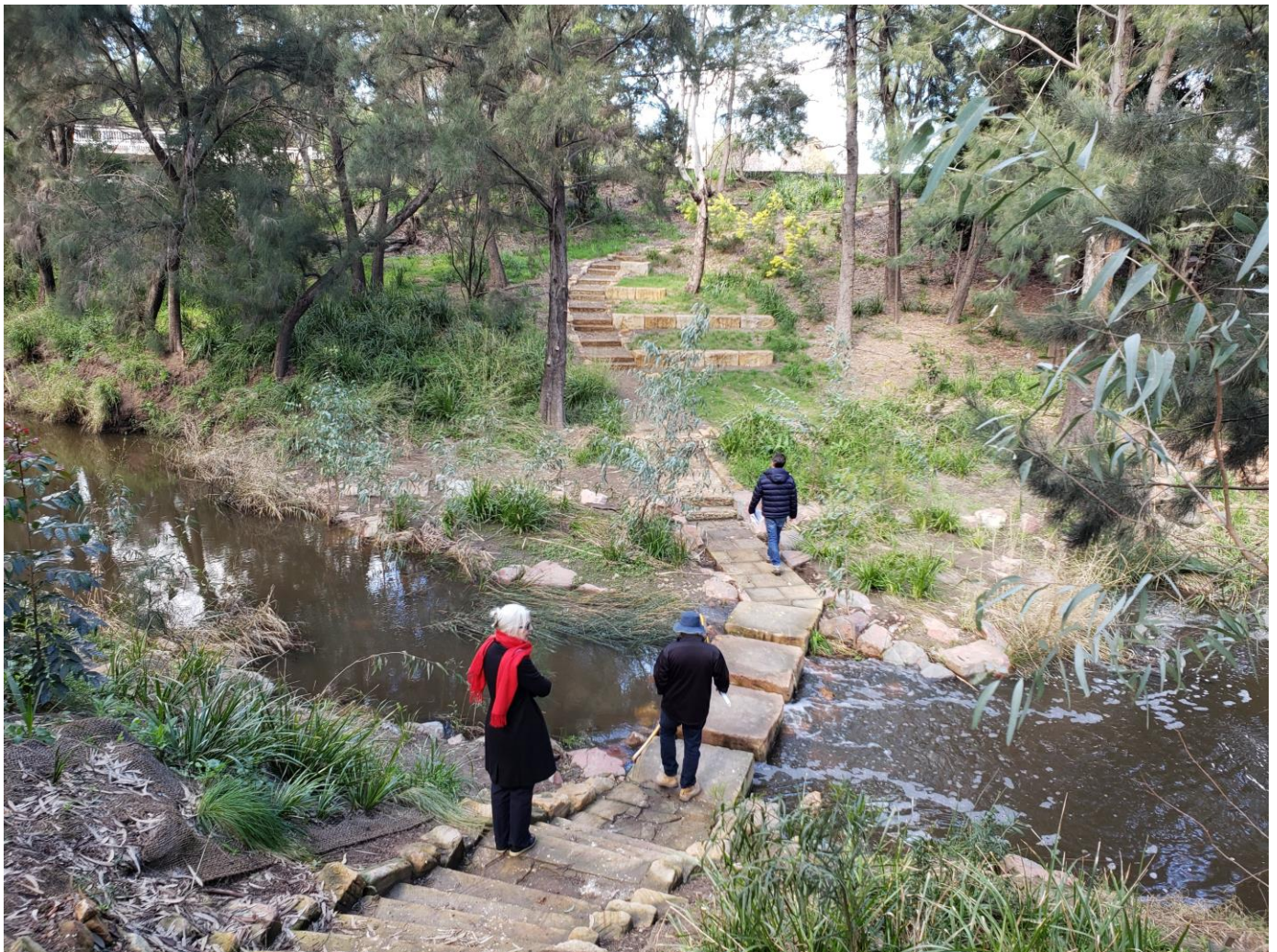


# Olympic Park Precinct

## FINAL DRAFT PLAN OF MANAGEMENT

June 2023



Prepared For  
Muswellbrook Shire Council

By  
Environmental Partnership NSW Pty Ltd & CGM Planning

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*Cover image: Muscle Creek Nature Walk*

Issue	Date	Description	By
1	19/05/21	Preliminary Draft	NE
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# TABLE OF CONTENTS

PART 1	5
<b>INTRODUCTION AND GENERAL INFORMATION</b>	<b>5</b>
<b>1 KEY INFORMATION</b>	<b>5</b>
1.1 What is the Plan of Management	5
1.2 Scope of the Plan of Management	6
1.3 Muswellbrook Shire Council	6
1.4 Plan of Management Adoption	7
<b>2 INTRODUCTION</b>	<b>8</b>
2.1 Corporate objectives	8
2.2 Land to which this plan applies	8
2.2.1 Location	8
2.2.2 Site Area	8
2.2.3 Summary Land Information	8
2.2.4 Land use zoning	12
2.2.5 Community Land Categorisation	12
<b>3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES</b>	<b>14</b>
3.1 Legislative framework	14
3.1.1 Crown Land Management Act 2016	14
3.1.2 Local Government Act 1993	16
3.1.3 Native Title Act 1993	16
3.2 Other State and Federal legislation	17
3.2.1 NSW State Legislation	17
3.2.2 Commonwealth Legislation	19
3.2.3 State Environmental Planning Policies	19
3.2.4 Other State relevant legislation, policies and plans	19
3.3 Council Policies	20
3.4 Muswellbrook and Denman Walk and Cycle Plan 2009 (currently under review)	21
3.5 Muswellbrook Aquatic Centre Master Plan	21
3.6 Muswellbrook Urban Riparian Landcare Master Plan	22
3.7 Review of Plan of Management	22
3.8 Community Consultation	22
<b>4 HABITAT AND ENVIRONMENT</b>	<b>24</b>
4.1 Muscle Creek corridor	24
<b>5 HERITAGE AND CULTURAL SIGNIFICANCE</b>	<b>26</b>
5.1 Aboriginal Cultural Heritage	26
5.2 European Cultural Heritage	26
<b>6 DEVELOPMENT AND USE</b>	<b>27</b>
6.1 Overview	27
6.1.1 Generally	27
6.1.2 Key facilities and spaces	28
6.2 Condition of the land and structures on adoption of the Plan	32
6.3 Permitted use and future use	33
6.3.1 Legislative requirements for future use and development	33
6.3.2 Prohibited activities	34
6.3.3 Buildings and structures	34
6.3.4 Express authorisation	35
6.3.5 Scale and intensity of use and development	34
6.3.6 Assessment and approval of permissible uses and developments	35
6.3.7 Authorisation of current use agreements	35
6.3.8 Authorisation of future leases, licences and other estates	36



6.3.9	Authorisation of Short-term casual use and occupation	37
<b>7</b>	<b>VISION FOR FUTURE MANAGEMENT</b>	37
7.1	Values and roles	37
7.2	Master Planning Vision	39
7.3	Concept Master Plan	39
<b>8</b>	<b>POM ADMINISTRATION AND MANAGEMENT</b>	42
8.1	Reporting, evaluation and review	42
PART 2		43
	<b>DETAILED MANAGEMENT REQUIREMENTS FOR COMMUNITY LAND CATEGORIES</b>	43
<b>9</b>	<b>SPORTSGROUND AND PARK</b>	43
9.1	Introduction	43
9.2	Key management influences	44
9.3	Management framework for areas categorised as Sportsground or Park	45
9.4	Permitted development and use	49
9.5	Express authorisation of leases, licences and other estates	51
<b>10</b>	<b>GENERAL COMMUNITY USE</b>	52
10.1	Introduction	52
10.2	Key management influences	53
10.3	Management framework for areas categorised as General Community Use	54
10.4	Permitted development and use	56
10.5	Express authorisation of leases, licences and other estates	57
<b>11</b>	<b>NATURAL AREA WATERCOURSE</b>	58
11.1	Introduction	58
11.2	Key management influences	59
11.3	Management framework for areas categorised as Natural Area Watercourse	60
11.4	Permitted development and use	62
<b>12</b>	<b>NATURAL AREA BUSHLAND</b>	62
12.1	Introduction	62
12.2	Key management influences	64
12.3	Management framework for areas categorised as Natural Area Bushland	64
12.4	Permitted development and use	66
12.5	Express authorisation of Leases, licences and other estates	67
PART 3		68
	<b>ATTACHMENTS</b>	
	Native Title Manager Advice	68
	Olympic Park Master Plan	68

# PART 1 - INTRODUCTION AND GENERAL INFORMATION

## 1 KEY INFORMATION

### 1.1 What is the Plan of Management

A Plan of Management (PoM) is a document which provides a clear set of guidelines for the short- and long-term management of a parcel of 'community land' owned and managed by Council or Crown land under Council's care, control and management.

A Plan of Management outlines how a park or reserve will be used and improved and managed in the future. It identifies Council's goals and objectives for the land and establishes the overall direction for its planning, resource management and maintenance. The Plan of Management can be accompanied by a landscape masterplan and assists Council to set priorities when preparing Works Programs and related budgets.

This Plan of Management covers land that is Crown reserve (Crown land) and Council owned 'community land'. Under the *Crown Land Management Act 2016* (CLM Act), Councils are to manage Crown land as if it were 'community land' under the Local Government Act 1993, including the requirement for preparation of a Plan of Management.

Under section 36 of the Local Government Act 1993 (LG Act) a plan must:

- Categorise the land in accordance with the legislation;
- Contain objectives and performance targets for the management of the land;
- Specify the means by which Council proposes to achieve the objectives and performance targets; and
- Specify how achievement of the objectives and performance targets are to be assessed.

Under section 37 of the LG Act the Plan must also:

- Describe the condition of the land, any buildings or other improvements on the land as at the adoption of the Plan;
- Describe the use of the land; and
- State the purposes for which the land will be used.

If there is any further development proposed of the 'community land' other than that authorised by this PoM, or a change in the categorisation of Park, Sportsground, Natural Area – Watercourse, Natural Area – Bushland or General Community Use areas proposed, amendment and re-exhibition of the PoM is required.

This PoM has been prepared in accordance with and seeks adoption under the Local Government Act 1993 and Crown Lands Management Act 2016.



**Figure 1.1:**  
Olympic Park playing fields

## How to read this Plan of Management

Part 1 - INTRODUCTION AND GENERAL INFORMATION	
Section	Content
1	Outlines the scope of the plan and process for its adoption
2	Outlines the land to which this plan applies and provides key land information
3	Describes the legislative framework under which the Plan is prepared and outlines Council's policies that must be considered in developing and implementing the Plan and summarises community consultation that informs the Plan
4	Describes the natural characteristics (habitat and environment) of the sites
5	Describes heritage and cultural significance of the sites
6	Outlines current uses and development and condition of facilities
7	Provides a vision for future management
8	Describes requirements for implementation and administration of the Plan

Part 2 - MANAGEMENT REQUIREMENTS FOR COMMUNITY LAND CATEGORIES	
<p>Part 2 introduces the detailed management requirements for the land categories including:</p> <ul style="list-style-type: none"> <li>• Key management pressures and opportunities.</li> <li>• Management targets, means and evaluation.</li> <li>• Express authorisation of permitted uses and development; and</li> <li>• Express authorisation of leases, licences and other tenure.</li> </ul> <p>The management requirements are presented in sections for each Community Land Category</p>	
Section	Category Content
9	Sportsground and Park
10	General Community Use
11	Natural Area Watercourse
12	Natural Area Bushland

### 1.2 Scope of the Plan of Management

This Olympic Park Precinct Plan of Management covers Crown reserves and 'community land' delineated by the Muscle Creek corridor and includes Muswellbrook Aquatic Centre, Fitzgerald Park (part of which is commonly referred to as Olympic Park) and a significant proportion of the Muswellbrook Golf Course.

The eastern portion (Part Lot 264 DP 1030447) of the Muswellbrook Golf Club Crown Reserve No. 1010588 was included in Fitzgerald Park Crown Reserve No. 570025 when it was dedicated for public recreation in 1879. When the Muswellbrook Golf Club was reserved for public recreation in 2004 it included the whole of Lot 264 DP 1030447. The eastern portion of the Muswellbrook Golf Club Reserve is included in both reserves. For the purpose of this Plan of Management only, the eastern portion of the Muswellbrook Golf Club Reserve is included in the Muswellbrook Golf Club Reserve No. 1010588 and not in Fitzgerald Park Reserve No. 570025.

