

DRAFT

Harold Gregson Reserve

CROWN RESERVES: D570021, R56647 AND R41282



maitland
city council

VERSION CONTROL

VERSION DATE	AUTHOR	REVIEWED BY
Final Issued Draft 6 June 2023	CGM Planning & Development P/L	Issued for Council review/reporting





Contents

KEY INFORMATION	8
INTRODUCTION	12
2.1 Purpose of the Plan of Management	12
2.2 Process of preparing this Plan of Management	12
2.3 Change and review of Plan of Management	12
2.4 Community consultation	13
LAND DESCRIPTION	16
3.1 Land comprising the habitat of endangered species or threatened species	16
BASIS OF MANAGEMENT	26
4.1 Categorisation of the land	26
4.2 Guidelines and core objectives for management of community land	26
4.3 Restrictions on management of Crown land	26
4.4 Council's strategic objectives and priorities	27
DEVELOPMENT AND USE	28
5.1 Current use of the land	29
5.2 Permissible uses / future uses	33
5.3 Leases, licences and other estates	36
MANAGEMENT OF LAND BY CATEGORY	42
6.1 Park	42
6.2 Natural area - watercourse	43
APPENDICES	42
Appendix 1 – Category map	42
Appendix 2 – Condition description of the land and structures	71
Appendix 3 – Stakeholder engagement	73
Appendix 4 – Plan of Management legislative framework	77
Appendix 5 – Aboriginal interests in Crown land	84



ACKNOWLEDGMENT

We acknowledge the Wonnarua People as the Traditional Owners and Custodians of the land within the Maitland Local government area. Council pays respect to all Aboriginal Elders, past, present and future with a spiritual connection to these lands.

01

Key Information

1. KEY INFORMATION

1.1 BACKGROUND

This site specific Plan of Management (POM) has been prepared by Maitland City Council and provides direction as to the use and management of Council managed Crown reserves classified as 'community land' in the Maitland City Council area. The POM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This POM specifically addresses the management of Harold Gregson Reserve, located at Horseshoe Bend, Maitland comprising three Crown reserves.

RESERVE NUMBER	REAL PROPERTY: LOT IN DEPOSITED PLAN	PURPOSE	AREA (HA)
D570021	Lot 7306 DP 1154271	Public Recreation	4.175
R56647	Lots 7307-7308 DP 115427	Drainage	0.565
R41282	Lot 7007 DP 1126956	Drainage	1.235

This POM outlines the way the land will be used and provides the framework for Council to follow in relation to management and development of the reserve, permissible uses and the express authorisation of leases and licence on the land.

This POM was adopted by Council on Tuesday 23 January 2024 after referral to the land owner: The State of NSW, represented by the Minister administering the Crown Land Management Act 2016, public exhibition by Council and written consent by the Minister for Council to adopt the POM.

02

Introduction



Maitland is a rapidly growing city located in the Hunter Valley of New South Wales, two hours north of Sydney. The original inhabitants of the Maitland area residing in the Mindaribba Local Aboriginal Land Council boundaries are the people of the Wonnarua Nation 'people of the mountains and the plains'. Bordering nations and clans include Worimi, Darkinjung, Kamilaroi, Geawegal, Gringai, Awabakal and Wiradjuri.

The Reserve was originally located between the Hunter River and Wallis Creek and was a riverine area subject to flooding. It is likely the original ecology and Aboriginal relationship to the land would have been similar to other wetlands along the Hunter (Coonanbarra).¹ The local Aboriginal community retain a strong association with the land, and it is their desire to see Aboriginal cultural heritage honoured and celebrated on the reserve in a meaningful way.² Non-Indigenous settlement occurred in the early 1800s with all settlement strongly associated with the Hunter River.

The rich alluvial floodplain provides a natural greenbelt between residential areas and combined with the city's history and well preserved historic buildings, provides Maitland with an attractive rural ambiance. The result of this geographical setting is a large number of urban areas, each with their own unique character and identity, which together form the City of Maitland.

The City of Maitland covers 396 square kilometres stretching from Woodberry in the east to Tocal in the north, Gillieston Heights to the south and Lochinvar to the west. It is centrally located west of Newcastle, and within close proximity to Port Stephens, the Hunter Valley Wine Country, Newcastle Airport, and the mining industry.

With a population in excess of 90,000, Maitland continues to experience strong population growth and economic growth in the industrial, commercial and service industries. The Maitland local government area is recognised as a key urban growth corridor in the lower Hunter and is expected to grow to 144,536 residents by 2041 (an increase of 35%).³

The city supports a diverse community with a large number of schools, both public and private, the Maitland central business district and The Levee, numerous shopping centres, playgrounds, sporting facilities, community centres, and a city wide network of libraries, aquatic centres and clubs.

This POM has been written during a period when Maitland City Council is redeveloping the existing Harold Gregson Reserve into an area of green open space with community infrastructure that caters for multi-generational users and meets the community's growing needs. The redevelopment of Harold Gregson Reserve is the fourth and final stage of the Maitland Regional Sports Complex project. Accordingly, this draft POM anticipates completion of the works and a site specific condition description consistent with the new work to be inserted prior to public exhibition.

¹ Heritage Interpretation Plan 2022
² Consultation with the Mindaribba LALC May 2023
³ Maitland City Council 2020 LSPS

2.1 PURPOSE OF THE PLAN OF MANAGEMENT

The Local Government Act 1993 (LG Act) requires a Plan of Management (POM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. A POM is required for all council managed Crown reserves on community land.

A POM is an important management tool, which is written by council in consultation with the community. It outlines the land features and clarifies how Council will manage and use or develop the land in the future. A POM provides a transparent and coordinated approach to public land management.

Community land may include a wide variety of properties, ranging from small recreation reserves to iconic parks and in some instance's buildings. Community land supports important aspects of community life and is valued and appreciated by residents, workers and visitors of the Maitland City area.

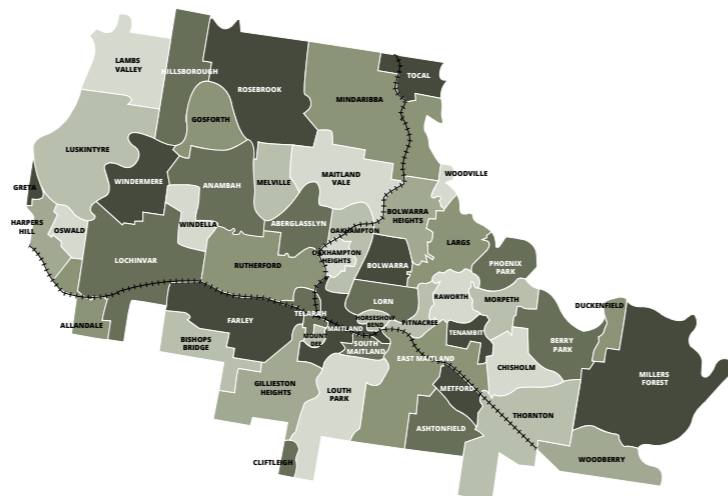
The LG Act requires that community land be categorised as a natural area, park, sportsground, area of cultural significance, or general community use. A POM can be prepared for more than one parcel of land (Generic) or for a single property (Specific).

The purpose of this site specific POM is to:

- Contribute to Council's broader strategic goals and objectives as set out in the Maitland +10 Community Strategic Plan and Maitland Local Strategic Planning Statement 2040+.

- Provide a framework for consistent management and any future development of Harold Gregson Reserve by Maitland City Council over the next five to ten years.
- Provide a basis for effective day to day decision making.
- Provide an overview of existing assets and facilities and how these facilities will be managed.
- Set guidelines for permissible uses to guide future activities within the park.
- Accommodate and integrate the interests of Maitland City Council (as manager), local residents and business owners (as neighbours and users), visitors to the area and future users of Harold Gregson Reserve.
- Ensure compliance with the Local Government Act 1993 and the Crown Land Management Act 2016.

Further information about the legislative context of Crown Reserve POMs can be found in Appendix 4 of this document.

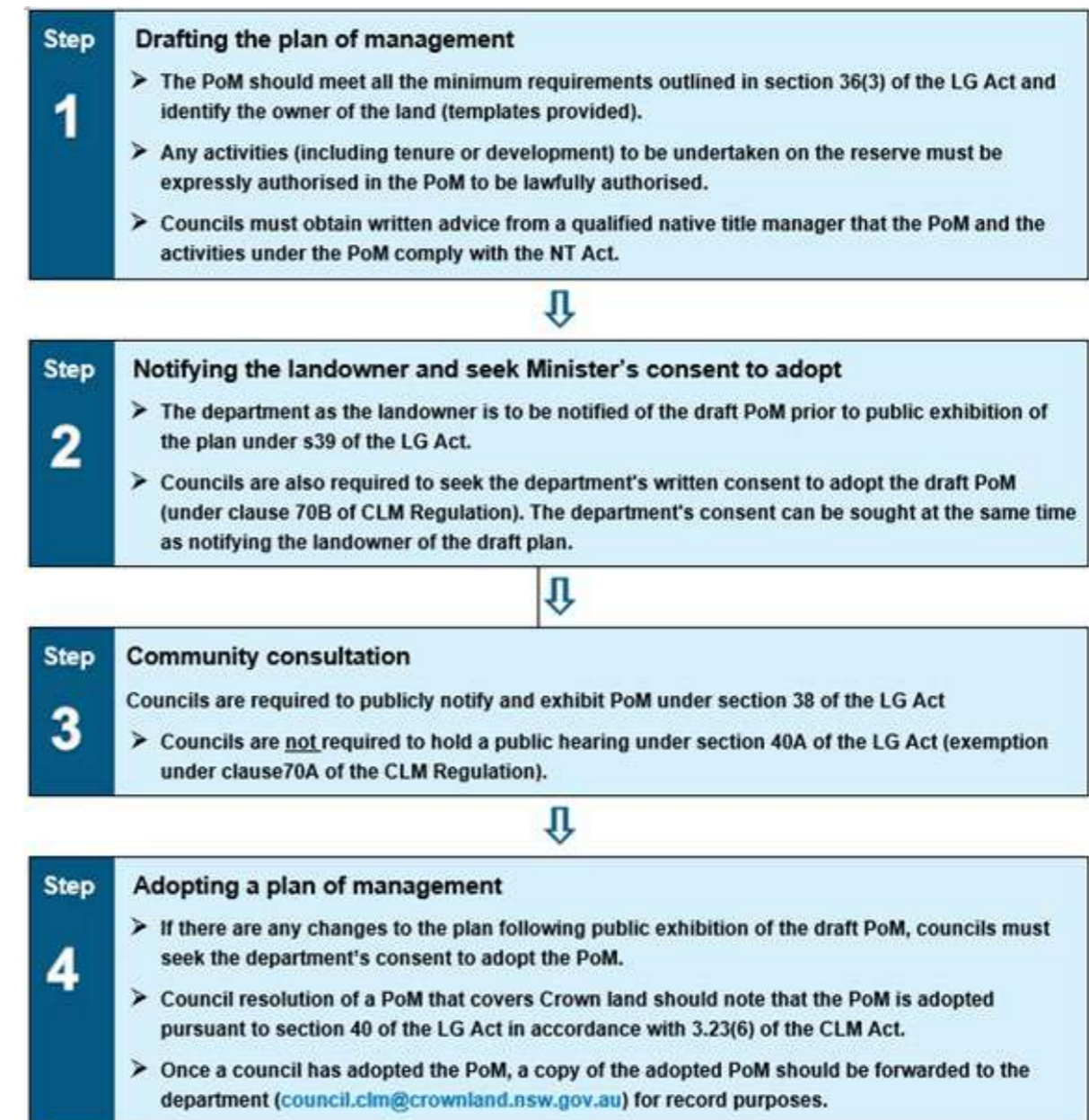


2.2 PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

This POM was prepared using the State Government template in accordance with the CLM Act and LG Act. The draft POM was referred to the State Government as owner of the land, received approval to place the document on public exhibition for comment and submissions by reserve stakeholders and the Maitland City community, and was provided with ministerial written consent for Council to adopt the POM.

Figure 1 illustrates the process undertaken by Council in preparing this POM.

Figure 1: Process steps for preparing a Plan of Management



Source: State Government template 2021 2.3

2.3 CHANGE AND REVIEW OF PLAN OF MANAGEMENT

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 when required, at a minimum of five year intervals, to ensure that community land is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. 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 new acquisitions or dedications of land.

The community will have an opportunity to participate in reviews of this POM.

2.4 COMMUNITY CONSULTATION

Early stakeholder engagement with Mindaribba Local Aboriginal Land Council (MLALC) and the Maitland Off Road Radio Controlled Car Club (MORCCC) occurred during April and May 2023 and was undertaken to inform the preparation of the draft POM.

The engagement entailed a self administered questionnaire and phone consultation with the MORCCC and the same self administered questionnaire, community meeting (organised by the MLALC) and a subcommittee meeting to discuss the work on the land and Aboriginal cultural heritage.

The outcomes of the consultation are summarised in Appendix 3.

In general, the MORCCC was supportive of the proposed upgrades to the Reserve while the MLALC was briefed on 9 and 12 May 2023 in relation to the draft POM and the proposed works to the land respectively.

Mindaribba LALC expressed disappointment that consultation regarding Aboriginal cultural heritage had not occurred earlier in planning for the Reserve upgrade. The LALC also advised that the recent changes to the site demonstrated a lack of understanding and consideration of cultural heritage and Aboriginal ownership.

A Heritage Interpretation Plan, developed by Council, has been provided to the MLALC to carry out consultation with the local Aboriginal community prior to the Interpretation Actions being further developed for the Reserve.

This early engagement feedback has informed the values, use, management and improvement of the land, in line with the categories and reserve purpose.

This POM was placed on public exhibition from 7 December 2023 to 4 January 2024,

in accordance with the requirements of section 38 of the Local Government Act 1993. A total of [insert details] submissions were received. Council considered these submissions before adopting the POM.

In accordance with section 39 of the Local Government Act 1993, prior to being placed on public exhibition, the draft POM was referred to the Department of Planning and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning and Environment – Crown Lands and received Minister's consent to adopt the POM.

