

Treelands Drive Reserve



Plan of Management

Adopted 16 April 2018
[Council Resolution - 13.008/18]

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EXECUTIVE SUMMARY

This plan of management guides Council in the management and use of the Treelands Drive Reserve, Yamba. It is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*. It updates and replaces the previous plan adopted by Council in 2013.

The reserve, Lots 2 & 3 DP 1203064, is owned and managed by Clarence Valley Council and is:

- classified as Community land
- categorised as General Community Use; and
- zoned for (SP2) Infrastructure under the Clarence Valley LEP 2011.

The land is best known as the location of the Treelands Drive Community Centre.

A second development is currently planned for part of Lot 2 – a TAFE NSW Connected Learning Centre (CLC) - with work to commence in the later half of 2018, subject to relevant approvals.

The use and management of the reserve involves most sections of Council. However the operation of the Community Centre is primarily the responsibility of Council's Community Development Section while Council's Open Spaces and Facilities section is responsible for the maintenance of the infrastructure and grounds.

The construction and on-going maintenance of the proposed CLC will be the responsibility of TAFE NSW, as that part of the Reserve will be excised and the title held in the name of the Minister Administering the *Technical and Further Education Commission Act 1990*.

The co-location of the proposed TAFE NSW Connected Learning Centre for Yamba and NSW Health Administration Corporation's assets with Council's current and future community facilities on the Treelands Drive Reserve creates an enhanced hub for community activities and consolidation of public infrastructure.

1.0 Introduction

1.1 Overview

This Plan of Management (PoM) has been prepared to provide a framework for the long-term management of community facilities constructed on land classified as 'community' land at Treelands Drive, Yamba. It replaces the previous PoM developed and adopted by Clarence Valley Council in May 2013.

1.2 Need for this Plan of Management

The *Local Government Act 1993* (LG Act) requires all Council-owned land to be classified as either 'community' or 'operational' land. Land classified as 'Community' land is to be managed and used in accordance with an adopted PoM.

This PoM also accommodates TAFE NSW's request to construct a Connected Learning Centre (CLC) on the reserve, at which Council resolved at its meeting on 12 December 2017, inter alia, to:

- *"agree in principle to TAFE NSW acquiring an interest in Treelands Drive Reserve to establish a CLC" and,*
- *"amend the Treelands Drive Reserve Plan of Management to enable the establishment of a CLC ; and to include Council's Community Centre, Library (and potential art space), Meals on Wheels and Playgroup facilities."* (Minute 14.142/17)

Consequently, the purpose of this PoM is to:

- ensure compliance with the *Local Government Act 1993*
- provide clarity in the development, management and use of facilities and land on the Treelands Drive Reserve; and
- contribute to the Council's broader strategic goals as set out in the community plan.

1.2.1 Previous plans of management

A concept plan was prepared in 1995 for the former Maclean Shire Council which proposed six buildings on the site to provide a range of community services, plus parking for 118 cars (Appendix 1). As a concept plan it served as a guide to potential community facilities for the site.

A plan of management was prepared in 2003 to satisfy the requirements of the *Local Government Act 1993* and to provide for an ambulance station that was constructed on the corner of Roberts Crescent and Treelands Drive.

The 2013 plan of management updated the 2003 plan of management and provided for the construction of a community health centre on the reserve.

1.3 Land Description

The Treelands Drive Reserve is public land granted to Council under Section 94 of the *Environmental Planning and Assessment Act 1979*.

The reserve (being Lots 2 & 3 DP 1203064) is owned and managed by Clarence Valley Council and is:

- classified as Community land
- categorised as General Community Use; and
- zoned for (SP2) Infrastructure under the Clarence Valley LEP 2011.

The reserve area is approximately 0.9 hectares¹ and is located between Treelands Drive (on the west) Roberts Close (on the south) and Lady Nelson Place (on the south-east) (Figure 1.1 & Appendix 2). A Community Centre has been built on the north-west corner of the site (on Lot 3 DP 1203064). The proposed Connected Learning Centre is to be built on the western end of Lot 2 DP 1203064, which will be subdivided to create a separate title.



Figure 1.1: Treelands Drive Reserve Locality Plan

1.3.1 Land history

The following is a summary of the historical status of the land.

Date	Details	Land area
17 Feb 1995	Transfer of Lot 13 DP 829743 from Burge to Council in lieu of s94 contributions	

¹ Note: The Health Centre and Ambulance Station on Lot 1 DP 1203064 (approx. 0.36 ha) was previously part of the Treelands Drive Reserve, however this land was acquired by the NSW Health Administration Corporation in April 2015 at the discretion of the NSW State Government.

<p>6 Nov 1995</p>	<p>Transfer of Lot 17 DP 835664 from Loff Pty Ltd to Council in lieu of s94 contributions</p>	
<p>8 Dec 2004</p>	<p>Lot 13 DP 829743 subdivided to create Lots 1-2 DP 1077069</p>	
<p>17 Oct 2014</p>	<p>Lot 1 and Part Lot 2 DP 1077069 reclassified as operational land</p>	
<p>26 Feb 2015</p>	<p>Lot 17 DP 835664 and Lots 1-2 DP 1077069 subdivided to create Lots 1, 2 & 3 DP 1203064. (Note: Lot 1 deemed to be the area that was reclassified as operational on the 17 Oct 2014)</p>	

<p>23 Apr 2015</p>	<p>Lot 1 DP 1203064 acquired by the NSW Health Administration Corporation</p>	
<p>Feb 2018</p>	<p>Draft plan of subdivision of Lot 2 DP 1203064 to create Lots 21 and 22.</p> <p>Proposed Lot 21 to be compulsorily acquired by the Minister Administering the <i>Technical and Further Education Commission Act 1990</i>.</p>	

1.4 Development of the Land

Existing Development

The Treelands Drive Reserve has an existing community facility built on the land at the date of exhibition of this PoM – the Treelands Drive Community Centre.

