

**ITEM 7.21 Draft Plan of Management for Treelands Drive Reserve, Yamba**

<b>Item Reference Number</b>	2025.1486	
<b>Meeting</b>	Council	20 March 2025
<b>Directorate</b>	Strategic Planning	
<b>Prepared by</b>	Dr Danny Parkin	
<b>Reviewed by</b>	Adam Cameron, Director Environment & Planning	
<b>Attachments</b>	1. Draft Treelands Drive Reserve Plan of Management	

**SUMMARY**

A draft plan of management has been prepared for Treelands Drive Reserve, Yamba to facilitate the management and use of the new Yamba Library and Community Centre on Lot 3 DP 1203064 and carpark on Lot 22 DP 1245921 (**Attachment A**). The preparation of a plan of management is a statutory requirement of the *Local Government Act 1993* for land classified as 'Community'. This plan updates the existing plan of management for the Treelands Drive Reserve area adopted by Council in 2018 (Council Resolution - 13.008/18).

**COUNCIL RESOLUTION – 13.008/18****Lysaught/Ellem****That**

1. As a means of complying with the requirement of the *Local Government Act 1993* to place an amended Plan of Management on public exhibition for a period of 28 days, allowing 42 days for submissions, an extensive community engagement approach consulting on the intent of the amended Treelands Drive Reserve Plan of Management be conducted, in accordance with the Communication Plan attached to this report.
2. Subject to any submission being received that requires review of the intent of the amended Treelands Drive Reserve Plan of Management as exhibited, the amended Plan of Management be adopted on completion of the submission period.
3. Council note the information relating to TAFE NSW's proposed means of acquisition of part of Lot 2 DP1203064, being TAFE NSW compulsory acquisition of land under the Minister's direction.
4. The new design Council operated community facilities and related costing, be the subject of a further report to Council on completion.

**Voting recorded as follows:**

**For:** Simmons, Kingsley, Baker, Clancy, Ellem, Novak, Williamson, Lysaught, Toms

**Against:** Nil

The Treelands Drive Reserve comprising of Lot 3 DP 1203064 and Lot 22 DP 1245921 is owned and managed by Clarence Valley Council and:

- is classified as Community land
- is categorised as General Community Use; and
- is zoned SP2 Infrastructure under the *Clarence Valley Local Environmental Plan 2011*.

The *Local Government Act 1993* (LG Act) requires that Community land be used and managed in accordance with:

- a plan of management applying to the land; and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

The previous adopted plan of management authorised the redevelopment of the site, as required. However, in accordance with s36(3A) of the LG Act, a new plan of management is required as it:

(b) *must—*

- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
- (ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and*
- (iii) *describe the scale and intensity of any such permitted use or development.*

Consequently, this new draft plan of management provides the overarching framework for the management

and use of the new Yamba Library and Community Centre and any future development permitted on the land.

## OFFICER RECOMMENDATION

That Council:

1. place the Draft Treelands Drive Plan of Management on public exhibition for a minimum period of 28 days, and accept submissions for at least 42 days from the date the plan was placed on exhibition, in accordance with the *Local Government Act 1993*.
2. finalise and adopt the Treelands Drive Plan of Management as publicly exhibited, subject to no submissions being received that result in any substantial changes or that require further consideration of Council.
3. note that if submissions are received that raise objections requiring further consideration of Council, this matter will be reported back to an Ordinary Council meeting.

## LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

Objective We will have communities that are well serviced with appropriate infrastructure

## BACKGROUND

The Treelands Drive Reserve is located adjacent to residential (R2 Low Density Residential zoned land to the north & R3 Medium Density Residential zoned land to the east and to the south), community infrastructure (SP2 Infrastructure zoned land) and local business centre (E1 Local Centre zoned land) land to the west.

The NSW Health Administration Corporation facility and Ambulance Centre adjoins the southern boundary of the new Yamba Library and Community Centre.

The TAFE NSW Connected Learning Centre was completed in 2018 and is located on Lot 21 DP 1245921 to the south-east of the new Yamba Library and Community Centre (and directly west of the new carpark).

The area is known as the Yamba Community Precinct.

The LG Act states that:

- A council may only amend a plan of management adopted under the Act by means only of a plan of management so adopted (s41).
- A 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 the council.
  - The 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 (s38).

In addition, section 40 of the LG Act states that:

- After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.
- If the council decides to amend the draft plan it must either—
  - a. publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or
  - b. if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned; and
- If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.

**COUNCIL IMPLICATIONS****Budget/Financial**

The draft plan was prepared in-house using the resources of Council. A cost will be associated with the public notice and exhibition of the draft plan. However, this cost will be largely absorbed by Council's existing arrangement with media outlets in the provision of public notices and the use of Council resources to prepare documents for public exhibition.

**Asset Management**

The land, and all facilities and infrastructure on the land are owned by Council. The management of these assets are the responsibility of Council's Open Spaces & Facilities section.

**Policy and Regulation**

*Local Government Act 1993*

*Clarence Valley Council Community Participation Plan 2022*

**Consultation**

Consultation in regard to the preparation of a new plan of management was undertaken with Managers and relevant staff of Strategic Infrastructure; Open Spaces & Facilities; Communications & Engagement and Land Use Planning & Development.

The draft plan of management will be placed on public exhibition via Council's On-exhibition webpage, with notification made via Council's media platforms. The public exhibition of the draft plan and consideration of submissions will be made in accordance with the provisions of the *Local Government Act 1993* and Council's Community Participation Plan.

The exhibition of the draft plan of management will allow broader consultation with the Yamba community and Clarence Valley residents and visitors in general.

**Legal and Risk Management**

A plan of management is a statutory requirement for land classified as 'community' under the *Local Government Act 1993*. This draft plan of management clarifies how the land and new Yamba Library and Community Centre will be used and managed, and in particular how the land may be further developed and used.

**Climate Change**

The draft plan of management permits future development to safeguard against the effects of climate change and significant climatic events, including the use of climate change adaptation measures.