The CLM Act and Regulation no longer require a public hearing if the community land categories assigned to Crown reserves are amended after Council's Notice of Initial Assignment. The LG Act does require a public hearing for council owned community land, or parts of community land where categories are assigned for the first time or amended.

There are no council owned parcels of community land covered by this POM and no public hearing is required for assignment of community land categories to Crown land.



03

Land Description



This Plan of Management covers the management of Harold Gregson Reserve, located at Horseshoe Bend, Maitland, and comprising three Crown reserves.

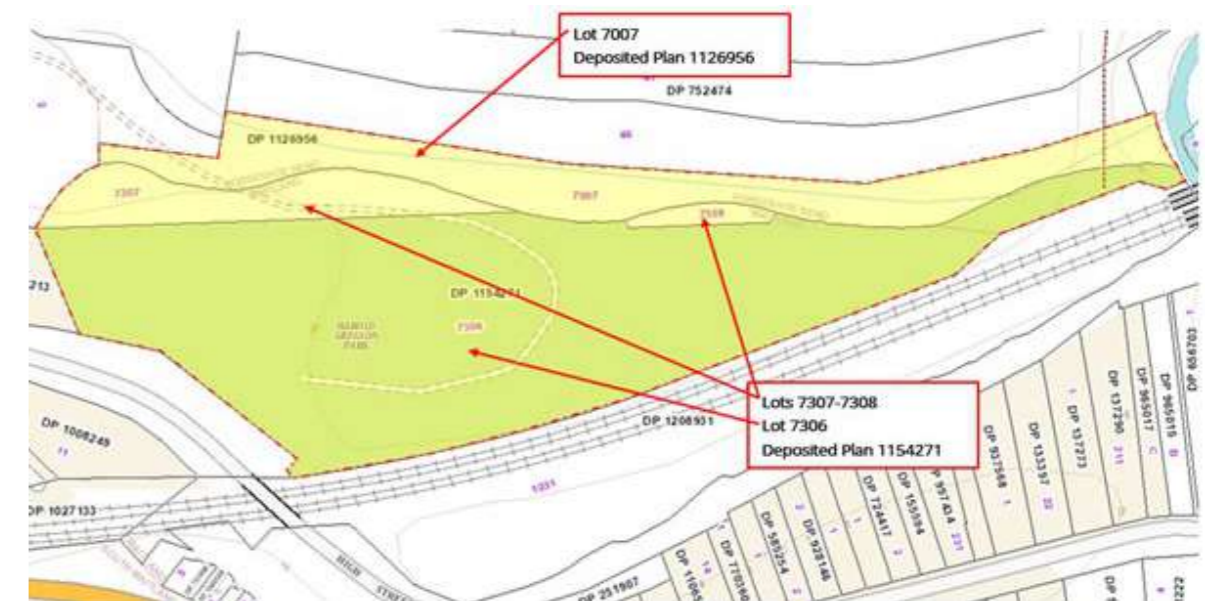
RESERVE NUMBER	REAL PROPERTY: LOT IN DEPOSITED PLAN	PURPOSE	CATEGORIES	AREA (HA)
D570021	Lot 7306 DP 1154271	Public Recreation	Park	4.175
R56647	Lots 7307-7308 DP 115427	Drainage	Park	0.565
R41282	Lot 7007 DP 1126956	Drainage	Watercourse	1.235

The land is owned by the Crown and is managed by Maitland City Council as Crown land manager under the Crown Land Management Act 2016.

The land is bordered by the northern bank of Lynes Canal, High Street and the main railway line to the south, and Wallis Creek to the east, with High Street, commercial and residential properties to the west.

The extent of the site (outlined in red) and real property descriptions are shown in Figure 2.

Figure 2: Harold Gregson Reserve



Source: NSW Six Maps March 2023 and Council records

The site is situated near the former confluence of the Hunter River and Wallis Creek, which were known by local Aboriginal groups as Coonanbarra and Bomi respectively and has significance to the local Aboriginal community. Both watercourses have been altered through flood mitigation and engineering intervention, but they remain vital features in the Maitland landscape.⁴ The land has been used and occupied by Aboriginal people and carries with it custom, lore and dreaming and a value system based on the sustainability of their spiritual connection, belonging, obligation and responsibility to care for their land, their people and their environment.⁵

Table 1: Information about the reserves covered by this Plan of Management.

HAROLD GREGSON RESERVE - CROWN RESERVES			
Reserve Number	570021	56647	41282
Reserve Type	Dedication	Reserve	Reserve
Reserve Name	Harold Gregson Reserve		
Gazetted Date	11/7/1900	14/12/1923	23/01/1907
Management Type	Council Crown Land Manager	Council Crown Land Manager	Council Crown Land Manager
Manager	Maitland City Council	Maitland City Council	Maitland City Council
Purpose	Public Recreation	Drainage	Drainage
Lots	Lot 7306 DP 1154271	Lots 7307-7308 DP 1154271	Lot 7007 DP 1126956
Parish	Maitland	Maitland	Maitland
County	Northumberland	Northumberland	Northumberland
LGA	Maitland	Maitland	Maitland
Council	Maitland City Council	Maitland City Council	Maitland City Council
Suburb	Horseshoe Bend, Maitland	Horseshoe Bend, Maitland	Horseshoe Bend, Maitland
Area (m2)	41,740.76	5,649.48	12,350
LEP Zone(s)	RE1 Public Recreation	RE1 Public Recreation	RE1 Public Recreation
Assigned Category	Park	Park	Natural Area - Watercourse

Source: NSW Crown Land Manager Reserves Portal and Council records

This POM is specific to the land in Table 1. Contact Council or refer to Council's website for information about other public land not listed above.

⁴ AECOM Review of Environmental Factors Harold Gregson Reserve (Sports Hub Stage 4) 2022
⁵ NPWS Aboriginal Cultural Knowledge Fact Sheet 1

3.1 LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES

Section 36A(2) of the LG Act requires that a site specific POM be prepared for an area of community land, all or part of which consists of critical habitat.

Section 36B(3) requires that a site specific POM be prepared for community land, all or part of which is directly affected by a recovery plan or threat abatement plan.

The site comprises park area, including the skate park, a multipurpose court, radio controlled car track, amenities and grassed picnic and leisure areas. The site primarily consists of landscaped open grassed and treed areas with retained mature trees scattered throughout the centre and along the canal. The site also includes public vehicle access with boom gate to manage restricted entry, upgraded car park to the radio controlled car track.

Lynes Canal, which connects to Wallis Creek to the east, runs along the northern border of the reserve with agricultural land beyond. Surrounding land uses comprise business activities to the west, the Sports Complex to the north west, with mostly cleared agricultural land and rural properties on the other boundaries. The railway line forms a hard edge to the south.

No Ramsar wetlands were identified on or within 1km of the site, and no State Forest, National Parks or Wildlife Reserves are present on or within 1km of the site.

The watercourse category land has no identified Key Fish Habitat or threatened species within or surrounding the site.

There is no critical habitat or land directly affected by a recovery plan or threat abatement plan.

Harold Gregson Reserve is flood affected and has no known environmental attributes of significance. Adjoining the reserve is a local wildlife corridor, identified by Council, along Wallis Creek with an area of Hunter Valley Dry Rainforest south of the rail line. Refer to Figure 3 below.



Figure 3: Harold Gregson Reserve - Council Biodiversity layer 2023



Source: Maitland City Council April 2023



04

Basis of management

Maitland City Council intends to manage its community land to meet:

- Assigned categorisation of community land.
- The LG Act guidelines and core objectives for community land.
- Restrictions on management of Crown land community land.
- Council's strategic objectives and priorities.
- Development and use of the land outlined in Section 6 of the LG Act.

4.1 CATEGORISATION OF THE LAND

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- Park – for areas primarily used for passive recreation.
- Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The land in the Harold Gregson Reserve is categorised into two community land categories: Park for most of the Crown reserve land in D570021 and R56647; and Natural Area Watercourse for most of the Crown reserve land in R41282. However, both categories are mapped in each of the reserves to varying degrees.

The categorisation of the land by real property identifiers (Lot and Deposited Plan) is shown in Table 1, as well as shown by map in Appendix 1.

4.2 GUIDELINES AND CORE OBJECTIVES FOR MANAGEMENT OF COMMUNITY LAND

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see Categorisation of the land). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park and Natural Area - Watercourse categories are set out in section 6.1 and section 6.2 respectively of this Plan of Management.

Restrictions on management of Crown land

Council is the Crown land manager of the Crown reserves described in this POM in accordance with the legislation and conditions imposed by the Minister administering the Crown Land Management Act 2016. The use of the land described in this Plan of Management must:

- Be consistent with the purpose for which the land was dedicated or reserved.
- Consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993.
- Consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists.
- Consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016.
- Consider any interests held on title.

This POM is to also be consistent with the principles and objectives of the CLM Act (see Appendix 4), and compliant with any CLM Act terms of appointment as CLM, or CLM land management rules.

There is one condition attached to the Crown land manager appointment notice for Council's Crown land management of Crown reserve R41282:

Management of Crown land must adhere to the code of conduct adopted under section 440 of the Local Government Act 1993.

There is one State wide Crown land management rule has application to Maitland Local government area (LGA).

This gazetted rule has been made under s.3.15 of the CLM Act and can be viewed in full at: Granting leases and licences for communication infrastructure related purposes on Crown land.

The Crown Land Management rule.

Crown land managers cannot, under any act (including the Local Government Act 1993), grant any lease or licence authorising:

- Communication the installation or construction of communication infrastructure on Crown land.
- The placement of infrastructure on Crown land.
- The use of communication infrastructure that is located on Crown land.
- Access to communication infrastructure that is located on Crown land.

Any company with a lease or license granted by the Minister for Communication Infrastructure may be able to sublet if permitted.

The Crown reserve land in reserves: D570021,

R56647 and R41282 is not burdened by any easements as identified on Deposited Plans. The Crown land is notified as being Crown land dedicated (D570021) and reserved (R56647 and R41282) for a purpose and that there are restrictions on transfer and other dealings under the Crown Land Management Act 2016 that may require the consent of the Minister.

4.4 COUNCIL'S STRATEGIC OBJECTIVES AND PRIORITIES

Maitland City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered in this POM.



4.4.1 Maitland 10+ Community Strategic Plan 2022

Maitland +10 Community Strategic Plan (CSP) outlines what our community would like for our city over the next ten years, consistent with the State and local policy frameworks. It informs Council's Delivery Program, Resourcing Strategy and associated annual Operational Plan and budget.

The 10 year vision articulated in this plan is:



Let's Connect



Let's Create



Let's Sustain



Let's Lead

Together, we make Maitland.

We are a proud and changing community, celebrating our heritage and future potential.

Our housing choices are diverse, with education and job opportunities for all.

From parks to sport and culture, we have all that we need close to home.

The iconic Hunter River shapes our landscape, bringing both opportunities and challenges.


We aim to live sustainably, restoring our natural environment and reducing waste where we can.

Our leaders are always listening, and let the community know about decisions made.

The CSP is presented under four themes of: connect with each other, creating opportunities, living sustainably and leading together.

This Plan of Management will assist in achieving the following goals and strategies identified in the CSP and set out in Columns 1-3 of Table 2 with a final column showing how these may be implemented by this POM.

Table 2: How the POM contributes to Maitland +10

THEME	GOAL WE WANT	STEPS TOGETHER WE WILL	RELEVANCE TO POM
 <p>Let's connect with each other</p>	To stay friendly, happy and proud as our city grows.	<p>Make our neighbourhoods great with spaces, activities and programs that connect us.</p> <p>Connect with each other through participating in local arts, cultural and library activities and programs.</p> <p>Take steps to feel safe wherever we are, any time of day or night.</p>	<p>The POM supports the use of the land to provide facilities, programs and activities for the wider community but particularly for youth.</p> <p>The provision of diverse, accessible, safe and shaded spaces will encourage activities and attract more people to the reserve.</p>
	To acknowledge First Nations peoples and their stewardship of the land within our city.	Recognise and respect our First Nations peoples and their connection with the land and waterways for thousands of years.	This POM incorporates actions to include cultural naming, interpretation and education mechanisms reflective of our First Nations peoples and their connection to the land and waterways.
	To be healthy and active with access to local services and facilities.	<p>Ensure the community and health services and facilities we need are available as our population grows and changes.</p> <p>Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age.</p>	The upgraded public space provides a range of recreational areas and community infrastructure for multigenerational use, including pedestrian and cycle pathways to connect to sport and cultural precincts throughout Maitland city.
 <p>Let's live sustainably</p>	To love and look after our great outdoors.	<p>Tread lightly while enjoying our areas of bushland and open space.</p> <p>Protect our native plants and animals.</p> <p>Improve the quality of our waterways and wetlands.</p>	While the canal's function is primarily flood control, the canal and adjoining land is to be protected as a Natural Area Watercourse and plantings undertaken overtime to recreate the original vegetation of the area.
	To be ready in case of more hot days, storms and floods.	Understand climate risks and our impacts and take action against these.	Maitland is located on the Hunter River floodplain. Storm and flood events are carefully managed. Protection and access for infrastructure maintenance of the canal are incorporated into this POM.

4.4.2 Maitland Local Strategic Planning Statement 2020

The Maitland Local Strategic Planning Statement (LSPS) sets out a 20 year land use vision for the LGA and outlines how this growth and change will be sustainably managed into the future.

It draws together strategic planning priorities of the State, Hunter Region and Greater Newcastle metropolitan area, and our own local priorities articulated in the Maitland 10+ Community Strategic Plan and explains how these priorities are to be delivered and implemented at a local level.

One of the key local planning priorities for Council is to align local infrastructure delivery to support planned growth and community needs. Under the NSW Public Spaces Legacy Program, Council secured funding towards the upgrade of the Harold Gregson Reserve and surrounding land. These works include improved lighting for safety and security, infrastructure for recreational activities and community led events.¹

This POM will assist in achieving the priorities set out in Table 3.