The Treelands Drive Community Centre was constructed as a multi-purpose community facility funded by Federal and State Government and former Maclean Shire Council (Figure 1.2). It was officially opened on the 7th August 1999.



Figure 1.2: Existing Community Centre

Surrounding development

The Treelands Drive Reserve is located adjacent to residential and industrial land.

Proposed new TAFE NSW Connected Learning Centre

TAFE NSW is proposing to build a Connected Learning Centre on part of the site (on Lot 2), with construction to commence in mid 2018 (Figure 1.4 & Appendix 3) subject to all necessary approvals.

The proposed Yamba Connected Learning Centre will be custom designed to utilise modern, digitally-enabled technologies, such as simulation and virtual reality, to offer a wide range of accessible, practical, and flexible learning options. This means that students do not have to leave their local community to access high-quality practical training alongside exceptional learning experiences and accessible support services.

The Connected Learning Centre represents TAFE NSW's commitment to the Clarence Valley, and its continued endeavour to provide students and employers with access locally to world-class education and training through TAFE NSW.

Government funding will be used to construct the building and surrounding carpark and landscaping. The building is expected to be completed and ready for occupation in December 2018, subject to relevant approvals. The on-going maintenance and operation of the Yamba Connected Learning Centre will be funded by TAFE NSW.



Figure 1.4: Proposed Yamba Connected Learning Centre location and layout
(source: 'TAFE NSW' concept only)

The construction of the proposed new Connected Learning Centre will enhance the community-oriented function of this site. Any potential impacts associated with the proposed facility, such as an increase in traffic movements to the site, will be assessed and appropriately mitigated as part of the planning approvals process. These will grow with future development of the remaining area of the site. Vehicular access to this site will be directly from Roberts Close. This will reduce potential congestion on Treelands Drive from the additional future vehicular traffic. Entering at Roberts Close will also provide clear lines of sight for visitors to the range of community infrastructure that may be developed on the site in the future.

While the site has access to Parkview Crescent and Lady Nelson Place, it is not anticipated that these roadways will be used as thoroughfares or as regular vehicular access points. However, these roadways may provide emergency egress, as required in the future.

Pedestrians and cyclists will continue to be able to access the site from Treelands Drive to maximise usage of active and public bus transport.

Future Development of the Land

This PoM proposes, within the requirements of the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979*, to support a range of additional ancillary community related uses on the site. Future development of the land is envisaged to include:

- Alterations, additions and improvements to the existing land and buildings to provide improved facilities for the uses permitted by this Plan including alterations, additions or improvements to enhance community-based education, family, children's, cultural, leisure, health, religious and social activities and limited commercial opportunities
- Construction of new facilities, including landscaping
- Alterations to car park layouts and additional car parking to improve parking associated with future development
- Rationalisation of the facilities to improve effectiveness and utilisation.

Potential future development may include:

- Extension(s) to and/or the rebuild of the existing Community Centre;
- Infrastructure to meet the needs of the community as identified in Council's *Cultural and Community Facilities Plan* (2009) and/or Council's community strategic plan; and
- Any other compatible community infrastructure supported by a Council resolution in the affirmative.

2. Legislative Framework

This section describes the legislative and policy framework applying to the land covered under this PoM.

2.1 Local Government Act 1993

Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* (Table 2.1).

The *Local Government Act 1993* (LG Act) requires all Council owned land to be classified as either 'Community' or 'Operational' land. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Community land is required to be managed in accordance with a PoM, and any other laws regulating the use of the land.

Table 2.1 Requirements of the Local Government Act 1993 for community land management

Requirement of the <i>Local Government Act 1993</i>	Relevant Section(s)
All community land must be categorised.	s25, s26
Community land must used and managed in accordance with: <ul style="list-style-type: none"> ▪ the plan of management applying to the land ▪ any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land 	s35
The PoM must <ul style="list-style-type: none"> ▪ consider the core objectives and guidelines for land categorised as 'General Community Use' the effect of any guidelines so prescribed. ▪ specify the core objectives and performance targets for management of the land; the means by which Council proposes to achieve the plan's objectives and performance targets; and the manner in which its achievement the plan's objectives and performance targets is measured. ▪ include a description of the condition of the land, and of any buildings or other improvements on the land; and the use of the land and any such buildings or improvements as at that date of adoption of the Plan. ▪ specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and for which any further development of the land will be permitted, whether under lease or licence or otherwise; and describe the scale and intensity of any such permitted use or development. 	s36I, s36[6][b], & c106 LG Regs s36[3][b], [c] & [d] s36[3A][a] s36[3A][b]
Council must exhibit the draft PoM for 28 days and give at least 42 days for the making of submissions.	s38
Any amendments to a draft PoM must be publicly exhibited in the same way, until the Council can adopt the draft PoM without further amendment.	s40
A Council may only grant a lease, licence or other estate over community land if it is expressly authorised in a PoM of Management	s46, s47B

2.2 Zoning and Planning Controls

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW. Development or uses requiring a Development Application are assessed under Section 79(c) of the EPA Act.

Council also has a Local Environmental Plan (LEP) prepared under the EPA Act known as the *Clarence Valley Local Environmental Plan 2011*. The Treelands Drive Reserve area is zoned - 'SP2 Infrastructure' (Figure 2.1). The objectives of this zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

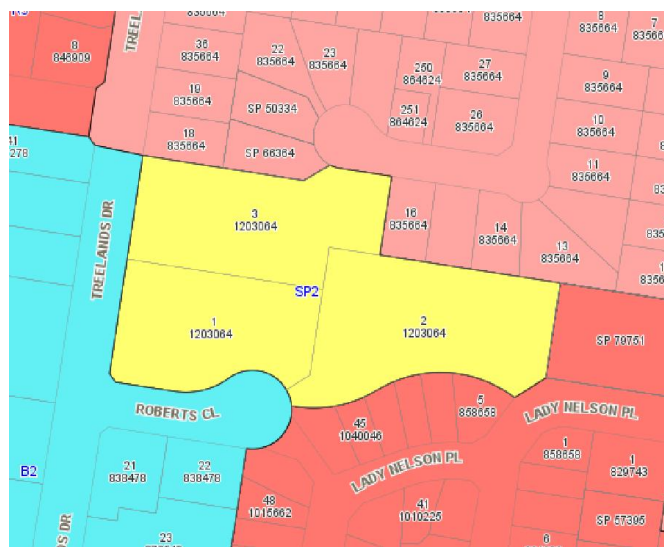


Figure 2.1 Site zoning

The development of the site with community infrastructure, and the carrying out of activities appropriate to the current and future needs within the local community and of the wider public will contribute to the physical, cultural, social and intellectual welfare and growth of persons.

