



KOOKORA STREET PARK – PART RESERVE 81439, GRIFFITH

DRAFT PLAN OF MANAGEMENT

Plan of Management Report prepared by
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REVIEWED BY:	Daphne Bruce				
DATE ADOPTED:	8 December 2020				
RESOLUTION NO: (IF RELEVANT)	CL02 – 20/294				
REVIEW DUE DATE:	2025				
REVISION NUMBER					
PREVIOUS VERSIONS:	DESCRIPTION OF AMENDMENTS	AUTHOR/ EDITOR	REVIEW/ SIGN OFF	MINUTE NO (IF RELEVANT)	

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1.0 KEY INFORMATION

The Kookora Street Park Management Plan has been prepared by Melva Robb on behalf of Griffith City Council and provides direction as the use and management of Kookora Street Park being part Crown Reserve 81439. The Plan of Management (PoM) is required in accordance with Section 3.23 of the *Crown Land Management Act (CLMA) 2016* and Section 36 of the *Local Government Act (LGA) 1993*.

The intention of this Plan of Management is to provide Council with a framework that enables decisions in regard to Kookora Street Park and future use options, to be made on an informed, consistent and equitable basis.

The land at Kookora Street Park is categorised in this PoM, as: -

- General Community Use

A description of this land as it exists as a Council managed Crown Reserve is provided. The current use patterns, built and natural assets, emerging trends, constraints and influences have been considered in this PoM. Management objectives and actions together with an effective management structure and communication strategy for successful implementation are key outcomes provided within this Plan.

This PoM proposes the construction of a new purpose-built 'Community School and Learning Centre' to facilitate alternate schooling methods as currently existing in Griffith.

The proposed school and learning centre is intended to provide for students disengaged from the current schooling system; providing a structured education syllabus and associated community services in mental health to assist students in attaining improved education outcomes, social skills and confidence to then enter the workforce. The learning centre will provide additional educational opportunities to support growth and development for its users.

This PoM is presented in two principle sections being the site description (A), which describes the constraints of the site; and the fundamental components of the proposal (B), which describes what is planned for the site's future.

PART A – THE SITE

2.0 INTRODUCTION

Figure 1 – Locality diagram



Griffith City is a thriving regional capital with a vibrant lifestyle and diverse economy; embracing community, heritage, culture and the environment.

Located in the Riverina, Griffith is 584km from Sydney, 458 km from Melbourne and 358km from Canberra; and is the largest regional centre in the Western Riverina region. Griffith is located in the heart of Wiradjuri Nation – the largest nation of Aboriginal and Torres Strait Islander people in Australia.

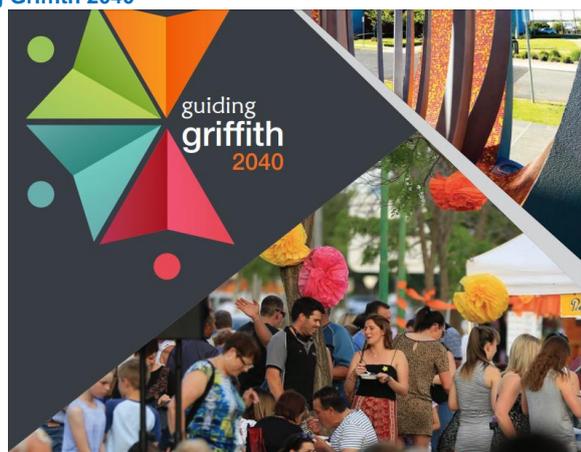
Griffith City Council is responsible for the care and control of many parcels of community land. With the introduction of the *CLMA 2016* on 1 July 2018, Council as the appointed Crown Land Manager will generally now manage Crown Reserves under the provisions of the *LGA 1993*.

2.1 Corporate Objectives

Griffith City Council has a positive future being acknowledged as a predominant major regional centre. Council's Mission Statement is –

1. To respond to the needs of the community and deliver in an economical manner those services which are the responsibility of Local Government.
2. To provide Local Government administration that is dedicated, accountable and committed to the improvement of the quality of life and the economic well-being of the citizens of the City of Griffith.

Figure 2 – Guiding Griffith 2040



The Community Strategic Plan *'Guiding Griffith2040'* adopted in February 2017 identifies the community's priorities and aspirations for the future and provides strategies for achieving these goals. The Community Strategic Plan is made up of four themes. The four key themes are:

Figure 3 – Community Strategic Plan - Themes

- 1. Leadership –**
 - a. Developing an engaged and connected community through clear and transparent communication; acknowledging and being responsive to issues; and to be well informed on current issues and potential impact on the community;
 - b. Working together to achieve goals by engaging actively with State, Federal and non-government agencies to provide local advocacy; partnering and supporting local delivery service providers; sourcing opportunities for funding partnerships, projects and programs to improve quality of life for community members; and develop partnerships with industry and agricultural leaders.
 - c. Planning and leading with good governance within a clear framework of strategic planning, policies and procedures and service standards; and to ensure Council's financial sustainability.
- 2. Love the Lifestyle –**
 - a. Griffith is a great place to live providing accessible diverse housing; a shared responsibility for the safety of its community members; promotion of reconciliation and a celebration of its social and cultural diversity and social inclusion of the varied demographic groups; providing and promoting accessibility to services and facilities; and developing and providing a suitable range of cultural facilities/programs and events.
- 3. Growing our City –**
 - a. Encouraging the local community to grow with establishment of diversified industries; promoting the growth of established businesses and assist new business growth; strategic planning and consideration of land use management to encourage new investment; promotion and support of diverse agricultural industries; and the promotion of Griffith as a desirable visitor and tourism destination.
 - b. Encouraging a skilled workforce with employment opportunities locally; developing partnerships to build quality education and training opportunities; and advocate for safe work practices and employment standards.
 - c. Providing, renewing and maintaining a range of quality infrastructure, assets, services and facilities in a cost effective and sustainable manner; maintain and develop an effective transport network; improving the aesthetic of the City and its villages; and mitigating against natural disasters.
- 4. Valuing our Environment**
 - a. Enhancing the natural and built environment through respectful planning, balanced growth and good design; facilitating community involvement in caring for the natural environment; delivering projects to protect biodiversity; valuing and protecting both natural and built heritage; sustainable land use; and considering climate change issues when decision making.
 - b. Use and manage our resources wisely through management of water resources and water quality; reduction of energy consumption and greenhouse gas emissions; and providing environmentally sustainable waste management services.

2.2 Land to which this plan applies

The land to which this PoM applies is part Crown Reserve 81439 and comprises of Lot 1, Section 127 Deposited Plan 758476. This part of the collective reserve is known as “Kookora Street Park”.

Kookora Street Park is bounded to the east by Kookora Street and to the south by Griffin Avenue and to its west by the ‘main canal’ owned by Murrumbidgee Irrigation Limited (MIL).

Kookora Street Park is adjoined to the north by Reserve 88209 comprising Lot 3, Section 125 Deposited Plan 758476 notified on 28 May 1971 for Charitable Organisations. Managed by Griffith City Council this lot houses the ‘Griffith Aged Care Services’ run via Murrumbidgee Local Area Health. Day respite services are also provided at this building by a private company.

Continuing north-easterly along Kookora Street and adjoining Lot 3, Section 125 is Reserve 78167 comprising Lot 4 DP 864407 notified 9 December 1955 for ‘Homes for the Aged’. Also managed by Griffith City Council this lot now houses ‘Barnabas House’ providing crisis centre accommodation; together with part of the Women’s Refuge (the balance of the Women’s Refuge being on freehold land).