Table 3: How the POM contributes to Local Strategic Planning Statement priorities

MAITLAND STRATEGIC PLANNING STATEMENT 2020 – PLANNING PRIORITIES	POM RESPONSE
No. 4. Protect, conserve and celebrate the city's Indigenous and colonial cultural heritage.	While Council has committed to undertaking an LGA wide Aboriginal and Rural Heritage Study, in partnership with the Mindaribba Local Aboriginal Land Council, Harold Gregson as part of the Hunter River floodplain, provides opportunity to celebrate Indigenous use of the land through interpretation, signage, structures and programs. There are no known colonial heritage items on the land.
No. 6. Plan for healthy, culturally rich and socially connected communities.	The provision of more passive recreation facilities and upgraded facilities will increase opportunities for people to connect and be active.
No. 10. Protect, conserve and enhance our natural environment including waterways, floodplains and wetlands.	While Harold Gregson Reserve is highly modified it contains patches of mature native trees, without understorey, which are to be retained. Lynes Canal forms the site's northern boundary and it and the land immediately adjoining are to be managed as a Watercourse given its location in the floodplain of the Hunter River and its role in storm and flood management.
No. 14. Manage energy, water and waste efficiently to support sustainability.	Any buildings, structures, roads, carparking or pathways will consider sustainable practices.

¹ AECOM Review of Environmental Factors Harold Gregson Reserve (Sports Hub Stage 4) 2022

No. 15. Align local infrastructure.

Delivery to support planned growth and community needs.

The POM provides the framework for the future development, leasing and licensing of buildings, structures and activities on a key recreation and open space area of Central Maitland.

No. 17. Provide good quality, accessible and appropriate community infrastructure across the city.

The proposed 2023 upgrades to the land will make Harold Gregson Reserve a usable green open space with a range of recreation facilities accessible for multigenerational use.

4.4.3 Maitland Place Activation Strategy 2016

The Place Activation Strategy was developed to guide opportunities to create a greater sense of place, generate social cohesion, improve safety and bring life back to the streets and public places of Maitland. It sets out strategies and actions on how this may be achieved.

Harold Gregson Reserve, while not located within the core activation precinct, is identified on page 41 of this strategy as a key place in central Maitland along with several other places. Linking, improving and activating these places is a goal of this and several Council strategic documents.



4.4.4 Environmental Planning and Assessment

The Crown Land covered by this POM is zoned RE1 Public Recreation under Council's Local Environmental Plan (LEP) and shown in Figure 4 outlined in red.

Figure 4: Land use zone for Harold Gregson Reserve



Source: NSW E-Planning Spatial Viewer March 2023

The objectives and permissible uses and developments for the Public Recreation zone are listed in Table 4.

Table 4: Maitland LEP 2011 land use table for the RE1 Public Recreation zone

ZONE RE1 PUBLIC RECREATION

1. Objectives of zone

- 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.

2. Permitted without consent

Environmental facilities; Environmental protection works.

3. Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Centre based child care facilities; Charter and tourism boating facilities; Community facilities; Information and education facilities; Jetties; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures; Water supply systems.

4. Prohibited

Any development not specified in item 2 or 3.

Development on the land will need to be consistent with these objectives and other planning controls and plans.

05

Development and Use



5.1 CURRENT USE OF THE LAND

Each relevant category section of this Plan of Management contains information about the existing use of the land, including: condition of the land and structures, use of the land and structures, and current leases and licences on the land.

5.2 PERMISSIBLE USES / FUTURE USES

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to Maitland City and wider LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Maitland City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Maitland City intends to permit and encourage a broad range of appropriate activities.

The general types of uses and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this Plan of Management for:

- Park; and
- Natural Area – Watercourse.

5.3 LEASES, LICENCES AND OTHER ESTATES

Council may enter into or create a range of leases, licences, other estates, management agreements, and/or booking arrangements (including permits), in order to authorise the use of the land and/or buildings appropriately and effectively.

These arrangements are intended to support and encourage a range of uses, which enhance the level of activation and enjoyment of the space, such as refreshment facilities, mobile vending, recreational equipment sale or hire (e.g. bicycle hire) events or community uses.

Each proposal will be reviewed to ensure it is compatible with the relevant land, Council policies and Local Environment Plan, and community feedback on proposals when required.

Council is responsible for bookings of community land and reserves in its LGA and, generally, Council seeks to encourage a broad and appropriate range of uses within its area to meet community need and expectations.

A range of policies and required forms address specific types of use approvals and in greater detail. Applicants should check Council's website maitland.nsw.gov.au for up to date information.

The LG Act requires that any lease, licence or other estates over community land must be expressly authorised by a POM. The term 'other estates' includes other interests, charges, rights or titles in relation to the land (an example is easements).

As a general rule, express authorisation of leases, licences (including hirings and permits) or other estates should include:

- The type of arrangement authorised – where Council may authorise leases and/or licences and/or other estates.

- The land or facilities to be covered – where Council may allow leases and/or licences and/or other estates on all or some of the land and facilities; and
- The purpose for which leasing or licensing will be granted – Council may choose to allow leasing for community purposes, or more limited purposes such as sports or childcare facilities.

Under Sections 45 to 47D of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this POM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

Section 46 LG Act permits Councils to grant a lease, licence or other estate in respect of community land for:

- The provision of public utilities and works associated with or ancillary to public utilities; or
- The purpose of providing pipes, conduits or other connections under the surface

of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider.

5.3.1 Maximum time period for leases or licences over any community land covered by this Plan of Management

The maximum period for any lease or licence is 30 years (including any option) and Minister's consent is required if the lease/licence exceeds 21 years (Sect 47(5)(b)). Unless exempt by the regulations, all such leases, licences or grant of other estate must be advertised and the community notified in accordance with the provisions of sections 47 and 47A of the LG Act.

The grant of any tenures, e.g: tenure terms and limits, tendering, and notification and approvals, will be subject to the provisions of Part 2, Division 2 of the LG Act.

Council must call tenders for leases or licences over five years, unless the lease or licences is to be granted to a non-profit organisation, (s.46A).

Subleases are only allowable for the same purpose as the original lease, except for a handful of exceptions listed in cl.26, LG Regulation.

Council may only grant exclusive occupation of community land through a lease, licence or other estate.

For leases between 5 and 21 years Council must:

- Give public notice of the proposal.
- Place a notice of the proposal on the land.
- Notify owners adjoining the land.
- Notify persons living in the vicinity of the land if Council believes that the land 'is the primary focus of the person's enjoyment of community land'.

- Consider submissions made about the proposal.
- Refer the proposal to the Minister for Local Government if Council has received an objection to the proposal.

If an objection has been received, Council cannot grant the lease etc but must refer the proposal to the Minister for approval.

5.3.2 Leases and Licences for Natural Areas

The LG Act imposes restrictions on the ability of Council to grant leases, licences or other estates over community land categorised as Natural Area and further subcategorised as Bushland, Wetland, Escarpment, Watercourse or Foreshore.

Council may only grant a lease, licence or other estate over Natural Area category land if:

- It is authorised under the POM;
- The purpose is consistent with the core objectives for that category of land;
- The uses of the land are consistent with the reserve's purpose(s); and
- The lease/licence is for a purpose specified in section 47B of the LG Act (as below).

Section 47B restricts the grant of a lease, licence or other estate that would enable the erection of structures or buildings, to only the use or erection, of these listed below:

- Walkways;
- Pathways;
- Bridges;
- Causeways;
- Observation platforms; or
- Signs.

Separate from the above, Council is able to authorise the erection and use of buildings or structures for the following purposes:

- Information kiosks;
- Refreshment kiosks (but not restaurants);
- Work sheds or storage sheds required in connection with the maintenance of the land; or
- Toilets or rest rooms.

While these structures are permitted to be constructed on community land categorised as Natural Area, a development application may also be required prior to their construction in accordance with the Environmental Planning and Assessment Act 1979.

It is noted however, that the legislation does not restrict the use of the land or the issue of a lease or licence in a Natural Area category for activities such as walking tours, environmental tours, bushcare, etc.

There are no existing leases or licences for occupation and use of Harold Gregson Reserve at the time of adoption of this plan. The Maitland Off Road Radio Controlled Car Club Inc. have an annual hiring agreement with Council.

When issued licences for these services are set by authorised Council forms with fees and charges set annually as part of Council's annual budget processes.

5.3.3 Leases and licences authorised by the Plan of Management

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land covered by the Plan of Management, provided that:

- The purpose is consistent with the purpose for which it was dedicated or reserved.
- The purpose is consistent with the core objectives for the category of the land.
- The lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021.
- The issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Commonwealth).
- Where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- The lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021.
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables in the relevant category sections of this Plan of Management further identify the purposes for which leases and licences may be issued over the reserves identified in this Plan of Management.

5.3.4 Short Term Licenses

Short term licences and bookings may be used to allow Council to program different uses of community land at different times, allowing the best overall use.

Short term licences are authorised for the purpose of:

- The playing of a musical instrument, or singing, for fee or reward.
- Engaging in a trade or business.
- The delivery of a public address.
- Commercial photographic sessions.
- Picnics and private celebrations such as weddings and family gatherings.
- Filming sessions.
- The agistment of stock.

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

Section 2.20 and Section 3.17 of the CLM Act also permits Crown land managers to grant a short term licence over dedicated or reserved Crown land (Crown reserves) for any prescribed purpose, as set out in Clause 31 of the Crown Land Management Regulation 2018.

Short term licences (up to a 12 month period) are authorised under Section 2.20 and Section 3.17 of the CLM Act on Crown reserves for the following purposes:

<ul style="list-style-type: none"> • Access through a reserve • Advertising • Catering • Community, training or education • Emergency occupation • Entertainment, including low scale performance or art e.g. performance arts • Environmental protection, conservation or restoration or environmental studies • Exhibitions • Filming (as defined in the LG Act) • Functions • Hiring of equipment • Low intensity commercial activities (e.g. commercial fitness training) 	<ul style="list-style-type: none"> • Markets • Meetings, public address (speeches) and/or distributing pamphlets e.g., charity, environment groups • Mooring of boats to wharves or other structures • Shows • Site investigations • Stalls for community or charity fundraising • Sporting and organised recreational activities • Storage
---	---

In addition to any other condition to which a short term licence granted under section 2.20 of the CLM Act is subject, the condition that the relationship of landlord and tenant is not created between the parties.

The period of one year is prescribed as the maximum term for which a short term licence may be granted under section 2.20 of the CLM Act (including any further term available under an option or holding over provision).



5.3.5 Native Title and Aboriginal Land Rights Considerations In Relation To Leases, Licences and Other Estates

When planning to grant a lease or licence, Council must comply with the requirements of the Commonwealth Native Title Act 1993 (NT Act) and have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983.

The CLM Act requires native title managers to provide written advice to the Council Crown land manager when the Council Manager intends to perform one of the following functions in relation to the Crown land it manages or owns:

- Grant leases, licences, permits, forestry rights, easements or rights of way;
- Mortgage the land or allow it to be mortgaged;
- Impose, require or agree to (or remove or release, or agree to remove or release) covenants, conditions or other restrictions on use in connection with dealings involving the land, or
- Approve (or submit for approval) a Plan of Management for the land that authorises or permits any of the kinds of dealings referred to above.

Native Title rights must be assumed to remain in existence if the relevant land is not 'excluded land' under the Crown Land Management Act 2016, because native title rights have not been:

- Extinguished by Native Title Tribunal Determination under the NT Act; or
- Surrendered through an Indigenous Land Use Agreement (ILUA); or
- Protected under section 24FA of the NT Act; or
- Compulsorily acquired; and

- A native title certificate has not been issued under the CLM Act.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. Granting a lease or licence over Crown land may be a future act.

Certain types of future acts can be validated under the NT Act. Where future acts are undertaken, native title claimants and holders are entitled to specific procedural and substantive rights. As such, the written advice of a native title manager is required. The advice must state if the act complies with the NT Act, and any necessary procedural requirements must be fulfilled prior to the act occurring.

It is the role of Maitland City Council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 5 for more information).

The Aboriginal Land Rights Act 1983 (ALRA) was introduced in NSW to compensate Aboriginal people in NSW for dispossession of their land. Aboriginal communities in NSW can claim land to compensate them for historic dispossession of land and to support their social and economic development.

The ALRA enables Local Aboriginal Land Councils (LALCs) to claim Crown Land, that is, land in NSW that is owned and managed by the State Government. LALCs can have land transferred to them in freehold title if at the time of the claim the land is, among other requirements:

- Able to be lawfully sold or leased;
- Not lawfully used or occupied;
- Not needed nor likely to be needed as residential lands;

- Not needed nor likely to be needed for an essential public purpose including nature conservation; and
- Not impacted by Native Title (registration application or determination).

Any actions that would burden a title over land and affect a freehold transfer of land, such as entering a lease or construction and development, may not be permitted whilst the land is subject to an unresolved Aboriginal land claim.

The Crown land in the three Crown reserves comprising the Harold Gregson Reserve is not subject to any current land claim.



06

Management of Land by Category

6.1 PARK

The land where the category of Park is assigned is in Crown reserves D570021 and R56647. However, due to the curvilinear nature of the lots and reservation, parts of these reserves contain Natural Area Watercourse.

Similarly, R41282 is also part Park but is predominately over the Canal and also categorised as Natural Area Watercourse. These categories do not overlap. Refer to Appendix 1 for the category map.

The Natural Area Watercourse category is addressed in section 6.2 of this Plan of Management.

The Harold Gregson Reserve is located at the south eastern end of the Maitland Regional Sports Complex which comprises the Maitland No. 1 Sportsground and Regional Athletics Centre, and forms part of the Maitland Regional Sports Precinct.

Harold Gregson is an area of green open space with community infrastructure that caters for multigenerational users and meets the community's growing needs for youth recreation activities, radio controlled car activity, mixed ages play spaces, general community leisure and events, shared pedestrian/cycle pathways, and extensive landscaping, public domain furniture and lighting.