2.3 Other Relevant Legislation and Policies

In addition to the requirements of the LG Act, there are a number of other pieces of legislation and Government policies that are relevant to the ongoing development and management of the Treelands Drive Reserve. Legislation and policies with direct relevance to the Treelands Drive Reserve area include:

Commonwealth legislation

The Federal ***Telecommunications Act 1997*** provides for telecommunication facilities being permitted on community land without authorisation in a Plan of Management.

State Government Legislation and Policies

- *Companion Animals Act 1998*
- *Disability Inclusion Act 2014*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *State Environmental Planning Policies (SEPPs)*
- *Waste Avoidance and Resource Recovery Act 2001.*

Clarence Valley Council Planning Instruments, Development Control Plans and Policies

- Asset Management
- Building in close proximity to sewers
- Clarence Valley Council LEP 2011
- Development in Environmental Protection, Open Spaces and Special Use Zones 2011
- Green building (for Council buildings)
- Mobile food vehicles, temporary food stalls & hawking
- Mobile signs, articles, merchandise and entertainment on public land
- Smoke free public recreation areas
- Urban tree management.

3. Condition of the Land, and of other improvements on the Land

3.1 The Land (in General)

In general, the Treelands Drive Reserve site is an open grassy area with selective landscaped gardens associated with the facilities built on the land. The site comprises of disturbed sandy soils and is predominantly flat (Figure 3.1). As such the site has limited ecological value and was primarily acquired by Council for the purpose of constructing community facilities on the land.



Figure 3.1: General overview of Treelands Drive Reserve area

Currently, the only infrastructure built on the land is a community centre (refer section 3.2). The community centre is located on the north-west section of the site on Lot 3 DP 1203064. Surrounding the community centre is landscaping consisting of a mixture of exotic and native tree species.

3.2 Community Centre

Treelands Drive Community Centre (TDCC) occupies approximately 483 square metres of the reserve area (Figure 3.2). It consists of a session room that can seat up to 100 theatre style, a meeting room that can seat 40, a small meeting room that can seat 6, a clinic room, an Interview room, a reception/office area, kitchen, and a sensory garden area.



Figure 3.2: Treelands Drive Community Centre

The original intent was for the building to be a Health and Community Centre (HACC) Centre and for other buildings to be erected on the Reserve to serve a range of other purposes. The HACC program contributed funds for the building with the balance of the costs including the land contributed from Council's Section 94 funds.

It was also intended that the Lower Clarence Meals on Wheels service would use the kitchen, but the design has not enabled this use to be realised.

The current purpose of the TDCC is to provide a multi-purpose centre for the community of Yamba, however its use is restricted by the limited number of meeting rooms and the size of the rooms.

The TDCC currently functions similarly to a neighbourhood centre which provides:

- A venue for hire for community groups, individuals and service providers;
- Information on local services, activities and groups;
- Activities delivered by Council for target groups such as older people, people with a disability, multi-cultural communities, youth people and others
- A Community Health outlet for the North Coast Area Health Service including Women's and Baby Health Clinics – likely to move the proposed health centre;;
- Access to public computers and the internet community meeting place for a variety of organisations; and
- Small events, functions, training and outreach service delivery.

The community centre has provided a valued meeting place that is not a licenced venue. Its current size does not enable it to meet the demand for larger events/functions that prefer / require an un-licenced venue. This may be addressed in a future expansion along with other needs identified in Council’s *Cultural and Community Facilities Plan (2009)*.

3.2.1 Building condition

Council’s Asset Register details that the overall condition of the Community Centre and each of its components as being predominantly good to very good (Table 3.1). An exception however, exists with the mechanical services being rated ‘fair or moderate’. This means that services such as heating, cooling and ventilation systems, and fire services require replacing at more regular intervals

Table 3.1 Treelands Drive Community Centre Asset Register Report

Property/Building Name: Treelands Drive Community Centre

Component Type	Amenity Type	APV ¹ Score ²	Condition ³	APV useful life (years)	APV remaining useful life (years)
EN - Envelope	Specialised	1	1	184.72	176.16
FL - Floor	Specialised	1.5	2	134.65	125.66
RO - Roof	Specialised	1.5	2	110.7	99.66
FC - Floor Coverings	Specialised	2	2	26.25	12.94
OS -Other Services	Specialised	1.5	2	20.61	13.69
MS - Mechanical Services	Specialised	2.5	3	15.31	5.52
IS - Internal Structures	Specialised	2	2	46.75	32.53

Note:

1. APV – Australian Pacific Valuers (Contractor engaged to value Council’s asset infrastructure)
2. The APV score is a rating system used by the contractor, these values have been translated into a condition score (the next column), meanings below.
- 3.

Grade	Condition	Description
1	Very Good	Asset is new or near new. All components are in excellent condition, No damage to any major or minor components. Only planned maintenance required.
2	Good	All components are in good condition, no major damage to major components, and minor damage to minor components. Only minor maintenance required, plus planned maintenance.
3	Fair or Moderate	All components are still in good working condition but showing signs of wear and tear. No major damage to major components, minor damage to minor components. Significant maintenance required.
4	Poor	Major components require repair work, minor components may need replacing. Minor damage to major components and significant damage to minor components. Significant renewal/rehabilitation required.
5	Very Poor	Asset is unserviceable. Significant damage to major components. Physically unsound and/or beyond rehabilitation.