Further details on the extent of the site and explanation of component land parcels are provided in Section 2.2.

### 1.3 Muswellbrook Shire

Muswellbrook Shire covers 3,402 km<sup>2</sup>, of which 1,455 km (43%) is national park. The Shire is centrally located in the Upper Hunter Valley and is located approximately 130 km north-west of Newcastle. Lake Liddell

delineates the Muswellbrook Shire boundary to the east, Wollemi National Park to the west, Aberdeen to the north, and Coricudgy State Forest to the south.

With a population of approximately 16,355 people, Muswellbrook Shire is a welcoming community offering a range of facilities. The Shire consists of two larger towns, Muswellbrook and Denman, the small township of Sandy Hollow, and several small outlying rural communities.

Council manages and maintains park spaces covering 134.75 ha in total. These spaces provide a variety of facilities for the community including sportsgrounds, aquatic and indoor recreation centres, playgrounds and informal use parkland areas.

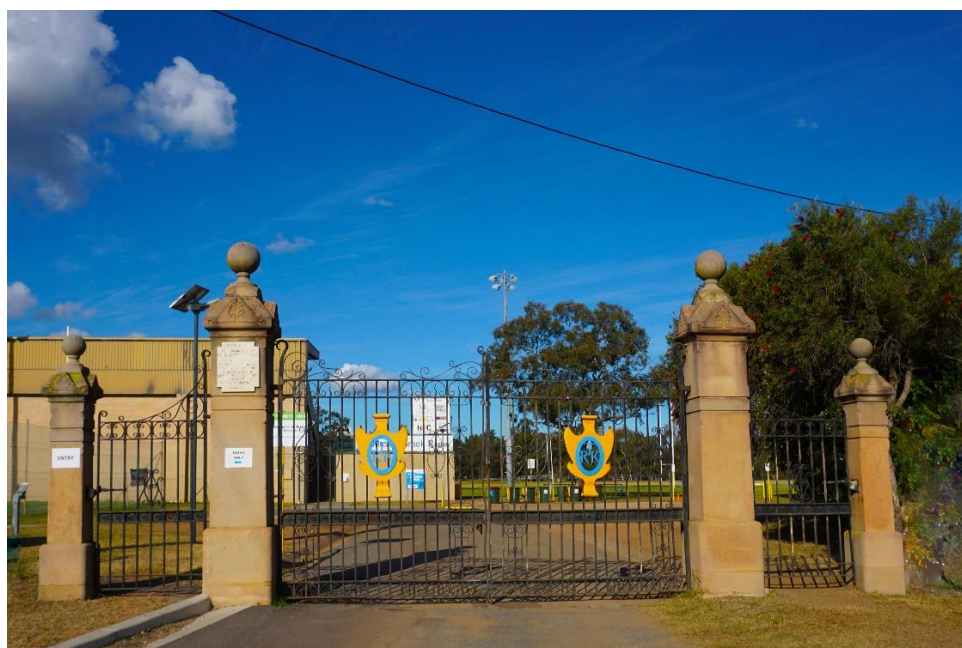
Council's 2016 "Community Snapshot" identified the following community perspectives:

- Almost 50% of respondents were members of a local club and 38% a member of a sporting group. 17% of respondents did not belong to any organisation, club or group. A high number of Martindale and Muscle Creek respondents were Rural Fire Service (RFS) members.
- Muswellbrook is, unsurprisingly, the primary source of most goods and services in the area. Almost 90% of respondents purchase their groceries, 59% had their GP (29% in Denman) and 68% of respondents source other goods in Muswellbrook.
- 73% of respondents had primary or secondary school age children, with 42% of these attending school in Muswellbrook, 27% in Aberdeen and 18% in Denman. Three quarters of school children used school buses.
- Two thirds of respondents had lived in their local region for 20 or more years, and most had seen changes in that time. The most commonly identified changes included increased infrastructure/ improvements in services and facilities (46%) and expansion/ growth (44%). An impact of mining was noticed by 26% of respondents.
- People like the peace and quiet (64%), scenery/ nature (52%) and local community (49%) most.
- Most respondents felt that improved roads/ bridges would make the region better (32%), as well as improved services, including retail (26%).

## 1.4 Plan of Management Adoption

This Plan of Management will be subject to review and approval by the NSW Minister for Lands and Property prior to an approval by Council for the Plan to go on public exhibition under Section 38 of the LG Act.

If Council amends the PoM following community consultation, it will again be submitted to the Minister for approval. If there is no alteration to the PoM following community consultation Council will adopt the final version



**Figure 1.2:**  
The historic Keys  
Memorial Gates  
(also known as Olympic Park Gates)

## 2 INTRODUCTION

### 2.1 Corporate objectives

The following key principles underpin the direction of the Muswellbrook Shire Council as defined in its "Governance Policy":

- a) Human health and safety.
- b) A diverse and competitive industrial base.
- c) The social benefits of work and the importance of full employment.
- d) The importance of education.
- e) Ecologically sustainable development.
- f) Financial sustainability.
- g) Consultative and transparent processes.
- h) Social inclusion and particularly reconciliation with Aboriginal peoples.
- i) Social justice principles of equity, access, and participation; and
- j) A Council workforce encouraged to innovate, provided with flexible work arrangements and which is healthy, supported, and team oriented.

This Plan of Management has regard for these key principles in the identification of long-term management strategies for the Olympic Park Precinct.

### 2.2 Land to which this plan applies

#### 2.2.1 Location

This Plan of Management applies to the group of reserves including Fitzgerald Park and Olympic Park and part of the Muswellbrook Golf Course. The street address of the Precinct includes Wilkinson Avenue (Fitzgerald Park and Olympic Park) and Bell and Maitland Streets (Muswellbrook Golf Course). As indicated in *Figure 2.1 Olympic Park Precinct – Land Information*, the open space is bounded by:

The Great Northern railway:	to the north
Muscle Creek:	to the south and west
Muswellbrook Golf Course:	to the east

#### 2.2.2 Site Area

The overall precinct area including Muswellbrook Aquatic & Fitness Centre, Fitzgerald Park (including Olympic Park) and Muswellbrook Golf Club Reserve is 45.08. ha (450,800 m<sup>2</sup>).

#### 2.2.3 Summary Land Information

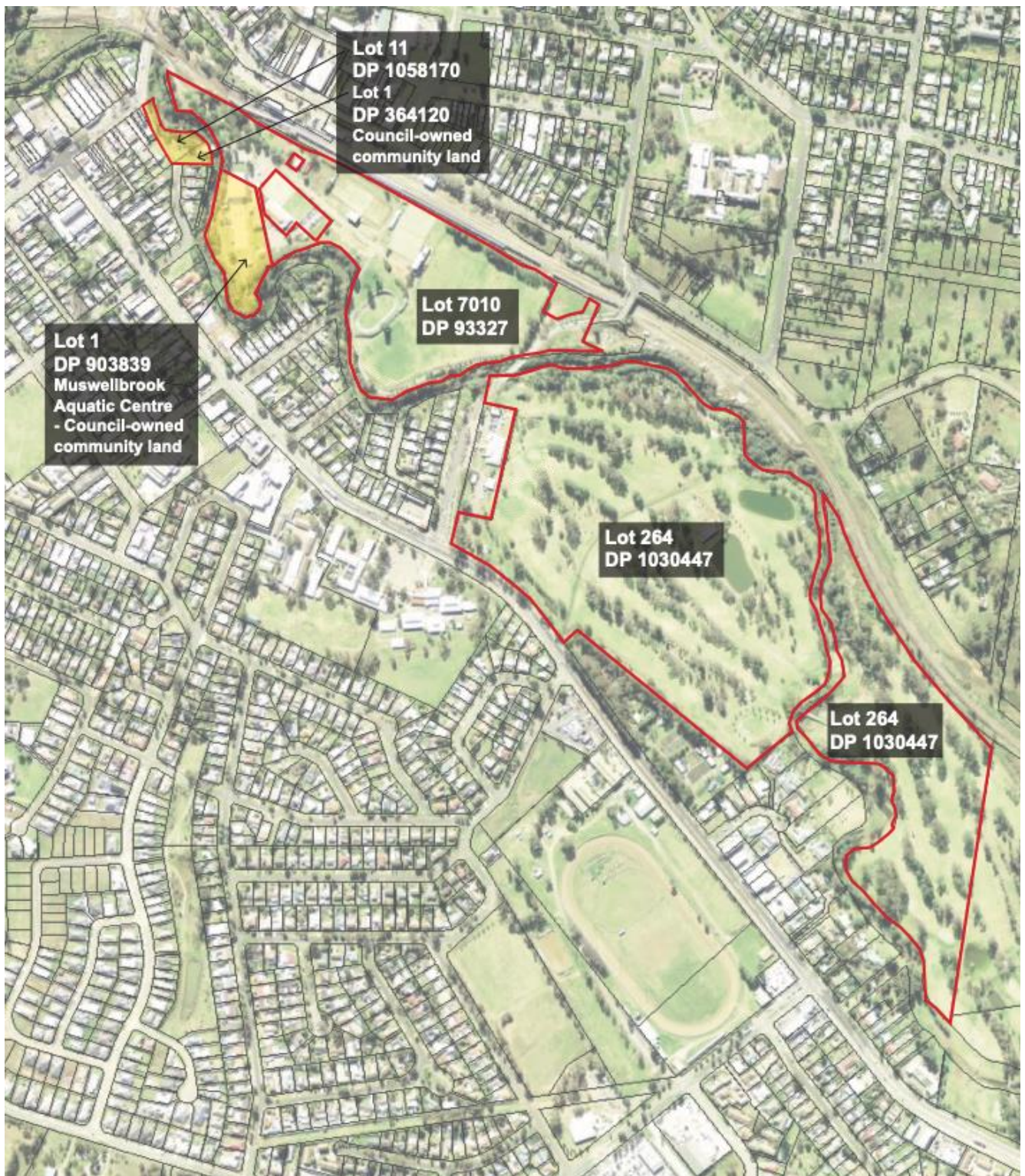
Ownership and land information for the Olympic Park Precinct is summarised on the following table:

**Table 2.1 Summary land Information**

Item	Description			
<b>Collective Site Name:</b>	Olympic Park Precinct			
<b>Address:</b>	Wilkinson Avenue (Fitzgerald Park including Olympic Park) and Bell and Maitland Streets (Muswellbrook Golf Course)			
<b>Reserve Name</b>	Muswellbrook Aquatic and Fitness Centre and adjoining community lands	Fitzgerald Park (West – excluding Golf Club land)	Muswellbrook Golf Club	Fitzgerald Park (East - Muswellbrook Golf Club)
<b>Reserve Number</b>	Community Land	570025	1010588	570025 and 1010588
<b>Ownership</b>	Muswellbrook Shire Council	Crown	Crown	Crown
<b>Gazetted</b>	N/A	23/05/1879	03/12/2004	23/05/1879



Item	Description			
<b>Purpose</b>	N/A	Addition, Public Recreation	Public Recreation	Public Recreation
<b>Lot &amp; DP</b>	Whole: Lot 1 DP 903839 Whole: Lot 11 DP 1058170 Whole: Lot 1 DP 364120	Whole: Lot 7010 DP 93327	Whole: Lot 264 DP 1030447	Part Lot 264 DP 1030447
<b>Zoning Refer Figure 2.3)</b>	RE1 Public Recreation	RE1 Public Recreation	RE2 Private Recreation	RE2 Private Recreation
<b>Area – overall</b>	45.08. ha (450,800 m <sup>2</sup> )			
<b>Area Approximate</b>	1.47. ha (14,670 m <sup>2</sup> )	10.88 ha (108,800 m <sup>2</sup> )	32.73.ha (327,300 m <sup>2</sup> )	
<b>Restrictions /easements</b>	Lot 1 DP 903839 <ul style="list-style-type: none"> <li>• Reservations and exceptions of minerals and rights to mine.</li> <li>• Land below 20 metres from the surface is excepted from title.</li> <li>• The land is a public reserve within the meaning of the Local Government Act 1993.</li> </ul>	Lot 7010 DP93327 <ul style="list-style-type: none"> <li>• The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister.</li> <li>• There is a 5.0 metres wide easement for sewer pipeline (Notified Gov't Gazette 10/02/1995) shown in Deposited Plan 654218.</li> </ul>	Lot 264 DP 1030447 <ul style="list-style-type: none"> <li>• The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister.</li> <li>• The land excludes minerals on areas shown in title diagram.</li> </ul>	Lot 264 DP 1030447 <ul style="list-style-type: none"> <li>• The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister.</li> <li>• The land excludes minerals on areas shown in title diagram.</li> </ul>
<b>Care/ control/ management</b>	Muswellbrook Shire Council	Muswellbrook Shire Council	Muswellbrook Shire Council	Muswellbrook Shire Council



