

**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.

## **POINT OF ORDER**

Cr Toms/Cr Cairns

That's an out of order question because it isn't about the plan of management for Treelands Drive, it's going out on public exhibition. It's not about the blurb funding. Councillor Cairns has already been told today that the question needs to be about what's before us and what she's asking is not about the plan of management. It's irrelevant to the actual business before council today.

The Chair upheld the point of order

## **MOTION OF DISSENT**

Cr Clancy

Cr Clancy moved a Motion of Dissent on the Chair's ruling in favour of the previous Point of Order directed to Councillor Cairns, on the basis that he believes Councillor Cairns's question is a relevant matter to be dealt with in the plan of management as it addresses the function of the item before council, as opposed to the funding.

Voting recorded as follows

For: Cr Clancy, Cr Cairns

Against: Cr Whaites, Cr Yager, Cr Novak, Cr Clancy, Cr Toms, Cr Cairns, Cr Johnstone, Cr Smith, Cr Causley

The Motion was put and declared LOST.

**COUNCIL RESOLUTION - 2025.1486**

**Cr Cairns/Cr Toms**

**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.**

**Voting recorded as follows**

**For: Cr Whaites, Cr Yager, Cr Novak, Cr Clancy, Cr Toms, Cr Cairns, Cr Johnstone, Cr Smith, Cr Causley**

**Against: None**

**CARRIED**