4.0 Basis of Management

4.1 Role of Community Land

Classification as 'Community' land reflects the importance of the land to the community. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as dedication under s94 of the EPA Act). This gives rise to the restrictions in the Act, intended to preserve the qualities of the land. As such, community land:

- cannot be sold
- cannot be leased, licenced or have any other estate granted over the land for more than 30 years
- must have a plan of management prepared for it.

4.2 Management of Community land categorised as General Community Use

The management of Community land is governed by the categorisation of the land (by way of a PoM), and the core objectives established for the category of Community land. In essence, categorisation establishes the public purpose(s) for which the Community land will be used.

The original PoM (adopted by the former Maclean Shire Council in November 2003) categorised the Treelands Drive Reserve area as 'General Community Use', allowing community facilities such as a community centre, an ambulance station and the proposal for a community health centre to be built on the land. This PoM endorses and continues the categorisation of the land as 'General Community Use'.

The guidelines for categorising land as 'General Community Use', and the core objectives for the management of the land are set out in Table 4.1.

Table 4.1 Guidelines for, and core objectives of community land categorised as General Community Use

(1) Guidelines	(2) Core objectives ²
<p>Land should be categorised as general community use under section 36 (4) of the Act if the land:</p> <p>(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</p> <p>(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.</p>	<ul style="list-style-type: none"> ▪ 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: <ul style="list-style-type: none"> (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).

(1) cl106, *Local Government (General Regulation) 2005*

(2) s361, *Local Government Act 1993*

² **Note:** Any activity or use of the land must be consistent with these core objectives. Additional objectives which support the core objectives are included in *Section 6 Management Strategies and Performance Measures*.

4.3 Guiding Principles for General Community Use Land

General Community Use areas perform many functions relating to the enhancement of the health and wellbeing of the community. General Community Use land may house buildings and structures such as community centres or Scout/Guide halls that cater for formal and informal leisure and recreational activities, hobbies, artistic endeavours, educational, cultural and social functions. Consequently, these areas play a pivotal role in promoting and developing dynamic communities with a strong sense of belonging.

Open space areas associated with General Community Use land also offer the community a range of recreation opportunities. This provides individuals and communities with health related benefits achieved through physical activity such as physical, mental, social, cultural, economical and environmental benefits that lead to the overall health and wellbeing of the community.

Guiding principles derived from Council's *Cultural and Community Facilities Plan* for development for community land categorised as "General Community Use" include:

PLANNING PRINCIPLES		
P1	Maximising Usage of Existing Community Facilities and Maximising Access to Existing Services.	In providing new social infrastructure it is important to understand the capacities and performance of existing infrastructure in the Clarence Valley area. Existing infrastructure may be underutilised for a range of reasons that include poor awareness (promotion), restricted access by a controlling organisation or poor facilities management. If this is found to be the case, steps must be taken to ensure that the existing capacity in existing facilities and services is utilised prior to new facilities and services being provided. In addition, some services may be more usefully delivered via outreach programs. Where this is the case, some services needs may not require a physical facility. The recommendations here emphasise the need to maintain and enhance existing facilities where this is most appropriate, and monitoring strategies in the future should continue to do so.
P2	Recognising the Need to Support Isolated Areas with Declining or Small Populations	There are economic efficiencies in providing facilities where the population is most concentrated. However, this is not always the optimal outcome for communities, particularly in rural areas. Allocating facilities only to areas with high concentrations of population often means rural and isolated areas with small populations or declining populations miss out on facilities and services provision. Consequently, it is important to consider the need in rural areas with declining or small populations and ways of ensuring access to facilities from these areas.
P3	Providing Facilities and Services at a Level Commensurate with Need.	Standards or benchmarks are considered minimum best practice in determining need. However, it is noted that this should be tested against expressed needs and verified through community consultative processes. Needs must continue to be monitored over time as future forecast needs may shift with time as the result of changing demographics, community expectations or societal standards.

PLANNING PRINCIPLES

P4	Thresholds of Provision for Facilities.	<p>As well as determining benchmarks of provision, thresholds need to be established to assist in determining when facilities should be physically provided.</p> <p>It is recommended that a '40% threshold' be adopted for Clarence Valley. That is, a facility should be built once 40% of the catchment for a particular facility is residing in Grafton, Coast or Balance SLA.</p>
P5	Encourage Use of Community Facilities for Meeting Space.	<p>Many community groups meet irregularly and require short term space which is free or at low cost. Where possible existing community facilities such as schools or clubs should consider allowing community groups to utilise either excess space or space not required during particular times.</p>
P6	Developing Flexible, Multi-Purpose Community Facilities which can Incorporate a Range of Commercial and Community Services, Instead of Specialist Facilities Where Appropriate.	<p>In many cases, it is not feasible or appropriate to provide stand alone community facilities for the exclusive use of specific community or socio-demographic groups. Wherever possible and appropriate, several services and needs should be delivered via a flexible multi-purpose facility.</p> <p>In addition to providing multiple community services and functions in Clarence Valley, consideration should be given to the ability and appropriateness of incorporating commercial functions such as office space, or café/coffee shop which can be leased to community organisations, government agencies or the private sector and can assist in offsetting the capital and operating costs of a community facility.</p>
P7	Planning for Program and Service Delivery, Not Just Space.	<p>It is important that the design of community facilities takes into account the purposes for which they will be used through careful planning and engagement with end users and that the design adopted is flexible to allow adaptation as needs change over time.</p>
P8	Create Community Facilities Appropriate to the Level of Service Demanded.	<p>Grafton as a Major Centre is expected to serve a regional function for social infrastructure as well as a local function in some cases.</p> <p>Generally, community facilities serving a local catchment should have a 'neighbourhood' feel, provide relatively informal spaces, have pedestrian access and ideally be managed by the local community.</p> <p>District and regional level community facilities should be accessible by public transport and provide a broader range of structured and semi-structured spaces for community use. This should include the provision of spaces to support a range of program and service delivery needs.</p>
P9	Locating Community Facilities as Part of a Functional Major Centre with Public Transport Access where Appropriate.	<p>Community facility location is one of the primary determinants of function and usage. Maximum patronage is facilitated by integrating community facilities within the broader range of uses found in the Grafton Major Centre.</p> <p>An active, high profile location will also increase real and perceived safety for potential community facility users.</p> <p>The location should also maximise accessibility to the community facility's target market through good access to public transport.</p>

