Plan of Management

Grafton Waterfront Precinct

February 2021

clarence
VALLEY COUNCIL

Adopted

23 February 2021 – Council Resolution 6b.21.006

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Citation

Clarence Valley Council (2021), *Grafton Waterfront Precinct Plan of Management*, Clarence Valley Council, Grafton NSW.

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EXECUTIVE SUMMARY

The Grafton Waterfront Precinct consists of land owned by Council in fee simple and Crown land, being Reserve 85477 for Public Recreation, managed by Council as the Crown land manager of the Grafton Memorial Park. The Grafton Waterfront Precinct is located adjacent to the Clarence River, the majority of which lies between Prince Street at its western end and Clarence Street at its eastern end.

The Precinct's location, adjacent to the business centre of Grafton with views and access to the Clarence River makes it a central point for activities including, aquatic sports, passive recreation, picnics, commemorative ceremonies, social gatherings and events. The large area of mown lawn provides an opportunity for enjoyment of a range of passive recreation and social activities. The formal Grafton Memorial Park gardens are maintained as part of the setting of the commemorative memorials.

The purpose of this plan of management is to establish objectives, strategies and actions and the means that will be employed in the management and use of the reserve to meet the needs and expectations of the local and wider community. It also provides for the maintenance and use of heritage items on the reserve in accordance with their heritage significance.

Council's Open Spaces and Facilities section is responsible for management and ongoing operations and maintenance of the grounds and public infrastructure on the Grafton Waterfront Precinct reserve area.

1. INTRODUCTION

1.1. Overview

This Plan of Management (PoM) has been prepared in consultation with the community to provide a framework and clear direction for ongoing development and maintenance of the Grafton Waterfront Precinct to provide active and passive recreation opportunities for the health and well-being of the community.

1.2. Need for this Plan of Management

The *Local Government Act 1993* (LG Act) requires all Council-owned land to be classified as either 'community' or 'operational' land. Land classified as 'community' is to be managed and used in accordance with an adopted PoM (s35, LG Act).

In addition, the management of Crown reserves changed with the enactment of the remaining provisions of the *Crown Land Management Act 2016* (CLM Act) on the 1 July 2018. Under the CLM Act, Council as a Crown land manager of dedicated or reserved Crown land now:

- must manage the land as if it were community land under the LG Act; and
- has for that purpose all the functions that a local council has under that Act in relation to community land (including in relation to the leasing and licensing of community land).

Consequently, the purpose of this PoM is to:

- Ensure compliance with the LG Act, CLM Act, and other relevant legislation and policies.
- Provide direction in the development, use and management of land and facilities within the Grafton Waterfront Precinct reserve area.
- Contribute to the Council's broader strategic goals and vision as set out in the community strategic plan - *The Clarence 2027* and the *Grafton Waterfront Precinct Master Plan 2011*.

1.2.1. Previous Plans of Management

In December 2000, Sustainable Futures in partnership with Grafton City Council prepared the *Memorial Park Draft Plan of Management*. This draft plan was not presented to the then Grafton City Council or submitted to the Minister for Crown Lands for adoption and subsequently remained in draft form. This PoM will supersede the *Memorial Park Draft Plan of Management 2000* prepared under the provisions of the *Crown Lands Act 1989* (Repealed) and the LG Act.

In May 2011, Council adopted the *Grafton Waterfront Precinct Master Plan* prepared by Clouston Associates (Council resolution: 12.061/11). The Master Plan illustrates how vision and design principles can be applied to transform an under-utilised waterfront area to a well used and busy river boulevard, with a shared waterfront walkway, a river centre and other public facilities that encourage riverfront activities and events. This PoM provides the statutory mechanism to implement the intent of the *Grafton Waterfront Precinct Master Plan 2011*.

1.3. Plan of Management Aims

The aim of this PoM is to provide a framework and management direction for the Grafton waterfront precinct area that:

- enhances the City's amenity and streetscape including a high standard of well designed and maintained landscaping features
- recognises and accommodates the commemorative and reflective nature of the war memorial and surrounds (Figure 1.1)
- promotes the passive recreation use of the reserve including the provision of a high level and standard of facilities, and an attractive and well maintained park setting
- caters for community-based special events utilising the park and river setting
- provides for the current and future needs of key user groups such as the Rowing Club, RSL and other war veteran and supportive organisations and Jacaranda Festival Committee; and
- meets the requirements of the *Local Government Act 1993*, the *Crown Land Management Act 2016* and the principles and objectives of Council's Community Strategic Plan - *The Clarence 2027* and the *Grafton Waterfront Precinct Master Plan 2011*.

Figure 1.1: This plan of management aims to provide for both commemorative and recreational functions within the Grafton waterfront precinct area

1.4. Land Description

The Grafton Waterfront Precinct consists of land owned by Council in fee simple, road reserve and Crown land, being Reserve 85477 for Public Recreation, managed by Council as the Crown land manager of the Grafton Memorial Park (Figure 1.2).

Figure 1.2: The Grafton Waterfront Precinct Area

1.4.1. Council-owned land

Council owns and manages three types of land as part of the Grafton Waterfront Precinct:

- public land classified as 'community'
- public land classified as 'operational'; and
- road reserve (owned by Council as the Local Roads Authority) (Table 1.1)

Table 1.1 Council-owned Grafton Waterfront Precinct land

Land classification	Lot & DP	Location	Approx. Area
Community	Lot 20 DP 879077	North-west side of Prince Street	0.14 ha
	Lot 18 DP 1260163	South-east side of Grafton Memorial Park	0.64 ha
	Lot 1 DP 1233312	Between Lot 18 DP 1260163 & Lot 4 DP 1253626	0.10 ha
	Lot 4 DP 1253626	North-west side of Villiers Street	0.16 ha
	Lot 122 DP 1266076	South-east side of Villiers Street	0.15 ha
	Lot 1 DP 1268816	South-east side of Lot 122 DP 1266076	0.20 ha
	Lot 15 DP 1267116	North-west side of Clarence Streets	0.49 ha
Operational	17 DP 1163618	North-east side of Clarence Street	0.01 ha
Road reserve	Prince Street	Prince Street road-end below levee	0.20 ha
	Villiers Street	Villiers Street road-end below levee	0.16 ha
	Clarence Street	Clarence Street road-end below levee	0.29 ha
		Total Area	**2.54 ha**

1.4.2. Crown land - Grafton Memorial Park (R85477)

Grafton Memorial Park is Crown land set aside as Reserve 85477 for the public purpose of Public Recreation on the 15th October 1965 (NSW Govt Gaz, #134, p3419).

Grafton Memorial Park is situated on Lots 4, 5, 6, 9 and 10 Sec 4 DP 758470; Lot 702 Sec 4 DP 92916; Lot 7001 DP 1054597; Lot 2 DP 1171986 and Lot 243 DP 751371 (Figure 1.3). The total area is approx. 1.4 ha.

The reserve adjoins local and State government office buildings on the northern boundary and the former Police Inspector's residence on the eastern boundary, and the Clarence River and Prince Street on its southern and western boundaries respectively.

Land Owner Conditions

Grafton Memorial Park is owned by the State of New South Wales and managed by Council as the Crown land manager for the benefit of the people of New South Wales and visitors.

The land is a reserve within the meaning of Part 2 of the CLM Act and there are restrictions on transfer and other dealings in the land under that act, which may require consent of the Minister.

The reserve is to be managed in accordance with its notified purpose of public recreation and the provisions of Part 3 of the CLM Act and Part 2 of the LG Act.

In addition, the Department of Planning, Industry and Environment's Crown Lands Division (Crown Lands) on behalf of the State has provisions under the CLM Act that allows them to directly lease or licence the use of the land either with or without Council's concurrence. Where Crown Lands have directly issued a tenure to a third party for the use of land included in this PoM, this PoM is void to the extent where that use is inconsistent or would not be permitted under this PoM.

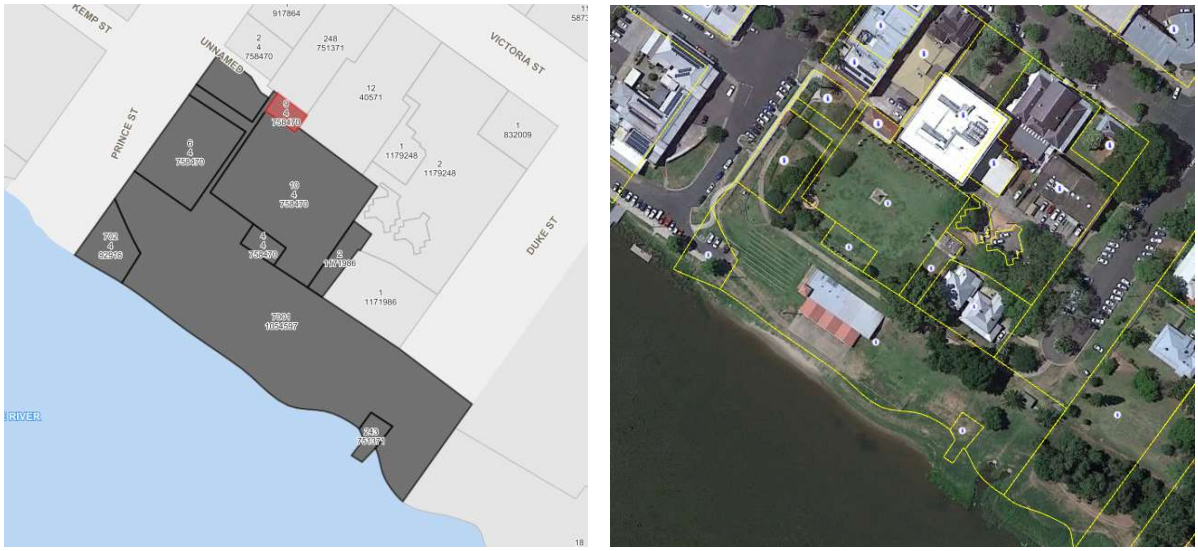


Figure 1.3: Grafton Memorial Park (R85477)

Native title

Grafton Memorial Park is also within the traditional lands of the Gumbaynggir people. Native title continues to exist in all Crown land unless determined otherwise. However, native title may have been extinguished in areas of the reserve where a valid or validated previous exclusive possession act under the Native Title Act 1993 (Cth) has occurred.

In the absence of a claim for or determination of native title under the *Native Title Act 1993* (Cth) the Grafton-Ngerrie Local Aboriginal Land Council (LALC) represent the rights and interests of the Gumbaynggir people in regards to the Park and the adjoining Clarence River.

Council acknowledges that the land and waters in the location of the Grafton Memorial Park hold significant cultural value to the Gumbaynggir people and that their native title rights and interests over the adjoining areas are recognised. Council will continue to consult and work with the Grafton-Ngerrie LALC during the redevelopment of the reserve as part of the Grafton Waterfront Precinct Masterplan to ensure their rights and interests are taken into account.

1.5. Land History

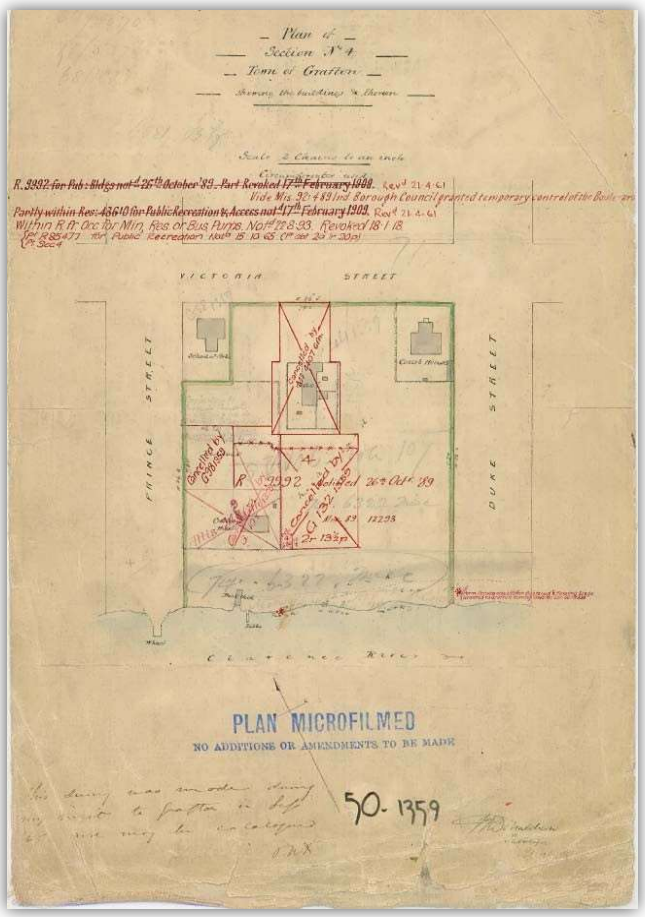
1.5.1. Lot 20 DP 879077

This land parcel was held in private ownership and part of the Crown Hotel site until its subdivision in 1998. Council acquired this land on the 28 May 1998.