**Figure 2.1**  
Olympic Park Precinct – Land Information (Council owned ‘Community Land’ highlighted in yellow)



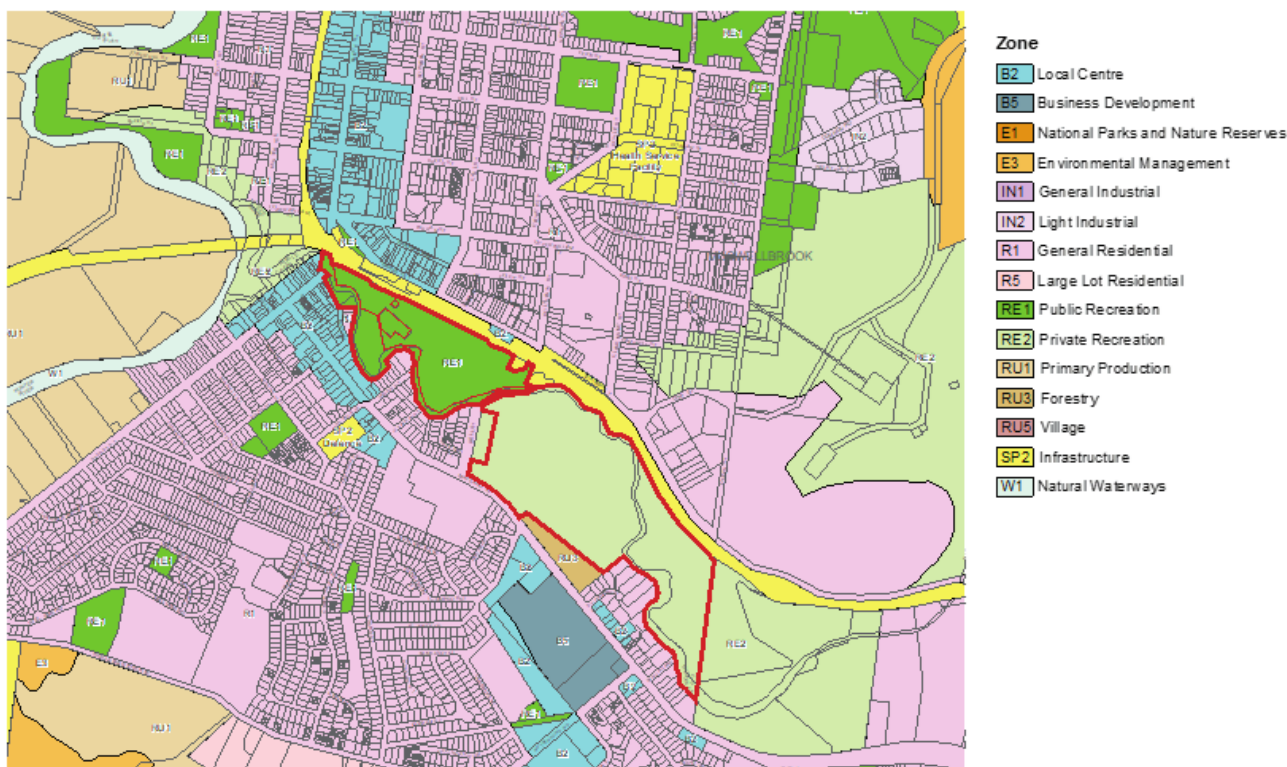


**Figure 2.2**  
**Olympic Park Precinct – Extent of Crown Reserves**



## 2.2.4 Land use Zoning

Under the Muswellbrook Local Environmental Plan (LEP) 2009 the sites of Fitzgerald Park (including Olympic Park) and the Muswellbrook Aquatic Centre are zoned **RE1 – Public Recreation**. **Muswellbrook Golf Course is zoned RE2 – Private Recreation**. Refer to Figure 2.3 below.



**Figure 2.3**  
**Land Zoning (Source: Muswellbrook LGA – NSW Planning Portal Spatial Viewer)**

## 2.2.5 Community Land Categorisation

As of 1 July 2018, new Crown land legislation is in effect and all existing managers have continued under the new legislation. The new Crown Land Management Act 2016 (CLM Act) implements reforms identified through a comprehensive review of Crown land management.

Reserve managers have automatically transitioned under the new Act so that appointed managers continue to have the care, control and management responsibility for their Crown reserves. The CLM Act introduced significant changes to the management of Crown land by Councils. Specifically, Muswellbrook Shire Council will now manage dedicated or reserved land, where Council is Crown Land Manager, as if it were 'community land' under the Local Government Act 1993 (LG Act). Where land is classified as 'community land' under the LG Act, Council is required to have Plans of Management in place for the land.

A central requirement of the LG Act is that all 'community land' must be assigned to one or more land 'categories' whereby the land categorisation defines how Council will manage each parcel of land. Each category has an associated set of guidelines for categorisation and core objectives in providing guidance to the management of land (refer to table below). The objectives for each category provide a broad strategic direction for management of this land, which is the same for all 'community land' of the same category across NSW.

The CLM Act requires that assignment of Community Land Categorisations to Crown reserves have close regard for the reserves, Crown Reserve Purpose. As outlined above in Table 2.1 the reserve purpose for both Fitzgerald Park and Muswellbrook Golf Club is Public Recreation.

This purpose is supported by the ongoing development of the reserves in accordance with Council's strategic and policy documents, specifically Olympic Park Masterplan and vision for Olympic Park to 'become Muswellbrook's regional sporting precinct which provides people of all ages and abilities the opportunity to



participate in community sport, independent exercise, and passive recreation.’ Initial categorisations for the reserves have been confirmed to DPE Crown Lands by Council (listed in Table 2.2 following page).

This PoM confirms the following categorisations and refer to Figure 2.4 on the following page:

### General Community Use

Applies to the Muswellbrook Aquatic and Fitness Centre, and its car park areas, where a diversity of community uses within specialist-built facilities, including the fitness centre, is managed and operated by Council.

### Sportsground

Applies to the sports fields, tennis courts and facility areas of Fitzgerald and Olympic Parks, including the car parks, that are used for structured active recreation.

### Natural Area Watercourse

Applies to the riparian corridor or Muscle Creek forming the southern boundary of the Aquatic Centre, Fitzgerald Park and Olympic Park and to the area cutting across the centre of Muswellbrook Golf Course that forms the natural drainage line of Muscle Creek.

### Natural Area Bushland

Applies to the area between the riparian corridor or Muscle Creek along the northern boundary of Muswellbrook Golf Club Reserve extending through the centre of the golf course.

### Park

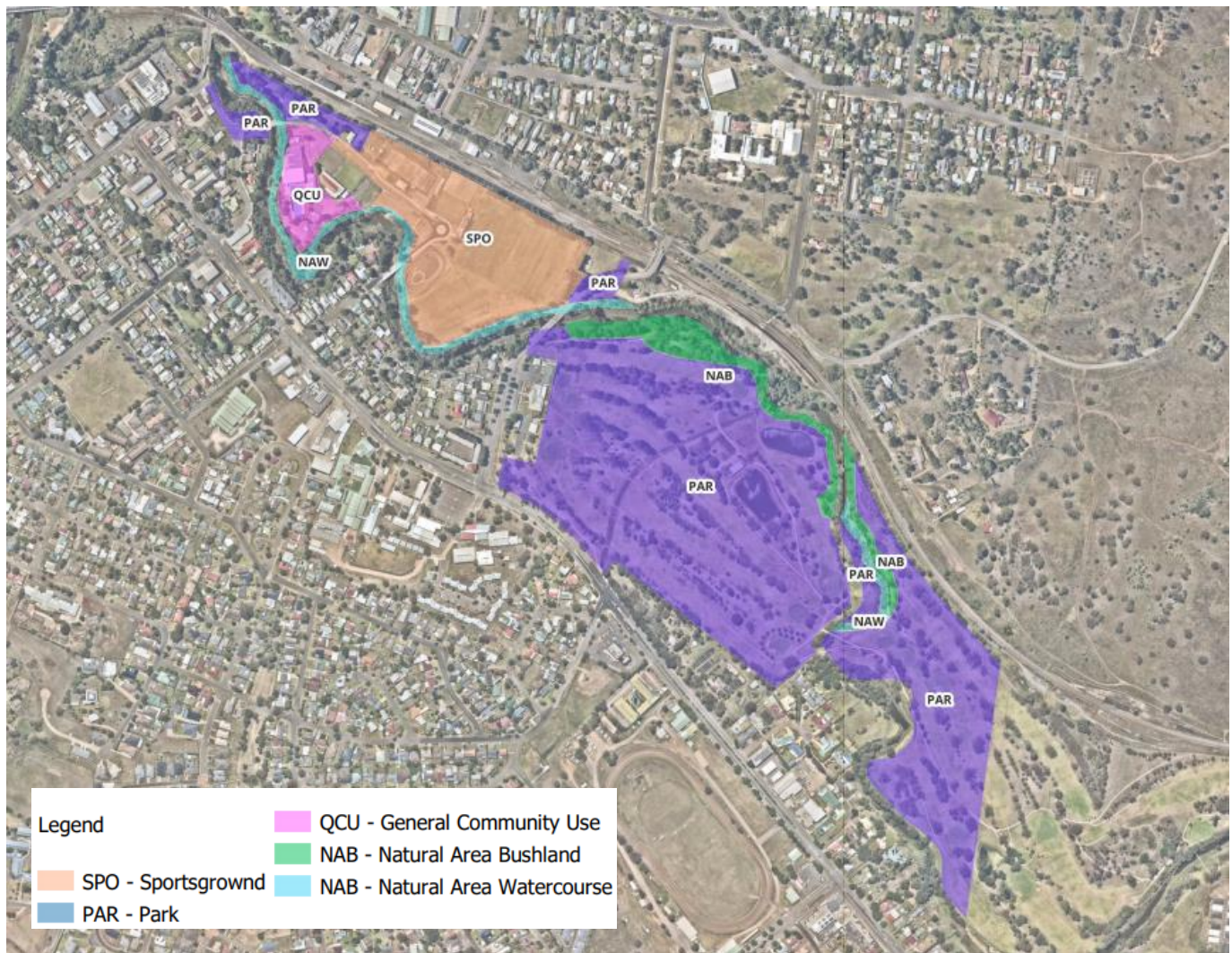
Applies to the area to the north and north-west of the Aquatic Centre that provides for access into the complex and which has been improved with natural landscaping, and to the golf course that has been improved by landscaping, gardens and the provision of facilities for recreation and the casual playing of golf.

The Table following lists the categorisations proposed in this Plan of Management.

**Table 2.2 Community Land Categorisation Summary**

Land Parcel	Proposed category	Public Hearing Required
Lot 1 DP 903839 Muswellbrook Aquatic Centre	<b>General Community Use</b>	No
Lot 11 DP 1058170 Lot 1 DP 364120	<b>Park</b>	No
Lot 7010 DP 93327 Fitzgerald Park	<b>Part Sportsground</b> <b>Part Park</b> <b>Part General Community Use</b> <b>Part Natural Area Watercourse</b>	No
Lot 264 DP 1030447 Muswellbrook Golf Club	<b>Part Park</b> <b>Part Natural Area Bushland</b> <b>Part Natural Area Watercourse</b>	No

The tables in sections 9-11 outline the guidelines for categorisation as listed in the Local Government (General) Regulation 2021 Part 4 Division 1 – and core objectives from the Local Government Act 1993 clauses 36E-N.



### 3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

#### 3.1 Legislative framework

##### 3.1.1 Crown Land Management Act 2016

Crown land is governed by the *Crown Land Management Act 2016* (“CLM Act 2016”), which provides a framework for the State Government, Local Councils, and members of the community to work together to provide care, control and management of Crown reserves.

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

The *CLM Act 2016* abolished reserve trusts and reserve trust managers under the former Act and provided for the appointment of Local Councils (and others) as Crown Land Managers in respect of land which was previously held by reserve trusts.