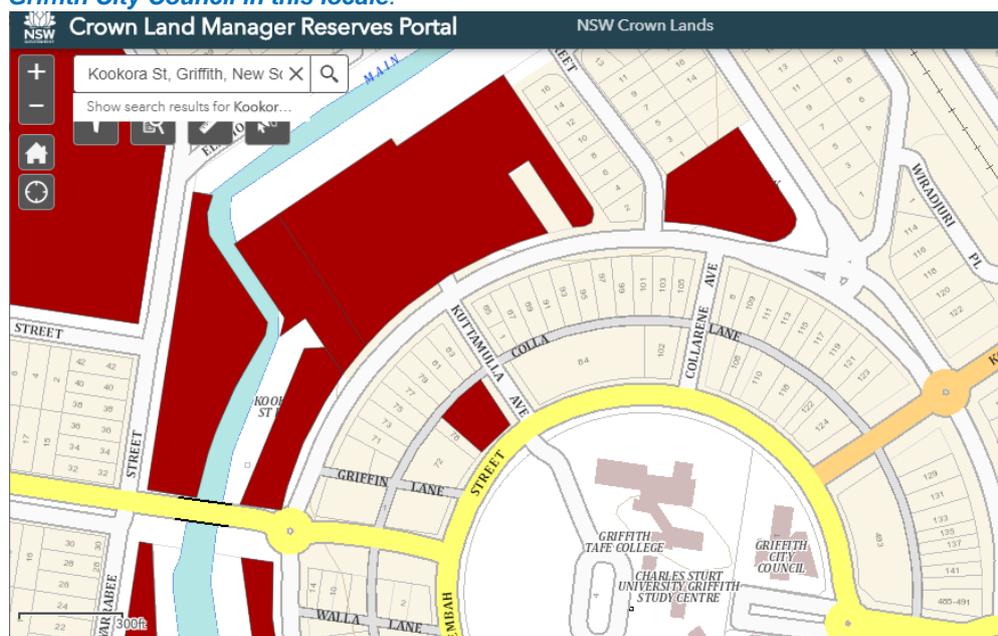
Neighbouring recreational parks including the balance of Reserve 81439 (comprising **Venetian Park** – Lot 7036 Deposited Plan 1095126; **IOOF Park** – Lot 7038 Deposited Plan 1095127; **Willow Park** – Lot 7037 DP 1108751; and **City Park (formerly known as Kookora Park)** – Lot 7033 DP 1095129) are located to the south/south-east of Kookora Street Park.

Kooragee Park is located north-easterly of Kookora Street Park and comprises Lot 2, Section 116 DP 758476.

Figure 4 - Kookora Park shown by red edge



Figure 5 - Crown Land Manager Reserves Portal showing the collective of Crown Reserves managed by Griffith City Council in this locale.



Kookora Street Park does not contain any recreational infrastructure. The northern part provides an entry point to Reserve 88209 in the form of a gravel access track. This track is not noted on the Certificate of Title as either a 'Right of Carriageway' or 'Easement for Access'. (Refer also to 4.0 of this Plan).

The balance of Reserve 81439 comprises a range of recreational infrastructure; concrete footpaths; BBQ and toilet facilities; monuments and landscaping.

Kookora Street Park is strategically located adjacent to Reserves 88209 and 78167 which are ultimately used for community-based purposes that enable social inclusion catering for disadvantaged community members and ancillary allied services, both government and non-government run. The proposed Community School and Learning Centre aligns with the community-based services provided on the adjoining lands and will potentially enhance a fit-for-purpose community use extension to this precinct.

2.3 Owner of the land

Kookora Street Park Reserve (part Reserve 81439) is owned by The State of New South Wales (as Crown land) and managed by Griffith City Council as Crown Land Manager under the *CLMA 2016*.

Reserve 81439 was reserved from sale for the purposes of Public Park, Public Recreation published in the Government Gazette of 27 February 1959. The additional purpose of Access was published in the Government Gazette of 17 November 2017.

The management and use of the land are subject to the provisions contained in the *CLMA 2016* and is not subject to any condition, restriction or covenant imposed by the owner.

2.4 Categorisation of the reserve

Under section 3.23(2) of the *CLMA 2016*, Council Crown Land Managers must assign to all Crown land under their management, one or more initial categories of community land referred to in section 36 of the *LGA 1993*.

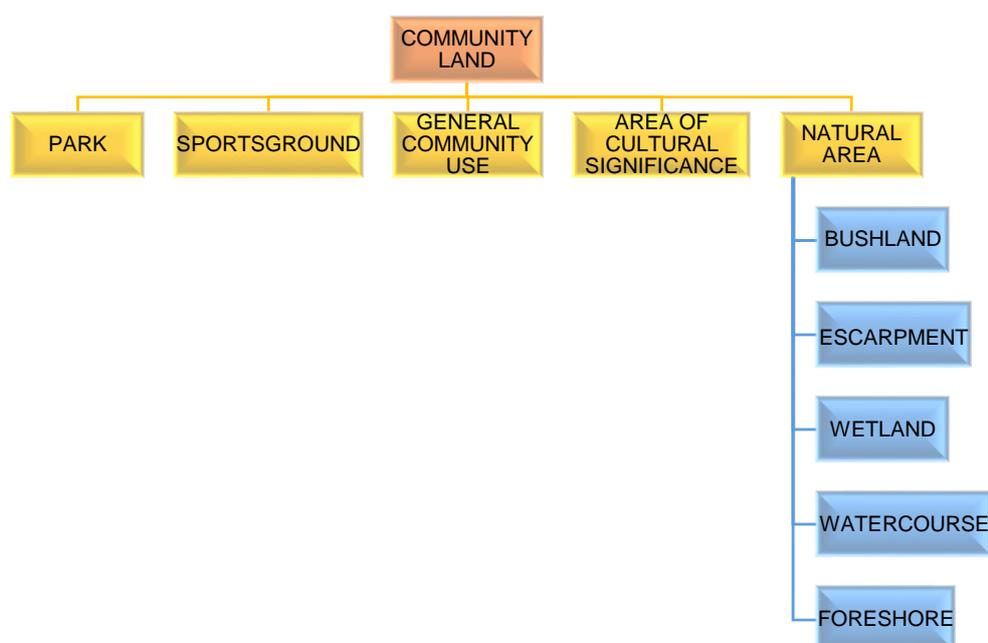
For the purpose of section 3.23 of the *CLMA 2016*, the PoM for Kookora Street Park is a 'first Plan'.

Section 3.21 of the *CLMA 2016* authorises Councils to manage the land as if it were public land within the meaning of the *LGA 1993*. Under the *LGA 1993*, all public lands must be classified as either Community or Operational land and this land has been classified as 'Community Land'.

This classification has been approved by the Minister administering the *CLMA 2016* in relation to the reserve.

Council Crown Land Managers must assign a category that they consider to be most closely related to the purpose(s) for which the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and or dedications.

In this instance, Council proposes to alter the initial "Park" category assigned by the Minister by this PoM to accommodate the proposed use of the land as *General Community Use*. A Plan of Management – Annexure B – Change of Category or Additional Category – FORM B will accompany the Plan of Management to facilitate future use, development and leasing of the land by Council for a proposed school.



The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land as Council must obtain Native Title Manager

advice as to the validity of the activities that they wish to undertake on the land prior to dealing with the land.

Both the *Aboriginal Land Rights Act (ALR) 1983* and the *Commonwealth Native Title Act (NTA (C'th)) 1993* recognises the intent of the original reserve purpose of the land so that a complying activity can be considered lawful or validated, under the *NTA 1993*.

On Crown land, Native Title rights and interest must be considered unless:

- Native Title has been extinguished; or
- Native Title has been surrendered; or
- Determined by a court to no longer exist.