PLANNING PRINCIPLES		
P10	High Quality Urban Design Outcomes for Community Facilities.	<p>The development of community facilities should incorporate high quality urban design outcomes to contribute to the establishment of Clarence Valley.</p> <p>Buildings should address and enhance public streets, spaces and views and be designed to be energy and water efficient and include best practice principles in crime prevention through environmental design, as well as ensure all abilities access in its detailed design and fit out.</p>
P11	Build Social Capital	<p>The development of social capital is both a determinant and outcome of community capacity. Social capital refers to the collective value of all 'social networks' and the inclinations that arise from these networks for people to do things for each other. Bridging social capital refers to the value assigned to social networks between socially heterogeneous groups, while bonding social capital develops between socially homogenous groups.</p> <p>Community activities and events provide important opportunities for residents to meet, interact socially, and create new friendships and support networks. The development of community infrastructure in its own right will enable the programming of activities and events such as arts and crafts and dance classes held in a community centre or an outdoor concert held at a local park.</p>
P12	Engaging in Partnerships with the Private and Public Sector to Deliver Affordable and Accessible Community Facilities.	<p>The development of innovative pathways for the delivery of community facilities should consider a range of public and private mechanisms.</p>

5. Leases, Licences and Other Estates

5.1 Authorisation of Leases, Licences or Other Estates

The LG Act requires that any lease or licence (or other estate) of Community land must be authorised by a PoM. In addition, the lease or licence must be for purposes consistent with the categorisation and zoning of the land. The maximum period for leases or licences on Community land permitted under the LG Act is 30 years³. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the LG Act and Clause 119 of the *Local Government (General) Regulation 2005*.

This PoM authorises existing Community Centre use agreements to continue until the end of their current term. These agreements may be terminated, changed or renewed in the future.

This PoM also authorises Council to grant new leases, licences or any other estates for the use of the land or facilities on the land for the purposes that are identified or are consistent with those listed in Table 5.2.

In addition, arrangements for which a short-term casual licence or agreement may be granted under this PoM include:

- Public speeches, meetings, seminars and presentations, including educational programs
- Functions and Events (including weddings, corporate functions, launches, community gatherings and similar activities)
- Displays, exhibitions, fairs, fashion parades and shows
- Concerts and other performances, including both live performances and film (cinema and TV)
- Broadcasts associated with any event, concert, or public speech
- Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities
- Scoping works including for the purposes of inspections, surveys, obtaining certificates or reports, and carrying out other due diligence by a third party proposing to construct community infrastructure on the site.

Fees for short-term casual bookings will be charged in accordance with Council's adopted Fees and Charges at the time.

³ Requires Ministerial consent. The maximum term for which a council may grant a lease or licence of community land, including any options for renewal, is 21 years.

Table 5.2: Purposes for which long-term leasing, licensing and other estates will be granted

Type of Arrangement Authorised	Facilities covered	Purposes for which long-term leasing, licensing and other estates will be granted
Lease	Community buildings, facilities and land	<p>Any lease proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses may include:</p> <ul style="list-style-type: none"> – child care or vacation care – health or medical practitioners associated with the relevant facility (eg. nutrition, physiotherapy) – educational purposes, including libraries, education classes, workshops – cultural purposes, including concerts, dramatic productions, and galleries – recreational purposes, including fitness classes; dance classes, and games – sporting uses developed/operated by a private operator – café/kiosk areas. – commercial retail uses associated with the facility (eg. sale or hire of therapeutic goods).
Licence	Community buildings, facilities and land	<p>Any licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses including:</p> <ul style="list-style-type: none"> – social purposes (including child care, vacation care) – educational purposes, including libraries, education classes, workshops – kiosk, café and refreshment purposes – recreational purposes, including fitness classes; dance classes.
Other Estates	Community buildings, facilities and land	<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 <i>Local Government Act 1993</i>.</p> <p>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>

Note: 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, the refurbishment of a kiosk may also require development consent under the *Environmental Planning and Assessment Act 1979*. Any interested person should check carefully to make sure they are aware of all relevant requirements.

6. Management Strategies and Performance Measures

The *Local Government Act (1993)* requires a plan of management to identify objectives and performance targets for the subject land, including specific actions and assessment criteria (s.36[3]). These criteria, including the priority placed by Council on the action, the timeframe in which individual actions need to be completed by and the Council Section tasked with its implementation are set out in the following matrices.