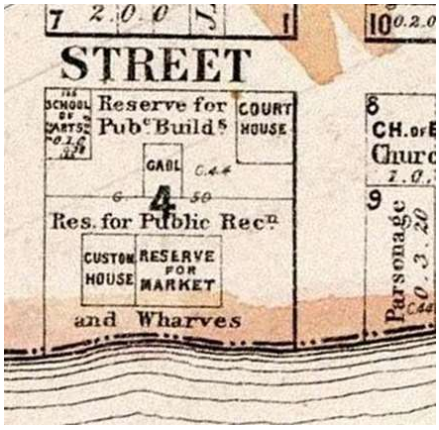
1.5.2. Grafton Memorial Park

The current reserve was gazetted in 1965; however, the area bounded by Victoria, Duke and Prince Streets and the Clarence River, known as Section 4 of the Town of Grafton, was established in the mid-1800's as an area of Crown land set aside for public buildings and for public recreation.

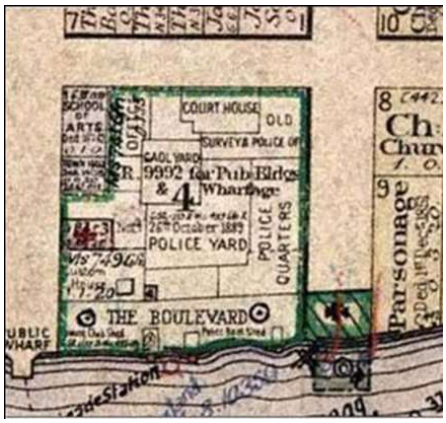
Figure 1.4 shows the location of the reserve and surrounding government buildings from 1865 – 1900: including School of Arts, Gaol, Court House, and Custom House.



Plan of Section 4 Town of Grafton 1865[1]



Reserve layout 1880



Reserve layout 1900

Figure 1.4: Plan section 4 of Grafton 1865 & reserve layouts 1880 - 1900

Table 1.2 provides a brief history of the status of the land over the years to meet the land requirements of Commonwealth, State and Local Government agencies and the community for areas of foreshore open space.

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[1] The handwritten note at the bottom of the plan reads:
This survey was made during my visit to Grafton in Sept '65 and may be catalogued. JW Maldern, Surveyor Sept 13/

Table 1.2: History of Land Status Action for the Grafton Memorial Park

Action	Notes and Reference
Reserve for Public Recreation & Wharves	Notified under the general notice of 24 December 1861 (revoked 26 October 1889)
Reserve 9992 for Public Buildings and Wharfage	Notified 26 October 1889 - Misc 499 Gfn (revoked 21 April 1961)
Reserve 43610 for Public Recreation & Access	Notified 17 February 1909 (Including the Boulevard but excluding the areas occupied by the Ferry Rowing Club (now Grafton Rowing Club) shed, Water Brigade shed & police boat shed). (revoked 21 April 1961)
Reserve 44271 for Public Recreation & Access	Notified 25 August 1909 following closure of southern end of Duke Street on 14 July 1909. (revoked 21 April 1961)
Reserve 44413 for Public Baths	Notified 29 September 1909 (Clarence River at end of Duke St) (revoked Friday 8 May 1925)
Dedication for Water Brigade Station Site	Notified 21 December 1910, Allotment 4 Section 4 (revoked 28 June 1940)
Reserve 57970 for Public Baths	Notified 8 May 1925 (expanded area). (revoked 21 April 1961)
Reserve 57972 for Police Purposes	Notified 8 May 1925 (within Boulevard – assumed to be relocated police boatshed) (revoked 21 April 1961)
Reserve 69323 for Public Recreation	Notified 28 June 1940 (Lot 4 Sec 4 DP 758470)(revoked 21 April 1961)
Reserve 77061 for Water Brigade Station Site	Notified 17 September 1954 (Lot 9 Sec 4 DP 758470)(revoked 21 April 1961)
Special Lease 1961-51 – Trustees of the Grafton Bowling Club	Notified 22 May 1964, SpL 1961-55 Grafton for Recreation (bowling greens and clubhouse) (Lot 10 Sec 4 DP 758470) (lease withdrawn - 13 December 1968)
Special Lease 1963-83 – Trustees of the Grafton Water Ski Club	Notified 5 November 1965, SpL 1963-83 Grafton for Recreation (clubhouse and slipway) (Portion 243) (Lease forfeited 5 September 1969)
Reserve 85477 for Public Recreation	Notified 15 October 1965 (The Boulevard & Memorial Park - Lots 4, 5, 6 and 9, DP 758470; Lot 702 Sec 4 DP 92916; and Lot 7001 DP 1054597).
Appointment of Grafton City Council as trustee of Reserve 85477	Notified 3 June 1966.
Addition to Reserve 85477	Notified 13 December 1968 (Lot 10 Sec 4 DP 758470)
Addition to Reserve 85477	Notified 17 October 1969 part of portion 243 above high water (Lot 243 DP 751371)
Addition to Reserve 85477	Notified 14 March 1980 - Revocation of part Reserve 84696 for Public Buildings (west of 1 Duke St) for addition to Reserve 85477 for Public Recreation (Lot 2 DP 1171986)
Establishment of the Grafton Boulevard (R85477) Reserve Trust	Notification 20 May 1994 assigned the corporate name to the trust responsible for R85477 and appointed it to manage part Reserve 84696 (1 Duke St).
Reserve 85477 for Public Recreation	Notification 31 July 2009 revoked appointment of Grafton Boulevard (R85477) Reserve Trust with respect to part Reserve 84696.
Revoking of reserve trusts and establishment of Council as Crown land manager of R85477	Notification 9 May 2018 Proclamation appointing 1 July 2018 as the date that the un-commenced provisions of the *Crown Land Management Act 2016* will commence

Grafton Memorial Park is also listed as a heritage item of local significance (I727, CVLEP) in its entirety and is within the Grafton Heritage Conservation Area.

It is clear that there has been a longstanding recognition of this area as a precinct for public use and enjoyment. This PoM seeks to build on the attractiveness of the location and to provide facilities as part of the Grafton Waterfront Precinct revitalisation that will be appealing to residents and visitors of the Town of Grafton.

1.5.3. Riverfront land between Duke and Clarence Streets

Council acquired six riverfront parcels of land through voluntary land acquisition from private landholders using section 94 and section 94A funds as part of the proposed Grafton Waterfront Precinct redevelopment. These parcels of land and the date they were acquired were:

- Lot 1 DP 1233312 – 7 July 2017
- Lot 4 DP 1253626 – 24 May 2019
- Lot 18 DP 1260163 – 10 January 2020
- Lot 122 DP 1266076 – 29 July 2020
- Lot 15 DP 1267116 – 28 August 2020
- Lot 1 DP 1268816 – 19 January 2021.

1.5.4. Lot 17 DP 1163618

This land was resumed in March 1920 by the State Government for the Grafton Water Supply. It was vested in Council on the 21 April 1995 and is classified as ‘operational’ under the LG Act.

2. BASIS FOR MANAGEMENT

2.1. Management of the Grafton Waterfront Precinct area

Under the *Local Government Act 1993* (LG Act), councils are required to develop and implement plans of management (PoM) for all community land adopted by each Council. Each plan needs to identify:

- the category of land
- the objectives and performance targets of the plan
- the means by which Council proposes to achieve the plan's objectives and targets; and
- the manner in which Council proposes to assess its performance.

In addition, the *Crown Land Management Act 201*6 (CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the LG Act. Generally, council managers will manage Crown land under their control as if it were community land under Part 2 of the LG Act.

Classification as 'community' reflects the importance of the land to the community. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access.

2.1.1. *Local Government Act 1993* restrictions regarding community land

Under the LG Act, community land:

- cannot be sold, or
- leased, licenced or any other estate granted over the land for more than 21 years (or 30 years with Ministerial consent), or
- alienated for private purposes; and
- must have a plan of management prepared for it.

In addition, Council may only grant a lease, licence or other estate over community land if:

- the plan of management expressly authorises the lease, etc. AND

- the purpose of the lease etc is consistent with the core objectives for the category assigned to the land (s.46(2)); AND
- the lease etc is for a purpose listed in section 46(1)(b) of the Act.

2.1.2. *Crown Land Management Act 2016* restrictions regarding 'community' Crown land

Under the CLM Act, a council manager of community Crown land cannot:

(a) sell or dispose of the land in any other way unless the Minister gives written consent for it, or

(b) classify the land as operational land under the LG Act unless the Minister gives written consent for it, or

(c) do any other thing under the LG Act that would involve a contravention of a provision of this Act that applies to council managers, or

(d) do anything that contravenes:

(i) any limitations or other restrictions specified by the provisions of the manager's appointment instrument, or

(ii) the regulations, or

(iii) any applicable Crown land management rules, or

(iv) any applicable plan of management under Division 3.6 (if there is no requirement for a plan of management under the LG Act).

2.2. Categorisation under the *Local Government Act 1993*

In general, it is the purpose of the PoM to categorise the land to which the plan applies. The category(s) assigned then set the core management objectives for the land.

Lot 20 DP 879077 was categorised as **General Community Use** under the *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014 - 2023* on the 15 April 2014 (Council Resolution 13.055/14). This PoM endorses and continues the categorisation of **'General Community Use'** for this parcel of land.

Lot 18 DP 1260163; Lot 1 DP 1233312, Lot 4 DP 1253626, Lot 122 DP 1266076, Lot 15 DP 1267116 and Lot 1 DP 1268816 are to be categorised and managed as **Park** under this PoM.

There is no requirement to categorise the small parcel of operational land (Lot 17 DP 1163618) or the three road ends that form part of the Grafton waterfront precinct area. However, for consistency and to provide management direction for these areas under this PoM the open space areas of Villiers and Clarence Streets and Lot 17 DP 1163618 will be managed as if they were categorised **Park** under the LG Act. The open space area within the Prince Street road end will be managed as **General Community Use**.

In the case of the first PoM for community Crown land under the LG Act the Minister responsible for Crown Lands assigns the category(s) by which the reserve has to be managed under the Act. Consequently, the Minister (via his delegate) has assigned the following categories under the *Local Government Act 1993* to the Grafton Memorial Park reserve (R85477) area:

- **Park** – the entire reserve excluding the area occupied by the Grafton Rowing Club
- **General Community Use** – the area occupied by the Grafton Rowing Club located on the river foreshore.

The brick Water Brigade building on the northern boundary (Lot 9 Sec 4 DP 758470) has been categorised as '**Park**' by the Minister's delegate. This category is inappropriate for this building, based on its current use by the Grafton Rowing Club as an office and storage area and the proposal under the *Grafton Waterfront Master Plan 2011* to convert this building into a 'river centre'. Consequently, this plan of management categorises and manages the Water Brigade building and its immediate surrounds as '**General Community Use'.**

The location of the LG Act categories assigned to the Grafton Waterfront Precinct are depicted in the following diagrams (Figure 2.1 and 2.2).

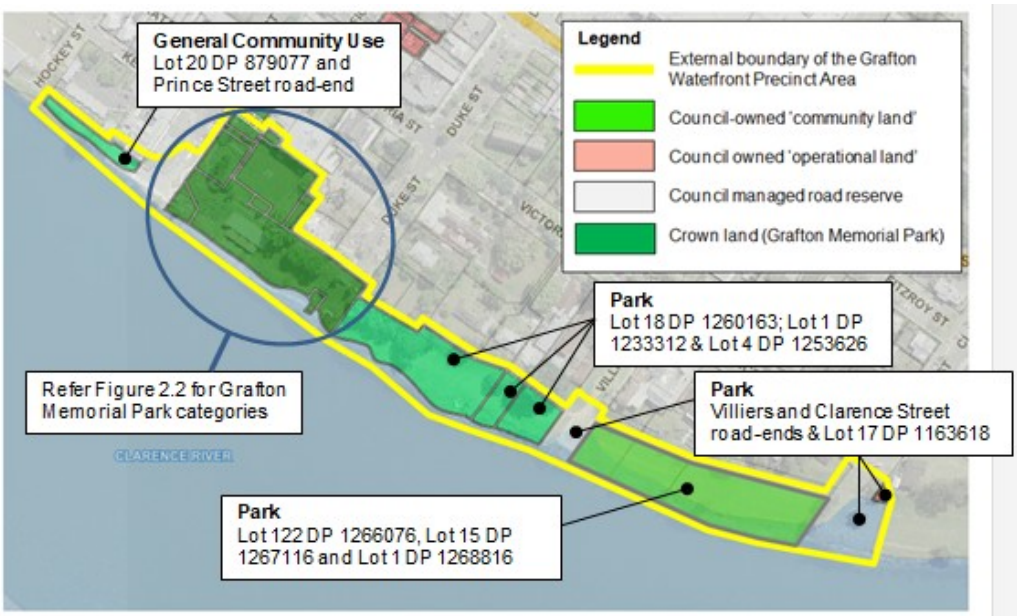

Figure 2.1: LG Act categories assigned to the Grafton Waterfront Precinct area under this PoM

Figure 2.2: LG Act categories assigned to the Grafton Memorial Park area by the Minister's delegate and by this PoM

2.3. Core Objectives for Management

Core objectives for **Park** and **General Community Use** are set down in the provisions of the LG Act (s36G & s36I respectively).