The reserve includes the following key features:

- Youth space including skate park, a multi-purpose court, seating areas;
- Adventure play space with use of natural elements;
- A track for off road radio controlled cars;
- A community events lawn with permanent stage for events such as markets and live music;
- Infrastructure for a temporary stage, including power and water for larger events;
- Amenities building, shade structures and BBQ facilities;
- Vehicle access road with boom gate to manage restricted entry;
- Upgraded car park south of the radio controlled car track;
- Shared pedestrian/cycle pathways; and
- Landscaping, public domain furniture and lighting.²

² Review of Environmental Factors Harold Gregson Reserve (Sports Hub Stage 4) 2022 prepared by AECOM

6.1.1 Guidelines and Core Objectives

Parks are defined in clause 104 of the LG (General) Regulation as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
- Provide for passive recreational activities or pastimes and for the casual playing of games.
- Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

6.1.2 Key issues

This section approaches management of the land in the Park category through three primary areas of focus: planning and design, management framework, and development and use.

a) Planning and Design

- Landscape character.
- Public access and multiple use.
- Equity of access.
- Relationship to surrounding land uses.
- Culture and heritage.

b) Management Framework

- Environmental management and sustainability.

- Safe maintenance and upgrade of land, structures and facilities.
 - Booking systems, fees and charges, conditions of hire.
 - Amenity provision.
 - Lighting, fencing and security.
 - Recreation facilities maintenance.
 - Safety and risk management.
- c) Development and Use
- Future development and use.
 - Buildings, facilities and infrastructure.
 - Event management Event or casual bookings.
 - Personal trainers, and small event bookings.
 - Dogs in public places.
 - Signage and advertising.
 - Traffic, vehicular access and parking.
 - Permitted and prohibited e.g: alcohol free areas.
 - Access to adjacent infrastructure and land by other public entities.

Aboriginal cultural heritage covers the whole of the reserve, and the following section applies equally to land categorised as Park and land categorised as Natural Area Watercourse.

Pre and post 1788 history and cultural landscapes

The Wonnarua people – the ‘people of the hills and the plains’, are the First Peoples and traditional custodians of the lands within the Maitland LGA. Wonnarua people have been living in the Hunter Valley for tens of thousands of years and have maintained a strong sense of cultural identity despite the impact of colonisation on their traditional lands and culture.’ (Maitland City Council 2020 LSPS p. 11)

Around 1816, cedar logging groups from the Newcastle convict settlement started working in the area. A few years later, convict farmers were allowed to select land. As white settlers occupied the area for farming, logging, mining and quarries, many Aboriginal people were displaced and forced to leave. They also suffered from massacres, disease and change of diet, catastrophically impacting their social and family groups, their culture and way of life.

Harold Gregson Reserve is still used today by the local Aboriginal community and has local members with indigenous ownership of the land and other elders with memory of growing up and playing in the area.

During the Great Depression, the land was a shared space comprising an Aboriginal camp with non-Aboriginal people.

Several of the trees on the land have special meaning to the community and the ground beneath the tree(s) could contain artifacts. A song line runs along the rail line and the landscape has cultural meaning.

Today, the local community are seeking a greater role in management through dialogue and agreement on the way the space is valued, configured and used.

A place for Aboriginal storytelling, custodianship and engagement with traditional lands

The Reserve subject to this POM can be a valuable resource to learn and practice culture and care for Country.

Although the Reserve is altered in its landform and use, the Dreaming attached to the land and songlines remains and can be made more present through interpretation and planned activities.

The location of the Reserve on the High Street provides opportunity to celebrate and recognise the history, culture, and achievements of Aboriginal and Torres Strait Islander peoples every year during NAIDOC (National Aborigines and Islanders Day Observance Committee) week.

Future plantings at the Reserve could include many of the plants that were used for food, bedding, medicine, implement making and ceremonial purposes that are valuable to Aboriginal people today in their practice and teaching of culture. Furthermore, there is an opportunity to name or rename the Reserve, places and walking trails in Wonnarua language.

Most importantly, the cultural knowledge passed onto the wider community about this site, belongs to this site and cannot be used for other similar sites or purposes, as every place has its own unique characteristics, landform, vegetation and cultural heritage.

6.1.3 Management Framework for Reserves Categorised as Park

The Park category land, facilities and infrastructure are managed and maintained by Council.

Maintenance of all landscape, facilities and infrastructure is undertaken by Council's Infrastructure and Works Group with licensing and hiring, and customer liaison managed by Council's Culture, Community & Recreation Group.

The use of the landscape, facilities and infrastructure is hired out to individuals, commercial entities and user groups by Council on a casual permit or hire system. This approach assists Council and the community to manage demand and minimise conflict between users. Council's fees and charges for

hiring and use of the Park land are approved and published annually and available on Council's website.

6.1.4 Development and Use

Section 36(3A)(b) of the LG Act requires that a site specific POM, such as this POM, must specify the purposes for which the land, and any such buildings or improvements, as well as future uses and developments, will be permitted to be used, and describe the scale and intensity of any such permitted use or development.

The permissible uses of Crown reserves are required to align both with the Reserve purpose and the core objectives of the assigned categorisation.

Table 5 specifies the authorised permissible uses and activities, as well as developments for which the land, and any such buildings or improvements, that may be undertaken in the Park category area, by Council, or lessees, licensees or casual hirers consistent with their user agreements, following Council assessment, approvals and any booking or hire arrangements established by, or with the agreement of Council.

The Park category land will be used in future for general community recreation, small personal and a range of community events, with public right of access to all outdoor areas, limited only by booked or licensed uses.

Facilities for recreation include an off-road remote controlled car track, skate park, a multi-purpose ball court, adventure play space, a community events lawn with permanent stage for events such as markets and live music. The Reserve infrastructure also provides a temporary stage, including power and water for larger events, amenities buildings, shade structures, seating areas and BBQ facilities.

Vehicle access is via a road with boom gate to manage restricted entry. Shared pedestrian/cycle pathways link with the surrounding

pedestrian/cycle pathways and the Regional Sports Complex.

The scale and intensity of these permissible uses and developments will be determined in context with this Plan of Management, Council assessment and development approvals, leasing, licensing and booked uses and events that are consistent with the Reserve purposes, category core objectives and any identified carrying capacity of the proposed site or locations.

6.1.5 Current Use of the Land

Condition of the land and structures

The land, structures and utilities have been recently constructed, redeveloped or upgraded and are all in new or very good condition. Refer to Appendix 2 for a full condition description of buildings and structures.

An AHIMS search concluded that no items of Aboriginal heritage are located on the subject site nor are there any colonial heritage items or heritage conservation areas.

Use of the land and structures

The land is used by an off road remote controlled car club, local youth use the skate park and ball court. Children and parents/carers use the adventure play space and the community events lawn is used by the wider community as markets and live music as well as informal recreation activities. The temporary stage and events lawn is also available for larger events.

General community recreation use is supported by the amenities buildings, shade structures, seating and BBQ facilities and the pedestrian/cycle pathways.

There are no licences or permits issued for use and occupation of the free five RV parking spaces used for overnight stays, permitted by Council through the use and provisions of Cls 77 and 78 of the Local Govt (Manufactured

Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

The Australian Rail and Transport Corporation (ARTC) and the Department of Planning and Environment (DPE) have functional interests in access through the site for the maintenance of and access to infrastructure adjacent to the Reserve. Council undertakes maintenance of the canal.

The Main North Railway Line forms the site's south eastern boundary and there are two gated access points to the rail corridor. These are used periodically for access by the ARTC.

A levee incorporates a floodgate that requires periodic access by DPE for maintenance at the confluence of the canal and Wallis Creek to the east of the site boundary.

The site is crossed by a high voltage line (Ausgrid) that travels from High Street, entering the site at the south western corner (Pole HR62008) to a point just north of the Maitland Off Road RC Club track (Pole HR62012) then across the northern drainage reserve and Lynes Canal in a north easterly direction. This high voltage line will require access for maintenance and specific safe work near powerlines requirements and protocols.

Current leases and licences

There are no existing leases or licences for occupation and use of Harold Gregson Reserve at the time of adoption of this plan.



6.1.6 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in Table 5. The facilities on community land may change over time, reflecting the needs of the community.

Table 5: Permissible use and development of community land categorised as Park

PURPOSE/USE, SUCH AS	DEVELOPMENT TO FACILITATE USES, SUCH AS
<ul style="list-style-type: none"> • Active and passive recreation including children’s play and cycling • Skate park facilities • Remote controlled car facilities including track • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, musical events and performances, fairs, exhibitions and similar events and gatherings • NAIDOC week celebrations and rally • Cultural heritage interpretation and landscape features • Low intensity commercial activities (for example recreational equipment hire) • Sale or provision of food and beverages • Meetings (including for social, recreational, educational or cultural purposes) • Leisure or training classes • Filming and photographic projects • Busking • Public address (speeches) • Dog leash free areas • Recreation vehicle (RV) use in designated areas • Access to public infrastructure for maintenance and approved development <p>Note: Some of the uses listed above require a permit from Council.</p>	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas • Development for the purposes of active informal and organised recreation such as: <ul style="list-style-type: none"> - play equipment; - skate park facilities; - remote controlled car facilities; - multi-purpose ball courts; - exercise equipment; - pedestrian and bicycle paths and facilities such as bike racks; and - other community activities such as bocce courts • Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas, temporary stages and waste management facilities • Café or refreshment areas (kiosks) including external seating • Lighting, seating, toilet facilities, paved areas, hard and soft landscaped areas • Storage sheds for Council maintenance or works • Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings • Car parking and loading areas • Electric vehicle (EV) charging stations and areas • Recreation vehicle (RV) designated areas • Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment

PURPOSE/USE, SUCH AS	DEVELOPMENT TO FACILITATE USES, SUCH AS
	<ul style="list-style-type: none"> • Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment • Heritage and cultural interpretation, including signage, place names, indigenous food gardens, etc • Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> - relate to approved uses/activities - are discreet and temporary - are approved by Council • Water saving initiatives such as stormwater harvesting, rain gardens and swales • Energy saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage

6.1.7 Express Authorisation of Leases, Licences and Other Estates - Park

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 6.

Table 6: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park.

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE FOR WHICH TENURE MAY BE GRANTED
Lease	Five years	<ul style="list-style-type: none"> • Café/kiosk areas, including seating and tables • Management and use of remote controlled car facilities • Hire or sale of recreational equipment
Licence	Five years	<ul style="list-style-type: none"> • Outdoor café/kiosk seating and tables • Management of tracks, court or similar facilities • Hire or sale of recreational equipment • Access to public infrastructure for rail, water or flood management • Festivals, celebrations and community events
Short term licence	One year	<ul style="list-style-type: none"> • Community events and festivals • Playing a musical instrument, or singing for fee or reward • Picnics and private celebrations such as weddings and family gatherings • Filming, including for cinema/television • Conducting a commercial photography session • Public performances including music and staged events • Engaging in an appropriate trade or business • Delivering a public address • Community events • Fairs, markets, auctions and similar activities
Other estates		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 and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.8 Action Plan

Section 36 of the LG Act requires that a POM for community land details:

- Objectives and performance targets for the land.
- The means by which Council proposes to achieve these objectives and performance targets.
- The manner in which Council proposes to assess its performance in achieving the objectives and performance targets.

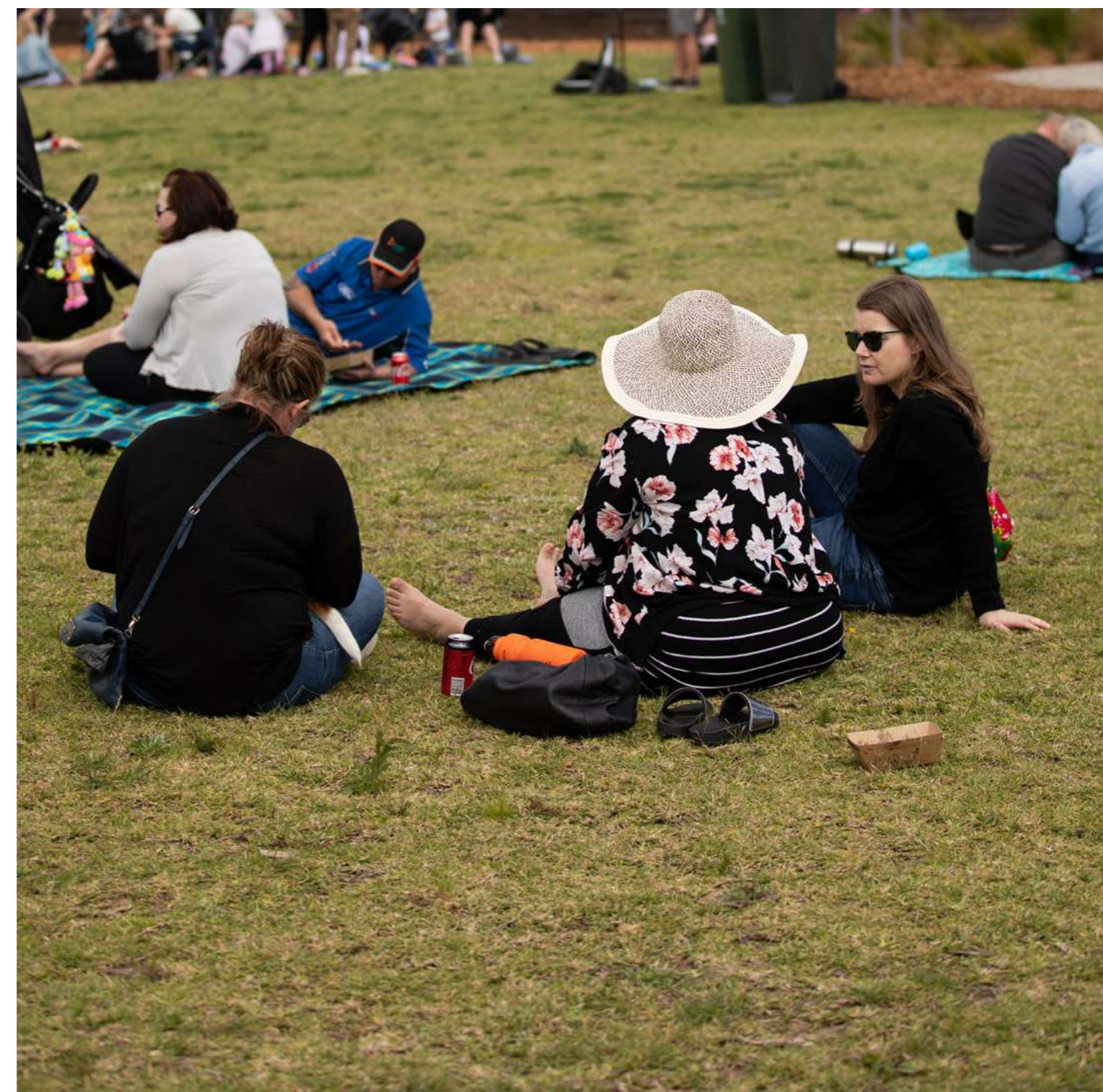


Table 7 sets out these requirements for community land categorised as Park.

MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
1. PLANNING AND DESIGN			
1.1 Landscape Character	Implementation of Reserve landscape master plan.	Development of Reserve is in accordance with approved landscape master plan.	Review of development proposals for consistency with landscape master plan prior to approvals and commencement.
	Implementation of Reserve Heritage Interpretation Plan.	Development of Reserve is in accordance with approved Heritage Interpretation Plan, incorporating actions and recommendations from Mindaribba LALC.	Review of development proposals for consistency with Heritage Interpretation Plan prior to approvals and commencement.
	Support of the existing native trees and planting.	Retain existing trees and companion under storey/planting cognisant of any significant trees of cultural heritage landscape value. Plant or regenerate endemic plant species to complement and support existing.	Retention of existing native vegetation subject to approved development consents. Knowledge and recognition of trees of Aboriginal cultural significance. Growth in extent and quality of native vegetation cover.
	Trees and shrubs health maintained, and public risk managed.	Vegetation management continues to incorporate environmental benefits such as wind reduction, water conservation and increased habitat and biodiversity; community health benefits such as shade and aesthetic landscape benefits. Regular program of tree and shrub maintenance to ensure healthy and safe vegetation.	Council considers report on vegetation management, retention and improvement of existing vegetation on a bi-annual basis. Relevant Council Director approves maintenance program and is accountable for any required reporting on outcomes.
	Outdoor fixtures – seats, tables, bins, provided where land areas are associated with Reserve facilities.	Review areas associated with facilities to evaluate and implement outdoor fixture provision.	Installation of park and outdoor fixtures, including play, leisure and health equipment is provided consistent with any specific Council policies.
	Shade and or shelter (as required) provided at all facilities including playground.	Review areas associated with facilities to evaluate shade needs and provision either structures or tree plantings. Shade/shelter provided or permitted at the car club track facilities: drivers' stand and pitting areas for hot or inclement weather.	Installation of shade structures or increased use of shade trees to meet shade and sun protection needs. Installation of shade/shelter at car club track drivers' stand and pitting areas.
	Use public art, heritage and flora and fauna interpretation to create points of interest within the Reserve.	Continued program of public art, heritage and flora and fauna interpretation to create points of interest.	Capital Works budget allocations.
1.2 Public access and multiple uses	Limit exclusive uses and ensure public accessibility and multiple uses of land in any user agreements.	Include conditions in user agreements and licences that provide for multiple uses and public accessibility where safe to permit.	Inclusion of terms in tenure and use agreements. Publication and use of licence or booking agreements that meet objectives.
	Ensure high quality facilities that service needs and satisfy community expectations.	Undertake user satisfaction surveys.	User satisfaction surveys conducted.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
1.3 Equity of access at reserve facilities	Increase suitable multiuse activities across facilities and land.	Actively search for new events and users to bring to the facilities.	Development of plan that guides the intensity of use for events and activities for hierarchy of parks.
	Ensure security of tenure for the users of the facilities in precinct with agreed and documented permitted uses and allow wide community access to the facilities that are mutually compatible with any tenured uses.	Any future leases and licenses comply with the requirements of the Local Government, Crown Land Management and Native Title Acts.	The number and type of leases or licenses issued for the facilities are implemented and reviewed to ensure compliance.
	Compliance of access pathways and ingress/ egress points, toilets, change rooms and associated amenities infrastructure for disabled and equitable access.	Annual audit of all public use, visitor and play/activity facilities to evaluate equitable access and maintenance or upgrade needs for compliance with State requirements. Audit of all paths and access ways for trip hazards and to ensure equitable and stable uses.	Annual amenities equitable access audit and report and response actions reported to Council or relevant Council Director.
	Ensure disabled and equitable vehicular access.	Identify disability and/or limited mobility parking spots.	Installation of disability and/or limited mobility parking spots.
	Investigate provision of all-inclusive and accessible play equipment.	All-inclusive and accessible play equipment need and sites investigated.	Provide for identified all ability and equitable access facilities at Reserve.
	Ensure all ability and equitable access meets user needs and community expectations.	Undertake user satisfaction surveys.	User satisfaction surveys conducted.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
1.4 Relationship to surrounding land uses	Create a strong relationship between the Reserve and the adjacent Maitland Regional Sports Precinct.	Integration of precinct and Reserve through information and promotion, path and cycleways, programs and events.	Demonstrated development of information and promotion, path and cycleways, programs and events.
	The Reserve is easy to find, use and is connected with designs prepared for integrated pedestrian and bicycle pathways between the Reserve and nearby facilities.	Preparation of wayfinding strategies for pedestrian and bicycle pathways and signage between Reserve and nearby facilities and Main Street activities.	Budget and resources identified to complete wayfinding strategies approved by Council. Wayfinding elements are prioritised and installed.
	Better connections to local walking and cycling links.	Integrate the Reserve with local walking and cycle paths and tourist routes. Identify major pedestrian routes between urban areas, residences and school, and reinforce the safety and equitable access quality of these links.	Demonstrated integration of walking and cycle paths and pedestrian ways.
	Establish information and guidance at key entry points.	Identify key access points within Reserve/park and landscape plan to provide park gateways, signage and user information.	Key access points identified and signage erected.
	Manage event and activity noise, traffic, waste management and visitor number issues for local and nearby residents.	Prepare and implement event user agreements (licences or permit) system. User agreements include conditions to limit impacts from noise, rubbish, traffic. Signage at community events area to inform of desirable and required behaviour.	Licences published and used with conditions to limit or reduce impacts from noise, rubbish, traffic. Signage erected.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
1.5 Culture and heritage	<p>Ensure Aboriginal cultural heritage and landscape is honoured in the Reserve.</p> <p>Recognise, maintain and interpret local community historical and cultural heritage at the grounds.</p> <p>Promote and celebrate Aboriginal heritage to enhance community experiences and knowledge.</p> <p>Undertake further research into Aboriginal heritage values.</p> <p>Protect and manage Aboriginal sites.</p>	<p>Consult with local Aboriginal communities and Land Council to identify opportunities to recognise, incorporate and interpret Aboriginal cultural heritage.</p> <p>Ensure local Aboriginal input is incorporated into the Heritage Interpretation Plan and its actions.</p> <p>Implement the Heritage Interpretation Plan.</p> <p>Plan for any development and maintenance of landscape features or structures for historic or heritage memorials, events or values.</p> <p>Implement Heritage Interpretation Plan.</p> <p>Interpret heritage to enrich visitor experience.</p> <p>Support the use of the Reserve for NAIDOC week and rally each year.</p> <p>Establish open dialogue and communication with local Elders to create an understanding of the depth and richness of our First Nation's history and culture.</p> <p>Aboriginal heritage sites found within reserve/s are investigated and recorded on the Aboriginal Heritage Information Management System (AHIMS) database.</p> <p>Aboriginal heritage is identified, protected and conserved following statutory requirements, best practice and due diligence processes and consultation with stakeholders.</p>	<p>Consultations held and a dialogue and agreement on the way the space is used and managed is investigated and commenced.</p> <p>Outcomes implemented consistent with Heritage Interpretation Plan and consultations including cultural naming, interpretation, use and education.</p> <p>Inclusion of local community heritage values in the landscape consistent with Heritage Interpretation Plan.</p> <p>Aboriginal cultural heritage identified and appropriately managed and celebrated within the reserve.</p> <p>Frequency and nature of involvement of Aboriginal stakeholders.</p> <p>Improved interpretation and education outcomes.</p> <p>Visitor and stakeholder satisfaction.</p> <p>Research is undertaken and new findings are recorded on AHIMS.</p> <p>Statutory compliance with the National Parks and Wildlife Act 1974, Regulations and best practice protocols.</p> <p>Archaeological survey and cultural assessment are undertaken prior to all works with potential to impact on known Aboriginal sites or values and undertake a due diligence assessment including a cultural heritage survey for all other areas as a minimum.</p> <p>Reduced incidence of impacts (approved, unapproved, inadvertent or deliberate) and greater cultural awareness across the community.</p> <p>Stakeholders are satisfied with approach and outcomes.</p>



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
2. MANAGEMENT FRAMEWORK			
2.1 Environmental management and sustainability	Council investigation of environmental sustainability options and infrastructure.	Investigate implementation of alternate energy sources such as solar electricity and heating systems at new and current facilities.	Council investigation of environmental sustainability options and infrastructure undertaken.
	Reduction in operational costs for energy and water use through a range of environmental and sustainable means.	Energy and water use efficiency practices and systems, including timing systems or regulated watering practices.	Continued installation of energy and water efficient systems.
	The use of sustainable fertiliser and pesticide practices including the safe application methods followed to reduce human exposure are implemented which will also reduce run off into stormwater and environmental systems. Fertiliser and pesticide applications are recorded and made available where required.	Council and user organisations with occupancy and use agreements for sustainable fertiliser and pesticide application and management plans and practices.	Fertiliser and pesticide use monitored and reported on annual basis to relevant Director.
	Conditions of use and development clearly outlined in occupancy agreements.	Occupancy agreements detail environmentally sustainable conditions.	Occupancy agreements contained required conditions.
	Reduce costs to Council, users and hirers.	Review of water and energy use at facilities and document design improvements for buildings, structures and facilities, as required, over time.	Review and investigations conducted, and response actions reported to Council. Report on feasibility and value of further solar lighting in the Park.
2.2 Safe maintenance and upgrade of land, structures and facilities	Building and structures compliance with Australian Standards and NSW Building Codes.	Annual audit and review of buildings and structures to comply with Australian and NSW Building Codes standards.	Annual review/audit of park areas and facilities conducted and compliance with codes and standards.
	Regular repairs, painting & maintenance.	Council maintenance and incident reporting system to receive reports/ requests for maintenance needs is clearly published and acted upon.	Relevant Council Director approves maintenance system and is accountable for reporting.
	Safe electrical systems. Safe gas supply. Sustainable water supply. Fire systems compliance with NSW Standards. Safe chemical storage and use.	Annual electrical, gas and water supply systems check and review for maintenance and upgrade needs. Annual fire safety systems check for maintenance or upgrade to meet standards and codes by local Fire brigade or registered authority. All chemical storage, use and handling to be certified by current NSW authority, e.g: WorkSafe NSW.	Annual electrical, gas and water supply systems check and review for maintenance and upgrading needs. Annual fire safety systems check and response actions reported to Council. Chemical storage, use and handling certification and response actions reported to Council.
	Behavioural, environmental and safety risks are managed.	Erect notices under the LG Act, Section 632 to permit and prohibit activities and uses.	Permitted and prohibited activities require Council approval. Regulatory signage erected and enforced. Visual impact of signage considered.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
2.3 Booking systems, fees and charges, conditions of hire	Public awareness of potential leasing, licensing, bookings and hiring, and event availability.	Formal advertising of expressions of interest and clear allocation. guidelines and criteria for any leasing, licensing, bookings and hiring of land or facilities.	EOI processes conducted to inform allocation procedures for any leasing, licensing, bookings and hiring.
	Clear and accountable: <ul style="list-style-type: none"> • policies of booking and hiring systems • fees and charges for use and hire • conditions of use and hire • standard user agreement documents, e.g: leases, licences and short term use permits 	Formal EOI and user agreement allocations to be conducted for leasing or licensing. All bookings or hiring receive e-copy or paper copy of confirmation including any conditions of use and hire with contact details to assist hirer or user. Publication of booking and hiring notices and policies, fees and charges on-site, and if warranted Council website. Clear and published conditions of hire and use, including permissible uses, times and user or hirer responsibilities.	Council website publication of any EOI processes. Production and use of conditions of use and hire with contact details to assist hirer or user with all bookings or hiring. Standardised user agreements in use. Council publication of conditions of hire and use, including permissible uses, times and user or hirer responsibilities on use agreements, and casual hire permits.
2.4 Amenity Provision	Amenities provided are kept clean and accessible to users and visitors during daylight hours and at high or frequent visitation sites during facility or site opening hours. Amenities are maintained for safety, usability and modern standard.	Regular inspection and maintenance regime that is clearly published and provides contact details for community and visitor maintenance requests. User satisfaction surveys as part of wider Reserve use.	Relevant Council Director approves maintenance program and is accountable for reporting on outcomes and monitoring of contact queries and complaints. Analysis of user and visitor satisfaction surveys.
	Ensure that effective security is provided to Reserve and facilities to enable community uses to proceed and prevent vandalism.	Review security strategies for Reserve and facilities in coordination with user requirements and Council policies and programs.	Security review completed. Management actions and strategies implemented.
	Provide effective emergency access at Reserve and facilities.	Provide clear and effective emergency access from street frontage and through Reserve and facilities where applicable.	Emergency access to/from Reserve and facilities is clearly established and managed.
	Ensure event and user organisers and visitors are aware of emergency access and protocols.	Provide information to community, user groups and event organisers to understand emergency access system and protocols.	Training conducted or information provided for user groups, licensees/ hirers and event organisers on emergency access and situation management.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
2.5 Lighting, fencing and security	Lighting is provided for visitor and user safety at any community buildings, structures and car parks including RV and camping areas where night/dark use occurs.	Review of community facilities, structures and car parks to evaluate lighting needs and gaps for safety and to meet users and visitor needs.	Facilities lighting needs review, incorporating CPTED principles, and implementation program prepared and added to list of future capital works.
	Future development includes for safety lighting.	Include lighting in development approval conditions and event or agreements.	Where required, provision of lighting integrated into development application approval conditions.
	Lighting is provided for user and visitor throughfare travel and at sites of frequent use.	Review provision of safe lighting at user or visitor throughfares and install lighting to meet needs or gaps in provision. Improved lighting for security along key pedestrian walkways and cycle paths.	Review conducted and gaps or needs addressed. Installation of additional lighting, subject to resources and funding, to maintain safety along key pedestrian pathways and cycle paths.
	Lighting impact on neighbours and other users not requiring lighting is minimised.	Ensure lighting spill and brightness complies with current and acceptable industry standards. Lighting for evening and night grounds uses conform to Australian and industry/sports standards.	Demonstrated compliance with industry standards and Council policies.
	Clear demarcation of Reserve and facility boundaries with fences constructed in accordance with any standards or guidelines adopted by Council.	Negotiate with adjacent landowners to erect and maintain suitable and safe fencing. Fences may be constructed and shall be in accordance with the Dividing Fences Act.	Council policy adopted for open and public space fencing obligations for adjacent property owners. Fencing installed at agreed or required dimensions.
	A secure Reserve with limited anti-social or destructive behaviour.	Maintain or upgrade as required boundary fencing to limit anti-social behaviours and inappropriate access.	Boundary fencing maintained or upgraded.
		Investigate use of lighting in areas subject to rubbish dumping, graffiti and/or alcohol/drug consumption	Identification of high impact areas and investigation of lighting to limit instances.
		Liaise with Local Area Police control to ensure observational security at identified peak anti-social activity times.	Local Area Police Control liaison.