Examples of acts which may affect Native title on Crown land reserves managed by Council include: -

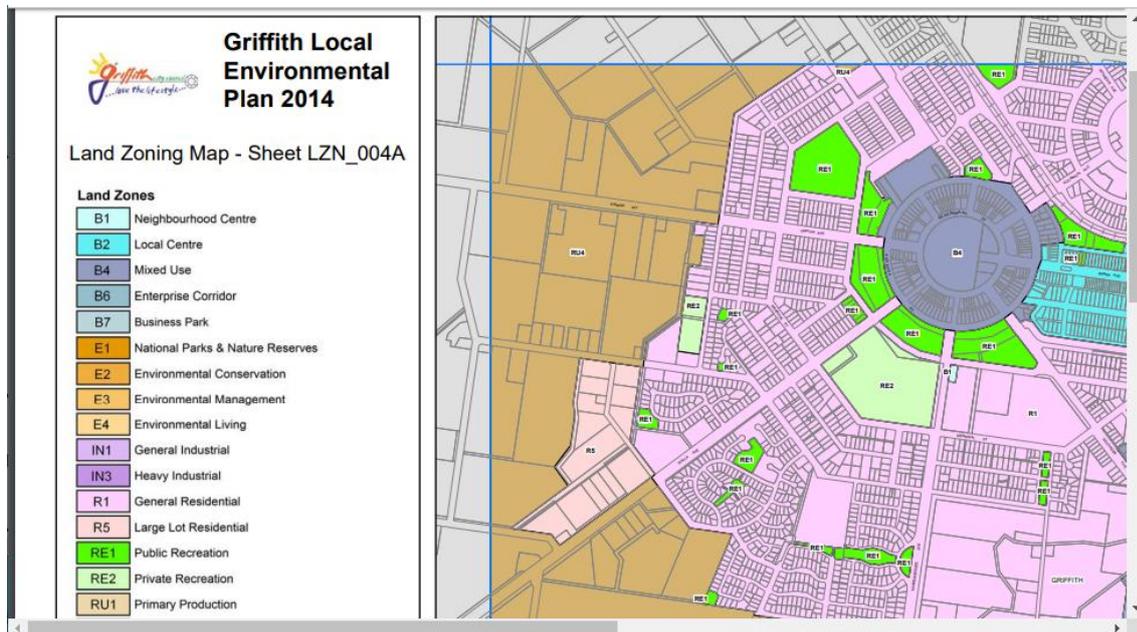
- The construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbeques,
- The construction of extensions to existing buildings,
- The construction of new roads or tracks,
- Installation of infrastructure such as powerlines, sewerage pipes, etc.,
- The issue of a lease or licence,
- The undertaking of earthworks.

When proposing any act that may affect Native Title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the *Native Title Act 1993 (C'th)*.

3.0 PLANNING INSTRUMENTS and POLICIES

3.1 Land Zoning

Figure 6 - Planning Zones – Kookora Street Park – B4 – Mixed Use



The above diagram - Griffith City Council *Local Environmental Plan 2014* (GLEP), indicates that part of Reserve 81439 comprising Kookora Street Park is zoned B4 – Mixed Use. The balance of Reserve 81439 is zoned RE1 – Public Recreation.

1. The objectives of the B4 – Mixed Use are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To increase the permanent population and encourage the provision of residential flat building development.

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3. Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial

storage establishments; Helipads; Home occupations (sex services); Industrial training facilities; Industries; Jetties, Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreational facilities (major); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

Educational Establishments are permitted with consent as provided under the provisions of Griffith Local Environmental Plan 2014. However, the use of land for a school is subject to the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which also requires a development application to be lodged for the use of land for a school in a B4 Mixed Use zone.

3.2 Flood Planning

GLEP presents the objective to considering flood planning in 7.2 (1);

- To minimise flood risk to life and property associated with the use of the land.
- To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.
- To avoid significant adverse impacts on flood behaviour and the environment.

Griffith City Council's Flood Report dated 18 December 2019 based on [Griffith CBD Overland Flow FRMS&P 2013 \(WMA Water\)](#) confirms that the area contained within Lot 1, Section 127 DP 758476 –

- Is not [Flood prone Land](#).
- That there is [no Flood indication](#) for a [1 in 100](#)-year event.
- That there is [no Flood indication](#) for an [extreme](#) event.

The Report indicates that floor levels are subject to Council's Floor Heights Policy. The Floor level for habitable room areas is to be [410 mm](#) above the existing natural ground level.

The Report indicates that to establish the floor height, the applicant is advised to obtain a contour and detailed survey plan of the allotment.

3.3 Council Plans, Strategies, Policies and Procedures

This PoM is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the PoM.

3.4 Review of this Plan

The use and management of Kookora Street Park is regulated by this PoM.

Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review should take place within 5 years of adoption of this plan.

3.5 Community Consultation

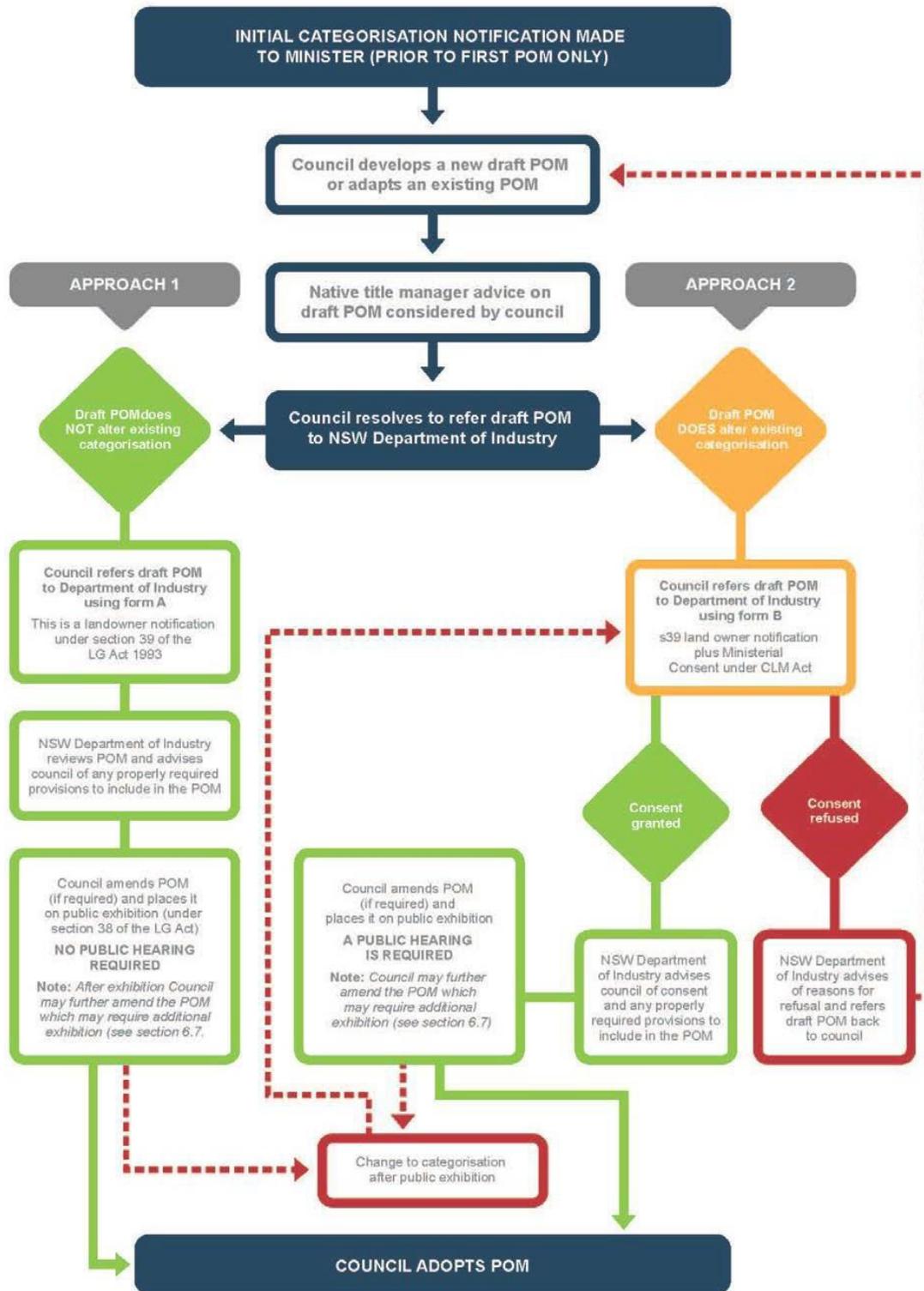
Consultation with the community is an important part of the preparation of this PoM. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this PoM applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however as the land is Crown land, final approval for the PoM rests with the Minister administering the *Crown Land Management Act 2016* as owner of the land.

Council is required to submit the draft PoM to NSW Department of Planning, Industry & Environment, as representative of the owner of the land under section 39 of the *LGA 1993*. As shown on the “[Flowchart for Consultation and Approval of an Initial Plan of Management](#)”, this process occurs prior to public exhibition and community consultation of the PoM as the proposal will alter the initial categorisation of the land (Approach 2).