Core objectives for management of community land categorised as **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 for its management.

Core objectives for management 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 of development of individual members of the public, and

b. In relation to purposes for which a lease, license 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).

These management objectives form the basis of the management actions detailed at Section 7 of this PoM.

2.4. Community Consultation

Community consultation and community input is important to ensure that a PoM meets the needs of the community, the ability of Council to undertake implementation and the support of the community in managing the reserve.

In developing this PoM, Council consulted with representatives from the:

- Big River Ski Club
- Grafton - Ngerrie Local Aboriginal Land Council
- Grafton Jacaranda Festival Committee
- Grafton Rowing Club
- Grafton RSL Sub-branch.

Issues raised by these user groups include:

- Ability to store rowing club boats and gear on the roof of the boatshed during floods rather than on the reserve restricting access to memorials and grassed areas.
- Lighting of memorials to reduce vandalism
- Repurposing of Water Brigade building to incorporate a museum to house and exhibit rowing club and Water Brigade memorabilia/historical information
- Sensitivity and compliance with due diligence protocols in regards to Aboriginal objects unearthed during redevelopment.
- Upgrade of power supply to 3 phase, and renewal of wiring/outlet points for a public address system.

The community consultation process included the public exhibition of the draft PoM from Friday 4 December 2020 to Monday 1 February 2021, in accordance with the requirements of s38 of the LG Act to allow a broader cross section of the community to provide comment on the PoM, should they wish to do so.

A total of thirteen (13) submissions were received during the submission period.

In addition, a public hearing was conducted by an independent facilitator from *Northern Rivers Catchment Management* on Wednesday, 27 January 2021 in accordance with the requirements of s40A of the Act. The public hearing was conducted in the Grafton Regional Library. Eleven (11) people attended, the majority being neighbours adjoining the Grafton Waterfront Precinct area and two representatives from the Grafton Rowing Club. In addition, two (2) staff attended the public hearing in their official capacity to provide information in regards to the land being categorised and re-categorised by the draft PoM.

Four (4) speakers provided verbal submissions at the Public Hearing.

Council reviewed the proposed amendments to the draft PoM at their meeting of 23 February 2021. Council deemed the amendments to be unsubstantial and resolved to adopt the draft PoM as amended (Council resolution 6b.21.006).

3. LEGISLATIVE FRAMEWORK

This section details the legislative and policy framework applying to the land covered by this PoM.

3.1. Local Government Act 1993

The LG Act requires all Council-owned land to be classified as either 'community' or 'operational'. Community land is defined as land that must be kept for the use of the general community, and must not be sold. In contrast, operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

Importantly, community land must be managed in accordance with the provisions of the LG Act and the *Local Government (General) Regulation 2005* (Table 3.1).

Table 3.1: Requirements of the *Local Government Act 1993* for land classified as community

Requirement of the *Local Government Act 1993*	Relevant Section(s)
Community land must be used and managed in accordance with: ▪ The PoM applying to the land ▪ Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land ▪ The provisions of Division 2, Part 2 of Chapter 6 of the Act	s35
The PoM for the land must:	
▪ Identify the category(s) to be applied to the land in consideration to the guidelines for categorising the land	s36[3][a]; s36[4] & s36[5] & cl.102-111 LG(G) Regs
▪ Specify the core objectives and performance targets for management of the land; the means by which Council proposes to achieve the plan's objectives and performance targets; and the manner in which its achieved the plan's objectives and performance targets is measured.	s36[3][b], [c] & [d]
▪ Include a description of the condition of the land, and of any buildings or other improvements on the land; and the use of the land and any such buildings or improvements as at the date of adoption of the plan.	s36[3A][a]
▪ Specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used and for which any further development of the land will be permitted, whether under lease or licence or otherwise, and describe the scale and intensity of any such permitted use or development.	s36[3A][b]; s46; s46A; s47; s47A & s68

Requirement of the *Local Government Act 1993*	Relevant Section(s)
Where the land is not owned by the council, the PoM must also identify the owner of the land, and must state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant, and whether the use or management of the land is subject to any condition or restriction imposed by the owner	s37
Council must give public notice and exhibit the draft PoM for 28 days and allow at least 42 days for the making of submissions.	s38
Any amendments to a draft PoM must be publicly exhibited in the same way, until the Council can adopt the draft PoM without further amendment.	s40

3.2. Crown Land Management Act 2016

The CLM Act requires council managers to take into account the objects and principles of the Act when preparing a PoM for a Crown reserve. The objects of the Act are:

(a) to provide for the ownership, use and management of the Crown land of New South Wales, and

(b) to provide clarity concerning the law applicable to Crown land, and

(c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and

(d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and

(e) to facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and

(f) to provide for the management of Crown land having regard to the principles of Crown land management (s1.3 CLM Act).

The principles of Crown land management are:

(a) that environmental protection principles be observed in relation to the management and administration of Crown land, and

(b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and

(c) that public use and enjoyment of appropriate Crown land be encouraged, and

(d) that, where appropriate, multiple use of Crown land be encouraged, and

(e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and

(f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles (s1.4 CLM Act).

The CLM Act also makes it a legal requirement for councils to employ or engage at least one native title manager to ensure its dealings with the land comply with any applicable provisions of the native title legislation. A council cannot do any of the following in regards to Crown land under its control unless it has first obtained the written advice of at least one of its native title managers that it complies with any applicable provisions of the native title legislation:

(a) grant leases, licences, permits, forestry rights, easements or rights of way over the land,

(b) mortgage the land or allow it to be mortgaged,

(c) impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land,

(d) approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c) (s8.7 CLM Act).

3.3. Zoning and Planning Controls

3.3.1. Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principle legislation regulating land use in NSW. Part 4 of the EP&A Act outlines the factors that must be considered when a development application is assessed.

The EP&A Act includes other provisions including that a public authority may become the determining authority for development (activity) that is permissible without consent under Part 5 of the Act.

The purpose of Part 5 of the Act is to ensure public authorities fully consider environmental issues before they undertake or approve activities that do not require development consent. As such, it has commonly been used to assess activities such as roads, railways, dredging and construction of facilities on public land, which do not require consent. If these activities are judged by the relevant public authority to significantly affect the environment, then an environmental impact statement will need to be prepared and considered by this authority.

3.3.2. State Environmental Planning Policies (SEPPs)

State Environmental Planning Policies address issues of State significance across the state.

Infrastructure SEPP 2007

Under the Infrastructure SEPP 2007 certain types of development do not require consent under Part 4 of the EP&A Act. It includes provisions for exempt development and for development without consent on parks and other public reserves. Under Division 12, Clause 65(2)(d) of the SEPP, development can be carried out without consent by a Crown land manager of the land if the development is for purposes of implementing a plan of management adopted for the land under the LG Act. However, a review of environmental factors (REF) under Part 5 of the EP&A Act is still required.

Clause 66 provides and sets out exemptions for certain works within parks and other public reserves undertaken by a public authority.

3.3.3. Clarence Valley Local Environmental Plan 2011

Council's Local Environmental Plan prepared under the EPA Act is known as the *Clarence Valley Local Environmental Plan 2011* (CVLEP).

Local Environmental Plans (LEPs) guide planning decisions for local government areas. They do this through zoning and development controls, which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and also ensure local development is done appropriately.

The Grafton Waterfront Precinct currently includes land zoned as:

- RE1 Public Recreation (Lots 4, 5, 9, 6 and 10 Sec 4 DP 758470; Lot 702 Sec 4 DP 92916; Lot 7001 DP 1054597; and Lot 243 DP 751371)
- B3 Commercial Core (Lot 20 DP 879077; Lot 2 DP 1171986 and the Prince Street road-end).
- R1 General Residential (Lot 18 DP 1260163; Lot 1 DP 1233312, Lot 4 DP 1253626; Lot 122 DP 1266076, Lot 15 DP 1267116 & Lot 1 DP 1268816) (Figure 3.1).

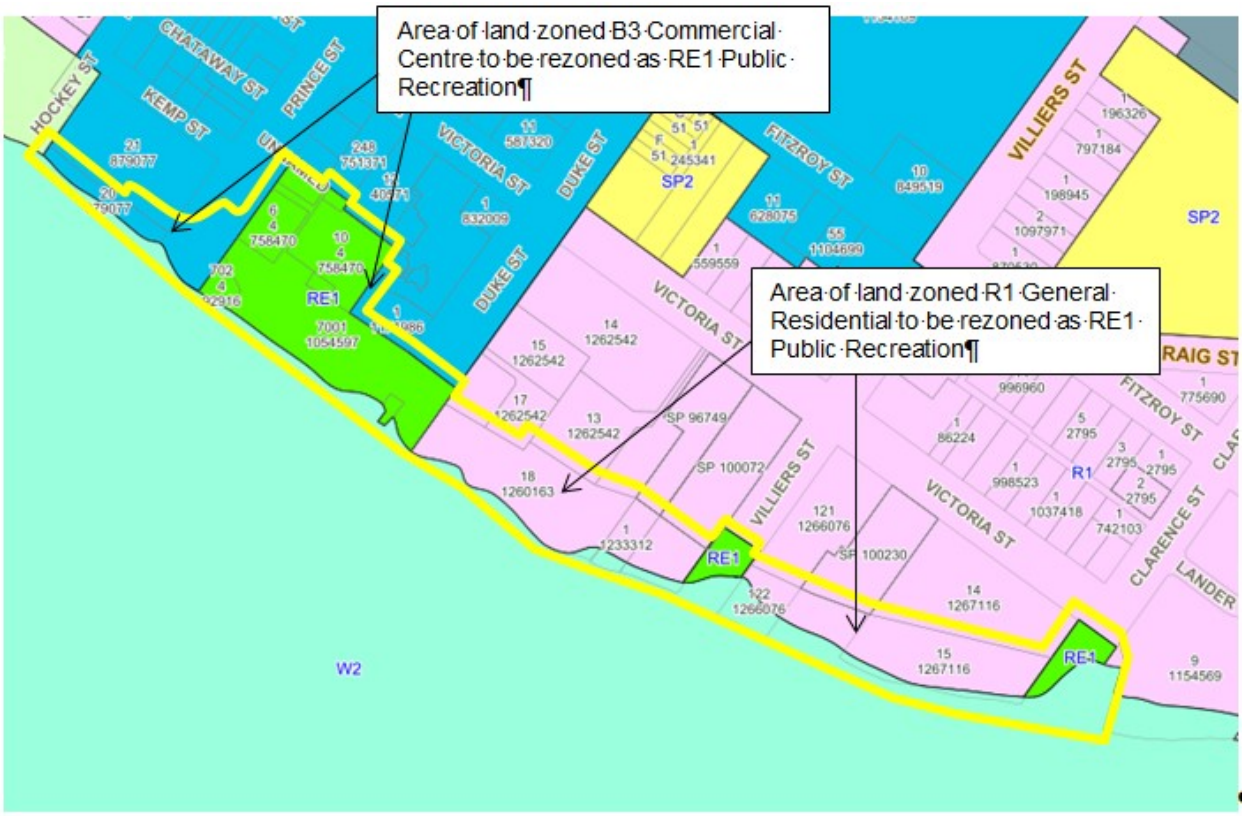

Figure 3.1: CVLEP Zoning within the Grafton Waterfront Precinct Area

The R1 General Residential land use zone permits Recreation Areas to be developed on the land however, the B3 Commercial Core does not. Consequently, the B3 zoning within the Grafton Waterfront Precinct area is an anomaly that currently hinders the development of these areas as part of the redevelopment of the waterfront precinct area.

For consistency this PoM proposes that the B3 Commercial Core and R1 General Residential land use zones within the Grafton Waterfront Precinct area are rezoned RE1 Public Recreation. This will require the preparation of a planning proposal under Section 3.33 of the EP&A Act for a 'housekeeping' amendment to the CVLEP.

Ensuring that all land within the Grafton Waterfront precinct is zoned RE1 Public Recreation will:

- enable land to be used for public open space or recreational purposes
- provide a range of recreational settings and activities and compatible land uses; and
- protect and enhance the natural environment for recreational purposes.