Terms used in the matrices are defined as follows:

<u>Objective</u>	The end towards which Council efforts are directed. <i>Supporting Core Objectives:</i> The <i>Local Government Act 1993</i> requires Community land to be used and managed in accordance with the Core [Management] Objectives – refer Table 2.1
<u>Strategies/Actions (for achieving objectives)</u>	The tactic to be employed in achieving the objective
<u>Performance Measures</u>	How Council proposes to assess the extent to which stated actions have been implemented and achieved.
<u>Priority</u>	<u>Category 1:</u> These actions are those that can be implemented immediately or very soon after the adoption of the plan of management. They are policy or procedural matters and require minimal or no capital/non-recurrent funding <u>Category 2:</u> These actions are those that require funding and are principally concerned with improving public safety, maintenance and improvement matters and protecting or conserving the values of Council’s facilities and network of parks and reserves. The timing of their implementation would be dependent on the availability of funds from Council <u>Category 3:</u> These actions are capital improvement items or items requiring a significant injection of funds. The timing of their implementation would be dependent on appropriations made by Council or from other sources
<u>Timeframe</u>	The timing by which the action is anticipated to be completed within the date of adoption of the plan: <i>Short-term:</i> 1 to 3 years <i>Mid-term:</i> 3 to 7 years <i>Long-term:</i> 7 to 10 years <i>On-going:</i> continuous implementation
<u>To be actioned by</u>	The (work) section of Council responsible for implementing the action (refer section 4.1 for further details of the Council sections for implementing parts of this plan of management)

Table 6.1: Management objectives, actions and performance measures

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
Provide facilities and services on the land to meet current and future needs of the community	<ul style="list-style-type: none"> ▪ Consult, liaise and engage with the community to determine range of community facilities and services to be provided on the land 	<ul style="list-style-type: none"> ▪ Key stakeholders are identified and encouraged to participate in the decision-making process ▪ Community views and needs are considered and incorporated into the development of specific community facilities and services 	<p>#1 On-going</p>	<ul style="list-style-type: none"> ▪ Community Development
	<ul style="list-style-type: none"> ▪ Consider and strategically plan the range of facilities and services to be provided on the land 	<ul style="list-style-type: none"> ▪ Concept plans are developed to ensure best use of available land ▪ Range of facilities proposed complement suite of services (to be) provided on the land 	<p>#1 Long-term</p>	<ul style="list-style-type: none"> ▪ Community Development ▪ Strategic Planning
	<ul style="list-style-type: none"> ▪ Ensure community facilities are multi-purpose and flexible to a range of appropriate uses where feasible 	<ul style="list-style-type: none"> ▪ A range of compatible community, social, and other activities are provided and managed in consultation and partnership with user groups and the community 	<p>#2 Long-term</p>	<ul style="list-style-type: none"> ▪ Community Development ▪ Open Spaces & Facilities
Facilities and structures built on the land have regard for environmental sustainable design, resource use and maintenance	<ul style="list-style-type: none"> ▪ Incorporate general community use character, expected use and environmental sustainability features into building and structure design (and re-design) specifications 	<ul style="list-style-type: none"> ▪ Facilities and structures are built to relevant Standards and sustainable building requirements ▪ Energy and water efficient design principles are incorporated into facilities and structures 	<p>#3 Long-term</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities
	<ul style="list-style-type: none"> ▪ Develop and maintain a cyclical or preventative building maintenance program that reflects the usage needs of the facilities 	<ul style="list-style-type: none"> ▪ Maintenance plans are developed and implemented in a cost effective and competitive manner ▪ User satisfaction is regularly measured to identify and correct maintenance issues that arise 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
<p>Facilities and structures provide positive contribution to public amenity, safety and use.</p>	<ul style="list-style-type: none"> ▪ Design and build aesthetically pleasing facilities and structures to enhance the amenity of the land, relative to expressed and anticipated needs and safety considerations 	<ul style="list-style-type: none"> ▪ Facility and structure designs address expected usage; Australian Standards for accessibility requirements; Crime Prevention through Environmental Design (CPTED) requirements and guidelines ▪ Satisfaction surveys are regularly used to measure community satisfaction with facility/structure amenity, safety and use 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
	<ul style="list-style-type: none"> ▪ Construct and maintain safe public access to all facilities and structures relative to desirable access routes and pedestrian circuits, safety issues and disability access opportunities 	<ul style="list-style-type: none"> ▪ CPTED principles are incorporated into design and construction of the facilities and structures ▪ Pedestrian and vehicular access routes are regularly audited to ensure facilities and car parking areas are universally accessible and safe ▪ Access and safety issues are prioritised and rectified within reasonable timeframes 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
	<ul style="list-style-type: none"> ▪ Formulate and implement risk management plans for facilities and structures 	<ul style="list-style-type: none"> ▪ Facility inspections and audits are undertaken at regular intervals ▪ Risk management issues are prioritised and rectified within reasonable timeframes 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
	<ul style="list-style-type: none"> ▪ Minimise the potential for and the actual occurrence of vandalism of community facilities and structures 	<ul style="list-style-type: none"> ▪ A reporting system is developed and implemented to respond promptly to damage or vandalism ▪ Maintenance regularly undertaken to reduce motivational factors for 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
		<ul style="list-style-type: none"> vandalism ▪ Vandalism issues are rectified within reasonable timeframes 		
	<ul style="list-style-type: none"> ▪ Provide and maintain landscaped gardens and mowed areas for the visual enhancement of the land 	<ul style="list-style-type: none"> ▪ CPTED principles are incorporated into design and construction of landscaped garden and grassed areas ▪ Satisfaction surveys are regularly used to measure community satisfaction with visual amenity of landscaped and grassed areas 	<p>#1-2</p> <p>On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
Development and use of facilities and structures are within available financial resources of Council.	<ul style="list-style-type: none"> ▪ Ensure costs to develop, redevelop and maintain assets are sustainable within resources available to the Council and the community 	<ul style="list-style-type: none"> ▪ Full life cycle costs are considered and budgeted for ▪ Maintenance and operational costs are reduced 	<p>#1-2</p> <p>On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities
	<ul style="list-style-type: none"> ▪ Funding allocations and fees and charges are considered in the preparation of Council's annual operational plan 	<ul style="list-style-type: none"> ▪ Facilities are operated and maintained at minimal cost to Council ▪ Costs are passed on to users where reasonable 	<p>#2</p> <p>On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
The granting of leases, licences or other estates are consistent with the objects of this Plan of Management and the requirements of the <i>Local Government Act 1993</i> and other relevant legislation	<ul style="list-style-type: none"> ▪ Leases, licenses and other estates granted over the land or facilities on the land are granted in accordance with the provisions of this Plan of Management, relevant legislation and Council policies 	<ul style="list-style-type: none"> ▪ Uses that involve lease, license or other estates on the buildings or land are considered in order to maximise community benefits ▪ Annual and periodic review of leases, licences or other estates issued are undertaken to ensure efficiency, equity and consistency with this plan of management, Council policy and with the <i>Local Government Act 1993</i> 	<p>#1</p> <p>On-going</p>	<ul style="list-style-type: none"> ▪ Governance ▪ Community Development