Under the *CLM Act 2016*, Councils manage Crown land as if it were public land under the *Local Government Act 1993* (“LG Act 1993”). However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose—for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must manage Crown land in accordance with the principles of Crown land management outlined in the *CLM Act 2016*. The principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

### Principles of Crown Land Management

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

### Crown Land management compliance

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

There are no conditions attached to any Crown Land Manager appointment notice for Council, and only one Crown land management rule applies to Muswellbrook LGA. This rule has been made under Section 3.15 of the *CLM Act 2016*.

The rule:

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

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

*However, the rule does not prevent the holder of a holding granted by the Minister administering the Crown Land Management Act 2016 subletting of communication infrastructure located on Crown land in accordance with the conditions of a holding granted by the minister.*

### Reserve Purpose

Crown lands are to be used for the original gazetted purpose for which they were dedicated or reserved. Multiple uses of reserves are encouraged, where those uses are consistent with the original purpose of the reserve and the use does not impact on native title rights and interests under the *Native Title Act 1993*. The Reserve Purpose of Olympic Park Precinct is **Public Recreation**.

### Leasing and Licencing on Crown Reserves

Leasing and licensing of Crown land ensures there is legal and suitable occupation of Crown land. Under the *CLM Act 2016*, a lease or licence is a type of tenure that gives permission to occupy and use Crown land for a specified purpose and term. The *CLM Act 2016* enables Council Crown Land Managers to enter leases and licences in accordance with the *LG Act 1993* once a compliant Plan of Management is in place or the land is classified as operational, whichever occurs first.

Council cannot enter into agreements for use, as lessor or licensor, on devolved reserves, which are not community or public land under the *LG Act 1993*. These reserves are managed by Council under the *LG Act 1993* as section 48 'public reserves' and a PoM is not required for these reserves.



The Council Crown Land Manager is required to ensure all monies received from the use of 'community land' is directed to maintaining and sustaining long-term use and enjoyment of the reserve/s. The income generated from leasing and licencing is a primary form of funding for a Crown Land Manager. It allows a Crown Land Manager to cover long-term running costs (at a minimum) and invest over the long term for future generations to use and enjoy the Crown land in their community. All Crown Land Managers should have lease and licence agreements in place with users of the reserves that they manage. Refer to Part 2 for leases and licences authorised by this Plan of Management.

### 3.1.2 Local Government Act 1993

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

- The Plan of Management applying to that area of 'community 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 of Chapter 6 of the Act.

Section 36 of the Act provides that a Plan of Management for 'community land' must identify the following:

- a) The category of the land
- b) The objectives and performance targets of the plan with respect to the land
- c) The means by which the Council proposes to achieve the plan's objectives and performance targets
- d) The manner in which the Council proposes to assess its performance with respect to the plan's objectives and performance targets

And may require the prior approval of the Council to the carrying out of any specified activity on the land.

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

- a) A natural area
- b) A sportsground
- c) A park
- d) An area of cultural significance
- e) General community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following: bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations.

### 3.1.3 Native Title Act 1993

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

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

The *NT Act 1993* may affect use of Crown land, particularly development of the land and granting of tenures.

In particular, the CLM Act makes it mandatory for Council to engage or employ a Native Title Manager. This role provides advice to Council as to how the Council's dealings and activities on Crown land may be valid or not valid under the NT Act.

The Council must obtain the written advice from an accredited Native Title Manager as to whether Council complies with any applicable provisions of the native title legislation when:

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

Council's Native Title Manager has been and will continue to be consulted in all relevant aspects of native title pertaining to the land that is covered by this PoM.



## 3.2 Other State and Federal Legislation

### 3.2.1 NSW State Legislation

#### **Environmental Planning and Assessment Act 1979**

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

The *EP&A Act 1979* ensures that effects on the natural environment, along with social and economic factors, are considered by the Council when granting approval for or undertaking works, developments or activities.

This *EP&A Act 1979* is also the enabling legislation for planning policies that may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (“SEPPs”). On a regional level there are Regional Environmental Plans (“REPs”). On a local level there are Local Environmental Plans (“LEPs”), as well as Development Control Plans (“DCPs”).

#### **Aboriginal Land Rights Act 1983**

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

#### **Biosecurity Act 2015**

The *Biosecurity Act 2015* (“*BioS Act 2015*”) enables landholders, community, industry and Government to effectively manage and respond to biosecurity incursions and risks. A fundamental principle of the *BioS Act 2015* is that biosecurity is everyone’s responsibility, and all land managers have the same responsibilities – a duty to prevent, eliminate or minimise risk as far as reasonably practicable.

Council has obligations under the *BioS Act 2015* to manage Priority Weeds on Council land or Council managed land. Under the *BioS Act 2015*, weeds are divided into State, Regional and Local Priority Weeds (formerly referred to as Noxious Weeds). State and Regional priority weeds are identified in the *Hunter Regional Strategic Weed Management Plan 2017-2022* (“*HRSWMP 17-22*”) and outcomes for these weeds needs to demonstrate compliance with the Biosecurity Duty for the species listed in Appendix 1 of the *HRSWMP 17-22*.

Since 1 July 2018, the management of pest animals has been administered under the *BioS Act 2015*. Foxes are included in the *Hunter Regional Strategic Pest Animal Plan 2018-2023* and a threat abatement plan to rid them has been prepared under the *Biodiversity Conservation Act 2016*.

#### **National Parks and Wildlife Act 1974**

Statutory responsibilities on the Council arising from the *National Parks and Wildlife Act 1974* (“*NPW Act 1974*”) specifically relate to the protection of sites of pre- and post-European contact archaeological significance and the protection of native flora and fauna. The *NPW Act 1974* may affect ‘community land’ categorised as of cultural significance, as a natural area or park.

Aboriginal cultural heritage in NSW is protected by the *National Parks and Wildlife Act 1974*. Under the *NPW Act 1974* it is an offence to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.

#### **Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (“*BioD Con Act 2016*”) repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*. It should be noted that although the *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*, references to the former legislation remain in the *Local Government Act 1993* (“*LG Act 1993*”).

The *Biodiversity Conservation Act 2016* covers conservation of threatened species, populations and ecological communities, and the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Department of Planning and Environment - Energy, Environment and Science Division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the *Biodiversity Conservation Act 2016* or *LG Act 1993*, meaning pre-existing plans have no legal effect. For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the *LG Act* are now redundant. Councils are to be advised if future amendments are made to the *LG Act* to enable these mechanisms.

The Act sets out a process for listing threatened plants and animals and establishes the “Saving our Species” biodiversity conservation programme for threatened species and threatened ecological communities. The Act provides for the identification and listing of threatened species (Schedule 1), threatened ecological communities (Schedule 2), key threatening processes (Schedule 4), protected animals (Schedule 5) and protected plants (Schedule 6). It also establishes new measures for the conservation of areas considered to be “of outstanding biodiversity value”.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned. These control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the State.

### **Fisheries Management Act 1994**

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

Where an area of ‘community land’ is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the *FM Act 1994*, a site-specific Plan of Management will need to be undertaken.

### **Rural Fires Act 1997**

The *Rural Fires Act 1997* (“*RF Act 1997*”) contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire-prone lands.

### **Water Management Act 2000**

The *Water Management Act 2000* (“*WM Act 2000*”) is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The *WM Act 2000* recognises:

- The fundamental health of our rivers and groundwater systems and associated wetlands, floodplains and estuaries has to be protected.
- The management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land.
- To be properly effective, water management must be a shared responsibility between the government and the community.
- Water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects.
- Social and economic benefits to the state will result from the sustainable and efficient use of water.

## Heritage Act 1977

The *Heritage Act 1977* contains provisions for the conservation of items of heritage and may relate to Community Land Categorised as cultural significance or natural area.

### 3.2.2 Commonwealth Legislation

#### Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (“*EPBC Act 1999*”) provides a national framework for the protection and management of matters of national environmental significance. These include listed nationally and internationally significant flora, fauna and ecological communities as well as heritage places on the World Heritage List and National Heritage List. The *EPBC Act 1999* also promotes the conservation of biodiversity and ecologically sustainable development.

#### Telecommunications Act 1997

The *Telecommunications Act 1997* (“*TC Act 1997*”) provides for telecommunication facilities being permitted on ‘community land’ without authorisation in a PoM.

### 3.2.3 State Environmental Planning Policies

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

This planning policy deals with bushland in urban areas, so is applicable to PoMs for Community Land Categorised as natural area—bushland.

**State Environmental Planning Policy (Transport and Infrastructure) 2021** State Environmental Planning Policy (Transport and Infrastructure) (2021) (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The Infrastructure SEPP assists local government and the communities they support by simplifying the process for providing essential infrastructure.

The Infrastructure SEPP has specific planning provisions and development controls for 25 types of infrastructure works or facilities including roads, emergency services, electricity delivery, parks and other public reserves and telecommunications networks.

The Infrastructure SEPP outlines the planning rules for such works and facilities, including:

- Where such development can be undertaken;
- What type of infrastructure development can be approved by a public authority under Part 4 of the Environmental Planning and Assessment Act (EP&A Act) following an environmental assessment (known as ‘development without consent’);
- What type of development can be approved by the relevant local Council, Minister for Planning or Department of Planning under Part 4 of the EP&A Act (known as ‘development with consent’); and
- What type of development is exempt or complying development.

Of particular relevance to open space is Clause 65 that specifies that development for any purpose may be carried out without consent if the development is for the purposes of implementing an adopted Plan of Management. The clause also lists a range of ancillary developments permitted without consent.

Clause 66 provides for a range of exempt developments within a public reserve such as the construction, maintenance, and repair of walking tracks, stairways, gates, seats, shelters and shade structures.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021** This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

### 3.2.4 Other State relevant Legislation, Policies and Plans

- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992 (Cwlth)*

- *Disability Inclusion Act 2014*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Soil Conservation Act 1938*
- *Waste Avoidance and Resource Recovery Act 2001*
- *NSW Invasive Species Plan 2023-2028*
- *National Local Government Biodiversity Strategy*
- *NSW Biodiversity Strategy or named New South Wales Biodiversity Conservation Program*
- *Australian Natural Heritage Charter, Second Edition 2022*

### 3.3 Council Policies

There are several Council policies which are applicable to Council's management of open space. These are summarised further and can be accessed on Council's website [www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au) via searching under the Policies and Documents section.

#### **Environmental Sustainability Policy**

This policy will:

- a) Act as a foundation document to embed environmental sustainability in all of Council's operations;
- b) Provide a set of principles to support further implementation of strategies and actions by Council.

#### **Risk Management of Council Facilities Policy**

To provide clear and concise systems of procedures and practices, and documentation of the application of such systems, for relevant Council staff to follow, that will reduce Council's exposure to public liability claims by;

- More effectively allocating resources in the reduction and elimination of hazards that may exist or arise from time to time on various facilities under Council's care and control;
- Maintain a cost-effective level of service, in terms of safety, to users of facilities under Council's care and control; and
- Reduce Council's exposure to public liability claims by demonstrating Council's due diligence.

#### **Management of Trees on Roads and Public Land Policy**

To manage the valuable tree assets throughout the Shire in order to:

- Provide and maintain attractive "leafy" urban streetscapes and public reserves;
- Preserve the trees within council road reserves and public reserves where they provide numerous tangible benefits, including clean air, shade, erosion protection, noise dampening, protection from winds, screening of unsightly features, privacy, definition of boundaries and a habitat for birds and other wildlife; and
- Reduce the potential for injury, damage and/or loss caused by the trees, within Council's ability to resource, by the application of Risk Management concepts and techniques.

#### **Public Art Policy**

To support the implementation of Council's 2017-21 Delivery Program objectives to promote participation in cultural activities, to improve the liveability of the Shire's communities and continue with the implementation of projects to support the revitalisation of the town centres of the Muswellbrook Shire, which includes a target to install permanent exhibitions of public art.

#### **Rivers and Drainage Channels Policy**

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of rivers and urban drainage systems throughout the Shire and so enhance and improve them with respect to:

- Natural environmental values;
- Aquatic fauna habitat;



- Water quality or availability;
- Drainage and flood risk management;
- Maintainability;
- Accessibility; and
- Visual amenity.