In addition, the Grafton Memorial Park area is listed in Schedule 5 of the CVLEP as an item of environmental heritage of local significance located within the Grafton Heritage Conservation Area. Clause 5.10 of the CVLEP sets out the requirements for development consent within a heritage conservation area. These

requirements will need to be considered as part of the redevelopment of the area as proposed by the *Grafton Waterfront Precinct Masterplan 2011.*

3.4. Other Relevant Legislation and Policies

In addition to the requirements of the LG Act and the CLM Act, other legislation and Government policies with direct relevance to the ongoing development and management of the Grafton waterfront precinct area include:

3.4.1. Commonwealth Legislation

- *Disability Discrimination Act 1992*
- *Native Title Act 1993*
- *Telecommunications Act 1997*[2]

3.4.2. State Government Legislation and Policies

- *Companion Animals Act 1998*
- *Heritage Act 1977*
- *NSW Government Flood Prone Land Policy*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- State Environmental Planning Policies (SEPPs)

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[2] Note: The Commonwealth *Telecommunications Act 1997* provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.4.3. Clarence Valley Council Planning Instruments, Development Control Plans and Policies

- Asset Management Policy (Minute #14.132/15)
- Clarence Valley Council Development Control Plan
- Clarence Valley Cultural and Community Facilities Plan
- Clarence Valley Cultural and Sports Trust Policy (Minute #6c.19.038)
- Clarence Valley Onsite Waste Water Management Strategy 2013
- Clarence Valley Open Spaces Strategic Plan
- Clarence Valley Sports Facilities Plan
- Commercial Recreational Activities on Public Land Policy (Minute #15.180/18)
- Donated Facilities on Public Land Policy (Minute #15.180/18)
- Mobile food vehicles, temporary food stalls & hawking Policy (Minute #15.091/16)
- Mobile signs, articles, merchandise and entertainment on public land Policy (Minute #14.194/15)
- Safety Signage in Recreational Areas (Minute # 15.203/18)
- Smoke Free Public Areas Policy (Minute #13.072/15)
- The Clarence 2027 Community Strategic Plan
- Tree Management Policy (Minute #15.203//18).

4. CONDITION OF THE LAND AND IMPROVEMENTS

The following is a general overview of existing facilities, infrastructure and open space areas and their condition at the time of preparation of this plan. Council's Asset Register provides a database record of the condition score and expected renewal of facilities and infrastructure owned and managed by Council (Appendix 1).

4.1. The Land

The Grafton Waterfront Precinct is located on the northern bank of the Clarence River on alluvial soil and is mapped as flood prone land containing Class 4 acid sulfate soil under Council's CVLEP. Acid sulfate soils, in a Class 4 area are likely to be found beyond two metres below the natural ground surface. Any works that extend beyond two metres below the natural ground surface, or works which are likely to lower the water table beyond two metres below the natural ground surface, will trigger the requirement for assessment and preventative management.

In general, grass cover across the precinct area is good, with compaction and poor coverage around park furniture and maintenance access points within the Grafton Memorial Park area (Figure 4.1). However, submersion and the deposition of silt along the foreshore area during flood events may lead to serious soil layering problems and even death of the existing grass.

Grass cover on the Grafton Memorial Park is good

Evidence of poor grass coverage and compaction around picnic tables

Grass cover on the foreshore area is generally good

Submersion and deposition of silt during flood events may lead to soil layering problems and death of existing grass

Figure 4.1: General overview of the Grafton Waterfront Precinct area

Established gardens, topiarised hedges and mature shade trees within the Grafton Memorial Park area are in good condition, with the exception of a Grey Corkwood tree (*Erythrina vespertilio*) located adjacent to the pathway adjoining the former police inspector's residence on part Reserve 84696 for Public Buildings which is in poor condition.

Significant tree plants such as the Lone Pine and other ornamental trees enhance the traditional setting and commemorative nature of this space. Flower beds in the park are well maintained with box hedges cut to the lettering of Australian Defence Force units and contrasting coloured flowers planted so that the various sections of the defence force can be read (Figure 4.2).

Figure 4.2: Flower beds and raised hedging to commemorate Australian defence force units within the Grafton Memorial Park area

The riparian zone is significantly altered due to the removal of trees and other riparian vegetation since European settlement (Figure 4.3). Vegetation consists primarily of the native common reed (*Phragmites australis*) and weed species such as five leaf morning glory (*Ipomoea cairica*), large leaf moonflower (*Ipomoea alba*) and castor oil plants (*Ricinus communis*).

Riparian Zone – Lot 20 DP 879077 ranges from completely denuded upstream of the boat ramp to predominantly native common reed (*Phragmites australis*) south of the boat ramp and then cumbungi (Typha species) around the public pontoon and wharf

Riparian zone - Grafton Memorial Park is predominately mown grass to the waters edge. The area in front of the Grafton Rowing Club complex is a concrete apron then gravel to the waters edge

Riparian zone between Duke & Lot 18 is predominantly weed infested with five leaf morning glory (*Ipomoea cairica*) and large leaf moonflower (*Ipomoea alba*)

Riparian zone between Lot 18 & Villiers Street is predominantly native common reed (*Phragmites australis*)

Figure 4.3: Riparian zone areas

Introduced weed species and some native plants species are propagating or regenerating following recent disturbance and clearing of vegetation on the north-west portion of Lot 18 (Figure 4.4). This lower section of the riverbank below the levee wall is now proposed to be maintained as a mown grass area with remaining established trees retained.

Regeneration of cleared area occurring

Re-emergence of camphour laurel (*Cinnamomum camphora*)

Re-emergence of cats claw creeper (*Dolichandra unguis-cati*)

Figure 4.4: Regeneration of cleared area on Lot 18 DP 1260163

Management of the regrowth and the control of weed species in this area needs to be done in consultation with Council's Floodplain Services section as the riverbank forms part of the levee system that protects the City of Grafton and surrounds.

Individual native trees and patches of native vegetation along the remainder of the foreshore area are scattered and have varying degrees of weed infestation. These areas need to be maintained and protected. Weed infestations need to be controlled and removed where feasible.

A Flora and Fauna survey undertaken as part of Transport for NSW, *NSW Conditions of Approval for the 'Additional Crossing of the Clarence River at Grafton'* project recorded the presence of the Three Toed Snake Tooth Skink (TTSTS) (*Coeranoscincus reticulatus*) a threatened (Vulnerable) Species under the *Environmental Protection Biodiversity Conservation Act* 1999 (EPBC Act) and NSW *Biodiversity Conservation Act 2016* (BC Act), on the northern bank of the Clarence River (Transport for NSW 2016).

Lewis Ecological was commissioned to undertake these surveys in 2016 which confirmed the species throughout the township of Grafton including residential gardens, under ornamental street trees, park plantings and large street trees with protective cover on alluvial soils, including two recordings bounding the Grafton Waterfront Precinct area (Lewis 2016). (The mapped distribution and recorded locations of the TTSTS within Grafton is included as Appendix 3).

The natural habitat of the TTSTS consists of rainforest and occasionally moist eucalypt forest on loamy or sandy soil in loose soil, leaf litter and rotting logs (OEH 2019). It is therefore likely that TTSTS may occur on public land within the Grafton Waterfront Precinct provided suitable habitat is maintained. Council will ensure as part of the Grafton Waterfront Precinct Project and ongoing management that remnant native revegetation is retained and proposed landscaping plans provide suitable habitat and appropriate cover for the species, in accordance with the Saving our Species strategy for the TTSTS.

The Grafton Waterfront Precinct, in particular the Grafton Memorial Park reserve also forms part of the Grafton Levee system and contains critical flood mitigation infrastructure (Figure 4.5). The levee asset is formed largely by an earthen bank, with a small section of masonry block floodwall located on the south-western side of the park. The masonry flood levee was constructed in 1970 and the educational signage was constructed in approximately 2012.

Masonry block levee wall adjoining Prince Street

Flood infrastructure located on the reserve (which is NSW State government owned)

Figure 4.5: Grafton Levee & flood mitigation infrastructure (and educational signage) within the Grafton Memorial Park reserve

The Prince Street Gauge Camera which lines up with the flood height gauges, floodgates, penstocks, pits, culverts and access stairs is an asset belonging to the NSW State Government and is monitored by Manly Hydraulics Laboratory. The flood gauges are of local heritage significance (I726, CVLEP).

4.2. Built Elements – Council-owned Land

Built elements on land owned by Council include the boat ramp and pavement area on Lot 20 DP 879077; the public pontoon and public wharf on the Prince Street road-end and the picnic facilities on the Clarence Street road-end.

4.2.1. Lot 20 DP 879077

The Clarence foreshore in front of the Crown Hotel is a popular area used to access the river. Assets include a concrete boat launching ramp constructed in the early 1990s, pavement, concrete curb and guttering (Figure 4.6). The concrete kerb and gutter and footpath were constructed in 2011 and provide parking and

safe pedestrian access between aquatic recreational facilities on the reserve foreshore . These structures are in a ‘good’ condition.

Public boat ramp

Concrete path, kerbing and road pavement

Figure 4.6: Lot 20 DP 879077 improvements

4.2.2. Prince Street road-end

The Prince Street pontoon and wharf (Figure 4.7) are important assets providing access to the Clarence River. The Pontoon was constructed in 1985. The original wharf construction date is unknown; however Council records indicate that the wharf was extended in 1986. The timber deck was replaced by a new micro-mesh deck in 2011. The overall condition of these assets is considered ‘good’.

Prince Street pontoon

Prince Street wharf

Figure 4.7: Prince Street road-end open space improvements

4.2.3. Clarence Street road-end

The southern end of Clarence Street is one of several entry points to the Clarence River foreshore. A concrete staircase leading down to the river (Figure 4.8) was constructed in 1970 and is in fair/moderate condition showing cracking on one side of the stair wall. Construction of the concrete picnic tables and seating below the stairs is thought to have been in 1970 and while they are approximately 50 years old, their condition is ‘good’.

Concrete stairs showing cracking in side wall

Concrete picnic tables and seating

Figure 4.8: Clarence Street road-end open space improvements

4.3. Built Elements - Grafton Memorial Park

Built elements on the Grafton Memorial Park reserve include the Grafton Rowing Club boatshed, the Water Brigade building, Memorial Park entry gate, riverside carpark, the cenotaph and memorials, two brick and timber pergolas, and the elaborate brick fence with ornate rolled steel work on the boundary with Prince Street (Figure 4.9). Of significance also is the water fountain relocated from the former Fisher Park Botanical Gardens to this reserve circa 1910.

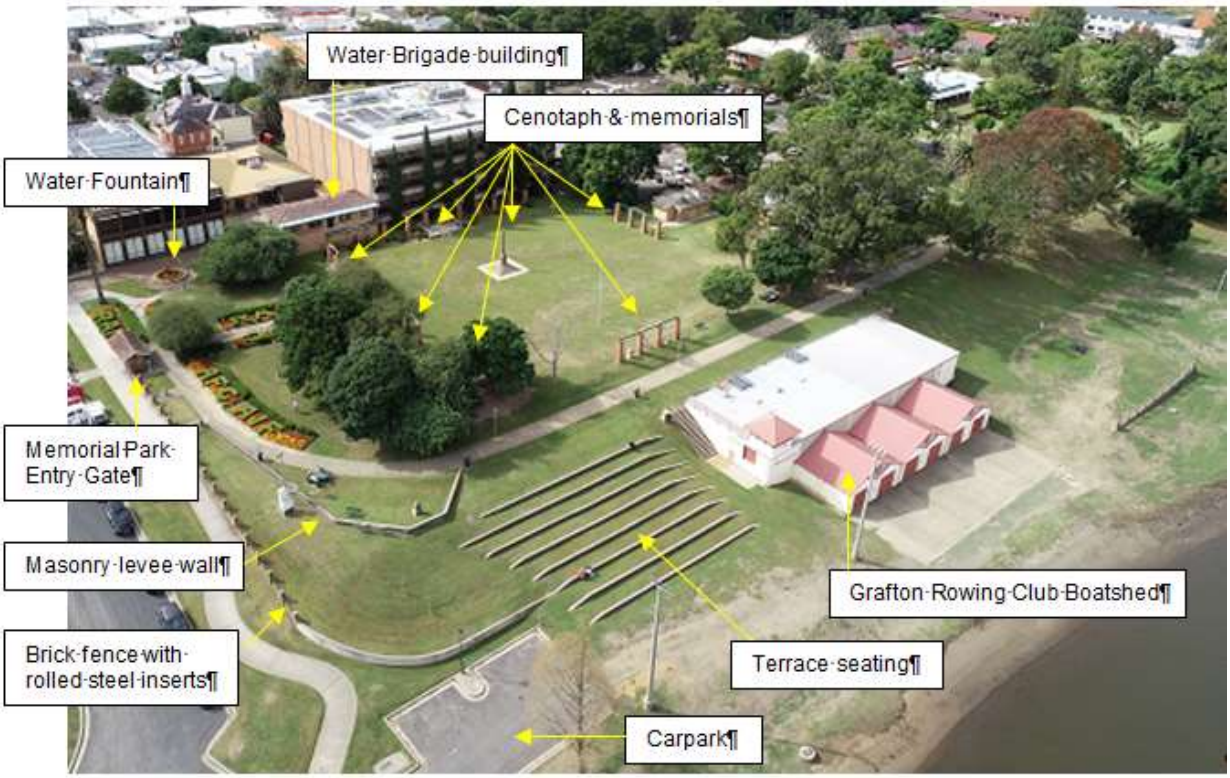


Figure 4.9: Grafton Memorial Park built elements

4.3.1. Grafton Rowing Club boatshed

The original Grafton Rowing Club boatshed was built on the reserve during the 1880's (Figure 4.10).