Community consultation is also offered as a result of the development application process in line with Council’s Griffith Community Participation Plan of 16 December 2019 (in response to Section 2.23 of the *Environmental Planning and Assessment Act 1979*).

Figure 7 - Flowchart for Consultation and Approval of an Initial Plan of Management"



A change of categorisation will require a public hearing under Section 40A of the LGA 1993.

4.0 The Physical Environment

There is no recreationally built infrastructure. Vegetation comprises scattered *Callitris sp.* (Cypress Pine), *Eremophila sp.*, *Lolium perenne* (Ryegrass) and *Elymus repens* (Couch Grass), *Atriplex sp.* (Saltbush) and *Malva parviflora* (Marshmallow weed). At the time of preparation of this Draft, grass and weed species had dried off.

An existing access gravel 'track' through the northern end of Kookora Street Park provides vehicular access to Lot 3, Section 125 DP 758476 (the Griffith Aged Care Services' building). The access track has not been registered on title formally as a 'Right of Carriageway' or 'Easement for Access'.

It has been identified that continued access will be a requirement with development of the site for the proposed community school. In this regard, it is proposed that a single point of access will continue for both the Griffith Aged Care Services and the proposed Community School. Parking for the School would be confined within Lot 1, Section 127 DP 758476.

There is no existing fence line along the westerly Lot 154 DP 1199109 owned by MIL. Council's owned sewer rising main located on Lot 1 DP 618184 is also unfenced. There is no kerb or gutter fronting Kookora Street from Lot 1, Section 127 DP 758476.

4.1 Topography, Hydrology and Drainage

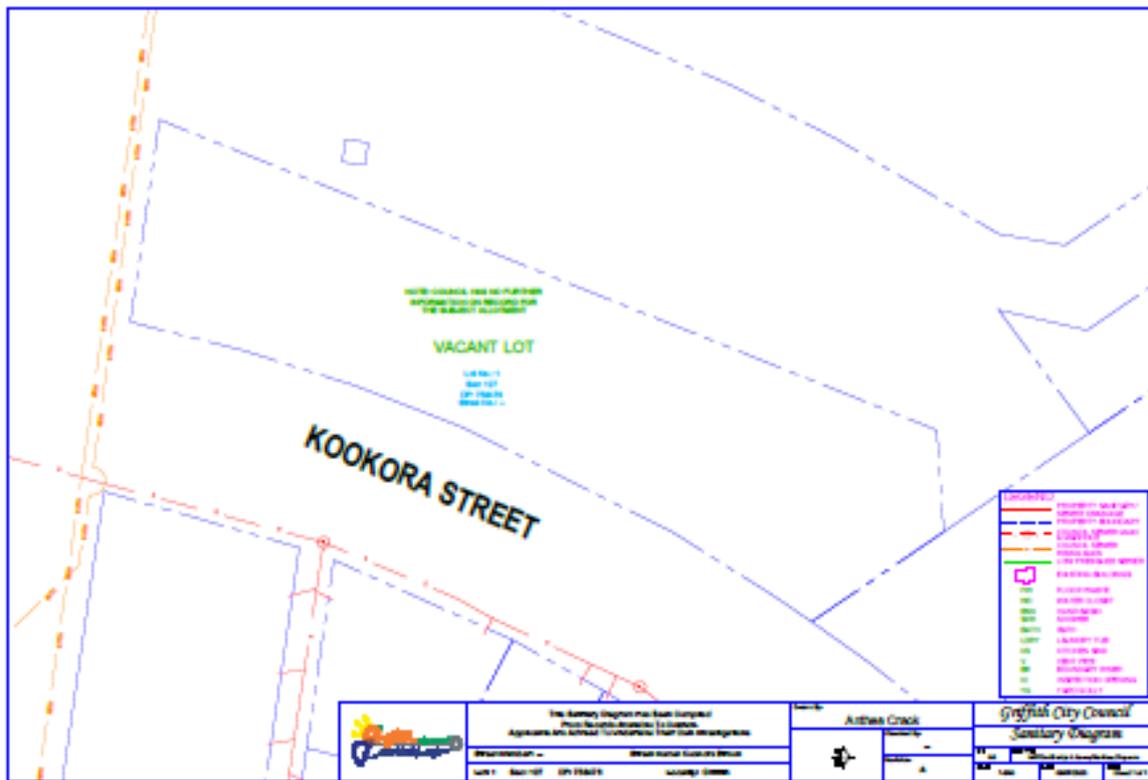
The Reserve area lying within the Murrumbidgee Catchment is gently sloping to the west towards MI's main canal. No formal drainage system exists within the Reserve.

The following series of photos shows the Reserve at Kookora Street Park.

Figure 8 - Landform, Aspect and Vegetation



Figure 9 - Drainage Plan – Lot 1, Section 127 DP 758476



4.2 Soils and Geology

Griffith is located in an area referred to as the ‘lower catchment’ within the broader Murrumbidgee Catchment; in an area characterised by flat landscapes (< 1%) with broad, fertile alluvial floodplains. The upper floodplain soils in and around Griffith have been described mainly as red-brown texture contrast spoils of considerable depth, known as Red Chromosols (Australian Soil Classification). (Note # below).

The layering of horizons of greatly different textures (e.g. clay to sands) down the soil profile, and the overall good depth of these soils often exceeding 3.5m on the flats, supports colluvial/alluvial floodplain origins of these soils. As Griffith’s landscape slopes further to the south towards the Murrumbidgee River, soils tend to transition towards a range of more heavy textured cracking dark clays.

Notably, the location of Kookora Street Park provides an area of red soil, stony with a gentle slope as shown on Plan Catalogued – Griffith No. 469.

Note # - The Australian Soil Classification, Revised Ed. RF Isbell 2002; CSIRO Pub.

Griffith City Council's Planning Certificate under Section 10.7(2) and 10.7(5) *Environmental Planning and Assessment Act 1979* dated 18 December 2019 indicated that: -

- The subject site is not considered critical habitat.
- The site is not subject to any conservation area.
- The site is not land biodiversity certified land within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*.
- The land is not subject to any bio-banking agreement under Part 5 of the *Biodiversity Conservation Act 2016*.
- The land is not subject to any set aside areas under Section 60ZC of the *Local Lands Services Act, 2013*.
- The site is not bushfire prone land.
- Griffith City Council's Tree Preservation Order applies, i.e. trees must not be ringbarked, cut down, top, lop, remove, injure or wilfully destroy any other vegetation without the authority conferred by development consent or a permit granted by Council.

4.5 Riparian Land and Watercourses

There are no named rivers, creeks or riparian lands on or in the immediate vicinity of Kookora Street Park.

The Main Canal is not a river for the purpose of the *Water Management Act 2000*. However, under the provision of the *Environmental Planning & Assessment Act 1979*, the Main Canal constitutes an artificial water body.

Furthermore, a waterbody as defined in the Griffith LEP 2014 states –

Waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

5.0 THE SOCIAL ENVIRONMENT

5.1 Aboriginal Significance

A search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) dated 18 December 2019, indicates that: -

- No Aboriginal sites are recorded in or near Kookora Street Park (200 metres buffer); and
- No Aboriginal places have been declared in or near Kookora Street Park (200 metre buffer).

5.2 Heritage Significance

The relevant 10.7 Certificate indicates that no heritage items and controls exist at Kookora Street Park. This is supported by the GLEP's Heritage Map (Heritage Map – Sheet HER_004A).

6 CURRENT USES

Kookora Street Park has been previously categorised as *Park* under Section 36 of the LGA through the initial categorisation process of Section 3.23 of the CLMA.

The core objectives for land which is categorised as a Park are: -

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

In conjunction with adjoining lands which comprise part of Reserve 81439, local residents and visitors have ready access to the Reserve and opportunities exist for a range of passive activities including walking, exercising and relaxing.

Because of the relatively small and restricted shape of Lot 1, Section 127 (Kookora Street Park), and significant recreational infrastructure on the balance of the Reserve and in neighbouring precincts, there has been no development of this particular park with physical infrastructure and landscaping.

Neighbouring Willow Park (Part Reserve 81439) is an alternative to passive recreation providing for open space area with concrete footpaths, covered shelters, BBQ and an amenities block.