### **Asset Management Policy**

This policy provides the overall framework to guide the sustainable management of Council's Infrastructure asset portfolio including that:

- They meet the needs and aspirations of the community as expressed in the Muswellbrook Shire Community Strategic Plan;
- Are sustainable;
- Have an acceptable level of risk; and
- Are acquired, upgraded or renewed when necessary to meet community service demands or growth

## **3.4 Active Transport Plan (currently under review)**

The plan prepared in 2009 sought to formulate a realistic, connective and safe network of walking and cycling facilities, supported by a prioritised schedule of works.

Major outcomes included:

- Assessment of existing conditions for walking and cycling.
- An updated strategy to guide Council's development of the pedestrian and cycle network in Muswellbrook and Denman over the next 10 years.

Key principles of the proposed strategy for Muswellbrook included:

- Upgrading and extending off-road pathways.
- Targeted development of formal on-road bikeways along key corridors to facilitate continuous, convenient and safer travel for experienced commuter cyclists.
- Minimising barriers to pedestrian and cycle movement.
- Improving the legibility of pathways and trails located in parkland.
- Strategic integration of pathways and bikeways with future residential subdivision, rather than retrofitting facilities at a later stage for higher cost.
- Provision of recreation and fitness trails to support more healthy and active lifestyles.

Recommendations relevant to the Olympic Park Precinct are:

Monitor opportunities to establish new north-south cycle/ pedestrian links across Muscle Creek and the rail line, coinciding with future town expansion and new road projects.

## **3.5 Muswellbrook Aquatic Centre Master Plan**

The Plan includes the following features:

- Refurbished Outdoor 50m, (8 practice lanes at 1.925m or 7 competition lanes at 2.2m), plant and new plumbing.
- Wet deck conversion.
- Indoor pool hall shared with Water Play Area approx. 15m x 7m, LTS/Program 15m x 10m.
- Spa and Sauna.

- 24hr gym access.
- New entrance and foyer area.
- Commercial kitchen/Cafeteria.
- Dry play party room
- Viewing Deck.

### 3.6 Muswellbrook Urban Riparian Landcare Master Plan

The Master Plan, prepared in 2018, ensures that key urban design principles are incorporated into the future development opportunities within Muswellbrook riparian corridor and town centre.

The Plan addresses opportunities to reactivate the river edges and introduce the community to the possibilities of outdoor recreation in a river environment. The main design objectives, which have been incorporated with focus on maintaining wildlife corridors with canopy trees and local species of endemic plants for native bird habitats, are to provide the local community with:

- A place the local community will take pride in and cherish;
- A destination for school educational outdoor classrooms to communicate the value of the river, heritage, arts and culture;
- An outdoor living room with picnic facilities, swimming areas, fishing and beach volleyball;
- A river environment that will bring revenue to local business through accommodation, cafe, kiosks and education;
- A network of DDA access paths to the Hunter River and amenities;
- A healthy river system that will provide shelter to threatened native wildlife and bird life;
- A nature trail that will provide access to and across the river at Muscle Creek;

Council is currently preparing a Muscle Creek and Possum Gully Catchment Management Plan

### 3.7 Review of Plan of Management

Implementation of this Plan and its ongoing relevance will be reviewed as part of Council's integrated planning and reporting processes. Refer to section 8.0 for further detail on the review process and related protocols.

### 3.8 Community Consultation

#### **Olympic Park Master Plan Adopted 2018**

Extensive public consultation has been undertaken for the Olympic Park Master Plan as well as for the Aquatic Centre Master Plan. Development of this Plan of Management has drawn on past consultation undertaken as part of master planning for the development of the precinct.

Key priorities identified from this consultation included:

- To prepare an overall Master Plan for Olympic Park precinct which will give a clear vision for the precinct;
- To integrate Muswellbrook Aquatic Centre and Urban Riparian Landcare Master Plans' outcomes into the overall Master Plan for Olympic Park;
- To identify opportunities for improvements including public domain, recreational, parking, traffic movement and landscaping;
- To enhance connection between Olympic Park precinct, town centre and neighbouring residential areas;
- To incorporate crime prevention through environmental design principles into planning and development activities;
- To provide a coordinated and strategic planning approach to the development of the area;

- To develop detailed concept design for identified key areas; and
- DRAFT Olympic Park Sports Precinct Landscape Management

### **Vegetation Management Plan**

The Vegetation Management Plan prepared for the Muscle Creek corridor in 2012 by GHD, involved liaison with key stakeholders in the management and maintenance of the riparian corridor.

### **Muscle Creek Landcare Group**

The Muscle Creek Landcare Group was established in 1995 and undertakes coordination, planning and on-ground works aimed at restoration of the riparian corridor. The group has had a number of different grants to conduct the rehabilitation of Muscle Creek, NSW. The most recent was awarded through NSW Environmental Trust for the 2020-2022 Rehabilitation of Muscle Creek for Community and Environmental Benefit Project. The objective of this funded project is to coordinate teams of external volunteers to continue restoration work on the creek. These teams will provide the necessary labour that, combined with the Groups own personnel, will help to maintain work already done and expand on the restoration efforts on the riparian corridor. The group undertakes their work on public land that adjoins Muscle Creek.

Through consultation, the relevant key issues for the creek identified by Muscle Creek Landcare Group and the Hunter and Central Rivers Catchment Management Authority were:

- Bed and bank stability;
- Flood management;
- Vegetation management, including protection of an existing Endangered Population, creation of a wide and diverse vegetation buffer and continuous weed control;
- Water quality;
- Nutrient sources;
- Community access; and
- Beautification to improve aesthetic values.

### **Wanaruah Local Aboriginal Land Council**

As a representative body of the local Aboriginal community in the area, the Wanaruah Local Aboriginal Land Council (WLALC) are a valued stakeholder for the management of Lower Muscle Creek and are regularly consulted on local activities through the Muswellbrook Shire Council Aboriginal Reconciliation Committee.

### **Private Landholders and Residents**

Private landholders and residents are important stakeholders. The majority of Lower Muscle Creek is bordered by private residential land or provides access to the community recreation lands and the southern border of the Muswellbrook Golf Course borders private residential land.

### **Public Exhibition**

The Preliminary Draft Plan of Management will be provided to users of the precinct, private landholders in the vicinity of the precinct and to the public prior to finalisation of the Draft Plan. After approval from The Minister the Draft Plan will be placed on public exhibition for 28 days plus a 14-day ongoing response period (42 days total) in accordance with the Local Government Act. The exhibition period allows for interested parties to comment on the Draft Plan. Council will consider all comments and the final document will be amended where appropriate.

Key comments were reviewed and are tabulated below

Comment	Response for POM finalisation
TO BE COMPLETED FOLLOWING EXHIBITION	

Comment	Response for POM finalisation

## 4 HABITAT AND ENVIRONMENT

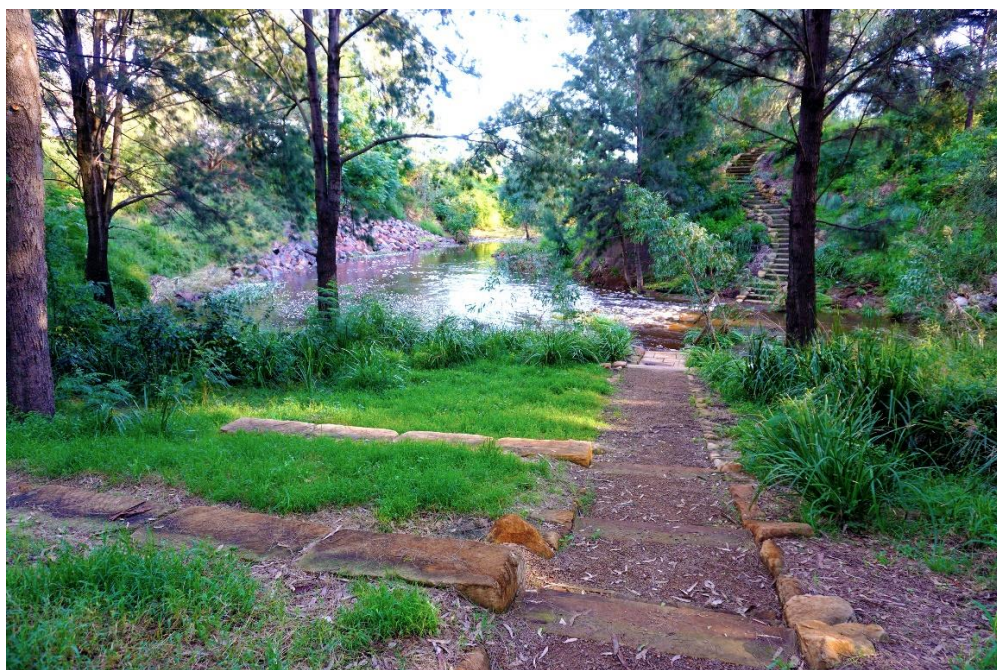
### 4.1 Muscle Creek Corridor

Section 36A(2) of the LG Act requires that a specific PoM be prepared for an area of 'community land', all or part of which consists of Endangered Ecological Communities (EEC) (or species, habitat, etc) listed as critically endangered and subject to a Final Determination Listing by the Scientific Committee.

Section 36B(3) of the LG Act also requires that a specific PoM be prepared for 'community land', all or part of which is directly affected by a recovery plan or threat abatement plan.

A Vegetation Management Plan (VMP) was prepared for the Muscle Creek corridor in 2012, for the area immediately to the north of the site. This identified, as outlined following, that the area has potential to support an EEC but that this is not critically endangered. Being a continuation of that corridor, the subject site has similar potential.

As outlined in the Muscle Creek Nature Trail Environmental Assessment (26/10/2019), Muscle Creek is a steep banked waterway which meanders through the town of Muswellbrook NSW, beginning in a catchment approximately 6 kilometres East of Muswellbrook, before meeting at a juncture with the Hunter River northwest of Sydney Street. Muscle Creek, a 5<sup>th</sup> order watercourse, has been the site of multiple rehabilitation and improvement projects, with weed removal, tree planting, path construction and riparian stabilisation, all carried out collaboratively by volunteers, Landcare, local environmental rehabilitation businesses, and Council's Natural Areas Team.



**Figure 4.1:**  
**Muscle Creek Walking Track**

The Vegetation Management Plan established a strategic vision for:

- Mitigation of flooding and the protection of infrastructure and property.
- Improvement of community access and passive recreation.
- Beautification.



- Preservation of the waterway's ecological value, including bed and bank stabilisation.

The plan identified the key environmental characteristics of the corridor in this vicinity. These are summarised following:

- The corridor is typified by an open canopy of natives and exotics, a sparse mid layer of shrubs planted in previous rehabilitation works and dense and diverse ground layer dominated by environmental and noxious weeds.
- The vegetation type recorded surrounding Muscle Creek most closely aligns with 'Hunter Valley Floodplain Red Gum Woodland Complex (EEC)' in poor condition and 'Hunter Valley River Oak Forest' as described by Peake (2006). Both communities have been previously recorded in the Muswellbrook locality and along Muscle Creek, where they occur in close proximity in riparian locations. The boundary between the two communities is often difficult to define. However, in most instances 'Hunter Valley Floodplain Red Gum Woodland Complex' commences at the outer edge of 'Hunter Valley River Oak Forest'.
- Descriptions of these vegetation communities according to Peake (2006) are located in Appendix B of the VMP.
- An additional vegetation community exists comprising of exotic grassland in the flat open recreation area above the creek banks.

**Threatened Flora** Database searches were conducted to identify listed threatened flora that was previously recorded or with the potential to occur within the Locality. Based on site surveys and habitat requirements for these species it is unlikely that they would occur at the Site. A highly modified community of 'Hunter Floodplain Red Gum Woodland Complex (EEC)' was identified at the Proposal site in low condition. At least one individual of the endangered population 'Eucalyptus camaldulensis population in the Hunter catchment' was also identified at the Site to the northwest of the Olympic Park Precinct site.