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
	<ul style="list-style-type: none"> ▪ Ensure any user wanting to undertake activities not covered under the original development consent(s) is required to submit a development application for Councils consideration 	<ul style="list-style-type: none"> ▪ All applications for use of the land are assessed against the community benefit of the development, relevant legislation and the provisions of Council's LEP prior to approval for use being given 	<p>#1 On-going</p>	<ul style="list-style-type: none"> ▪ Development Services ▪ Community Development
	<ul style="list-style-type: none"> ▪ Ensure that the facilities usage fees and charges structure is in line with current community (ie. not standard business or commercial market) rates 	<ul style="list-style-type: none"> ▪ A review of rental based on 'community' market valuation rates is undertaken on a regular basis ▪ A review of the fees and charges structure for Community Facilities casual and permanent hire arrangements is undertaken on a regular basis 	<p>#1-2 On-going</p>	<ul style="list-style-type: none"> ▪ Open Spaces & Facilities ▪ Community Development
<p>Give priority to activities and uses that are community-based</p>	<ul style="list-style-type: none"> ▪ Ensure the majority of use of the facilities is by community organisations or organisations providing a community service 	<ul style="list-style-type: none"> ▪ An evaluation and selection process of tenants and hirers that is linked to needs identified in Council's social and other plans is established 	<p>#1 On-going</p>	<ul style="list-style-type: none"> ▪ Community Development
<p>Allow the commercial use of under-utilised community facilities</p>	<ul style="list-style-type: none"> ▪ Market and promote the use of community facilities for the commercial sector, where appropriate 	<ul style="list-style-type: none"> ▪ Commercial use of community facilities is monitored to ensure community-based activities are not compromised 	<p>#1 On-going</p>	<ul style="list-style-type: none"> ▪ Community Development ▪ Governance
<p>Promote and provide information to the community</p>	<ul style="list-style-type: none"> ▪ Develop and provide information for services and activities available at community facilities 	<ul style="list-style-type: none"> ▪ Promotional and marketing material developed and distributed by electronic, print and notices. 	<p>#1 On-going</p>	<ul style="list-style-type: none"> ▪ Community Development

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
Reduce any adverse impacts resulting from the use and operation of facilities on the reserve on adjoining residences	<ul style="list-style-type: none"> Ensure facilities are managed in a manner that safeguards nearby residents, the community, and environment from adverse impacts. 	<ul style="list-style-type: none"> Public complaints are recorded, investigated and, where appropriate, measures to address complaint(s) are actioned 	#1 On-going	<ul style="list-style-type: none"> Open Spaces & Facilities Community Development
	<ul style="list-style-type: none"> Use landscaping, buffers and noise dampening structures to mitigate the impact of noise on nearby residents, where necessary. 	<ul style="list-style-type: none"> Complaints received by nearby residents are recorded and investigated, and measures to address issues are negotiated and implemented Impact of noise on nearby residents is minimised 	#1 On-going	<ul style="list-style-type: none"> Open Spaces & Facilities Community Development
	<ul style="list-style-type: none"> Reduce potential for neighbour impacts due to increased traffic and/or parking shortfall through traffic calming measures and provision of off-street parking, where appropriate. 	<ul style="list-style-type: none"> Adequate carparking spaces, streetscaping and/or traffic calming measures are provided, where required Complaints received by nearby residents are recorded and investigated, and measures to address issues are determined and implemented 	#1 On-going	<ul style="list-style-type: none"> Open Spaces & Facilities Community Development
Maintain and enhance the visual amenity and unique character of the reserve and community precinct area	<ul style="list-style-type: none"> Actively provide and manage vegetation buffers adjoining facilities and open space areas and other high use areas as part of an Integrated Precinct and Vegetation Management Plan 	<ul style="list-style-type: none"> A Precinct and Vegetation Management Plan is developed and implemented 	#1 Short-term	<ul style="list-style-type: none"> Open Spaces & Facilities Strategic Planning
	<ul style="list-style-type: none"> Ensure that grounds and general amenity of reserve and precinct area are maintained to a high standard 	<ul style="list-style-type: none"> A maintenance program is designed & implemented. Reserve presentation maintained to a high standard. Positive public feedback received. 	#1 On-going	<ul style="list-style-type: none"> Open Spaces & Facilities

7. Plan Review and Change

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities.

The performance of this PoM will be reviewed on a regular basis to ensure the land and buildings are well maintained and provide a safe environment for the public. Strategic reviews of this PoM will occur at 5 and 10 year intervals.

The Appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect changes in the legislation.

The community will have an opportunity to participate in reviews of this PoM as part of the Council meeting cycle.

References

Department of Local Government (2000), *Practice Note 1: Public Land Management (Revised)*, Department of Local Government, Sydney, NSW

Clarence Valley Council (2013), *Treelands Drive Reserve Plan of Management*, Clarence Valley Council, Grafton, NSW

Macleay Shire Council (2003), *Treelands Drive Reserve Plan of Management*, Macleay Shire Council, Macleay, NSW

SGS Economics and Planning (2009), *Clarence Valley Cultural and Community Facilities Plan*, a report prepared for Clarence Valley Council by SGS Economics and Planning Pty. Ltd., Fortitude Valley, QLD, ??p

St Lawrence (2006), *Review of the Clarence Valley Community Centres*, a report prepared by St Lawrence & Associates Consulting Services for Clarence Valley Council, Grafton, NSW, 17p.