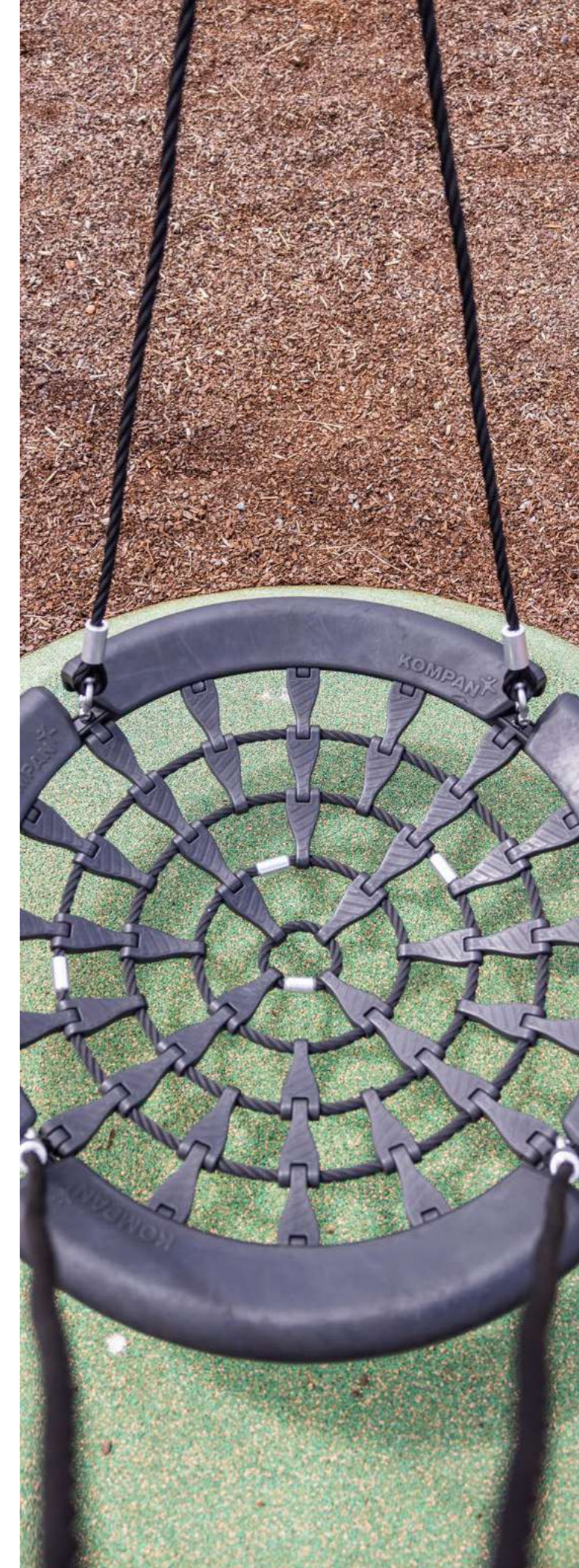
MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
2.6 Recreation facilities maintenance	Safe play equipment and recreation facilities.	Open space playground equipment and recreation facilities audit with focus on safety and compliance with the relevant Australian Standard and Council's playground and equipment upgrade plans or policies.	On-going audit of playground equipment and recreation facilities with completion of identified action priorities.
		Play equipment and recreation facilities shall be regularly maintained and kept in a safe condition.	Regular maintenance and upgrade program.
	Provide increased shade in summer for events.	Implement landscaping and tree planting to provide increased shade for events. Use of temporary shade structures.	Tree planting where consistent with landscape master plan or tree maintenance program. Temporary structures used for shade at events.
2.7 Safety and risk management	Ensure public safety and minimise user risk at Reserve and facilities.	Risk Management and Harm Minimisation Strategy prepared for park areas and Reserve facilities. Annual Safety Audit of all facilities on Reserve conducted by Council in conjunction with users, groups, hirers or event coordinators. Council to review needs for security around buildings and structures.	Preparation of risk minimisation strategy. Council maintenance team reporting system implemented. Annual reporting on implementation and risk minimisation. Annual Council audit of facilities conducted with users, groups, hirers or event coordinators, and response actions reported to Council. Installation of additional lighting or other mechanisms to increase safety and reduce risk and antisocial behaviour.
3. DEVELOPMENT AND USE			
3.1 Future development and use	Future development and uses are consistent with Council development consent, landscape plan and adopted POM.	Review of all proposed future developments and uses for consistency with landscape plan and adopted POM.	Proposed future developments and uses are reviewed prior to approval or implementation.
	Development and maintenance is undertaken with environmentally sustainable practices and within Australian or NSW standards.	Review development proposals and maintenance practices for compliance with Australian or NSW standards.	Reviews conducted and efficiencies or sustainability increased



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
3.2 Buildings, facilities and infrastructure	Remote controlled car track, skate park, play equipment and court facilities are well-maintained.	Implement maintenance plan to manage facilities and structures where not the responsibility of users.	Council preparation and implementation of maintenance schedule.
	Reserve seats, tables, BBQs, shade structures, lighting, paths, power and water provision are maintained.	Implement maintenance plan to manage Reserve amenity infrastructure.	Council preparation and implementation of maintenance schedule.
	Ensure toilet facilities are compliant with Building Code and are all-accessible.	Audit facilities and upgrade to meet BCA standards.	Audit and any required upgrades and/or new facilities completed.
	Review power needs for events management and amenities provisions and implement upgrades.	Power needs evaluation and project planning for required upgrades.	Evaluation completed and required upgrades planned and implemented.
	Public access to internet and wider community knowledge and awareness of uses and activities.	Investigate NBN or Wi-Fi provision at the Reserve to assist with broadcasting of events and competitions.	NBN or Wi-Fi investigations conducted and provided if warranted.
3.3 Event management Event or casual bookings	Ensure any events have event management licenses or permits through bookings or hiring.	All events have booking, licences or permits.	No unauthorised events.
	Include reasonable event management plans, traffic management plans, waste and public safety plans in licence conditions.	Prepare and use event licences or permits with inclusion of appropriate event management plans, traffic management plans, waste and public safety plans.	Large event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans prepared in liaison with Local Area police.
	Maintain clear and published booking and hire system for events.	Publish booking and hire system arrangements on Council website with clear dates, times and contact details for users and community groups.	Publication and use of licences with conditions that address objectives. All hire or booking agreements have Council officer or event coordinator contact details to facilitate user benefits.
	Ensure any permitted Council, community or commercial events have event management licenses or permits through bookings or hiring, and include event management plans, traffic management plans, waste and public safety plans in licence conditions.	Prepare and use event licences or permits with inclusion of event management plans, traffic management plans, waste and public safety plans.	Event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans prepared in liaison with Police Area Command. Publication and use of licences with conditions that address objectives.
	Personal trainers, fitness groups and small event bookings are safely conducted with minimal impacts on other reserve users and adjacent residences.	Personal trainers, fitness groups and small event bookings are accommodated in hall/buildings or park areas under booking, licence or hiring arrangements, subject to time and area limited with use conditions to enable use to limit conflicts of use with the general public.	Booking or licence system and documents prepared and used for personal trainers, fitness groups and small event bookings.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
3.4 Dogs in public places	Manage dog walking and play on and around playground, any food preparation areas, e.g: events, footpaths, park areas and built structures.	Install signage including any restricted areas, with an emphasis on no dogs within 10 metres of: <ul style="list-style-type: none"> • a children's playground or • a food preparation area. 	Signage installed. Council website publication of companion animal and dog handling rules and regulations.
	Reduction in occurrence and spread of dog faeces.	Install dog faeces litter bins.	Dog faeces bins provided at Reserve at identified entry and exit points, high use areas and any identified or promoted walking tracks and cycleways.
	Increased community awareness about companion animal rights, responsibilities and management.	Publish animal and dog handling guidelines on Council website.	Council website publication of companion animal and dog handling rules and regulations.
3.5 Signage and advertising	Ensure information and signage is available to better integrate the Reserve with the Maitland Regional Sports Precinct.	Installation of signage and directional information about Reserve facilities at Maitland Regional Sports Precinct.	Signage and directional information installed.
	Upgrade local and regional signage and wayfinding for general visitors and district or regional users, as well as playing an important role in providing visitors with information about the availability and location of Reserve facilities.	Preparation and installation of local and regional wayfinder signage for Park areas and community facilities.	Installation of signage.
	Advertising signage at Crown reserves should be ancillary or supportive of the reserve purposes and activities and is not generally acceptable for solely external advertising purposes.	Evaluate any signage proposals for the Crown reserve to ensure advertising is ancillary to reserve use and management.	Review conducted of any signage proposed for Crown reserves.
3.6 Traffic, vehicular access and parking	Provide a safe, effective and efficient vehicle and pedestrian environment to access and move around Reserve and facilities.	Review of vehicle and traffic infrastructure for entry, internal movement, car parking and vehicle-pedestrian conflict minimisation.	Vehicle and traffic infrastructure review conducted.
	Safe pedestrian, bicycle and skater entry and exit to reserve activity areas.	Review current and existing entry and exit points to identify safety needs and upgrade program.	Reviews conducted and any upgrade program implemented.
	Dedicated parking and thoroughfares or internal access routes to minimise use conflict or site landscape or asset degradation.	Traffic directions, routes and parking clearly delineated with minimal site and user impacts.	Safe and low impact routes and parking installed.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
3.6 Traffic, vehicular access and parking	Parking areas, speed and vehicle limits clearly signed and marked.	Vehicle type and use restrictions, and parking times clearly signposted where required. Placement of speed limit signs at prominent locations.	Vehicle use and parking time signage installed. Speed limits signage installed at sites and facilities where required after review.
	Any encroachments on public land, once identified are resolved quickly to minimise the impact of unlawful use or unauthorised developments on the Reserve	Council rectification of any encroachments or illegal developments on Reserve	Identified encroachments rectified
	Limit vehicle use and parking area on reserve to use capacity	Provide clear designated parking areas and times Dedicated parking and internal access routes to minimise use conflict or site landscape or asset degradation Parking areas, speed and vehicle limits clearly signed and marked	Review conducted and traffic and car parking management implemented
	Safe vehicle speeds for surrounding roads and internal car parking access.	Placement of speed limit signs at pedestrian-prominent locations. Vehicle type and use restrictions, and parking times for car parks clearly signposted where required.	Signposting and traffic slowing measures installed as required. Speed limits signage installed at sites and facilities where required Vehicle use and parking time signage installed.
	No illegal parking on the reserve to access facilities or events.	Designated car parks identified and developed with traffic management to restrict unauthorised or illegal vehicle movements and parking.	Construction and installation of designated vehicle roads, car parking and traffic barriers.
	Events using Reserve and facilities have safe traffic management and reduce the potential for user / vehicle conflict.	Clear marking of designated access routes and parking arrangements for user and organiser vehicles. Event licenses and booking conditions have event and traffic management plans incorporated into user agreement conditions as part of agreement. Regulation of user parking and vehicle access on Reserve and at events.	Review conducted. Designated traffic, parking and pedestrian lanes marked for areas where events are held. Event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans. Dedicated access routes and parking arrangements for organiser vehicles provided in event agreements.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
3.7 Permitted and prohibited e.g: alcohol free areas	Provide clear guidance to park and community facility users on Reserve conditions of use, including alcohol free zones, permissible and non-permissible activities, dog leash or leash-free zones, times of specific uses, and internal site or facility directions.	Site-based facility, structure, park and open space regulatory signage to address activity, including: <ul style="list-style-type: none"> • alcohol free zones, • permissible and non-permissible activities, • dog leash or leash-free zones • times of specific uses 	Installation of regulatory signage at park areas and facilities.
3.8 Access to adjacent infrastructure and land by other public entities.	Public entities - such as NSW Government agencies, infrastructure and utility providers, such as Ausgrid, have formal access rights to ensure provision, management and maintenance of infrastructure and utilities.	Licenses or easements as may be required to agencies and entities to undertake required activities.	Licensed granted or easement created.





6.2 NATURAL AREA - WATERCOURSE

The land categorised as Natural Area - Watercourse is set out in the Category Map in Appendix 1.

6.2.1 Guidelines and Core Objectives

Watercourses are defined in LG Regulation 110 as any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation.

The core objectives for watercourses, as outlined in Section 36M of the LG Act, are to:

- Manage watercourses to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows.
- Manage watercourses to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability.
- Restore degraded watercourses.
- Promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

6.2.2 Physical Environment

The Reserve is within the Wallis Creek catchment, part of the broader Hunter River catchment area. Wallis Creek is an ephemeral stream, although the lower reach holds water permanently due to the tidal influence at its confluence with the Hunter River.