### Noxious and environmental weeds

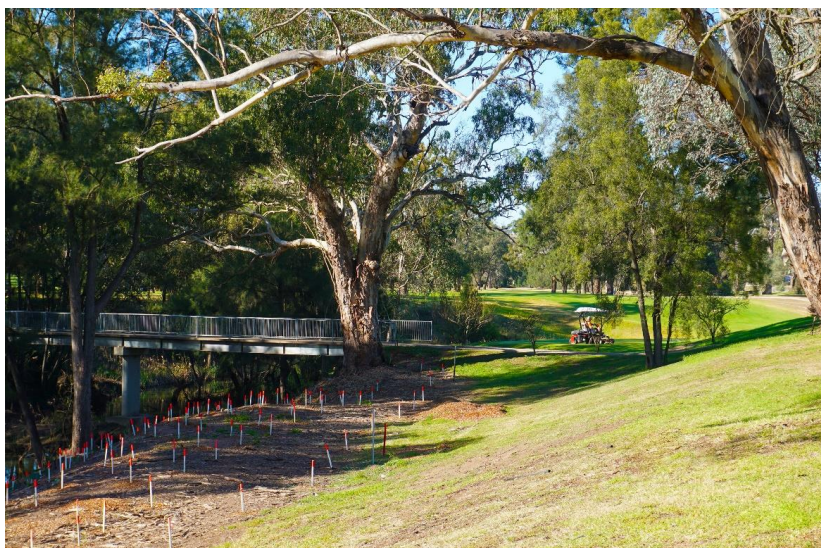
The Site to the northwest of the Olympic Park Precinct is dominated by exotic plants and environmental weeds, which is similarly reflected through the subject area. The steep banks surrounding Muscle Creek feature high infestation with environmental weeds such as (but are not limited to) Caster Oil Plant (*Ricinus communis*), Broad Leaf Privet (*Ligustrum lucidum*), Cobblers Pegs (*Bidens Pilosa*), Rhodes Grass (*Chloris Gayana*), Verbena Litoralis and various vine species.

### Past Works

Past works in the creek corridor through the subject site have included ongoing bushland management works, bank stabilisation, and implementation of the Muscle Creek Nature Trail project in 2019/20. This project implemented a walking trail, interpretive signage and weir crossing of the creek.

It is noted that the creek is a Crown Waterway. Prior to carrying out modification works, it is necessary to seek approval through the NSW Department of Planning and Environment. Modification to land within 40m of a riverbed is classed as a 'controlled activity' and as such requires approval. As stipulated on their website, controlled activities include modifications to a watercourse, such as erosion control works and channel realignment, but less significant works such as tracks should be assessed against the Department of Planning and Environment criteria.

Specific management recommendations should apply as defined in the Muscle Creek Vegetation Management Plan 2012.



**Figure 4.2:**  
**Muscle Creek within**  
**Muswellbrook Golf Course**

## 5 HERITAGE AND CULTURAL SIGNIFICANCE

### 5.1 Aboriginal Cultural Heritage

Prior to European settlement, the Muswellbrook Shire was occupied by people of the Wonnarua/ Wanaruah language group. The Wonnarua/ Wanaruah people traded and had ceremonial links to their neighbouring tribes such as Awabakal, Darkinung, Geawegal, Kamilaroi, Wiradjuri and Worimi. The Muswellbrook Shire Local Government area is located within the Wanaruah Local Aboriginal Land Council boundary. Aboriginal people living in Muswellbrook Shire now comprise 5.2% of the total population according to the most recent ABS census data.

The Muswellbrook Shire Council Aboriginal Reconciliation Committee was established in 1997; the Committee's goal is to further Reconciliation in the Community. Some of the significant outcomes of the Aboriginal Reconciliation Committee has been:

- Agreed Acknowledgment of Country;
- Painting and construction of the Reconciliation Mural;
- Installation of the Scarred Tree in Simpson Park;
- Graphics on the noise attenuation walls;
- Naming of Weeraman Fields;
- "Wannin Thanbarran" – a history book of Aboriginal/European Contact in Muswellbrook and the Upper Hunter Valley';
- "In Our Own Words" - exhibition, book and digital recordings ;
- Installation of the Widden Creek Artefacts display in the foyer of Muswellbrook Shire Council;
- Interactive website ([www.workingwithindigenoussaustralians.info](http://www.workingwithindigenoussaustralians.info)) containing detailed information on Aboriginal and Torres Strait Islanders history and culture, demographics, discussion on current issues and practice implications for people who work in the Human Services sector;
- Muscle Creek Trail Walk – Local Aboriginal history on the historical signs of the area.

Open spaces provide an important opportunity to provide a connection for the community.

### 5.2 European Cultural Heritage

Musclebrook was declared a township in 1833. It was discovered by Chief Constable John Howe in 1819 and in 1824 major parcels of land were surveyed by Henry Dangar along the banks of the Hunter River for

allocation to early settlers. Although the town name was referred to as Muswellbrook for many years, the official name change to Muswellbrook was gazetted in the New South Wales Parliament in January 1953.

In 1842 the sons of Francis Forbes established the private village of Forbestown south of Muscle Creek but due to confusion with the town of Forbes it was changed to South Musclebrook in 1848. The rich soils surveyed by Dangar resulted in Musclebrook being established as a farming centre. When the railway arrived in 1869 it boosted the local economy as the settlement became the northern railhead and the population climbed.

When Musclebrook was declared a municipality in 1870 the population was 1445. Coal mining began in the 1890s although truly large-scale coal mining didn't get under way until more recently with a predominance of open-cut mines. After the First World War the larger properties were broken up into smaller farms with dairying supplanting wool and wheat. In 1979 the Shire of Denman and the Municipality of Muswellbrook amalgamated to form present day Muswellbrook Shire.

Writer Donald Horne, author of *The Lucky Country*, was raised in Muswellbrook and wrote of his experiences in *The Education of Young Donald* (1967). (Source: Council website).

## 6 DEVELOPMENT AND USE

### 6.1 Overview

#### 6.1.1 Generally

Fitzgerald Park was dedicated as a public reserve on the 23 May 1879. Early use of the park and provision of facilities focussed on organised sports. The reserve originally encompassed the overall corridor of open space including part of the current Muswellbrook Golf Course. From the late 1800's to mid-1900's the park was referred to as Gerald Park and the site of the current football fields was part of the town Showground site. Later, when the Showground moved, it became known as Olympic Park. Now the name Olympic Park is used to refer to the lands between Bell Street and the Wilkinson Ave bridge over Muscle Creek as reflected in the Olympic Park Master Plan 2017.

Over time, four parcels of land have been excised from the original Fitzgerald Park Reserve for specialised uses:

#### **Railway Land**

Two small adjoining parcels to the north of the reserve were removed from the original reserve for railway line and trucking yards in the 1920s.

#### **Roads and Access**

Currently parts of Haydon Street, Wilkinson Avenue and Bell Street are not dedicated public roads. ARTC under a current licence agreement also have a constructed access road to their rail corridor. Council is looking to resolve the current issues for the abovementioned areas in the future action for this Plan of Management.

#### **Muswellbrook Bowling Club - currently Boronia Building**

The land on which the Bowling Club, greens and carpark were located was extracted from Fitzgerald Park Reserve as a direct lease to the Bowling Club by the Crown. When the Bowling Club closed, the Crown created Muswellbrook Community Reserve No. 1011548 and in May 2006 appointed Hunter Integrated Care Inc. and Upper Hunter Community Services Incorporated as the Trustee and issued them a direct lease for the purpose of community purposes and public recreation. Services for the aged and people with disabilities are carried out in the Boronia Building. The Muswellbrook Croquet Club currently utilise the greens and have built a small clubhouse alongside the Boronia Building.

#### **Memorial Guides Hall**

The Memorial Guides Hall was extracted from Fitzgerald Park by Gazette of 13 December 1963 and a Special Lease was granted to the Girl Guides Association (NSW) in February 1964 until its withdrawal in October 1971. In May 1972 the Crown created an unnamed Reserve No. 88588 for the purpose of Girl Guides and



appointed Girl Guides Association (NSW) as Trustee in January 1973. The Muswellbrook Girl Guides attend regular meetings at the hall.

### Muswellbrook Aquatic Centre

In 1976 the site of the Muswellbrook Aquatic Centre was excised from the original reserve and transferred to Muswellbrook Council in fee simple, from which time it has been managed by Council as 'community land'.



### 6.1.2 Key facilities and spaces

Refer to Figure 6.1.6 following page: Olympic Park Precinct Key Existing Features

#### Tennis Courts

Tennis was established on the site in the late 1920's and the Park Tennis courts were officially opened in 1936.



**Figure 6.1:**  
**Park Tennis Courts**



**Figure 6.2:**  
**Park Tennis Courts**

In 1942 (during WW2) the courts and surrounding Showground area became a military camp for soldiers and wartime activities. At the conclusion of the war in 1945 the Club restored the courts, and a single-story club house was built in 1954. In 1976 the club house was replaced with the 2-story club house on the site today. The courts have been extended and have been subject to resurfacing periodically.

The second tennis club, Olympic Park Tennis, was officially formed in 1965 as an amalgamation of two local clubs – Sports Tennis Club and Tahoma Tennis Club. Both Park Tennis and Olympic Park Tennis clubs have operated from the site since.





**Figure 6.3:  
Olympic Park Tennis**

A number of the western most courts have not been used for some time and more recently have been home to a community gardens compound run by the Muswellbrook Shire Council Sustainability Group. This is proposed to be relocated to an alternative site in near future.

### **Olympic Park Fields**

The current sporting field areas were originally the site of the Muswellbrook Showground and have been used for organised field sports since the late 1800's. The Showground moved from the reserve in 1955. Amenities were constructed, with the current integrated grandstand and amenities building developed in 1982. The fields are used predominantly for Rugby League in the winter and Touch Football in the summer. Stage 1 of the Olympic Park Master Plan provides for new facilities with amenities, change rooms, storage and lift/ stair access to a multi-function room above.



**Figure 6.4:  
Olympic Park Grandstand**

### **Ron King Velodrome**

The Velodrome was constructed in 1950 and was later named after a local Muswellbrook Olympic Cyclist, Ron King. The velodrome has a steep profile and is currently not used for organised sport.



**Figure 6.5:  
Ron King Velodrome**

## Muswellbrook Aquatic and Fitness Centre

The 50m outdoor pool was opening in February 1929 and is a major community facility. Due to its age and ongoing maintenance issues Council has recently undertaken a major refurbishment of the pool. The indoor fitness centre facilities were integrated with the outdoor pool in a major development of the site.

The current Muswellbrook Aquatic Centre Upgrade includes the construction of a state-of-the-art indoor area featuring a water activity park, learn to swim and therapy pool, new entrance and foyer, kiosk, party room, spa, sauna and viewing deck. The completed redevelopment and refurbishment works has created a new level of service and greatly improved facilities and access. The facility is Council owned 'community land' and is managed by Council.



**Figure 6.6:**  
**Muswellbrook Aquatic Centre**  
**- Outdoor Pool**

## Muswellbrook Golf Course

The history of golf in Muswellbrook stems back to 1900 when Donald Macintyre of Kayuga laid out a nine-hole course in North Muswellbrook. There was no formal club at that time, however, by 1903 there were many local players trying their hand at golf on a regular basis. Around 1907 the Recreation Ground to the east of Bell Street and south of Muscle Creek was deemed a suitable location for a 9-hole course and became home to the local golfers. The properly constituted golf club was formed in 1910 and the first small club house was built on the railway side of Muscle Creek in 1914. As golf became more popular a new club house was built in 1924. The Golf Club purchased land to the east of the current course in 1955 and proceeded to establish an 18-hole course incorporating the part of Fitzgerald Park Reserve.

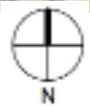
The Golf Course provides a championship 18-hole course of 6104 metres, and it is a par 72 course. It is considered a challenging layout with five par 5 holes, eight par 4's, and five par 3's. There are eight water carries across the picturesque Muscle Creek which meanders through the course.

The Club House, located on a lot that the Club leases directly from the Crown, provides for club activities including squash with a restaurant, outdoor dining area and adjacent children's playground. The Club House includes a function area for up to approximately 100 people for parties, wedding receptions and wakes.



**Figure 6.7:**  
**Muswellbrook Golf Course**





**Figure 6.8**  
**Olympic Park Precinct – key existing features**

## 6.2 Condition of the land and structures on adoption of the Plan

Olympic Park Precinct has a range of existing built facilities in addition to new facilities under construction. The following summarises the basic aspects of each and identifies the most recent building and facilities condition reporting.