Figure 4.10: Grafton Rowing Club boatshed – circa 1880's
(Source: http://www.graftonrowing.asn.au/oldgrcsite/history/grc_3.htm)

The current Grafton Rowing Club boatshed was built circa 1930 and is constructed of concrete (Figure 4.11). The boatshed has a varied history, having also been used as a warehouse and storage shed for flying boats to transport passengers and freight to and from Grafton between 1948 and 1967. The shed also housed the Volunteer Water Brigade for many years.

Figure 4.11: Grafton Rowing Club boatshed

Various alterations have been made to the boatshed over the years, including the three gable ended extensions at the front, and the judge's and announcer's box on top of the shed added during the 1990s.

The boatshed has been assessed as being in good condition. The concrete apron used for boat launching located in front of the rowing club is also in good condition.

The Grafton Rowing Club has expressed interest in extending and upgrading the boatshed. This will require submission of a development application to Council for assessment and approval. A major issue for consideration will be the potential impact of new structures on the setting of the park and riverside vistas.

4.3.2. Water Brigade building

The Water Brigade building is located to the rear of the Grafton Memorial Park diagonally adjacent to the Council offices (Figure 4.12). Although the current building was raised and renovated in 1982, the Grafton Volunteer Water Brigade had a strong historical role in the Park with over one hundred years of service to the community.

The Water Brigade building is currently leased by the Grafton Rowing Club as an office/administration centre. It also acts as a museum housing Rowing Club and Water Brigade memorabilia. The building also provides additional boat storage space for the Rowing Club.

Figure 4.12: Grafton Water Brigade building

The building has been assessed as being in a good condition. However, the roof is deemed to be in a fair condition.

Work needed to bring the building up to a serviceable condition includes repairing a crack on the brick wall of the south-facing staircase and re-roofing. It is noted that this building will be upgraded as part of the Grafton Waterfront redevelopment. The proposal is to turn it into a river centre with a visitor information area. The upstairs area is proposed to remain leased to the Grafton Rowing Club as an administration and museum area.

The proposal for greater public access to the building is also consistent with its location within a public reserve. Use of the building to provide upgraded, more conveniently located toilets to the wider community (including access for disabled persons) is also proposed.

4.3.3. Reserve infrastructure

Grafton Memorial Park has significant war memorials on the reserve that are listed in the NSW Government War Memorial Register including Memorial Park entry gate, Vietnam and Korean War Memorials, Australia Remembers Memorial, Remembrance Walk and the Grafton Cenotaph.

Memorial Park entry gate

The Memorial Park entry gate structure was constructed in 1936 and is generally in a good condition (Figure 4.13). However, the following issues have been identified affecting the entry gate structure:

- Rising damp affecting base of brick pillars
- Damaged brickwork

Figure 4.13: Memorial Park entry gate

Rising damp affecting base of brick pillars

There are clear signs of efflorescence and rising damp with accumulation of salts on the exterior of the brickwork caused by poor drainage and the pooling of water at the base of the gate structure (Figure 4.14a). Over time, this will lead to spalling and disintegration of the bricks, and has already caused some damage.

The drainage issue needs to be addressed to avoid potential failure of the brickwork due to rising damp. As well as diverting the water, the concrete around the base of the brick pillars should be replaced with a French Drain with an aggregate infill to enable the masonry to breathe and allow evaporation. The bricks should be allowed to dry out naturally. At no point should any sealant be applied to the brickwork.

Damaged brickwork

Several bricks are broken on the corners and require some sympathetic repairs (Figure 4.14b).

Single bricks can be carefully removed, they may be able to be turned around and mortared or matching early brick replacements found to replace them. Mortar needs to be matched in terms of composition and aesthetic appearance. Traditional mortar mixes used during that era of construction were limed based and allowed permeability and excess moisture to travel through rather than into brickwork. For this reason cement-based mortar should be avoided.

a. Rising damp on entry gate brickwork

b. Damaged brickwork on entry gate

Figure 4.14: Memorial Park entry gate maintenance issues

Pergola structures

The reserve has two pergola structures with established Banksia Rose (*Rosa banksiae* variety) covering them at either end of the 'Remembrance Walk' (Figure 4.15). The pergola structures are constructed with brick piers and an open-timber framed roof and are an acknowledged landscape element in the reserve.

Pergola with Banksia Rose near entry gate

Pergola with Banksia Rose near cenotaph

Figure 4.15: Pergola structures at either end of the 'Remembrance Walk'

While the brick piers are in a good condition dry rot is observed in the timber roofing structure in both pergolas (Figure 4.16). Replacement 'like for like' to original details is required. There is some ornamentation with a scalloped edge to some of decorative beams.

Rotting timber in Pergola near WWI memorial

Rotting timber in Pergola near entry gate

Figure 4.16: Dry rot observed in Pergola structures

Removal in part of some of the covering Banksia rose will be required to enable repairs. This should be carefully managed with protection of the main stems and roots so that it can recover.

Cenotaph and Remembrance memorials

The Cenotaph and Remembrance memorials on the reserve are generally well maintained and are in a good condition (Figure 4.17). Other memorials and cenotaphs commemorating wars or local events are located within the park are also in good to very good condition.

The reserve also contains a memorial to 13 Cub Scouts who drowned crossing the river while returning from Susan Island on 11th December 1943. The plaque on this memorial tells the story of the accident and notes that the memorial was erected to mark the 50th Anniversary of the tragedy (presumably in 1993).

The small concrete dais located on the northern boundary of the park adjacent to the State government office building is used for conducting memorial services is in a fair condition.

Cenotaph - WWI Memorial

Vietnam War Memorial

Korean War Memorial

Air Force, Military and Navy servicemen & women Memorial

East Timor – Bougainville Memorial

Iraq – Afghanistan Memorial

Australia Remembers Memorial

Memorial avenue and those that perished during WWII and subsequent conflicts memorial

Boy Scout Memorial

Figure 4.17: Memorials located on the Grafton Memorial Park reserve

Ornamental brick fence with rolled steel decorative infill

There are two main sections of this fence, the lower section (below levee wall) which appears to be earlier and more ornate with a smaller sized rolled steel detail (Figure 4.18). The style is typical of the 1930s and interwar period and a distinctive element of the Memorial Park. The section on the higher part (above levee) has a different pattern and appears to be a later addition.

Boundary fence with Prince Street (below levee wall)

Rolled iron infill panel

Boundary fence with Prince Street (above levee wall)

Iron infill panel

Figure 4.18: Brick boundary fence with rolled iron infill

The rolled steelwork is in need of maintenance, rust removal, painting and reconstruction of missing pieces from the top level. Use of rust removers, cold gal, is preferred to sandblasting due to the historic nature of the original fabric and potential pitting and damage to the surface. Treatment in situ is required as the metal spans appear to be mortared into the pillars and removal is likely to cause damage to the brick piers.

There does not seem to be any rising damp evident on the brick base however in recent years a concrete path has been constructed right up to the edge. This should be monitored for impacts on rising damp and may need to be addressed by creation of a French drain at the base of the brickwork.

Maintenance and spraying of weeds which infiltrate the mortar is recommended to reduce damage to the mortar before pulling out of the mortar.

The fence at the top of the levee wall (refer Figure 4.18, bottom left photo) has become a crossing point to make a short cut into the park from the roadway which potentially damages the structure and erodes the grass at this location. This area needs to be monitored and appropriate action taken to dissuade short-cutting into the park.

Park furniture such as picnic tables, seats and a shelter are complementary with the park heritage and generally in good to fair condition (Figure 4.19) and should be maintained with similar style. The sundial located near the Memorial Park gate entry is in good condition.

Figure 4.19: Park furniture

Infrastructure associated with water-based activities and cultural events are located on the riverbank. Tiered seating (Figure 4.20) and flood lighting provide a viewing platform for park users, especially during and water-based activities and cultural events. The small carpark adjacent to the tiered seating provides parking for four vehicles. In general, these structures are in a good condition.

Figure 4.20: Tiered seating on bank of Clarence River

A masonry retaining wall, fencing and lighting associated with the former Grafton swimming baths are generally in a fair condition (Figure 4.21). The sandstone retaining wall is in need of maintenance and repair. All of the assets on the riverbank are periodically impacted by flood inundation.

Figure 4.21: Sandstone retaining wall and fencing adjacent to former public bath area

Interpretive signage outlining the former use of this area is recommended.

A drinking water station is located off Prince Street, beside the Memorial Park entry gate. The drinking water station is in very good condition; however it is noted that due to poor drainage water from the water station pools against the Memorial Park entry gate brickwork (Figure 4.22).

The proximity of the water station to the Memorial Park entry gate also potentially affects the heritage significance of this structure.

Figure 4.22: Water from drinking water fountain pools at base of entry gate brick work

Consequently, it is recommended that the drinking water fountain is relocated as:

a) it is contributing to the poor drainage issues and spilling excess water towards the base of the brickwork, and

b) it is not aesthetically sympathetic to the setting of the memorial gate which is heritage listed. There are a variety of options in other areas with less visual impact on the setting of this element of the park.

The public amenities block located in the north-east corner of the main reserve area is in a poor condition (Figure 4.23). However, it is noted that there is a proposal to remove this facility and incorporate the public amenities as part of the refurbishment of the Water Brigade building. Consideration should also be given to the repurposing of this building as part of the redevelopment of the Grafton Waterfront Precinct.

A water fountain of local heritage significance (I728, CVLEP) is located adjacent to the Prince Street entry near the Council Chambers. It has been decommissioned and turned into a flower bed. The water fountain structure requires restoration to maintain its heritage significance. The paving area around the fountain is in poor condition and requires maintenance to reduce trip hazards.

Figure 4.23: Public amenities and water fountain

The network of pedestrian footpaths, stairs and park lighting throughout the reserve are impacted by tree roots and are generally in a fair condition. Barriers to prevent vehicle access are of varying styles and in variable condition and are renewed as required.

Risk management, statutory, directional and interpretive signs, of various conditions, are also scattered throughout the reserve and require rationalisation and consolidation.

The primary issues affecting the structures within the reserve are deteriorating wooden and wrought iron components, poor drainage leading to rising damp and subsidence.

5. DEVELOPMENT AND USE

5.1. Land Use History

First Nations people

Grafton Memorial Park is within the traditional lands of the Gumbaynggir people. Prior to European settlement the Gumbaynggir people would have camped and used the resources of the Clarence river and surrounding lands as part of everyday living and for ceremonies (Figure 5.1).

Figure 5.1: Group of Aborigines by the river, Prince Street, Grafton

(Source: Fig 4.16, *Clarence Valley Aboriginal Heritage Study*, Australian Museum Consulting 2015)

Gumbaynggir fishermen are known to have dived under water and rub bunches of the poisonous 'Bumbil Bumbil' weed together to stun fish and make them float to the top of the water, where they could be speared and caught with ease (McDougall 1901:46 cited in Australian Museum Consulting 2014). Other food sources would have included: shellfish and eel, kangaroo, possum, goanna, to vegetables such as bracken fern root and yams, berries, seeds and fruit.

Susan Island, approximately 500m to the west of the reserve is identified as a site of secret women's business, and a centre for Aboriginal women's crafts, where good fibre for basket weaving could be found (Hall n.d. cited in Australian Museum Consulting 2014).

The Clarence River, also known as *Biirrinba* or *ngunitiji*, is an important site for several Aboriginal groups including the Gumbaynggir people and features heavily in creation stories of the area.

Alipou Creek, on the southern bank of the Clarence River approximately 1.3km to the east of the reserve is the resting place of the Golden Eel, a mythical figure of great importance to the Gumbaynggir people. In close proximity of Alipou Creek are also several 'marriage' trees. According to tradition, the trees were used to dissolve relationships rather that create them; arranged marriages were dissolved when the tallest limbs were removed (Australian Museum Consulting 2014). As such, the Golden Eel resting place and the 'marriage' trees ceremonial site are considered areas of high cultural significance to the Gumbaynggir people.

In 1887 approximately 1,100 Aboriginal people lived in the immediate vicinity of Grafton (Australian Museum Consulting 2014).

European settlement

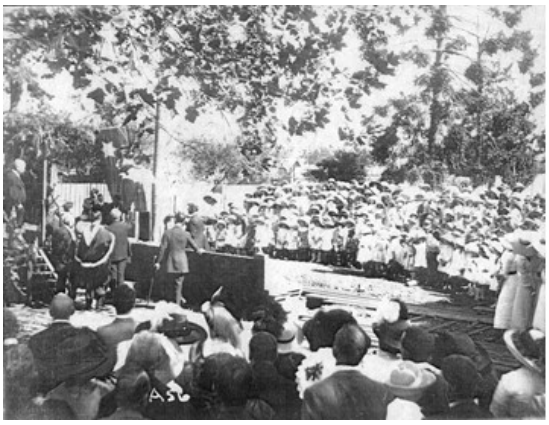
The area now known as Grafton Memorial Park was around the site of the first government erected complex in Grafton, being the Gaol and Courthouse (Figure 5.2). These buildings have subsequently been demolished, although evidence of sandstone foundations under the current Memorial Park grounds were uncovered in the past.