7.0 RESERVE ASSESSMENT

7.1 Assessment of Infrastructure

Other than several mature trees and regeneration and a gravel access track through the northern end of the park, there are no assets built on the land.

The adjoining Lot 3, Section 125 DP 758476 and subsequent Lot 4 DP 864407 to the north – north-east essentially provide continuation of community-built infrastructure for Griffith Aged Care Services and crisis accommodation (Barnabas House and Women's Refuge), comprising: -

- Multiple buildings (brick and fibro constructions)
- Fencing
- Landscaping

7.2 Assessment of Management Needs

Management of the Reserve as it currently exists as a park, requires minimal inputs due to no existing park infrastructure, other than basic weed management and rubbish removal by Council.

PART B – THE PLAN

8.0 A VISION FOR THE LAND

A vision for the management of community land can be extracted from Griffith City Council's 'Guiding Griffith 2040' Plan – Growing our City.

The vision plans to Encourage our local economy to grow; Encourage a skilled workforce with employment opportunities; and Provide and manage assets, services and facilities. The vision therefore promotes opportunities for businesses to establish and grow within the community; develop partnerships to build on quality education and training opportunities; and Provide, renew and maintain a range of quality infrastructure, assets, services and facilities delivered in a cost effective and sustainable manner.

8.1 Scoping the Social, Economic and Physical Environment

The objectives outlined for land zoned in GLEP for B4 – Mixed Use have been previously presented in 3.1. Those that are considered directly relevant to the future uses and developments at Kookora Street Park are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To increase the permanent population and encourage the provision of residential flat building development.

The pre-existing Community-based facilities of Griffith Aged Care Services, Barnabas House and Griffith Women's Refuge adjacent to the proposed site are congruent with the proposed Community School and Learning Centre site providing for a mixture of compatible land uses / integrated business, office and crisis accommodation for disadvantaged people within the local and broader community.

The Griffith Land Use Strategy Beyond 2030 (File Draft 2012) identified a number of day-care needs, a special school for children with special needs; primary education comprising ten public schools and three private schools; secondary education provided through two public high schools and one private high school; the TAFE campus providing tertiary education and limited distance education opportunities through Charles Sturt University; and GALA (now known as WRCC) providing adult learning needs (Part B Page 46).

Since that time St. Therese Primary School, Yenda closed (2016) (Bilbul Public School having previously closed in October 2011); and Griffith High and Wade High Schools have merged to become Murrumbidgee Regional High School (commencing 2019).

The Western Riverina Community School (WRCS) was established in 2018, having received endorsement through the New South Wales Education Standards Authority (NESA). WRCS in the first instance enrolled a maximum of 20 students to accommodate affordable, engaging learning opportunities for students in Years 9 & 10 who had become disengaged from existing mainstream secondary schooling.

Based on demographic profiling, the Griffith Land Use Strategy Beyond 2030 identified trends that may have significant impact on land use planning including male/female ratios; total/Aboriginal persons ratio; main countries of birth; Griffith age distribution and other

factors. The following graphs being of notable interest in scoping the social attributes supporting the proposed Community School and Learning Centre.

Figure 11 - Extract Griffith Land Use Strategy – Part B Page 5

Person Characteristics	Number of Persons	% of total persons
Total persons	24062	
Males	12050	50.08
Females	12012	49.92
Indigenous persons	909	3.78

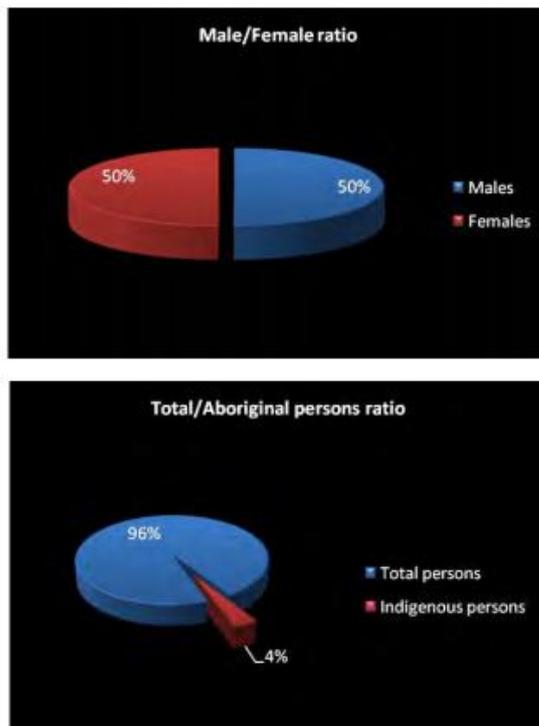
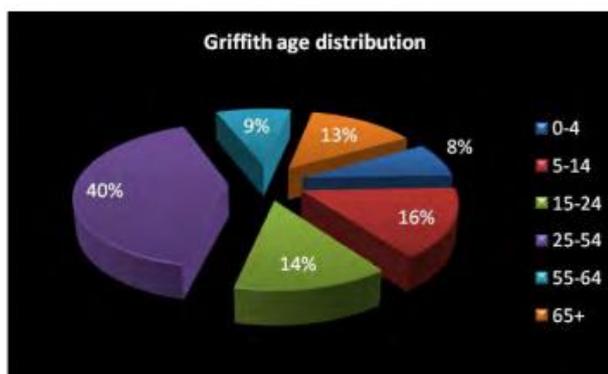


Figure 12 - Extract Griffith Land Use Strategy – Part B Page 8
Age Structure

Griffith age distribution		
Age (Years)	Number of Persons	% of total persons
0-4	1856	7.71
5-14	3743	15.56
15-24	3293	13.69
25-54	9714	40.38
55-64	2238	9.30
65+	3215	13.36
Median age of persons = 35.5		



8.2 Vision and Outcomes of a Proposed Community School and Learning Centre

Generally, the vision of a Community School and Learning Centre is to partner with community agencies and local government to 'provide an integrated focus on academics, health and social services and youth and community development; to *re-engage students in education and to be the best person they can be. This involves respect towards themselves, others and property; being a responsible citizen who tries their best and having a positive attitude; and breaking the link between disadvantage and outcomes for students*'.

The core values of a Community School and Learning Centre include concepts of *Respect, Responsibility, Positivity and Learning for Life* which can be achieved through a small classroom environment, expanded learning time and opportunities, engaging families actively, and fostering collaborative practices.

As an example of community-based education, with the opening of the Western Riverina Community School (WRCS), the action of re-engaging youth in education within the Griffith area saw enrolments grow to a total of 20 (2018); and a total of 30 (2019 with a stable enrolment number of 25) students with an average annual attendance of 75.5%.

Within this timeframe, an initial 70% attendance rate grew to 75.5% (2019) drawn from previously disengaged students whose previous school attendance consisted of 1-2 days per year representing a significant step forward for WRCS students to build a positive personal vision for their futures.

Based on initial enrolment figures, 56% of the current Years 9 & 10 students identify as Aboriginal/Torres Strait Islander (ATSI) heritage therefore the attendance rate improvement provides significant opportunity for previously disengaged students to grow their skills and subsequently contribute positively to their family life and the broader community long-term.

Student outcomes from 2019 reported that all students attained their Record of School Achievement (RoSA) which is seen as a remarkable achievement for those previously disengaged in schooling and education generally.

With continued enquiry for community-based education in Griffith, there appears to be an opportunity to consider the development and construction of a purpose-built Community School and Learning Centre that could cater for potential growth in this style of education.

8.3 Social Impacts of Student Achievement

Social research indicates that once a student completes a Year 10 education, there are significant reductions on wider society to provide social supports through unemployment benefits – less interaction with the health system, legal / penal system etc.

Further social research indicates that our offspring will have a higher education than their parents, and their children will have higher levels of education than their parents. Additionally, once the education level extends beyond Year 10 RoSA, once again, there is a significant drop in utilising and / or accessing wider social supports or interaction with undesirable aspects of society, i.e. legal system/gaol, poor health etc. Given students, offspring are also more likely to have higher education than their parents, this also means their general health and wellbeing will be better, and their employability will also be greater.

Potentially offspring of current community school participants in Griffith will generate contributors to society and current students and their offspring will not exist in marginalised 'prisons of disadvantage'. In this sense, the positives for educating currently disengaged and marginalised students are enormous.