**Table 6.2 Facilities Condition Summary**

Item / features	Condition
<b>Wilkinson Ave Entry Road</b>	
Asphalt road surface with kerbs and drainage	Good condition
<b>Railway Boundary</b>	
Fence line and landscape curtilage	Satisfactory condition
<b>Carpark to Aquatic and Fitness Centre</b>	
Kerbed roadway with landscape islands	Satisfactory to good condition of infrastructure.
<b>Aquatic and Fitness Centre</b>	
Aquatic and Leisure Centre	2020/ 2022 underwent major works and asset renewal. Excellent condition
<b>Community gardens</b>	
Fenced community gardens enclosure (to disused courts) operated by Council Sustainability group (is being relocated to an alternative site in future to facilitate additional parking area)	Satisfactory condition.
<b>Park Tennis Club</b>	
Courts	Good condition – club undertakes ongoing court maintenance and renewal
Club Building	Satisfactory condition
<b>Olympic Park Tennis Club</b>	
Courts	Good condition
Club Building	Satisfactory condition
<b>Olympic Park Sports field</b>	
Fields	Excellent Condition
Field sports lights	Satisfactory condition
Amenities / Grandstand	Satisfactory condition
<b>Velodrome</b>	
Velodrome structure	Poor condition. New fencing has been installed
<b>Carpark and Lighting</b>	



Item / features	Condition
To Olympic Park Sportsground area and including intelligent lighting.	Excellent condition
<b>Fencing</b>	
Perimeter fencing to Sportsground area	Poor condition
<b>Golf Course</b>	
Golf Course	Good Condition
Boundary fencing	Excellent Condition

## 6.3 Permitted use and future use

### 6.3.1 Legislative requirements for future use and development

The Olympic Park Master Plan sets out a proposed future vision for the use and development of the Olympic Park Precinct west of Bell Street. It is expected that new activities, developments and structures may be proposed in response to an application for proposed use of the Olympic Park Precinct, or as triggered by an opportunity for funding, or to address a need or management requirement that may not be evident during community and stakeholder consultation and/ or subsequent preparation of this Plan of Management.

The LG Act, Section 36 states that a Plan of Management must expressly authorise any proposed or potential developments on 'community land'. The following authorisation is provided generally. More specific guidance as to management of uses and development is provided in Part 2 of this Plan of Management: Detailed Management Requirements for Community Land Categories.

Any specific works will also require further investigation, and development approval as required.

Permissible uses and developments at Olympic Park Precinct must be in accordance with relevant legislation, particularly:

- RE1 Public Recreation zoning under the Muswellbrook Environmental Plan 2009
  - To enable land to be used for public open space or recreational purposes.
  - To provide a range of recreational settings and activities and compatible land uses; and
  - To protect and enhance the natural environment for recreational purposes.
- RE2 Private Recreation zoning (Muswellbrook Golf Course) under the Muswellbrook Environmental Plan 2009
  - To enable land to be used for private open space or recreational purposes;
  - To provide a range of recreational settings and activities and compatible land uses;
  - To protect and enhance the natural environment for recreational purposes;
  - To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.
- Guidelines for and core objectives of the relevant categories of 'community land' under the LG Act.
- Uses for which leases, licences and other estates may be granted on 'community land' under the LG Act.

Developments and structures are limited to those which support the desired activities, consistent with the Olympic Park Masterplan (refer section 7.0 of this plan).

Any use or development that would further encroach on the open space of the site should be minimised, unless it can be shown that the proposed use or development is a more efficient use of the space, has a community benefit, and is consistent with the objectives of this Plan of Management.

Permitted uses and developments must all support and enhance the other values of the site including open space and recreation.

### 6.3.2 Prohibited activities

Activities that are not consistent with core objectives of the Reserve purpose of Public Recreation are prohibited on the site. Similarly, activities and uses that are not consistent with the core objectives of the Community Land Category (sportsground, general community use, Park, Natural Area Watercourse or Natural Area Bushland) are also prohibited.

Certain activities at Olympic Park Precinct may also be prohibited by the land use zoning of the site and Muswellbrook Shire Council may prohibit certain activities from time to time. Prohibited use will be communicated via Council bookings, leases and licence agreements, or otherwise communicated where prohibited activities may be temporary.

### 6.3.3 Buildings and structures

Use of buildings and structures will support and reflect the core objectives of the land's Community Land Categorisations in accordance with the RE1 zoning. Refer to Part 2 of this plan for details on permitted use of buildings and structures in Olympic Park Precinct.

### 6.3.4 Express authorisation

This Plan of Management expressly authorises development of new buildings and structures, and redevelopment/ refurbishment of buildings and structures, which support the desired use of Olympic Park Precinct.

Such buildings and structures will be consistent with:

- The adopted 2018 Olympic Park Master Plan and any subsequent detailed design plans.
- The Muswellbrook LEP 2009 and any applicable Development Control Plans.
- The Building Code of Australia.
- Access to new facilities on the site and any refurbishment of those structures will be provided according to Design for Access and Mobility Standards.
- Access and seating requirements for people with disabilities and compliance with Disability Discrimination Act; and
- Sustainable development and integrate sustainability in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

Any proposal for the development and use of buildings, structures and spaces in Olympic Park Precinct will be considered on merit and benefits to the community.

Refer to Part 2 of this Plan - Detailed Management Requirements for Community Land Categories - for details on express authorisations applying to the land categories across the Olympic Park Precinct.

### 6.3.5 Scale and intensity of use and development

Management of use must have regard for the potential impacts of activities and development on adjoining uses and users. Some key considerations include:

#### **Impacts on adjoining land uses**

Uses and activities permitted within Olympic Park Precinct must consider the impacts on local residents, workers and adjoining land uses in terms of noise, lighting, traffic and parking. Development approvals for ongoing development of facilities in Olympic Park Precinct must take this requirement into account as part of the approvals process.

## Organised Sports Use

The Plan of Management specifically authorises activities in Olympic Park Precinct which may attract high numbers of people including organised sport activities and training, school sport competitions, commercial activities and one-off community events and performances.

The allocation of Olympic Park and the Muswellbrook Aquatic and Fitness Centre for organised sport and school sport will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by-case basis.

The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use.

## Informal Use

The intensity of use of informal recreation facilities across Olympic Park Precinct and settings (such as playgrounds, fitness station and park seating) would be determined by community use of the site.

## Traffic and Carparking

The impact of traffic and parking associated with organised sport or community events on neighbouring residents and businesses will be managed by preparing a Traffic and Parking Plan on a case-by-case basis for consideration by Council when granting consent for such activities/ events.

The Olympic Park Master Plan includes the construction of a bridge over Muscle Creek into Wilder Street to manage pedestrian and vehicular traffic for sporting and community events.

### 6.3.6 Assessment and approval of permissible uses and developments

Muswellbrook Shire Council must expressly authorise proposed developments on 'community land' under the LG Act. This authorisation in a Plan of Management gives 'in principle' support for activities and developments consistent with the objectives for land categorisation to proceed to development assessment under the Environmental Planning and Assessment Act 1979.

This Plan of Management does not in itself imply or grant consent for activities or developments. Any proposed uses and developments which are consistent with this Plan of Management must still be referred for development consent, and where required, be advertised widely for information and to invite comment. Any subsequent application for development consent would be supported by and assessed against this Plan of Management.

### 6.3.7 Authorisation of current use agreements

The table following summarises current lease agreements in addition to seasonal bookings by sporting users applicable to the areas subject to this PoM. An additional licence agreement with special conditions is also listed after Table 6.3.

**Table 6.3 Fitzgerald Park/ Golf Course Leases and Licences**

Lessee/ Licencee	Reserve No.	Lease or Licence	Permitted Use	Period of Lease/ Licence	Special Conditions
Muswellbrook Park Tennis Club Inc.	570025	Licence	Playing tennis and social activities	1/7/2023 - 30/6/2024	Nil
integratedliving Australia Ltd	570025	Licence	Use of garage and fenced compound for car parking only for Licencee and their clients	1/7/2023 - 30/6/2024	Nil
Muswellbrook RSL Sub-Branch Club Ltd	1010588	Lease	A golf links course for playing golf and other forms of sport and for the recreation of its members and any associated purposes approved by the Lessor	1/7/2004 - 30/6/2024	Nil



Lessee/ Licencee	Reserve No.	Lease or Licence	Permitted Use	Period of Lease/ Licence	Special Conditions
Olympic Park Tennis Club Inc.	570025	Licence	Tennis Courts and Club and associated social and sporting activities	1/7/2005 - 30/6/2025	Nil

**Table 6.3.1 Olympic Park Seasonal Bookings**

User Group	Activity	Dates	Frequency	Participants 2020	Participants 2019
Muswellbrook Junior Rugby League	Pre-Season Training	February - April	3 x per week	350	350
	Season Training	April - October	5 x per week		
	Season Competition	April - October	2 x per week		
Muswellbrook Senior Rugby League	Pre-Season Training	January - May	4 x per week	70	70
	Season Training	May - September	4 x per week		
	Season Competition	May - September	2 x per week		
Muswellbrook Touch Football	Season Training	September - March	1 x per week	127	124
	Season Competition	September - March	1 x per week		

(2021-2022 participant numbers not used due to COVID interruptions)

A Licence Agreement, subsequent to two previous licences, has been issued to Australian Rail Track Corporation (ARTC). ARTC's only access to the rail corridor on the southern side of the line from the rail bridge to Muswellbrook Train Station is from Fitzgerald Park. ARTC has undergone major works with the rebuilding of the rail bridge across the Bridge Street end of the New England Highway.

On completion of the ARTC planned works, a sealed (all weather) access road has been constructed from Wilkinson Avenue to the ARTC Rail corridor, in accordance with Council's requirements. ARTC proposes to establish an easement and Council resolved at 23 May 2023 Ordinary Council meeting to support in principle the creation of an easement providing this recommendation to Department of Planning and Environment Crown Lands.

### 6.3.8 Authorisation of future Leases, Licences and other Estates

Granting of leases, licences, other estates and easements for the use or occupation of Olympic Park Precinct are permissible for uses consistent with:

- Section 3.23 of the CLM Act
- The uses listed in Sections 46 and 47 of the LG Act. A lease or licence for a term exceeding 5 years may only be granted following the conditions set out in the LG Act in Section 47 (1), (2), (3) and (4) and if any objection is received, Minister's consent will be required. Proposed leases or licences that exceed a period of 21 years (including with options for renewal periods) will require the Minister's consent. No leases or licences can be granted for a period (including with options for renewal periods) exceeding 30 years.
- The guidelines and core objectives for the Sportsground, General Community Use, Park, Natural Areas Watercourse and Bushland categories of 'community land'.
- Zoning under the Muswellbrook LEP 2009 and conditions of development consent if required; and
- This Plan of Management.

In addition to the conditions provided within the authorisations, the granting of a lease, licence or other estate must also:

- Be in keeping with the purpose, category and core objectives of the land.

- Have no negative impact on historical or heritage sites.
- Not alienate the Precinct unreasonably to allow for community use.
- Be ecologically sustainable.
- Have a component of community benefit.
- Demonstrate a clear nexus between the activity and the Precinct.
- Not result in overuse of the area or conflict with community use of the area.
- Ensure traffic and parking implications are considered; and
- Be in accordance with all Council policies and procedures governing the use of open space.

Sub-leases are permissible where a lease arrangement has been entered into with Council for 'community land'. Any proposed sub-leasing of the land must be in accordance with the requirements of Section 47C of the LG Act.

Proposed leases, licences and other estates applying authorised use for the land categories across the Olympic Park Precinct are outlined in Part 2 Detailed Management Requirements for Community Land Categories.

### 6.3.9 Authorisation of Short-term casual use and occupation

Licences for short-term casual use or occupation for a range of uses may be granted for Olympic Park Precinct in accordance with Clause 116 of the Local Government (General) Regulation 2021.

Authorisation is granted for short-term casual use or occupation of Olympic Park Precinct for the following uses and occupations presented in Part 2 Detailed Management Requirements for Community Land Categories.

The use or occupation of any 'community land' for short-term or casual licence shall not involve the erection of any permanent building or structure with all short-term casual uses and occupation subject to Council's standard conditions for hire, approval processes, and booking fees. Short-term and casual occupation of Olympic Park Precinct shall be in accordance with a temporary licence as issued by Council with users and occupiers subject to conditions of hire. Fees and charges applicable for short-term, casual bookings will be in accordance with Muswellbrook Shire Council advertised fees and charges.



**Figure 6.9:**  
**Picnic Table in Muscle Creek Nature Trail adjacent to the Platypus Plaque (above)**

## 7 VISION FOR FUTURE MANAGEMENT

### 7.1 Values and Roles

Values provide an important foundation for management and are the qualities of Olympic Park Precinct that the community seeks to protect and enhance. Roles, in turn, distil the functions the precinct plays for the local

and district community and the environment. The following values and roles have been identified from past consultation, and review of community use and activities, and are listed together under several categories fundamental to open space management.