The surrounding natural area land and the reserve generally slopes down to Lynes Canal, which forms the reserve's northern boundary. Lynes Canal is a structured watercourse that was formerly a segment of Wallis Creek and drainage is regulated through two pipes (top pipe entering the reserve from the Sports Complex) and a small water gate and pipe into Wallis Creek, on the eastern end.

Surface water runoff typically flows as sheet flow towards Lynes Canal. A gentle, grassed spoon drain is present in the southwestern portion of the reserve, which captures and directs stormwater from High Street and the site towards Lynes Canal. The northern edge of the Watercourse category land borders a turf farm.¹

The Maitland Regional Sports Complex is situated to the north west of, and adjacent to Harold Gregson Reserve. The Complex includes Maitland No. 1 Sportsground and Regional Athletics Centre, both of which have received recent substantial upgrades or development. The Complex surfacing includes a synthetic track, grandstands and other buildings, and hard surfacing that includes car parks.

6.2.3 Key Issues

The Watercourse category land has essential functions as a flood mitigation and stormwater drainage canal. Lynes Canal as a watercourse retains cultural heritage significance for the local Aboriginal community. See Section 6.1 and Appendix 3.

The key issues are:

- Flood mitigation works;
- Stormwater management;
- Water quality;
- Visitor and reserve user safety; and
- Landscape and vegetation aesthetics and management.

Flood Mitigation

- Lynes Canal operates as a large storage detention area for overland water flow during high rainfall events. Flood water retention at lower levels is controlled by a floodgate at the eastern levee bank to allow flood waters to disperse into Wallis Creek whilst higher level flood waters overspill the eastern Reserve edge to enter Wallis Creek.

- There is no water or foreshore habitat or riparian vegetation of note due to the canal's ephemeral nature and maintenance regime.
- The canal is regularly cleaned of silt, weeds and other vegetation growth by Council to ensure the canal continues to operate as a key component of the flood and storm water management system of East Maitland.

Stormwater Management

- The canal is a wide shallow channel that is dry during prolonged periods of hot weather. During wetter years it becomes overgrown with weeds making maintenance more difficult.
- Increased nitrification of the downstream waterway of Wallis Creek from polluted stormwater includes sediment and can negatively impact waterway health and biodiversity and promotes weeds.
- Maintenance to the canal/Wallis Creek flow gate is undertaken by the Department of Planning and Environment (DPE)– Water and access is required for service vehicles and maintenance/management staff.

Water Quality and Health

- Water quality in the canal can be compromised by contaminated stormwater (containing oils, paints, fertilizers, or detergents etc), principally from East Maitland land uses, and hard urban surfaces and car parks associated with the reserve and the adjacent Maitland Regional Sports Complex.
- Increased nitrification of the waterways from polluted stormwater including sewage and sediment, negatively impacts waterway health and biodiversity if not carefully managed.
- Domestic animals adjacent to watercourses can have a detrimental effect on soil stability, riparian vegetation or reduced water quality from increased sedimentation

¹ AECOM Review of Environmental Factors Harold Gregson Reserve (Sports Hub Stage 4) 2022

and nitrification.

- Adjacent agricultural land uses can have a detrimental effect due to pesticide and fertiliser leachate or aerial dispersal resulting in reduced water quality and potential for aquatic weed or algae growth due to excessive nutrient presence in the watercourse.

Visitor and Reserve User Safety

- Public access trails along the watercourse canal is limited. The presence of youth and children using the adjacent Park category land requires clear safety measures to limit access to the canal.
- The canal is an earthen channel that functions as a detention pond during heavy rainfall and is flat with minimal grade to slow water flows.
- Access is retained for maintenance of infrastructure by NSW Government agencies, infrastructure and utility providers, such as Ausgrid or Council.

Landscape and Vegetation Aesthetics and Management

- General access to the canal from the main body of the Reserve and Park category land is delineated and restricted by a line of existing trees and mass planting of endemic ground cover and small shrub species that abut sandstone edging, picnic tables and seats.
- Mature trees in good condition are complemented by the regenerated endemic native species, and large legacy tree plantings, such as fig trees.
- The landscape assists with urban heat mitigation, and the strategic plantings and large trees provide shade and respite from extreme heat events.
- Subject to funding it is proposed to incorporate a pocket of rainforest species that were once endemic to the Hunter River

floodplain next to the canal on the eastern end. Such plantings will not interfere with access to the canal for maintenance.

6.2.4 Management Framework for Reserve Land Categorised as Natural Area – Watercourse

Council's implementation of the objectives of the LG Act for the Natural Area – Watercourse category will be off set with the need to maintain a key piece of flood and stormwater infrastructure for Central Maitland, the Sports Complex and the reserve itself.

The watercourse is a shallow, reconstructed earthen channel that was formally part of the Hunter River. It is piped at either end and is periodically maintained by Council's Works and Infrastructure team with silt and vegetation removal.

The canal is a designated storage detention and floodway area and is designed to carry floodwaters during peak flood events.

The Maitland Greening Plan 2002 provides guidelines for stream banks and flood plain areas and drainage lines including the canal. Levee banks including the canal banks should be excluded from any form of planting activity and a buffer of five metres should be maintained from the toe of levee banks with trees in floodway areas no closer than seven metres from trunk to trunk.

Consistent with the Maitland Greening Plan 2002, the land adjoining the watercourse area and within the bordering Park category land is being progressively revegetated as a means of controlling erosion and for improving water quality in the canal/watercourse by limiting the flow of potential contaminants from the reserve.

Where possible across all the canal/ watercourse land, measures should also be taken to limit the impacts of adjacent land uses including agricultural and the Maitland Regional Sports Complex.

6.2.5 Development and Use

Council strategic objectives and priorities outlined in Section 4.4 create the management framework for the reserve categorised as Natural Area – Watercourse.

Development will be limited to low impact incidental activities such as walking and or educational or cultural opportunities and maintenance requirements.

The canal is functional water infrastructure and maintenance access requirements limit any planting or developments that would be a barrier to maintenance equipment or activities.

6.2.6 Permissible Uses / Future uses

The general types of uses which may occur on community land categorised as Natural Area – Watercourse, and the forms of development generally associated with those uses, are set out in Table 8 below.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The facilities on community land may change over time, reflecting the needs of the community.

Table 8: Permissible use and development of community land categorised as Natural Area – Watercourse, subject to Council authorisation and approval

PURPOSE/USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> • Flood mitigation and stormwater management works and activities • Preservation of Council's natural heritage including any identified endangered ecological communities • Providing a location for relaxation and passive recreation • Approved Bushcare and watercourse projects • Restoration or regenerative works associated with biodiversity and ecological values of the in-stream and riparian environment including water quality • Connection to Country and cultural heritage interpretation 	<ul style="list-style-type: none"> • Flood mitigation and stormwater management works • Low impact walking trails • Interpretive signage, information kiosks • Bridges, observational / educational platforms, • Water saving initiatives such as rain gardens, swales and sediment traps • Energy saving initiatives such as solar lights and solar panels • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage • Lighting for safety, compliance or support to facilities

6.2.7 Express Authorisation of Leases, Licences and Other Estates - Natural Area – Watercourse

Natural Area categories have specific restrictions on leasing and licensing of land. See Section 5.3.2 for restrictions.

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Watercourse, listed in Table 9.

Table 9: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Watercourse

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE FOR WHICH TENURE MAY BE GRANTED
Lease	Nil	<ul style="list-style-type: none"> Nil
Licence	Five years	<ul style="list-style-type: none"> Approved water quality, flood mitigation and stormwater management works, activities and temporary structures to assist these activities Approved bush care and water quality projects Restoration or regenerative works associated with the protection of the biodiversity and ecological values of the instream, riparian and watercourse environment including water quality Environmental and scientific study Connection to country activities and cultural heritage interpretation Work sheds or storage sheds required in connection with the maintenance of the land Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short term licence	One year	<ul style="list-style-type: none"> Approved water quality, flood mitigation and stormwater management works, activities and temporary structures to assist these activities Approved bush care and water quality projects Restoration or regenerative works associated with the protection of the biodiversity and ecological values of the in stream, riparian and watercourse environment including water quality Environmental and scientific study Connection to Country activities and cultural heritage interpretation Temporary erection or use of any building or structure necessary to enable a filming project to be carried out

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE FOR WHICH TENURE MAY BE GRANTED
Other estates		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 and provision of services, or connections for premises adjoining the community land to a facility of Council or public utility provider on the community land in accordance with the LG Act.



6.2.8 Action Plan For Natural Area - Watercourse

Section 36 of the LG Act requires that a POM for community land details:

- Objectives and performance targets for the land.
- The means by which the council proposes to achieve these objectives and performance targets.
- The manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 10 sets out these requirements for community land categorised as Natural Area – Watercourse.



Western end of Lynes Canal bordered by vegetation to the north with a line of figs

Table 7 sets out these requirements for community land categorised as park.

MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
1. FLOOD MITIGATION			
	Maintain landscape to provide for canal function as large storage detention area for flood and stormwater management.	Retain flat/low bank slopes. Limit vegetation to erosion measures.	Bank slopes comply with suitably engineered slopes and gradients. Vegetation types are used where suitable for flow areas.
	Maintain stable watercourse and canal banks and channel.	Implement landscape masterplan to provide: <ul style="list-style-type: none"> • only appropriate vegetation planting • no unauthorised vehicle access • suitable bank grades 	Landscape masterplan implemented for planting, access, and bank grades.
	Limit asset and infrastructure installation in watercourse to reduce flood damage.	Ensure only essential and suitably designed and engineered assets and infrastructure are installed.	Reduced damage to any assets or infrastructure.
	Efficient and environmentally conscious canal operation.	Remove debris and refuse prior to and after flood events.	Canal clear for water movement and flood dispersal.
	Facilitate access for flood mitigation and stormwater management operations and service vehicles.	Consultation with infrastructure maintenance, flood and stormwater management stakeholders to determine and provide adequate access requirements. Where required for operational or public safety reasons, limit access to authorised persons or emergency services.	Consultations held. Access requirements met.
	Ensure safety of the community, emergency workers and Council employees and contractors.	Close reserves or damaged sections of reserves during a flood event until assessed as safe. Ensure Council's Operations Plan includes consideration of resources to fund site rehabilitation works following flood events.	All reserves or affected sections closed until assessed as safe.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
2. STORMWATER MANAGEMENT AND WATER QUALITY AND HEALTH			
	Reduced stormwater contamination by debris and refuse.	Ensure maintenance of storm water gross filters beyond the reserve are working to capacity to improve water quality into the canal and onto Wallis Creek.	Regular maintenance programs of waterways and drains leading to the reserve and within the reserve that address debris and refuse. Reduction in debris and rubbish and regular maintenance regime.
	Reduced stormwater contamination by insecticides, fertilisers, vehicle and other outputs, weed and pathogen.	Undertake review of management and use practices of adjacent land uses, the reserve and the Maitland Regional Sports Complex to reduce stormwater contamination.	Review undertaken. Education on recommended practices. Reduction in contamination through excessive nutrients, paints, fertilizers, or detergents, sewage and sediment.
3. VISITOR AND RESERVE USER SAFETY			
	Ensure public safety at the canal.	Limit public recreational access through temporary barriers when water levels are high. Provide adequate regulatory, educational and interpretive signage. Limit public walkways, paths and access to the canal.	Few reported incidents. Lowered public liability insurance costs.
	Close any unauthorised tracks and trails.	Close any unauthorised tracks and trails to reduce environmental impacts.	Number of unauthorised tracks and trails closed.
	Prevent unauthorised vehicle or personal access.	Regularly check reserve boundaries where access is restricted to ensure they are secured. Identify areas where unauthorised access is occurring and investigate alternatives through authorised road reserves and closure of unauthorised access routes to consolidate and protect natural areas.	Reduced cases of unauthorised access Number of unauthorised access points. Number of access points with gates.



MANAGEMENT ISSUES LG ACT	OBJECTIVES AND PERFORMANCE TARGETS S.36(3)(B)	MEANS OF ACHIEVEMENT OF OBJECTIVES S.36(3)(C)	MANNER OF ASSESSMENT OF PERFORMANCE S.36(3)(D)
4. LANDSCAPE AND VEGETATION AESTHETICS AND MANAGEMENT			
	Well designed and landscaped environment suited to the issues and limits to recreational use.	Implement landscape master plan and heritage interpretation strategy.	Landscape master plan and heritage interpretation strategy implemented.
	Manage and reduce weeds, pests, disease and pathogens	Identify and record weed, pest, disease and pathogen incursions through monitoring to inform site management and budgeting requirements. Target weeds, pests, disease and pathogens according to state, regional and local priorities under the NSW Biosecurity Act 2015. Collaborate with external government and adjacent land stakeholders to implement management measures in a coordinated approach.	Regular site monitoring undertaken and recorded to determine ecosystem resilience and effectiveness of strategies. Compliance with state, regional and local priorities under the NSW Biosecurity Act 2015.
	Restore vegetation connectivity	Implement landscape master plan to assist vegetation connectivity and linkages to neighbouring wildlife corridor.	Areas of vegetation restored and suitable identified species planted.
	Protect and manage watercourse and canal foreshore areas for habitat.	Monitor the foreshore, particularly after flood and storm events for erosion, soil compaction and weed infestation. Work with external government and adjacent land stakeholders to improve the canal health and subsequently Wallis Creek by monitoring waterway health, restoring foreshore and waterway habitat, controlling pests and weeds and improving water quality.	Foreshore and watercourse condition is improved.
5. CULTURAL HERITAGE			
	In consultation with Aboriginal Stakeholders, identify areas suitable for interpretation.	Consult with Mindaribba Local Aboriginal Land Council to provide guidance for indigenous contribution to Heritage Interpretation Plan 2022.	Consultation(s) held and contribution included.
	Interpret Aboriginal and European cultural heritage where suitable.	Implement Heritage Interpretation Plan 2022.	Strategy implementation including any cultural naming, interpretation and education mechanisms.
Decision making not addressed in this POM.	To facilitate decision making not addressed in this POM.	Any management decisions or issues outside of the scope of this POM should be assessed and resolved in the context of the Core Objectives for the Natural Area - Watercourse category as per the LGA 1993, the Crown Reserve Purpose, Land Zoning, and Council Policy.	Compliance with core objectives for the Natural Area – Watercourse.