8.4 Management Direction of Lot 1, Section 127 DP 758457

The *CLMA 2016* provides that the Crown Land Manager can enter into a Licence or Lease of Crown land to facilitate management of the Reserve.

Council has provided its initial 'in-principle' support for consideration of a proposed Community School wherein, subject to approval of Lot 1, Section 127 DP 758457 being re-categorised from 'Park' to 'General Community Use'; relevant Department of Planning, Industry & Environment – Crown Lands approval of the Draft Plan of Management; that Council will consider relevant tenure with the proponent for the development of the land.

Council will not be burdened by costs of development or maintenance of the site in accordance with the proposed tenure arrangement.

Council therefore recognises the significance of the proposal for this site and the following management directions: -

- To construct a purpose-built Community School and Learning Centre by the proponent consistent with the current zoning through GLEP, adopted strategies (e.g. *Guiding Griffith 2040*) in line with the current and emerging community needs of residents, particularly disengaged youth, predominantly of Aboriginal / Torres Strait Islander heritage to enhance their prospects of completing school and vocational training and being socially adept to enter the workforce and contribute positively to the local and broader community.
- To provide a safe, aesthetically pleasing building with equitable and convenient access by all people to the service it provides, and which also serves an important component of a broader integrated precinct of community-based services for the use of students from all backgrounds.
- To ensure the space and facility(s) at the Reserve support the on-going viability of the Community School and Learning Centre.
- To capitalise on business opportunities consistent with legislation and policy, such that net operating and capital costs provided through the facility and management thereof, will contribute to Council's earning opportunities (i.e. long-term Leasing arrangement).
- To improve environmental values where present.

The current use as a 'park' is unnecessary due to the proximity of better developed recreational facilities that have existing and maintained infrastructure, i.e.

- City Park
- IOOF Park
- Willow Park
- Venetian Park
- Kooragee Park

8.5 Objectives, Classification and Category of Land

Kookora Street Park at Griffith is categorised as Park under the LGA as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

Under Section 36(4), all Community Land must be categorised as one of the following categories:

- Natural Area – (further categorised as either Bushland, Wetland, Escarpment, Foreshore, Watercourse)
- Sportsground
- Park
- Area of Cultural Significance; or
- General Community Use

The Core Objectives for all community land categories vary according to the categorisation of the land. Practise Note 1: Public Land Management (Department of Local Government Amended 2000); and the derived management directions and planning principles presented above; land at the Reserve should be categorised as

- **General Community Use**

A categorisation of General Community Use will better reflect the current zone under the GLEP and will facilitate Council's objective to endorse the build of a Community-based School and Learning Centre.

8.6 General Community Use

Relevant Core Objectives for management of community land categorised as General Community Use are to promote, encourage and provide for the use of the land, and to provide facilities on the land to meet current and future needs of the local community and of the wider public.

- a. In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b. In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Management Objective

The area identified as General Community Use will provide a proposed Community School and Learning Centre to facilitate education of students who don't currently fit within the standard secondary school model; have been disengaged from the public-school system (and potentially from both the family and broader community within which they live). The school will accordingly provide for: -

- Building facilities to accommodate approximately 60 students extending from Years 7 – 12 and ancillary learning opportunities
- Associated kitchen for staff / student needs
- Associated toilet facilities including disabled facilities
- Parking spaces (as required by Council's Development Application process)
- Shared entry point access off Kookora Street to provide access to Griffith Aged Care Services
- Associated open space / recreational area for the students

9. MANAGEMENT AND DEVELOPMENT OF THE RESERVE

9.1 Reserve Management

Council reserves the right to control the use of Community Land including Kookora Street Park. However, to facilitate the establishment of the proposed Community School and Learning Centre, Council intends to:

- Consider amendment to re-categorising the land from 'Park' to 'General Community Use' and obtain necessary approval thereof.
- Create opportunities for community consultation and participation in the planning and development as required.
- Enter into a tenure agreement with the proponent of the Community School and Learning Centre.
- Support the proponent through the necessary processes for development / construction phase as required under legislation.
- Consider and attempt to balance the need for the proposed Community School and Learning Centre with the impact of the development that such a site will have on local businesses, adjacent community organisations and residents.
- Ensure all formal use of the Reserve is authorised through appropriate documentation.
- Ensure that on-going maintenance of the site will be met by the proposed proponent through the tenure agreement and not impact on Council's triple bottom line.

9.2 Permitted Uses and Activities

The Reserve allows controlled access to the facilities which are open to the public.

Permissible Uses.

Table 1 – Permissible Uses

Use	Scale	Intensity
Access roads	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Amenities	Limited to the physical constraints of the facility	Business operating hours
Business Operations	Limited to the physical constraints of the facility	Operating hours of the establishment subject to Council approval
Car parking	Limited to the physical constraints of the facility and as determined by development application approval	Business operating hours
Drainage	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Education Services	Limited to the physical constraints of the facility. Agreement via tenure	Business operating hours
Emergency use	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Maintenance of buildings	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week (external paths); Business operating hours, (internal paths)
Recreational area	Limited to the physical constraints of the facility	Business operation hours
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week
Signage	As determined by the development application approval	24 hours a day, 7 days a week

Storage facilities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure Agreement
Telecommunication facilities	Subject to relevant legislation	24 hours a day, 7 days a week
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirement of the activity	As identified through the Tenure Agreement

9.3 Leases, Licences and other Estates

For this section, please see the Explanation of Terms set out below.

The *LGA 1993* provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land.

Tenures may be held by:

- Community organisations and sporting clubs, or
- By private / commercial organisations or
- Individuals providing facilities and / or services for public use.

The maximum period for leases and licences on community land allowable under the *LGA 1993* is 30 years (with the consent of the Minister for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licence for periods of more than 5 years if public notice is given according to the requirements of Sections 47 and 47A of the *LGA 1993*.

Leases

A lease will generally be required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- That subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council, and consistent with Section 47C of the *LGA*.
- Maintenance of the facility will be the responsibility of the Lessees.

Licences

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

Explanation of Terms

- Tenure – A lease, licence or other estate issued by Council in accordance with Section 46 of the *Local Government Act 1993* or Section 2.20 of the *Crown Land Management Act 2016*.
- Holder - The company, organisation, individual or group of individuals who have been issued with a Tenure.

Purposes for which Tenures may be issued

In accordance with Section 46A of the *LGA*, a PoM for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of the Plan of Management.

This PoM authorises a Tenure to be issued:

- For any permissible use in Table 1.
- For purposes consistent with the Reserve's:
 - Categorisation (see Section 8.6), and
 - Zoning (see Section 3.1), and
 - Reserve purpose of General Community Use as required under the *CLMA*.

However, the *CLMA* allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the *CLMA*. This section provides that licences may be issued inconsistent with the reservation purpose, for prescribed purposes currently as shown in Appendix 3.

Council may grant a lease, licence or other estate in respect of Community Land for:

- A purpose prescribed by Section 36I as a core objective of the categorisation of the land and subject to being consistent with the Reserve purpose; or
- A purpose prescribed under Section 46 (4)(a)(ii) for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to Park and Community Purposes as prescribed by Section 46 (1).

A tenure on Crown land may impact native title rights and interests. Apart from the tenure / hire agreements authorised above, which are valid acts under Section 24JA of the *Native Act 1993*, any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *Crown Land Management Act 2016* unless native title is extinguished. For Crown land which is not excluded land this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Direction of Funds

Income produced from the Reserve, i.e. as per the approved Tenure, will be distributed to manage other community land in a fashion determined by Council.

9.4 Communication in the Management of the Reserve

Communication between Council and the Tenure Holder is important to the success of this Plan. Council will establish and maintain clear lines of communication with the Tenure Holder especially relating to the operations of and responsibilities within the (proposed) tenure operations.

This will include: -

- Regular meetings with Council and the Tenure holder (as considered necessary); and

- The establishment of the clear understanding that the proposed Community School and Learning Centre will be occupied on the basis of formal agreement.

9.5 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the Native Title Act 1993 and Division 8.7 of the *CLMA 2016*.

9.6 Development of New Facilities

Council approval is required prior to any development or improvement made to Community Land.