Section 4 Grafton
(Source: Town of Grafton Parish Map, 1889)

Illustrated view of Section 4 Grafton showing (L-R) Customs House, School of Arts, Post Office, Gaol, Court House & Police Residence and the Boulevard with boatsheds on the river
(Source: On the Clarence – A bird's-eye view of the City of Grafton, The Illustrated Sydney News, 25 Oct 1890, p16)

Figure 5.2: Grafton Memorial Park (circa 1880-1890)

The reserve is historically significant. The Grafton Memorial Park was originally named Boulevard Park in 1876. The reserve was renamed Memorial Park and officially opened in 1919 after the construction of memorial gardens on the reserve to commemorate those that lost their lives during World War I (Figure 5.3).



The Memorial Park opening ceremony 1919
(Source: Grafton Historical Society)

Memorial Park (circa 1920) showing park layout, water fountain & artillery gun. (The Customs House can also be seen in the photo - top left corner)
(Source: Grafton Historical Society)

Figure 5.3: Memorial Park

The Grafton Memorial Park has undergone numerous changes in its lifetime, including considerable expansion to the reserve when the Customs House (demolished 1920's) and lawn bowls club adjacent to the river (demolished late 1960's) where added to the reserve respectively.

The Park's social significance to the people of Grafton includes various commemorative services held in the Park including ANZAC Day, Legacy Sunday, Remembrance Day and Vietnam Veterans Day.

The Grafton Rowing Club, established in 1882 on the foreshore of the Clarence River at Grafton Memorial Park, is located in its original position on the lower banks of the site with a substantial rowing shed facility. The original complex and grounds incorporated an accessible viewing deck, public boating wharf and public baths.

The Grafton Jacaranda Festival has run since 1934, and is held from the last weekend in October to the first weekend of November each year when the Jacaranda trees are in flower. Grafton's Jacaranda Festival uses the reserve for festival events including performances. The reserve continues to be a significant site for festival events.

Aquatic sports based on the reserve and by arrangement with the previous owners of the riverfront property between Duke and Villiers Streets include rowing regattas and dragon boats and other water-based sporting events. Historically private water skiing is based from the reserve in front of the Crown Hotel, adjacent to Grafton Memorial Park but use Grafton Memorial Park during significant events such as the 'Bridge to Bridge'.

Grafton Memorial Park is listed in the NSW Heritage places and items and Schedule 5 of the CVLEP ((Lots 4–6 and 10 Sec 4 DP 758470; Part Lot 701 DP 92920; Lot 702 Sec 4 DP 92916; Lot 7001 DP 1054597). The water fountain and flood gauges located on the reserve are also listed under Schedule 5 of the CVLEP

5.2. Permitted and Future Use

The Grafton Waterfront Precinct will become a significant local reserve used on a daily basis for relaxation, picnics, aquatic sports and low key active recreation. Consequently, this PoM permits the continued use of the precinct area for organised sports, and passive and active recreational activities and associated events suitable to the land categorisation of Park and General Community Use under the LG Act and its overall recommended zoning as RE1 Public Recreation under the CVLEP.

In addition the scale and the intensity of use of the precinct area by groups will be managed by Council's on-line "Book It" system and tenures. The general use of the area will be managed in accordance with current council policy(s) and signage.

During adverse weather events and flooding limitations and/or closures may be used to ensure public safety and to limit damage to precinct facilities and open space areas.

A person who fails to comply with the terms of a notice or sign in a public place is guilty of an offence under the LG Act.

5.3. Permitted Development of the Land

The Grafton Waterfront Precinct area may also be developed and managed to enable the land to be used for public open space and recreation purposes; provide a range of recreational settings and activities and compatible land uses; and to protect and enhance the natural environment for recreation purposes consistent with the intent of the *Grafton Waterfront Precinct Master Plan 2011* (Appendix 2).

Consequently, this PoM authorises, within the requirements of relevant legislation, future development of the land for the purpose of effecting:

- Alterations, additions and improvements to the existing land, buildings and infrastructure to provide improved facilities for the uses permitted by this PoM including alterations, additions or improvements to enhance recreational uses such as organised sports and passive and active recreation including skate parks and community gardens; and educational, cultural, leisure, health; and social activities,
- Alterations to internal roads and car park layouts to improve access and parking associated with future use and development.
- Rationalisation of the facilities to improve effectiveness and utilisation for multiple user groups; and
- commercial opportunities.

Future development may include:

- Extension(s), renovations and improvements to the existing buildings pursuant to SEPP, and Council's Planning instruments, Development Control Plans and policies;
- Upgrades to the existing public facilities and car parking to accommodate appropriate community and recreational use; and
- Development of infrastructure to meet the needs of the community as identified in Council's Community Strategic Plan - *The Clarence 2027*, Council's *Cultural and Community Facilities Plan* (2009), *Council's Open Spaces Strategic Plan* (2012), and the *Grafton Waterfront Precinct Master Plan 2011*.

This PoM also permits the rationalisation of buildings and facilities under lease and or licence agreements as long as all proposed works obtain written and/or development approval from Council.

Where it is proposed to construct or establish a 'public work' on the Grafton Memorial Park reserve area or on the riverbank where all or part of the structure will be below the Mean High Water Mark, and where native title is not extinguished, prior to approval Council will notify and give an opportunity to the relevant representative Aboriginal/Torres Strait Islander body, registered native title claimants or registered native title bodies corporate as the case may be in relation to the land or waters covered by the proposed work as required under the *Native Title Act 1993* (Cth).

5.4. Easements

Division 5.9 of the CLM Act requires councils to apply for an easement on council managed Crown reserves where a local council has an ongoing need to enter Crown land and carry out work referred to in section 191A of the LG Act. The granting of easements over Crown land is also subject to the provisions of the *Native Title Act 1993* (Cth).

Council, as Crown land manager of the Grafton Memorial Park reserve, already has the authority to enter the reserve and undertake maintenance activities. In addition, Council's requirement to enter the reserve for the purposes of section 5.50 of the CLM Act is considered occasional rather than ongoing and routine. The need to undertake acquisition of easements is not considered to be necessary but could be acquired progressively if the need arises and funding and resources become available necessary at this location.

Undertaking the process of acquiring easements over Crown reserves poses a financial restraint on Council. This requirement has the potential to limit Council's capacity to undertake works and improvements on the Crown reserves it manages. It also gives rise to a compensation liability under the *Native Title Act 1993* (Cth).

Easements will be acquired progressively if the need arises and as funding and resources become available.

6. TENURES AND APPROVALS

6.1. Authorisation of Leases, Licences and Other Estates

The LG Act requires that any lease or licence of community land must be authorised by a PoM. In addition, the lease or licence must be for purposes consistent with the categorisation and zoning of the land. The maximum period for leases or licences on community land permitted under the LG Act is 30 years[3]. Section 46A[3] states a lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the LG Act and Clause 119 of the *Local Government (General) Regulation 2005*.

This PoM authorises Council to grant new leases, licences or any other estates for community land covered under this PoM for purposes and uses which are identified or consistent with those in Table 6.1.

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

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

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

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

Table 6.1: Purposes for which long-term leases, licences and other estates may be granted

Type of Arrangement Authorised	Facilities covered	Purposes for which long-term leasing, licensing and other estates will be granted
Lease	Community buildings, facilities and land	Any lease proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses may include: - café/kiosk areas - child care or vacation care - educational purposes including classes & workshops - health or medical practitioners associated with the relevant facility (e.g. Nutrition, physiotherapy) - markets - recreational purposes, including fitness classes; dance classes and games - sporting uses developed/operated by a private operator
Licence	Community buildings, facilities and land	Any licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses including: - cultural purposes, including concerts, dramatic productions, temporary artistic installations and galleries - educational purposes, including museums, education classes, workshops - kiosk/café and refreshment purposes - recreational purposes, including fitness classes, dance classes, low-key recreation activities - social purposes (including child care, vacation care) - sporting events approved by Council, such as water skiing, wake-boarding, Rowing Club regattas, Dragon Boats and Bridge to Bridge
Other Estates	Community buildings, facilities and land	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the *Local Government Act 1993*. Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of the premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.

Note: The grant of a lease or licence is an important step in using community land, but there may be other requirements relevant to any proposed use. For example, the refurbishment of a kiosk may also require development consent under the *Environmental Planning and Assessment Act 1979*. Any interested person should check carefully to make sure they are aware of all relevant requirements.

6.1.1. Existing Lease Agreements

Grafton Rowing Club currently hold a lease for rowing club over the Grafton Rowing Clubhouse on the foreshore of Grafton Memorial Park and a license for the Water Brigade building located on Grafton Memorial Park.

This PoM authorises the continuance of the existing Rowing Club lease agreement until the end of its current term. The lease may be changed and/or renewed in the future. The leased area(s) may also be reconfigured in the future to reflect changes in the use of the land and/or facilities and the needs of the community.

6.2. Approvals for Activities on the Land

Section 68 of the *Local Government Act 1993* (LG Act) specifies a range of activities where approvals are required to be obtained from Council. These are often in addition, or ancillary to, standard development application (DA) requirements and are known as 'section 68 approvals'.

Section 68 approvals required for activities on 'community land' include:

- Engage in trade or business
- Direct or procure a theatrical, musical or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment
- For fee or reward, play a musical instrument or sing
- Set up, operate or use a loudspeaker or sound amplifying device
- Deliver a public address or hold a religious service or public.

A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval within the precinct area is guilty of an offence under the LG Act. Penalties apply for the offence.

6.3. Management Agreements

Land and/or facility management agreements generally relate to the management of Council land and facility assets by individuals and businesses on behalf of Council. They are a legally binding commitment between Council and the third party.

Land management agreements may include:

- co-management agreements with local Landcare and/or traditional owner groups
- land management (native vegetation) focused incentive funding (e.g. Crown Reserves Improvement Fund; Local Land Services; Green Corp; etc)
- government/conservation based training initiatives
- covenants in support of carbon credits under various state and national schemes.

Facility management agreements may include:

- co-management agreements with sports clubs and/or community groups
- contractual arrangements to manage specific facilities (sports centres; holiday parks; etc)
- "fee for service" agreements to maintain facilities and/or public amenities

This PoM authorises Council as the Crown land manager of Grafton Memorial Park to enter into a land and/or facility management agreement with a third party subject to:

- Consistency with the principles of Crown land management under the objects of the *Crown Lands Management Act 2016* (CLM Act)
- Consistency with the reserve purpose and the public's use and enjoyment of the reserve
- Consideration of native title and the rights and interests of the traditional owners of the land
- Consideration of the impact of the agreement on future land use options for the reserve
- Funding required for ongoing maintenance responsibilities under the agreement

Where a Crown reserve, or part of a reserve, is subject to a land or facility management agreement, the agreement and/or the term of the agreement may require Ministers consent prior to its authorisation by Council.

6.4. Short-term Licences under the *Crown Land Management Act 2016*

Council as the Crown land manager of the Grafton Memorial Park can also issue a short-term licence under s2.20 of the CLM Act over this reserve. Purposes for which Council can issue a short-term licence include:

(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.

A short-term licence may be granted subject to conditions specified by Council for a period up to a maximum of 12 months. The licence ceases to have effect when the term after it is granted expires, or is revoked sooner by Council. A short-term licence is also subject to the conditions prescribed by the CLM Act including any penalty that may be prescribed for failure to comply with the conditions of the short-term licence.

Council may grant a short-term licence even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is reserved.

6.5. Native Title considerations

A tenure or use agreement on Crown land may impact native title rights and interests.

Any tenure or use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* (Cth) and in accordance with Part 8 of the CLM Act unless native title is extinguished.

