Assessment of performance regarding objectives and performance targets  |
|--|--|---|---|
|  |  | <i>Refer Kyogle Open Space Design Guide</i>   |   |
| Develop a quality public environment   | Open space is designed to be comfortable and engaging  | <p>Aim for all open spaces to comply with the Open Space Design Guide</p> <p>Maintain open spaces to the level required in the Parks and Reserves Asset Management Plan</p> <p>Parks have shade and seating</p> <p>Design parks that:</p> <ul style="list-style-type: none"> <li>• preserve the natural environment for contemplation, reflection and inspiration</li> <li>• invoke a sense of place</li> <li>• ameliorate mental fatigue</li> <li>• inspire artistic expression.</li> </ul>  | <p>Community Advisory Committees</p> <p>Regular inspections of parks confirm appropriate standard of amenity and quality to relevant Australian Standards.</p> <p>Parks are regularly inspected to ensure good maintenance.</p> <p>Survey of users to ascertain satisfaction.</p> <p>Community/stakeholder forums provide regular feedback on passive and active recreation needs.</p>  |
| Improve community safety               | Open space is designed to support natural surveillance and active frontages  | <p>Provide, where appropriate:</p> <ul style="list-style-type: none"> <li>• pedestrian lighting, particularly along perimeter pathways to make parks safer</li> <li>• safety lighting for paths through parks</li> <li>• solar lighting, if possible</li> </ul> <p>Provide well-managed unleashed areas for social use by dogs and their owners.</p>  | <p>Lighting is adequate and appropriate for each open space.</p> <p>Surveys reveal that users feel safe in parks.</p>   |
| Increase accessibility and integration | Provide signage to support and encourage use   | <p>Provide, where appropriate:</p> <ul style="list-style-type: none"> <li>• ramps, handrails, tactile etc.</li> <li>• obvious entries and signage</li> <li>• access for maintenance and emergency vehicles, and service authorities</li> <li>• car parking</li> <li>• water-sensitive urban design</li> </ul>   | <p>Surveys of users reveal that no group is unfairly disadvantaged.</p> <p>Parking is adequate for all parks and sportsgrounds, most of the time.</p>   |
| Encourage a mix of uses                | Open space is designed and embellished to maximise diverse uses  | <p>Parks provide, where appropriate:</p> <ul style="list-style-type: none"> <li>• space for unstructured activity</li> <li>• facilities for a variety of ages (older people and younger people)</li> <li>• pedestrian paths</li> <li>• quiet areas for reflection</li> </ul>  | <p>Survey of users to ascertain satisfaction.</p> <p>Community/stakeholder forums provide regular feedback on passive and active recreation needs.</p> <p>Surveys reveal users are satisfied with linkages provided within open spaces and to other destinations.</p>   |
| Encourage environmental sustainability | <p>Encourage energy efficiency, water and resource conservation</p> <p>Manage Council's natural areas to a high standard</p> | <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"> <li>• grassed swales</li> <li>• rain gardens</li> <li>• water-collecting tree pits and medians</li> <li>• bio-retention basins</li> <li>• water tanks to harvest stormwater</li> </ul> <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> <p>There is a steady, measurable increase in the number of WSUD elements incorporated into open spaces.</p> |



# APPENDICES

- > A: References and supporting documents
- > B: Summary of community consultation
- > C: Category maps



## **A: REFERENCES**

Australian Bureau of Statistics (ABS) 2016 Census Quickstats, 12 July 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

Mallangane Visions of Village Life Master Plan, 2018

## B: CATEGORY MAPS



# KYOGLE COUNCIL

| Park name           | Reserve number | Land identification | Town or Village | Category              | Hierarchy      | Owner |
|---------------------|----------------|---------------------|-----------------|-----------------------|----------------|-------|
| Mallanganee Lookout | R89945         | Lot 104 DP 755723   | Kyogle          | General Community Use | Not applicable | Crown |



## LEGEND

LOT 104 DP 752395

|  |                  |
|--|------------------|
|  | Reserve boundary |
|--|------------------|

## RESERVE CATEGORISATION

|  |                            |
|--|----------------------------|
|  | General Community Use      |
|  | Park                       |
|  | Sportsground               |
|  | Natural area - bushland    |
|  | Natural area - watercourse |
|  | Natural area - escarpment  |

NOT TO SCALE





# KYOGLE COUNCIL

| Park name            | Reserve number | Land identification | Town or Village | Category              | Hierarchy      | Owner |
|----------------------|----------------|---------------------|-----------------|-----------------------|----------------|-------|
| Mallanganeer Lookout | R89945         | Lot 109 DP 752395   | Mallanganeer    | General Community Use | Not applicable | Crown |



## LEGEND

LOT 109 DP 755723

|  |                  |
|--|------------------|
|  | Reserve boundary |
|--|------------------|

## RESERVE CATEGORISATION

|  |                            |
|--|----------------------------|
|  | General Community Use      |
|  | Park                       |
|  | Sportsground               |
|  | Natural area - bushland    |
|  | Natural area - watercourse |
|  | Natural area - escarpment  |

NOT TO SCALE