Whilst a concept design has not yet been obtained, the proposed design for the Community School and Learning Centre will fit with the narrow Lot plan and possibly be of modular design. A likely configuration is shown in Figure 13 below with appropriate landscaping and fencing to improve the available area for recreational space for students / teachers.

Figure 13 – Concept Plan



Future improvements to the Reserve are therefore likely to include:

- The construction of a new, accessible, single storey, fit for purpose, Community School and Learning Centre and associated infrastructure works aimed at accommodating the services described in Section 9.2.
- Required car parking to service the school.

- Clearly defined access to facilitate continued use of Griffith Aged Care Services' clients.
- Associated landscaping.

Where it is proposed to construct or establish a public work (Note # below) on reserved or dedicated Crown land, where Native Title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal / Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*.

Where a proposed update of a Park Master Plan, Capital Works Program, Sportsground Action Plan, Sports Facilities Asset Management Plan or any other plan is approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

9.7 Maintenance of Facilities

Council will ensure the facilities on the Reserve are maintained by any proposed tenure holder to an appropriate standard. It is intended that the potential proponent will: -

- Maintain the structures and open spaces on the Reserve in accordance with Council's *Asset Management Plan Strategy* to measured targets to ensure longevity of the asset that will not impact on Council's financial budget.
- Monitor the condition of structures on the Reserve and ensure effective maintenance procedures are in place through tenure conditions of the Lease with Griffith City Council.
- Prepare a safety audit of the site and repair or replace any areas that may impact on public safety.
- Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required.
- Obtain necessary waste and recycle bins that are used accordingly, and collected for regular rubbish removal; ensures that indiscriminate rubbish is removed from the site; and that its users are appropriately educated against practices of illegal dumping of rubbish whereby rubbish bins may be provided within the recreational area of the site.

A public work is defined as:

- Any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
 - A building, or other structure (including a memorial), that is a fixture; or
 - A road, railway or bridge; or
 - Where the expression is used in or for the purposes of Division 2 or 2A of Part 2 – a stock route; or
 - A well, a bore, for obtaining water; or
 - Any major earthworks; or
- A building that is constructed with the authority of the Crown, other than a lease.

Major earthworks are defined as:

Earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

Council will further support the proposed tenure holder by monitoring for issues of compliance and general site amenity, as subject to the development assessment process.

9.8 Signage

Council uses signs to regulate the activities carried out on Community Land and to provide educational information. Consideration is also required of any requirements for signage to meet Department of Education standards as may be applicable.

The proposed proponent will take into consideration, all statutory requirements for signage of the Community School and Learning Centre, noting also that signage may have a significant impact on the aesthetics of the Reserve. Therefore, all signs must meet a design standard and be approved by Council. All signs must be sympathetic to their environment in their design, construction and location.

All signage must be placed in accordance with *State Environmental Planning Policy No 64 – Advertising and Signage or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Signage must also be consistent with the *Griffith Development Control Plan* and the *Council Signage in Parks, Reserves and Pools Policy*.

Where a sign requires development consent, Council must approve as owner the lodging of a Development Application prior to assessment by Council in accordance with Schedule 1 Assessment Criteria of SEPP No. 64.

Where a sign does not require development consent, Council must approve the sign before erection.

10 FINANCIAL SUSTAINABILITY

Council anticipates that following construction of the proposed Community School and Learning Centre, the land subject to this PoM will be self-funding through an appropriate tenure (i.e. Lease).

11 PLAN IMPLEMENTATIONS

Table 2 – Implementation Table

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
GENERAL COMMUNITY USE			
To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the future needs of the local community and wider public	A. Complete essential works in accordance with required approvals	<ol style="list-style-type: none"> 1. Assist the proponent (where necessary) to engage a suitably qualified consultant to design and construct a new Community School and Learning Centre 2. Council to enter into a long-term Lease with the proponent for occupation of the Community School and Learning Centre in accordance with Council's procurement 	<ul style="list-style-type: none"> • Engagement of consultant for design and construction of Community School and Learning Centre • New tenure granted to the proponent in accordance with Council's policies and relevant legislation including <i>Native Title Act 1993</i>. • Development consent obtained for Community School and Learning Centre

		<p>requirements, relevant Council policies and relevant legislation including the <i>Native Title Act 1993</i>.</p> <p>3. Obtain development consent for the construction of the Community School and Learning Centre, and associated buildings, carparking, access and landscaping.</p> <p>4. The proponent constructs the Community School and Learning Centre in accordance with development consent.</p>	<ul style="list-style-type: none"> • Community School and Learning Centre constructed and occupation certificate issued. • Works are completed in accordance with works plans.
	B. Management and maintenance of Community School and Learning Centre is undertaken with approvals in accordance with Council's standards.	<p>5. Ensure Reserve is maintained through appropriate tenure arrangement.</p> <p>6. Ensure adherence to Council's asset maintenance schedule. Ensure essential repairs are undertaken by Lessee (when necessary).</p> <p>7. Ensure erection of well-marked entrance descriptive signage.</p>	<ul style="list-style-type: none"> • Assets are managed in accordance with prescribed Council standards and community expectations. • Improved environment management outcomes. • Grounds well maintained in accordance with Lease agreement and responsibilities, tidy, orderly and clean. • Appropriate and suitable signage erected. • Feedback from community is positive.
	C. Manage the land for improved and appropriate outcomes	<p>8. Ensure appropriate management of the recreational space.</p> <p>9. Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the area where required.</p> <p>10. Ensure regular collection of rubbish.</p> <p>11. Erect signage in accordance with Schedule 1 SEPP 64 and approved by Council.</p>	<ul style="list-style-type: none"> • Improved environmental management outcomes. • Grounds are well maintained in accordance with Lease agreement, i.e. tidy, orderly and clean. • Efficient, appropriate signage.
	D. Monitoring and Compliance	<p>12. The tenure holder will monitor condition of structures and ensure effective maintenance procedures are in place.</p> <p>13. Council ensures that the proposed Lessee implements a safety audit program or replace / repair any issues likely to impact on public safety.</p> <p>14. Council to ensure that requirements of Lease agreement are met.</p>	<ul style="list-style-type: none"> • Audit process for safety and asset condition reporting developed and working well. • Council will ensure that tenure holder meets all conditions of any lease arrangement. • No illegal use of facilities.

12 CONSULTATION DURING THE PREPARATION OF THIS PLAN

Community consultation is an important source of information necessary to provide an effective Plan of Management for Community Land and is a requirement under Section 38 of the *LGA 1993*. As such, Griffith City Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using the Reserve.

Section 38 of the *LGA* requires that: -

- Council must give public notice of a draft plan of management.
- The period of public exhibition of the draft plan must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council.
- Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

Council must also hold a public hearing as required under Section 40A of the *LGA*.

This Plan is over Crown land and proposes a change in categorisation. The consent of the Minister for Planning, Industry and Environment is required under Section 3.23(7)(d)(i) of the *CLMA 2016*.

Prior to formal commencement of this PoM, the public has been made aware of the Community School proposal within:

- Council's newsletters, and
- Council's minutes.

13 APPENDICES

- 1) Core Objectives for Categories of Community Land.
- 2) Relevant State Environmental Planning Policies.
- 3) Prescribed purposes under the *Crown Land Management Act 2016*.