APPENDICES

APPENDIX 1 - CATEGORY MAP



APPENDIX 2 - CONDITION DESCRIPTION OF THE LAND AND STRUCTURES

All structures on the reserve are new and therefore all assets are in good condition. The assets are as follows, skate park, multi-purpose court, adventure play space, event lawn and stage, radio controlled car track and facilities, amenities building, shade structures, tables and bbq facilities, seating, vehicle access roads, shared pedestrian/cycle paths, lighting, fencing, signage, trees, shrubs and plantings, and turf and grass.



The Master Plan demonstrates what land is covered by this PoM in pink and the green land is Council Owned Community land covered by the Generic Council Owned Community Land PoM.



Crown Land
Community Land

Generic Community Land Plan of Management

Harold Gregson Plan of Management

LEGEND		SOFTSCAPE	
	Extent of landscape works		Seeded Turf
	Existing contours		Proposed Turf
	Proposed contours		Mass planting area - general
	New ramp		Revegetation area - Lynes Canal
HARDSCAPE			Lynes Canal
	C1 Concrete type 1 - refer to Eng Dwgs		Dry creek bed with planting - refer to Detail
	C2 Concrete type 2 - trafficable concrete - refer to Eng Dwgs		M1- Mulch softfall - refer to Detail
	A Asphalt - refer to engineers details		M2- Mulch cover - refer to Detail
	G Gravel pavement - refer to Detail		New concrete flush kerb - refer to Detail
	R1 Rubber softfall - refer to Detail		Spade garden edge - refer to Detail
	R2 Rubber softfall - refer to Detail	TREES	
	D Decomposed granite pavement - refer to Detail		Existing tree to be retained & protected with protection zone
	Sandstone Crazy paving - refer to Detail		Existing tree to be removed
	Sandstone retaining wall & seating - refer to Detail		Proposed shade tree - refer to tree plan
	Sandstone edge - refer to Detail		
	F1 - Fence type 1 - refer to Detail		
	F2 - Fence type 2 - refer to Detail		
	Removable bollards - refer to Detail		

01. OVERALL MASTER PLAN
scale 1:750 at A1



High Street



Studio 1, 88 Fern Street | PO Box 111
Maitland NSW 2326
Phone: (02) 4965 3500 Fax: (02) 4965 3055
admin@moirla.com.au
www.moirlandscapearchitecture.com.au



NOTES:
1. DO NOT SCALE OFF DRAWINGS. FOLLOW WRITTEN DIMENSIONS IF IN DOUBT OBTAIN WRITTEN ADVICE FROM THE SUPERINTENDENT.
2. VERIFY ALL DIMENSIONS ON SITE.
3. TO BE READ IN CONJUNCTION WITH THE SPECIFICATION.
4. READ IN CONJUNCTION WITH ALL ARCHITECTURAL, CIVIL, STRUCTURAL, HYDRAULIC, MECHANICAL, AND ELECTRICAL ENGINEERING DRAWINGS AND SPECIFICATIONS.
5. CONFIRM LOCATION OF ALL SERVICES ON SITE PRIOR TO EXCAVATION.
6. DRAWINGS TO BE PRINTED IN COLOUR ONLY.

Architect:
Mury Architects

Engineer:
BG&E

No.	Date	REVISION	By
1.	16/6/23	FOR CONSTRUCTION	ZY



Status
Draft
Harold Gregson Reserve
174 High Street, Maitland
NSW 2320
Maitland City Council

OVERALL MASTER PLAN	
SCALE: 1:750 @ A1	Project No. 2176
Drawn By: ZY	Checked By: JS
Drawing No. LA201	Rev 1.

APPENDIX 3 – STAKEHOLDER ENGAGEMENT

Maitland Off Road Radio Controlled Car Club Inc.

A phone discussion/interview was conducted on 26 April 2023 with the Club Secretary and is recorded below.

1. Reserve values

The reserve is valued for the opportunity to take part in sport and hobby with practice and competition for the offroad car club members, family and wider community of visitors and users.

The track, facilities, and physical space available are accessible to travel to, park and use, with added unique equal/disabled access for users. Disabled and equitable access to the drivers' stand area is unique in Australia, with accessible car parking and an accessible ramp to the drivers stand, which allows a degree of disabled access for all our members and the general public.

The club values the stand-alone car club uses and the track's proximity to the other reserve facilities including play equipment, skate park, toilets and open space.

The club has a long standing association of almost 40 years at Harold Gregson Reserve.

The track and facilities are also valued for the quality and standards, as well as being the only car club track between Port Macquarie and Wollongong.

2. Current use, areas and frequency of use

The club uses the track each fortnight for club meetings and events, currently 2nd and 4th Sundays of each month throughout the year.

In addition to these offroad 'club day' race events, the club also organises other special events throughout the year, that span over two or three consecutive days, including:

- NSW State Titles (1/8 Scale) - Annually
- NSW State Tiles (1/10 Scale) - Annually
- Proline Interclub Challenge (1/8 Scale)

- Annually

- Australian National Finals (1/8 Scale) – Held in 1999, 2007 & 2017
- Australian National Finals (1/10 Scale) – Held 2018
- NSW Driver Series (1/10 Scale) - Annually

The track and facilities are also available for general community use by interested people and hobbyists at all other day times.

The MORCCC membership includes members from the age of 5yrs to 70yrs+ with varying levels of physical ability. The club is a great source of companionship and learning for individuals and families. COVID and the redevelopment has affected club memberships, but the club believes membership will regrow in the future.

3. Issues and solutions

The club is satisfied with the hiring and use arrangements, and the club's management and maintenance obligations and achievements.

The development of the reserve is welcomed and appreciated, effectively fulfilling most of the club's stated future and near-term plans and priorities, including realignment of vehicle access, provision of toilets, potential RV parking, improvements to the other reserve facilities, and reduction in ground and stormwater movement at the track and surrounds.

The facilities are adequate to hold race events that meet several minimum requirements for the clubs' facilities. These requirements are established by AARCMCC and include standards for the track itself and also ancillary facilities. The minimum facilities required include, race track, drivers stand, race control, pit lane, pitting area & storage. In addition, attendees require toilet facilities and food / beverages.

Club funding is generally through membership fees, entry fees for major events,

minor food and beverage sales, donations and volunteer labour. The club appreciates its relationship with Maitland City Council and Council's redevelopment and management of the reserve and associated facilities and infrastructure.

4. Major or 'big picture' improvements

Minor configuration of the track over time and to meet event standards and ensure on-going variation in experience.

Permanent or mobile shade structures over the drivers' stand and pitting areas for inclement and hot weather during events and competitions.

The club would like to eventually provide a small canteen area, which could include some reconfiguring of existing storage / race control area.

Improved locational and directional signage.

Some form of improved Wi-Fi (NBN/internet) at the site to enable broadcasting of club and special events.

In terms of future intensity of use, the club will seek to expand membership and maintain its current use levels for club and special events.

Mindaribba Local Aboriginal Land Council (MLALC)

[draft content waiting confirmation from MLALC]

Meeting held in person 9 May 2023 at MLALC in Metford with:

- Maitland City Council – Allison Cronin
- CGM Planning – Carl Malmberg and Colette Goodwin
- MLALC – Tara Dever Chief Executive, Eliza Cook & Uncle Mick. Apologies from Jane Sinclair and Sharnie Philpott of the subcommittee formed following 1 May 2023 community meeting.

Following introductory comments about the relationship between Council and the MLALC the following points were made during discussion.

- The site has local community members with indigenous ownership of the land and other elders with memory of growing up and playing in the area.
- At one time it was a shared space during the Great Depression of an Aboriginal camp and non-aboriginal people.
- Several of the trees on the land have special meaning to the community and the ground beneath tree(s) could contain artifacts.
- A song line runs along the rail line and the landscape has cultural meaning.
- The area is still used by 20-30% of the local Aboriginal community.
- Aboriginal cultural heritage and interpretation of the space has changed as it has been recently altered and trees removed but the Dreaming stays with the land.
- The MLALC had not seen a site plan setting out the proposed development (Part 5) and would like to see it to make a reasonable response for the draft Plan of Management (POM).
- Co-management of the space was briefly raised and MLALC stated this could occur

through dialogue and agreement on the way the space is valued, configured and used but not 'joint management' of the land that may include financial management or maintenance.

- The MLALC recently received two documents from Council, of which one was the draft Heritage Interpretation Plan. MLALC acknowledged that the writer tried to integrate Aboriginal matters into the document but the draft Plan did not grasp the true or full picture of Aboriginal cultural heritage in the area as Council and/or the consultant did not consult with them in its preparation.
- The proposal in the draft Heritage Interpretation Plan for dual naming within the Reserve was supported however the name of the reserve as Harold Gregson Reserve was questioned given a perceived limited contribution to the area of this person.
- Request made that the draft Heritage Interpretation Plan be further developed in consultation with the Aboriginal community, and CGM Planning was to put action into the draft POM.
- MLALC stated that local Aboriginal cultural history will vary from site to site so it can't be assumed to be the same elsewhere. Every site will have different Aboriginal lore and cultural meaning and what is spoken about through consultation for one site cannot be assumed to be the same on another similar site. In effect, cultural knowledge should not be used by a proponent/council for other purposes unless agreed. It was agreed that CGM Planning would make a note of this in the draft POM.
- MLALC requested to be notified of the next stages of the project at Harold Gregson Reserve.
- MLALC requested that the Reserve be made available to the Aboriginal community during NAIDOC week and as an end point for their yearly rally/march.

- MLALC advised that the response to the self-administered survey would be provided in about seven days' time, once the subcommittee had viewed the site plan (scheduled for Friday 12 May 2023), and the subcommittee and CEO report back to the MLALC Board/community to finalise the feedback/contribution initially sought.

APPENDIX 3 – STAKEHOLDER ENGAGEMENT

The primary State and Federal legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at legislation.nsw.gov.au

Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be used in accordance with:

- The Plan of Management applying to that area of community land, and
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- The provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that 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 and may require the prior approval of the council to the carrying out of any specified activity on the land.

A Plan of Management that applies to just one area of community land:

- must include a description of:
 - The condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the Plan of Management, and
 - The use of the land and any such buildings or improvements as at that date, and
- must:

- Specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
- Specify the purposes 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.

Land is to be categorised as one or more of the following:

- A natural area
- A sportsground
- A park
- An area of cultural significance
- General community use

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

- Bushland
- Wetland
- Escarpment
- Watercourse
- Foreshore
- A category prescribed by the regulations

Additionally, under section 36 of the LG Act, a site-specific POM must be made for land declared:

- As critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3)).
- By council to contain significant natural features (section 36C(2)).
- By council to be of cultural significance (section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the Crown Land Management Act 2016 (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted POM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council owned public land will generally be achieved

by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- Provide for the recognition and protection of native title.
- Establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.
- Establish a mechanism for determining claims to native title.
- Provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a. Granting leases, licences, permits, forestry rights, easements or rights of way over the land.
- b. Mortgaging the land or allowing it to be mortgaged.
- c. Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land.
- d. Approving (or submitting for approval) a Plan of Management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

OTHER STATE AND COMMONWEALTH LEGISLATION

NSW STATE LEGISLATION

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The Aboriginal Land Rights Act 1983 (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Note: This Act repealed several pieces of legislation including the Native Vegetation Act 2003, Threatened Species Conservation Act 1995, the Nature Conservation Trust Act 2001, and the animal and plant provisions of the National Parks and Wildlife Act 1974.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

Although Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

Former DPIE's Energy, Environment and Science division advised that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Biosecurity Act 2015

An act to provide for the prevention, elimination, minimisation and management of biosecurity risks including pests, weeds and disease.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific Plan of Management will need to be undertaken.

The Coastal Management Act 2016

The purpose of the CM Act is to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales.

The CM Act also supports the aims of the Marine Estate Management Act 2014, as the coastal zone forms part of the marine estate.

The CM Act defines the coastal zone, comprising 4 coastal management areas:

1. coastal wetlands and littoral rainforests area
2. coastal vulnerability area
3. coastal environment area
4. coastal use area.

The CM Act establishes management objectives specific to each of these management areas, reflecting their different values to coastal communities.

Coastal Management Compliance

A coastal management program (CMP) is being developed for the Hunter Estuary which includes the Maitland local government area up to the tidal influence at Oakhampton Heights. The CMP will include assessment of the mapped estuarine lands for coastal hazards and impacts of climate change. Until the program has been adopted by Councils and certified by the Minister, the Coastal Management Act 2016 objectives should prevail when making decisions on the land. Mapped areas under the coastal use and coastal environment will require consent under designated development in most cases unless legislation updates or legal advice provide future advice.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- The fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected.
- The management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land.
- To be properly effective, water management
- must be a shared responsibility between the government and the community.
- Water management decisions must involve consideration of environmental, social,

economic, cultural and heritage aspects.

- Social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a POM.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This policy deals with a range of environmental matters including the clearing of native vegetation in urban and village areas subject to particular zonings.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP specifies exempt and complying development which may be carried out without the need for development consent under the Environmental Planning and Assessment Act 1979 on certain public land. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

OTHER RELEVANT LEGISLATION INCLUDES:

Companion Animals Act 1998

Disability Discrimination Act 1992

Local Land Services Act 2013

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Soil Conservation Act 1938

Hunter Water Act 1991

Rural Fires Act 1997



APPENDIX 5 – ABORIGINAL INTERESTS IN CROWN LAND

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cwth) and the Aboriginal Land Rights Act 1983 (NSW).

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a POM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.





Planning and Environment

Maitland City Council
PO Box 220, Maitland, 2320

t 02 49349700

info@maitland.nsw.gov.au
maitland.nsw.gov.au