Appendices

Appendix 1: Treelands Drive Reserve Scheme Plan, Maclean Shire Council, adopted 23 April 1996

MACLEAN SHIRE COUNCIL : COMMUNITY LAND - PLAN OF MANAGEMENT

TREELANDS DRIVE COMMUNITY CENTRE DEVELOPMENT MANAGEMENT STRATEGY

Facilities

- community centre serving the surrounding urban area
- facilities may include: medical centre; coffee shop; government offices; day care; information centre; public hall; meeting rooms; garage; and workshop
- infrastructure - water, sewerage, electricity, telephone

Built Form

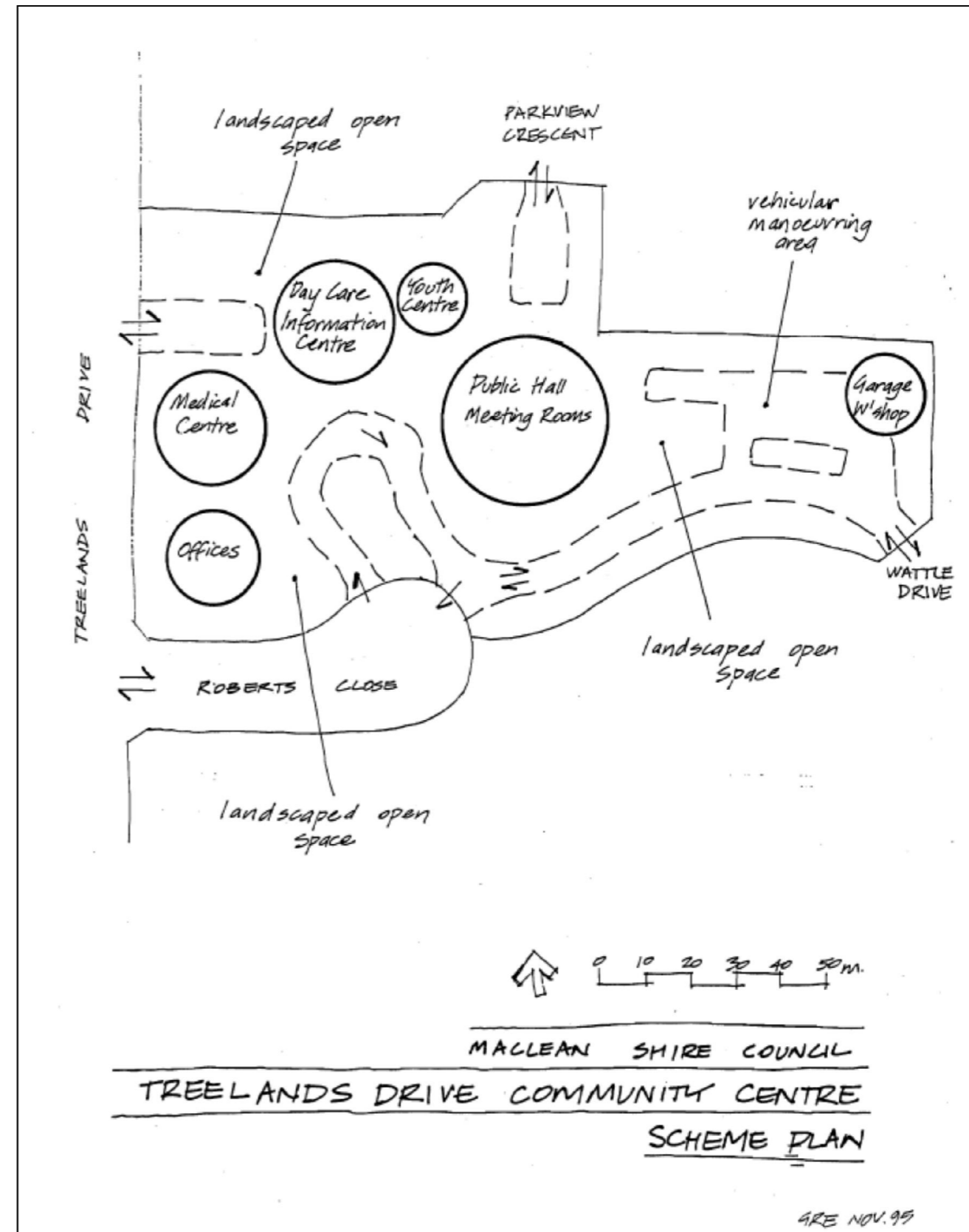
- 'village theme' with buildings located across the whole site
- buildings to display a consistent design and appearance
- link buildings with under cover walkways
- minimise noise intrusion onto adjoining residential properties by careful siting and design of buildings (eg., insulating walls / ceilings)

Access

- main vehicular access / egress to site off Treelands Drive
- minor vehicular access to site off Parkview Crescent and Wattle Drive
- separate access off Treelands Drive for emergency purposes (ie., ambulance)
- traffic and pedestrian movements to be separated
- car parking spaces located along internal access roads
- discrete parking area at Parkview Crescent entrance
- two-way and one-way traffic circulation
- hard paved all weather car parking areas for employees and patrons
- loading bays, bus parking and manoeuvring areas

Landscaping

- landscape open space areas between buildings with the emphasis on maintaining views across the site and providing shade
- landscaped buffer along all site boundaries and internal road frontages using low shrubs and ornamental plants to maintain safety for users
- mature specimens in prominent locations
- maintain a grass / lawn cover over open space



Appendix 2: Existing Site Layout/Development



Appendix 3: Site Layout showing proposed development



NOTE:
INDICATIVE PLANNING
CONCEPT ONLY
NOT FOR CONSTRUCTION

ISSUE	DATE	REVISION

Yamba Connected Learning Centre
TAFE New South Wales

Yamba Site Plan
YA-DA01 rev

project : 21648 print date : 29/07/18
drawn : SL checked :
scale : 1:250 @ A1 = 1:500 @ A3

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Site plan rev

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