14 REFERENCES

Commonwealth Native Title Act 1993

<https://www.legislation.gov.au/Details/C2017C00178>

Community Schools NSW

https://www.google.com/search?safe=active&rlz=1C1GCEA_enAU854AU854&sxsrf=ALeKk007nnFPUwlbwsPTRQeXC6JucKUgMA%3A1583281316740&ei=pPRexsroLPqE4-EPlcaYqAw&q=community+schools+nsw&oq=Community+Schools+&gs_l=psy-ab.1.0.35i39j0l9.3831.6960..9677..0.2..0.223.2956.0j17j1.....0....1..gws-wiz.....0i71j0i273j0i131j0i67j0i131i273j0i131i67j0i20i263.mVzyXX_VhXg

Crown Land Management Act 2016

http://www.austlii.edu.au/au/legis/nsw/num_act/clma2016n58226.pdf

<https://www.industry.nsw.gov.au/lands/what-we-do/legislation-policies>

DPI website

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0007/164374/irrigation-profile-murrumbidgee.pdf

Environment website

<https://www.environment.nsw.gov.au/bioregions/Riverina-Landform.htm>

Griffith City Council Website – Publications and Policies

- *Griffith Community Participation Plan*

file:///C:/Users/Melva/Downloads/GRIFFITH_COMMUNITY_PARTICIPATION_PLAN_ENDORSED_17_DECEMBER_2019.pdf

- *Guiding Griffith 2040*

https://www.griffith.nsw.gov.au/cp_themes/default/page.asp?p=DOC-OIW-24-18-70

- Council Policies

https://www.griffith.nsw.gov.au/cp_themes/default/page.asp?p=DOC-ECH-80-74-45

- *Griffith Land Use Strategy Beyond 2030*

[file:///C:/Users/Melva/Downloads/land_use_strategy%20\(1\).pdf](file:///C:/Users/Melva/Downloads/land_use_strategy%20(1).pdf)

- *Griffith City Council Asset Management Strategy*

file:///C:/Users/Melva/Downloads/Asset_Management_Plan_2017_Strategy_Final.pdf

Griffith City Council Local Environmental Plan 2014

https://www.legislation.nsw.gov.au/maps/31b6af47-73bb-4ab2-b47f-93dc5eda4a4e/3450_COM_LZN_004A_020_20140310.pdf

<https://www.legislation.nsw.gov.au/#/view/EPI/2014/137/partlanduseta/include11>

Griffith City Council Flood Studies and Floodplain Risk Management Plans

https://www.griffith.nsw.gov.au/cp_themes/default/page.asp?p=DOC-ZSH-67-52-33

RF Isbell, *The Australian Soil Classification (Revised edition)*, January 2016

Legislation – NSW Government

Environmental Planning & Assessment Amendment Act 2017

<https://www.legislation.nsw.gov.au/#/view/act/2017/60/full>

State Environmental Planning Policy No. 64 – Advertising and Signage

<https://www.legislation.nsw.gov.au/#/view/EPI/2001/199/full>

State Environmental Planning Policy (Infrastructure) 2007

<https://www.legislation.nsw.gov.au/#/view/EPI/2007/641/full>

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

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

Local Government Act 1993

<https://www.legislation.nsw.gov.au/inforce/ca7de0d2-0087-6c91-bdba-892f060e8ed8/1993-30.pdf>

http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s47g.html

<https://www.olg.nsw.gov.au/sites/default/files/Practice-Note-No1-Public-Land-Management-Revised-May-2000.pdf>

Western Riverina Community College

<http://www.wrcc.nsw.edu.au/>

Appendix 1

CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (*Local Government Act 1993*)

36E Core objectives for management of community land categorised as a natural area

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

- a) To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- b) To maintain the land, or that feature or habitat, in its natural state and setting, and
- c) To provide for the restoration and regeneration of the land, and
- d) To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- e) To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

36F Core objectives for management of community land categorised as sportsground

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

- a) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b) To ensure that such activities are managed having regard to any adverse impact on nearby residences.

36G Core objectives for management of community land categorised as a park

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

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

36H Core objectives for management of community land categorised as an area of cultural significance

- 1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

- 2) Those conservation methods may include any or all of the following methods: -
 - a. The continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
 - b. The restoration of the land, that is, the returning of the existing physical material of the land to a known earlier site by removing accretions or by reassembling existing components without the introduction of new material,
 - c. The reconstruction of the land, that is, the return of the land as nearly as possible to a known earlier state,
 - d. The adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
 - e. The preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

- 3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public.

- a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

36J Core objectives for management of community land categorised as bushland

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

- a) To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- b) To protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- c) To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilities public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- d) To restore degraded bushland, and

- e) To protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- f) To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- g) To protect bushland as a natural stabiliser of the soil surface.

36K Core objectives for management of community land categorised as wetland

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

- a) To protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- b) To restore and regenerate degraded wetlands, and
- c) To facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

36L Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are: -

- a) To protect any important geological, geomorphological or scenic features of the escarpment, and
- b) To facilitate safe community use and enjoyment of the escarpment.

36M Core objectives for management of community land categorised as a watercourse

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

- a) To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- b) To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- c) To restore degraded watercourses, and
- d) To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

36N Core objectives for management of community land categorised as a foreshore

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

- a) To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- b) To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

STATE ENVIRONMENTAL PLANNING POLICIES WHICH ARE RELEVANT TO KOOKORA STREET PARK

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A).

Clause 20 of SEPP (Infrastructure) provides that a range of works are “exempt development” when carried out for or on behalf of a public authority (including Griffith City Council). These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disable access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m² in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m².

Clause 65 of SEPP (Infrastructure) provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the *Local Government Act 1993*. Further, any of the following development may be carried out by or on behalf of a Council without consent on a public reserve under the control of or vested in Council:

- a) Development for any of the following purposes:
 - (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
 - (ii) recreation areas and recreation facilities (outdoors), but not including grandstands,
 - (iii) visitor information centres, information boards and other information facilities,
 - (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
 - (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
 - (vi) amenities for people using the reserve, including toilets and change rooms,
 - (vii) food preparation and related facilities for people using the reserve,
 - (viii) maintenance depots,
 - (ix) portable lifeguard towers,
- b) environmental management works,
- c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Part 4 Clause 35

- 35 Schools – development permitted with consent
- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*
 - (2) *Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.*
 - (3) *Development for the purpose of a school may be carried out by any person with development consent on land that is not a prescribed zone if it is carried out on land within the boundaries of an existing school.*
 - (4) *Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.*
 - (5) *A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.*
 - (6) *Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration –*
 - (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
 - (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*
 - (7) *Subject to subclause (8), the requirement in subclause (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.*
 - (8) *A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6)(a) applies that has a capital investment value of less than \$50 million.*
 - (9) *A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*
 - (10) *Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.*
 - (11) *Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.*

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

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP, providing the limitations and conditions of the exemptions. They include: -

- Access Ramps
- Advertising and signage
- Aerials, antennae and communication dishes
- Air-conditioning units
- Animal shelters
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- Barbeques and other outdoor cooking structures
- Bollards
- Charity bins and recycling bins
- Earthworks, retaining walls and structural supports
- Fences
- Flagpoles
- Footpaths, pathways and paving
- Fowl and poultry houses
- Garbage bin storage enclosure
- Hot water systems
- Landscaping Structures
- Minor building alterations
- Mobile food and drink outlets
- Playground equipment
- Screen enclosures
- Sculptures and artworks
- Temporary uses and structures
- Waste storage containers

Section 1-16 of Division 2 of the SEPP provides for General Requirements for exempt development.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No. 64 Advertising and Signage aims: -

- To ensure that signage (including advertising):
 - (i) Is compatible with the desired amenity and visual character of an area, and
 - (ii) Provides effective communication in suitable locations, and
 - (iii) Is of high-quality design and finish
- To regulate signage (but not content) under Part 4 of the Act,
- To provide time-limited consents for the display of certain advertisements, and
- To regulate the display of advertisements in transport corridors, and
- To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Prescribed Purposes under the *Crown Land Management Act 2016*

Section 31 of the *Crown Land Regulations 2018* provide that short-term licences over dedicated or reserved Crown land may be granted under Sections 2.20 and 3.17 of the *CLMA 2016* for the following purposes: -

- (a) Access through a reserve,
- (b) Advertising,
- (c) Camping using a tent, caravan or otherwise,
- (d) Catering
- (e) Community, training or education,
- (f) Emergency occupation,
- (g) Entertainment,
- (h) Environmental protection, conservation or restoration or environmental studies,
- (i) Equestrian events,
- (j) Exhibitions,
- (k) Filming (as defined in the *Local Government Act 1993*),
- (l) Functions,
- (m) Grazing,
- (n) Hiring of equipment,
- (o) Holiday accommodation,
- (p) Markets,
- (q) Meetings,
- (r) Military exercises,
- (s) Mooring of boats to wharves or other structures,
- (t) Sales,
- (u) Shows,
- (v) Site investigations,
- (w) Sporting and organised recreational activities,
- (x) Stabling of horses,
- (y) Storage.