For Crown land which is not excluded land this will require written advice of one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

7. MANAGEMENT OBJECTIVES AND PERFORMANCE TARGETS

The LG Act requires a plan of management to identify objectives and performance targets for the subject land, including specific actions and assessment/evaluation criteria (s.36[3]). These criteria are set out in the following tables:

Areas categorised as General Community Use

Management objective	Performance Target	Management Action	Performance evaluation/assessment
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 in relation to public recreation and the physical, cultural, social and intellectual welfare or development	Recommendations of endorsed *Grafton Waterfront Precinct Masterplan 2011* are considered and implemented	Identify and develop a prioritised works plan to implement components of the Masterplan Prepare construction drawings and tender documents	▪ A list of prioritised projects are identified ▪ Key stakeholders are engaged in the decision-making process. ▪ Compliance with relevant legislation
	Facilities and infrastructure are	Leverage grant, co-funding and	▪ Funding for infrastructure

Management objective	Performance Target	Management Action	Performance evaluation/assessment
of individual members of the public.	provided and managed for a variety of passive and active recreation opportunities	Section 94 and 94A contributions to fund the upgrading, replacement and construction of new facilities and infrastructure	projects is identified and secured. ▪ Facilities and structures are appropriate to the range of recreation activities available
		Ensure facilities and structures are multi-purpose and have regard for accepted principles of crime prevention and environmental sustainable design	▪ User group and community views and needs are considered and incorporated into the development of facilities and infrastructure ▪ Facilities and structures are built to relevant Australian Standards ▪ Energy and water sensitive urban design principles are incorporated into facilities and structures ▪ Crime Prevention Through Environmental Design (CPTED) principles are incorporated into design and construction
	Activities requiring temporary structures are accommodated where site damage can be avoided or minimised	Encourage use of weighted structures to reduce damage to turf and underground services	▪ Written approval obtained prior to the erection of any temporary structure, including marquees, jumping castles and the like
	Buildings and structures are fit for	Ensure facilities are managed and	▪ Facilities are clean and

Management objective	Performance Target	Management Action	Performance evaluation/assessment
	purpose and consistently well maintained	maintained to agreed service levels Review routine and cyclic maintenance plans on a regular basis	serviceable ▪ Industry best practice standards are met ▪ Use of feedback and satisfaction surveys
		Investigate, and redevelop the Grafton Rowing Club boatshed in regards to Rowing Club and community needs, as necessary	▪ Compliance with relevant legislation ▪ Community consultation and support ▪ Maintenance of visual and heritage setting
		Investigate, and redevelop the Water Brigade building in line with the recommendation contained within the endorsed *Grafton Waterfront Precinct Masterplan 2011*	▪ Compliance with relevant legislation ▪ Community consultation and support ▪ Maintenance of visual and heritage setting
	The potential for and the actual occurrence of property damage and	Develop and implement a reporting system to respond promptly to property damage and acts of	▪ Property damage and vandalism issues are rectified within set timeframes

Management objective	Performance Target	Management Action	Performance evaluation/assessment
	vandalism is mitigated	vandalism Encourage community and user groups to undertake active surveillance and report incidents promptly Where necessary, target enforcement to known problem areas	▪ Community consultation and support ▪ Use of feedback and satisfaction surveys
	Safe vehicular and all ability pedestrian access to facilities and structures is provided and maintained	Ensure CPTED principles are incorporated into design and construction of facilities and structures Regularly audit vehicular access and pedestrian routes to ensure car parking areas and pathways are universally accessible and safe	▪ Compliance with relevant legislation ▪ Involvement of Council's Access Community ▪ Issues are identified, prioritised and rectified within set timeframes
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 in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other	Tenures are used to manage occupation and use of the land, facilities and structures, as required	Ensure all applications for use of the land, facilities and structures are assessed against the community benefit of the proposal, and any use restrictions that maybe imposed from time-to-time (e.g. Conflict with other events; flooding, scheduled maintenance activities, etc)	▪ Tenures are granted in accordance with this PoM, relevant legislation and Council policies

Management objective	Performance Target	Management Action	Performance evaluation/assessment
than the provision of public utilities and works associated with or ancillary to public utilities).	Unauthorised activities and inappropriate behaviour is discouraged and/or managed accordingly	Use signage to advise of, or prohibit unlawful behavior	▪ Reduction in complaints. ▪ Use of feedback and satisfaction surveys

Areas categorised as Park

Management objective	Performance Target	Management Action	Performance evaluation/assessment
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities	Commemorative, social, recreational, cultural and educational activities and pastimes such as performances, competitions, ceremonies and exhibitions are successfully held	Provide support and services to promote and achieve social, recreational, cultural and educational pastimes and activities	▪ Activities are encouraged, promoted and held successfully ▪ Use of feedback and satisfaction surveys
		Encourage outdoor artistic exhibitions and the like within the precinct area	▪ Applications for temporary outdoor artistic exhibitions are assessed for appropriateness and location ▪ Use of feedback and satisfaction surveys
	Tenures and Council's BookIT system are used to manage occupation and use of the land, facilities and structures, as required	Ensure all applications for use of the land, facilities and structures are assessed against the community benefit of the proposal, and any use restrictions that maybe imposed from time-to-time (e.g. Conflict with other events; flooding, scheduled maintenance activities, etc)	▪ Tenures are granted in accordance with this PoM, relevant legislation and Council policies
	Unauthorised activities and inappropriate behaviour is discouraged and/or managed accordingly	Use signage to advise of, or prohibit unlawful behavior	▪ Reduction in complaints ▪ Use of feedback and satisfaction surveys

Management objective	Performance Target	Management Action	Performance evaluation/assessment
To provide for passive recreational activities or pastimes and for the casual playing of games	Recommendations of endorsed *Grafton Waterfront Precinct Masterplan 2011* are considered and implemented	Identify and develop a prioritised works plan to implement components of the Masterplan Prepare construction drawings and tender documents	▪ A list of prioritised projects are identified and listed in a works plan ▪ Key stakeholders are engaged in the decision-making process ▪ Compliance with relevant legislation
	Facilities and infrastructure are provided and managed for a variety of passive and active recreation opportunities	Leverage grant, co-funding and Section 94 and 94A contributions to fund the upgrading, replacement and construction of new facilities and infrastructure	▪ Funding for infrastructure projects is identified and secured ▪ Facilities and structures are appropriate to the range of recreation activities available
		Ensure facilities and structures are multi-purpose and have regard for accepted principles of crime prevention and environmental sustainable design	▪ User group and community views and needs are considered and incorporated into the development of facilities and infrastructure ▪ Facilities and structures are built to relevant Australian Standards ▪ Energy and water sensitive

Management objective	Performance Target	Management Action	Performance evaluation/assessment
			urban design principles are incorporated into facilities and structures ▪ CPTED principles are incorporated into design and construction
		Investigate, design and construct: ▪ pedestrian/cycleway and associated lighting and security features along precinct foreshore ▪ appropriate facilities and infrastructure at the Villiers and Clarence Street entry points	▪ User group, adjacent property owners and community views and needs are considered and incorporated into the design and development of the foreshore pathway and Villiers and Clarence Street entry points ▪ Facilities and structures are built to relevant Australian Standards
	Vehicle access is restricted to designated entry points and parking areas	Provide formalised vehicle access and parking areas at designated entry points	▪ Formalised vehicle access utilised and unauthorised vehicle access eliminated ▪ Facilities and structures are built to relevant Australian Standards ▪ CPTED principles are incorporated into design and construction
		Identify and provide restricted access points for Council and	▪ Emergency personnel, vehicles and works access to the reserve

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		emergency service vehicles Provide emergency service organisations with a map of emergency vehicle access points, and access, as appropriate	is readily available
	Facilities, structures and land are fit for purpose and consistently well maintained	Ensure structures, land and rubbish facilities are managed and maintained to agreed service levels Review routine and cyclic maintenance plans on a regular basis	▪ Industry best practice standards are met ▪ Structures are clean and serviceable ▪ Open space areas maintained to set service levels ▪ Issues are identified, prioritised and rectified within set timeframes ▪ Use of feedback and satisfaction surveys
		Ensure war memorial maintenance and repair are undertaken in accordance with heritage conservation principles and accepted	▪ War memorials maintained in accordance with a 'Minor Works and Maintenance' approval granted under cl.5.10(3) of the

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		industry standards A Statement of Heritage Impact is obtained before any works is undertaken on heritage items listed in the CVLEP	CVLEP ▪ Consultation with and support of Grafton RSL Sub-branch gained prior to works being undertaken
		Repair/replace rotten timber pergola elements like-for-like Ensure integrity and health of Briar rose covering during maintenance works on the pergola structures	▪ Integrity and architectural significance of pergola structures are preserved ▪ Briar rose pruned and maintained in accordance with professional horticulturalist advice
		Undertake repairs to original fencing adjacent to Prince Street to match the original details in consultation with Heritage Officer	▪ Repairs to original fencing completed and match original design
	Activities requiring temporary structures are accommodated where site damage can be avoided or minimised	Encourage use of weighted structures to reduce damage to turf and underground services	▪ Written approval obtained prior to the erection of any temporary structure, including marquees, jumping castles and the like
	The potential for and the actual occurrence of property damage and vandalism is mitigated	Develop and implement a reporting system to respond promptly to property damage and acts of	▪ Property damage and vandalism issues are rectified within set timeframes ▪ Use of feedback and satisfaction

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		vandalism Encourage community and user groups to undertake active surveillance and report incidents promptly Where necessary, target enforcement to known problem areas	surveys
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management	History of the precinct area is documented and thoughtfully presented to users of the area.	Design and install a suite of interpretive signage telling the history and use of the precinct area, including: ▪ Aboriginal history ▪ Flying boats ▪ Grafton Rowing Club ▪ Grafton Volunteer Water Brigade ▪ Levee wall & flood mitigation structures ▪ Memorial Park	▪ Aspects of the precincts history is preserved and presented to the public in an informative manner. ▪ Interpretive signage and structures are in good condition

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		▪ Public baths Undertake regular inspection and maintenance of interpretive signage and educational structures	
	Buildings and structures are appropriately located and sufficient for intended use	Investigate, and upgrade terrace seating adjacent to the Grafton Rowing Club boatshed, as required Investigate and consider relocation of Duke Street entry picnic shelter to improve view corridor, redesign and update as required	▪ Community views and needs are considered and incorporated into the development of facilities and infrastructure. ▪ Maintenance of amenity and view corridors
		Investigate and incorporate existing public amenities into the redeveloped 'River Centre' as per the recommendations of the endorsed *Grafton Waterfront Precinct Master Plan*. Repurpose or demolish existing public amenities and rehabilitate the area, as appropriate	▪ Facilities and structures are built to relevant Australian Standards ▪ Existing public amenities are repurposed or demolished and site rehabilitated for passive recreational use.
		Construct hard surface aprons, level to the ground surface, around picnic shelters, tables and seating to reduce user impact on soil	▪ Hard surface aprons level to the ground constructed around picnic shelters, tables and seating and soil compaction

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		compaction	avoided and managed
		Provide and maintain all ability access and pathways in the precinct area	▪ Compliance with *Disability Inclusion Act 2014* and *Anti-Discrimination Act 1977*
	Electricity supply and communication systems throughout the Grafton Memorial Park area are appropriate for the range of uses and activities permitted	Investigate, and upgrade electricity supply to 3-phase and 10 watt power, as necessary Investigate, and install a contemporary PA/sound system and lighting installed and available for events and activities, as necessary	▪ Power supply and communication/ sound systems are upgraded and installed by qualified tradespeople
	Amenity of the precinct area enhanced through landscaping and restoration of natural vegetation and riparian areas	Investigate, develop and implement a landscape plan to enhance the amenity of the precinct area Retain and enhance commemorative gardens within the Grafton Memorial Park area as an important part of the setting of the various war memorials	▪ Precinct landscape plan developed and implemented ▪ Location and maintenance of facilities, structures and flood mitigation works considered in the development of plan ▪ Garden areas planted and maintained

Management objective	Performance Target	Management Action	Performance evaluation/assessment
		Ensure Grafton Memorial Park commemorative area is maintained as a level surface area with good grass cover Plant flood tolerant endemic species along foreshore area Utilise a range of weed management techniques such as biological, cultural, physical and chemical control to manage and restrict the presence of weeds on the precinct area.	▪ Weeds are restricted ▪ Trip hazards are mitigated ▪ User group and community consultation ▪ Use of feedback and satisfaction surveys
	Threats to potential TTSTS populations are mitigated through appropriate vegetation management and maintenance programs	Landscape plan developed to include the retention of remnant native vegetation and landscaping with species suitable to provide TTSTS habitat in key locations Develop a landscape maintain program to ensure appropriate vegetative cover, mulch layer and fallen limbs to provide ongoing TTSTS habitat where appropriate	▪ Precinct landscape plan developed with species appropriate for TTSTS habitat in accordance with Saving our Species strategy ▪ Remnant Native vegetation retained ▪ TTSTS habitat enhanced and maintained through suitable landscape maintenance program

8. PLAN REVIEW AND CHANGE

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

The performance of this PoM will also be reviewed on a regular basis to ensure the land and buildings are well maintained and provide a safe environment for the public.

Strategic reviews of this PoM will occur at 5 and 10 year intervals.

The community will have an opportunity to participate in reviews of this PoM as part of the planning process as required by legislation.

REFERENCES

Australian Museum Consulting (2014), *Clarence Valley Aboriginal Heritage Study*, Prepared by Australian Museum Consulting for Clarence Valley Council, Sydney, NSW.

Clarence Valley Council (2011), *Clarence Valley Council Local Environmental Plan (2011),* https://www.legislation.nsw.gov.au/#/view/EPI/2011/701.

Clarence Valley Council (2019), *Clarence Valley Open Spaces Asset Management Plan,* Scenario 3, Version 6.0, June 2019, Grafton, NSW

Couston Associates (2011), *Clarence Valley Council Grafton Waterfront Precinct Masterplan*, Prepared by Couston Associates for Clarence Valley Council, Leichhardt, NSW.

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

Lewis, B. D (2016), *Significance Assessment in accordance with the Environmental Protection and Biodiversity Conservation Act (1999) for the Three-toed Snake Tooth Skink (Saiphos reticulatus).* Prepared by Lewis Ecological Surveys for the Roads and Maritime, Grafton.

Office of Environment and Heritage (2019), Three-toed Snake-tooth Skink, [online] https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10172, viewed 29 January 2021.

Sustainable Futures (2000), *Draft Plan of Management Grafton Memorial Park*, Prepared by Sustainable Futures for Grafton City Council, Yamba, NSW.

Sustainable Futures (2003), *An Open Space Plan for Grafton City,* Prepared by Sustainable Futures for Grafton City Council, Yamba, NSW.

Transport for NSW (2016), EPBC Referral of Proposed Action: *Additional crossing of the Clarence River at Grafton,*

APPENDICES

Appendix 1: Grafton Waterfront Precinct Area Asset Register Report (March 2020)

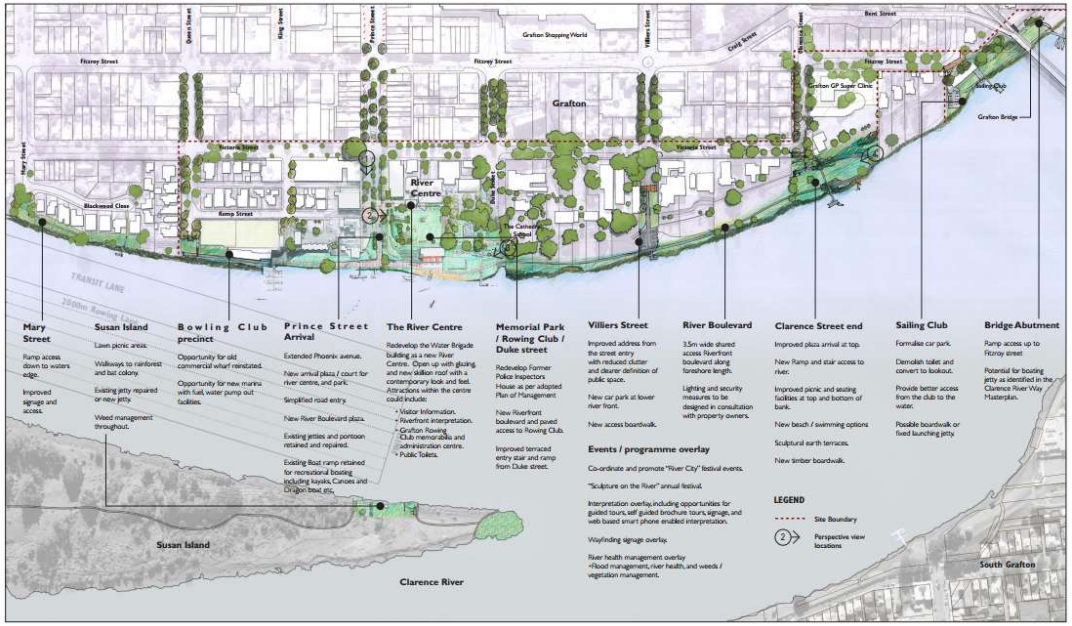
Asset Name	Component	Component Type	Condition	Renewal Year
Boat Shed/Sound Booth	Sub-Structure	Concrete	2	2052
Boat Shed/Sound Booth	Structure	Conc Block	2	2052
Boat Shed/Sound Booth	Roof	Metal Decking	2	2041
Boat Shed/Sound Booth	Serv - Elect	Electrical	2	2041
Boat Shed/Sound Booth	Serv - Hydr	Hydraulic System	2	2041
Water Brigade Building	Sub-Structure	Concrete/timber	2	2052
Water Brigade Building	Structure	Brick	2	2051
Water Brigade Building	Floor Coverings	Carpet	2	2030
Water Brigade Building	Fit-Out	Plaster Board/Gyproc	2	2043
Water Brigade Building	Roof	Clay Tile	3	2038
Water Brigade Building	Serv - Elect	Electrical	2	2041
Water Brigade Building	Serv - Hydr	Hydraulic System	2	2041
Amenities	Sub-Structure	Concrete	3	2039
Amenities	Structure	Brick	3	2039
Amenities	Roof	Concrete - Tile	3	2038
Amenities	Serv - Elect	Electrical	2	2041
Amenities	Serv - Hydr	Hydraulic System	3	2033
Concrete footpaths	Pathways - Concrete	Standard	2.0	2051
Concrete stairs	Access Stairs - Concrete	Standard	2.0	2031
Fences - heritage brick & iron	Masonry Wall	Standard	3.0	2056
Sealed roads & carparks	Internal Road - Bitumen	Standard	1.0	2049
Concrete kerb & gutters	Hardstand - Concrete	Standard	1.0	2120
Cenotaphs x 4	Features and Sculptures	Standard	2.0	2069
Flagpoles	Flags	Standard	2.0	2033
Memorial entrance shelters	Shelter	Standard	2.0	2048
Memorial pergola shelters x 2	Shelter	Standard	2.0	2048
Memorial pergolas x 7	Shelter	Standard	2.0	2048
Sundials	Features and Sculptures	Standard	2.0	2063
Water fountains	Water Features	Standard	4.0	2039
Park shelters	Shelter	Standard	2.0	2048
Stages	Shelter	Standard	2.0	2048
Terracing & seating	Athletic Surface - Concrete	Standard	2.0	2045
Concrete boat launches	Boat Ramps - Concrete	Standard	3.0	2039
Park lighting	Parks and Security	Standard	2.0	2034
Sports lighting	Sports Fields	Standard	2.0	2032
Park lighting	Parks and Security	Standard	2.0	2034
Cenotaphs	Features and Sculptures	Standard	2.0	2063
Cenotaphs	Features and Sculptures	Standard	2.0	2069
Drinking stations	Bubbler	Standard	1.0	2033
Rain water tank for Dragon Boat shed	Water Tanks	Standard	0.0	2041
14 Bollards Memorial Park	Bollards	Standard	0.0	2055
Sealed roads & carparks	Internal Road - Bitumen	Standard	2.0	2036

Concrete footpaths	Pathways - Concrete	Standard	1.0	2068
Concrete medians	Internal Road - Concrete	Standard	1.0	2078
Grafton Levee Section No.4	Floodplain Asset	Levee concrete block	1	2185
Grafton Levee Section No.5	Floodplain Asset	Levee concrete block	2	2133
Grafton Levee Section No.6	Floodplain Asset	Levee concrete block	1	2185
Grafton Levee Section No.7	Floodplain Asset	Levee concrete block	1	2185
Grafton Levee Section No. 8	Floodplain Asset	Levee concrete block	1	2185
Grafton Levee Section No. 9	Floodplain Asset	Levee concrete block	3	2101
Grafton Levee Section No. 10	Floodplain Asset	Levee earth - 0-1.5M	2	2133
Prince Street Steps near Crown Hotel	Floodplain Asset	Steps - concrete	2	2109
Steps Memorial Park End Duke St	Floodplain Asset	Steps - Concrete	2	2109
Steps End of Clarence St	Floodplain Asset	Steps - concrete	2	2109
Prince St adjacent to Memorial Park	Footpath	Concrete	1	2057
Linking boat ramp & wharves	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Paved	1	2059
Memorial Park	Seat	Standard	3	2024
Prince St -Seat	Seat	Standard	2	2030
Prince St -Seat	Seat	Standard	2	2030
Prince St-Table	Table	Standard	2	2030
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - no parking	Sign	R5-40	2	2032
Prince St - No through road	Sign	G9-18	3	2027
Prince St - Prince St	Sign	G5-2	3	2027
Prince St Segment 1	Structure	1 Post Round	2	2032
Prince St - Segment 4	Structure	1 Post Round	2	2032
PRINCE St Segment 5	Structure	1 Post Round	2	2032
PRINCE St Segment 6	Structure	1 Post Round	2	2032
Prince St - Wharf 2	Bearers	Timber	2	2050
Prince St - Wharf 2	Bearers	Timber	2	2050
Prince St - Wharf 2	Bearers	Timber	2	2050
Prince St - Wharf 2	Bearers	Timber	2	2050
Prince St - Wharf 2	Bearers	Timber	2	2050
Prince St - Wharf 2	Bearers	Timber	2	2057
Prince St - Boat Ramp	Ramp	Concrete	3	2045
Prince St - Wharf 1	Concrete apron	Concrete	2	2132
Prince St - Wharf 2	Deck	Recycled Plastic	1	2144
Prince St - Wharf 2	Deck	Recycled Plastic	1	2144

Prince St - Wharf 2	Piles	Timber	2	2057
Prince St - Wharf 2	Piles	Timber	2	2057
Prince St - Wharf 1	Piles	Timber	1	2073
Prince St - Wharf 1	Piles	Timber	1	2073
Prince St - Wharf 1	Pontoon	Floating deck	1	2050
Prince St - Wharf 2	Steps	Recycled Plastic	1	2144
Prince St - Wharf 1	Walkway	Walkway	1	2086
Path to Duke Street	Footpath	Concrete	2	2057
Memorial park to Duke ST	Footpath	Concrete	2	2057
Prince St - Flood levy	Footpath	Concrete	5	2019
Prince St adjacent to Memorial Park	Footpath	Concrete	1	2057
Path link for boat ramp & wharves	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Concrete	1	2073
Memorial Park	Footpath	Paved	1	2059
Memorial Park	Seat	Standard	3	2024
Prince St -Seat	Seat	Standard	2	2030
Prince St -Seat	Seat	Standard	2	2030
Prince St-Table	Table	Standard	2	2030
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - Unknown	Sign	to be checked	2	2032
Prince St - no parking	Sign	R5-40	2	2032
Prince St - No through road	Sign	G9-18	3	2027
Prince St - Prince St	Sign	G5-2	3	2027
Prince St Segment 1	Structure	1 Post Round	2	2032
Prince St - Segment 4	Structure	1 Post Round	2	2032
PRINCE ST Segment 5	Structure	1 Post Round	2	2032
PRINCE ST Segment 6	Structure	1 Post Round	2	2032

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

Appendix 2: Grafton Waterfront Precinct Concept Master Plan



CLOUSTON associates

Clarence Valley Council

Scale 1:2000 @A1 1:4000 @A3

Grafton Waterfront Precinct • Masterplan

CONCEPT MASTERPLAN

Appendix 3: Mapped distribution and recorded locations of the Three-toed Snake Tooth Skink within Grafton (Lewis 2016, p.9)

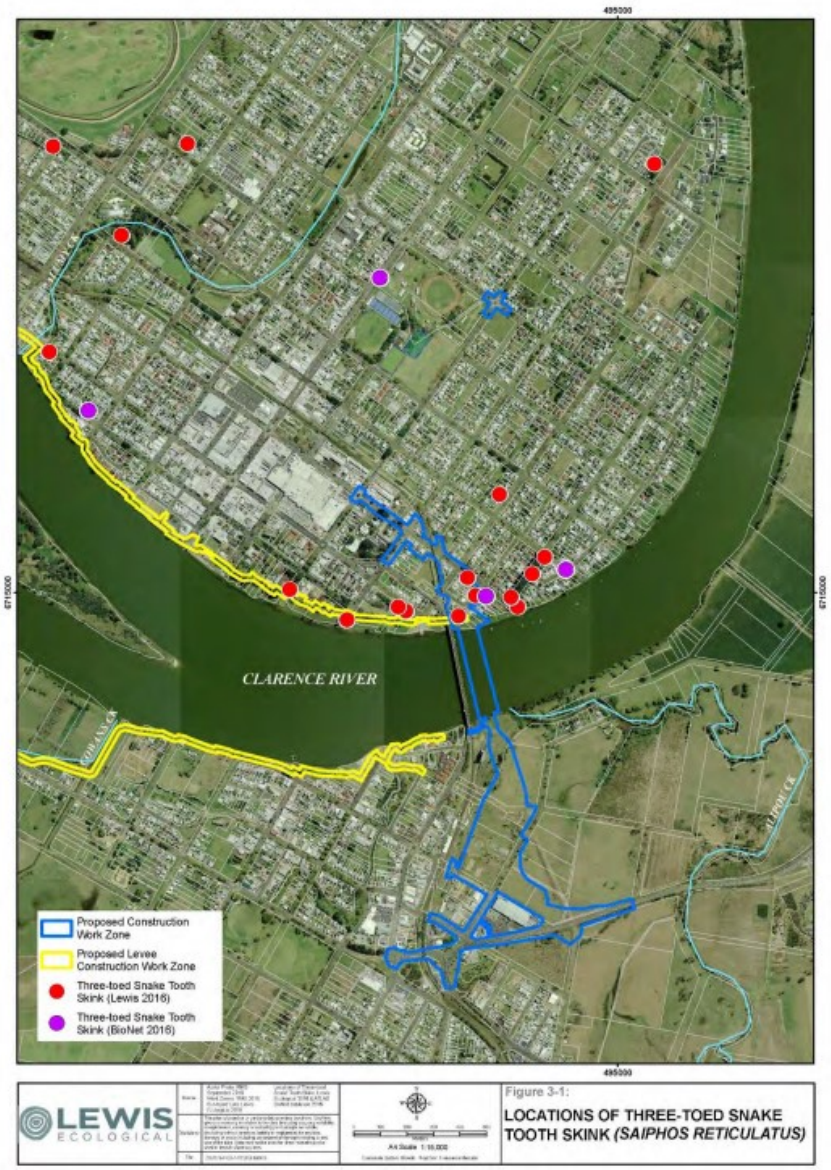


Figure 4-2. Distribution of TTSTS and proximity to Project.

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