**Table 7.1 Values and Roles**

Values	Roles
<b>Access and accessibility</b>	
<i>A destination and hub for walking, running and cycling in addition to through routes to various locations</i>	<ul style="list-style-type: none"> <li>• Provision of walking and cycling access for day-to-day users to adjoining destinations (e.g., Town centre, School)</li> <li>• Provision of loop walking and jogging routes for leisure and fitness</li> </ul>
<i>Physical and visual connections with the Muscle Creek waterway</i>	<ul style="list-style-type: none"> <li>• Provision of walking access to the creek edge – (to be able to “touch” the water)</li> <li>• Availability of locations to view and appreciate the Muscle Creek environment</li> </ul>
<i>A place that is accessible to (within the constraints of existing landform and environmental management)</i>	<ul style="list-style-type: none"> <li>• Availability of facilities that are universally accessible wherever feasible</li> <li>• Appropriate parking that is as close to facilities as possible</li> </ul>
<b>Community use</b>	
<i>A place that plays an important role in the organised sporting fabric of Muswellbrook</i>	<ul style="list-style-type: none"> <li>• Provision of quality sports fields</li> <li>• Provision of quality golf course</li> <li>• Provision of a destination aquatic facility for the LGA</li> <li>• Provision of tennis and ball court facilities</li> </ul>
<i>A place that is valued for its informal recreational qualities</i>	<ul style="list-style-type: none"> <li>• Provision of facilities that encourage informal active pursuits (e.g., ball courts / fitness and other)</li> <li>• Provision of a variety of walking path and track opportunities</li> <li>• Availability of open spaces that can be used for a range of informal recreational uses</li> </ul>
<i>A place that is valued for its capacity to bring the community together</i>	<ul style="list-style-type: none"> <li>• Organised sports</li> <li>• Recreational sports</li> <li>• Festivals and events</li> </ul>
<i>A place that is valued for its natural qualities</i>	<ul style="list-style-type: none"> <li>• Availability of experiences that bring users into contact with nature</li> </ul>
<b>Environment and sustainability</b>	
<i>A place that conserves natural and semi natural habitats that contribute to the riparian environment and enable a variety of human experiences</i>	<ul style="list-style-type: none"> <li>• Conservation of native bushland habitats and character across the site</li> <li>• Ability to experience natural environments</li> <li>• Feeling of unstructured character</li> </ul>
<i>A place that is sustainable and manages and limits impacts of uses on the natural environment</i>	<ul style="list-style-type: none"> <li>• Management of stormwater volumes and quality entering Muscle Creek</li> <li>• Enhancement of biodiversity qualities of the riparian areas</li> </ul>
<b>Culture and heritage</b>	



Values	Roles
<i>A place that conserves and protects Indigenous heritage and contributes to the understanding of Aboriginal culture past and present</i>	<ul style="list-style-type: none"> <li>Provision of infrastructure and opportunities that increase understanding and knowledge</li> </ul>
<i>A place that conserves and protects post 1788 history and contributes to the understanding of Aboriginal culture past and present</i>	<ul style="list-style-type: none"> <li>Provision of infrastructure and opportunities that increase understanding and knowledge</li> </ul>

## 7.2 Master Planning Vision

The Olympic Park Master Plan was developed integrating community consultation from 2017 to 2019. The Master Plan, a 30-year framework, seeks to ensure the park meets the needs of the future community and Stage 1 was adopted following consultation in February 2018.

The Master Plan integrates rugby league fields and associated facilities, tennis courts and aquatic and fitness centre whilst also incorporating passive sporting activities such as cycling and walking around its perimeter.

The Master Plan identifies the following Vision:

***“Olympic Park will become Muswellbrook’s regional sporting precinct which provides people of all ages and abilities the opportunity to participate in community sport and independent exercise. The Precinct will be safe, accessible and inclusive”.***

Further, the plan identifies the following guiding principles for ongoing development of the facilities:

1. Establish Olympic Park as a regional level facility;
2. Increase the safety of the users of Olympic Park;
3. Modernise the precinct;
4. Improve connections between Olympic Park and the town centre; and
5. Seek opportunities to collaborate with local groups over time.

In accordance with the *Local Government Act 1993, Section 355*, Council has established an advisory committee, referred to as the Olympic Park Development Advisory Committee. The purpose of this committee is to provide feedback and advice regarding the development of the Olympic Park Precinct. This committee is made up of key stakeholders and independent community representatives.

## 7.3 Concept Master Plan

Figure 7.1 below is the adopted Stage 1 Master Plan which illustrates and annotates the Master Plan recommendations in detail. The fencing alignment shown on the fields is indicative only.



OLYMPIC PARK PRECINCT MASTERPLAN

## STAGE 1 STRUCTURE PLAN

The first stage undertakes the primary structural changes to Olympic Park including:

**General Precinct Upgrades**

- Upgrade of Wilkinson Avenue
- Construction of a new bridge over Muscle Creek which provides a new egress from the precinct
- Carparking areas which provide a total of 100 spaces. This includes an allowance for future carparking expansions in Stage 2
- Relocation of the heritage gates to the football precinct forecourt at the eastern end of Wilkinson Avenue
- Intelligent lighting along Wilkinson Avenue and within each precinct. Intelligent lighting – where sensors and timers allow lighting fixtures to function at different times of the day and under varying atmospheric conditions. Lighting intensity will also vary automatically according to a range of factors and requirements
- Street trees and landscaping along Wilkinson Avenue
- Integrate outcomes of the Riparian Corridor Masterplan such as the Riparian Walk and seating/lookout areas
- Integrate outcomes of the Muswellbrook Aquatic Centre Masterplan
- New forecourt for the Rugby League Precinct

**Rugby League Precinct**

- Field improvement and drainage to Fields 1 and 2
- Irrigation and upgrades to Field 3. Field 3 to be used for touch football and training. Field 3 proposed as a public kick about space
- 1800mm high palisade fence to enclose Fields 1 and 2. The Palisade fence to be black to allow for visual permeability
- New Amenities Building including
  - 2 x change rooms
  - storage for velodrome
  - lift/stair access to multi-function room above

**Ron King Velodrome**

- New intelligent lighting to allow for night training and competition
- New fencing to secure the track
- Removal of storage facility and derelict brick structure.
- New storage area for the Velodrome to be incorporated into the new amenities building located within the Rugby League Precinct.

## LEGEND



WILKINSON AVENUE - TWO WAY ROAD



ONE WAY BRIDGE LINKS WILKINSON AVENUE TO WILDER STREET



CARPARK AISLES INC. DIRECTION



SHARED PATH



RIPARIAN WALK



LEFT OUT ONLY FROM WILDER STREET



VEHICULAR ACCESS TO FIELD 1 &amp; 2



PALISADE FENCING



PEDESTRIAN CROSSING POINTS



LINKS TO POTENTIAL LOOKOUT WITH SEATING (PART OF RIPARIAN MASTER PLAN)



SEATING LOCATIONS



INTERSECTION IS WIDENED AND UPGRADED TO ACCOMMODATE BUSES



INTERSECTION TO BE SIGNALISED BY RMS



LINK BETWEEN FIELDS WITH SLIDING SLIDING GATE



BUS DROP OFF ONLY (NO PARKING)

- ① EXISTING BRIDGE OVER MUSCLE CREEK
- ② EXISTING POOL COMPLEX\*
- ③ EXISTING BOWLING FACILITY
- ④ RETAIN EXISTING OPEN SPACE
- ⑤ NEW CARPARK B1 - 44 SPACES
- ⑥ NEW CARPARK C1 & C2 - 6A 5 SPACES & 6B - 6 SPACES
- ⑦ NEW CARPARK D - 45 SPACES
- ⑧ EXISTING CARPARK
- ⑨ PARK TENNIS (6 COURTS)
- ⑩ EXISTING CLUB HOUSE
- ⑪ OLYMPIC TENNIS (6 COURTS)
- ⑫ EXISTING CLUB HOUSE
- ⑬ LANDSCAPED BUFFER
- ⑭ NEW FORECOURT
- ⑮ EXISTING GRANDSTAND
- ⑯ NEW AMENITIES BUILDING INC.
  - 2 X CHANGE ROOMS
  - STORAGE FOR VELODROME
  - LIFT/STAIR ACCESS TO MULTI FUNCTION ROOM ABOVE
- ⑰ EXISTING VELODROME WITH NEW FENCE
- ⑱ BATTER SEATING FOR VELODROME
- ⑲ NEW ONE WAY BRIDGE OVER MUSCLE CREEK
- ⑳ NEW PALISADE FENCE AROUND FIELD 1 AND 2 (RED DASH)
- ㉑ NEW BOLLARD AND CHAIN FENCE (WHITE DOTS)
- ㉒ SUSTAINABILITY HUB
- Ⓔ GATE

The Muswellbrook Urban Riparian area and Muswellbrook Aquatic Centre have separate design master plans that are scheduled for public exhibition in 2018.



## 8 PoM ADMINISTRATION AND MANAGEMENT

### 8.1 Reporting, evaluation and review

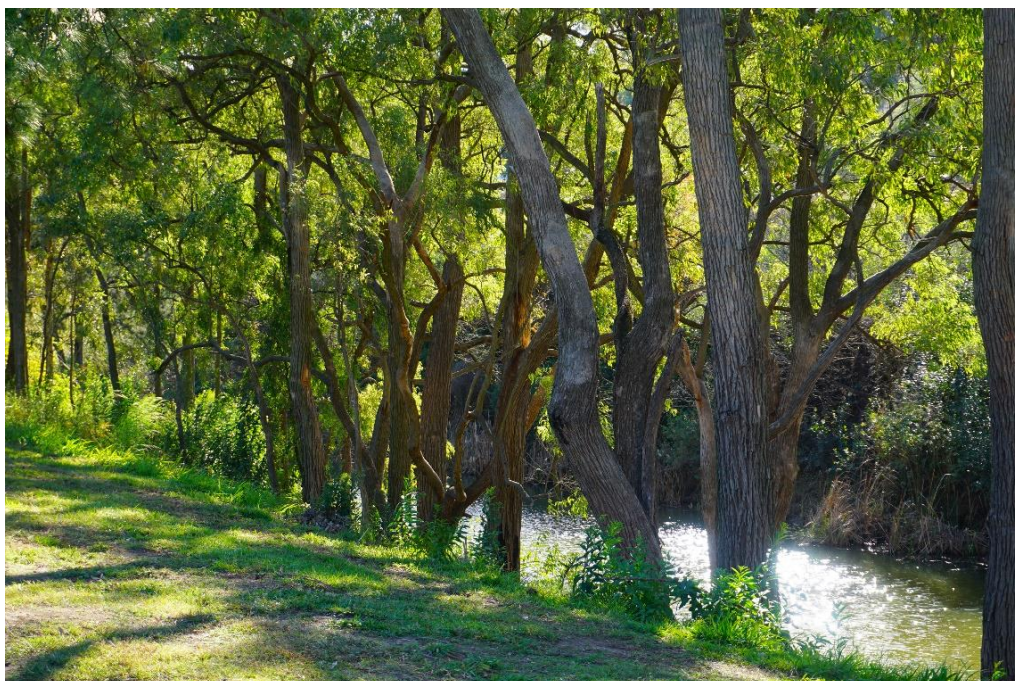
This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. There will be an internal review of the PoM management requirements as outlined in Part 2 every 4 years to prioritise actions.

The PoM will be reviewed on an as needs basis including when there is a category change, an additional purpose, acquisition of land, legislative changes.

Each new draft PoM must be referred to the community and placed on public exhibition where the community will have an opportunity to comment prior to Council adoption.



**Figure 8.1**  
**Rugby League game**  
**on Field 1**



**Figure 8.2**  
**Muscle Creek in**  
**Muswellbrook Golf**  
**Course 1**



## PART 2 - DETAILED MANAGEMENT REQUIREMENTS FOR COMMUNITY LAND CATEGORIES

### 9 SPORTSGROUND AND PARK

#### 9.1 Introduction

The table following outlines the Guidelines for categorisation for Sportsground and Park as listed in the Local Government (General) Regulation 2021 - Part 4 'Community Land' – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Sections 36F and 36G. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Sportsground and Park Community Land Categorisations.

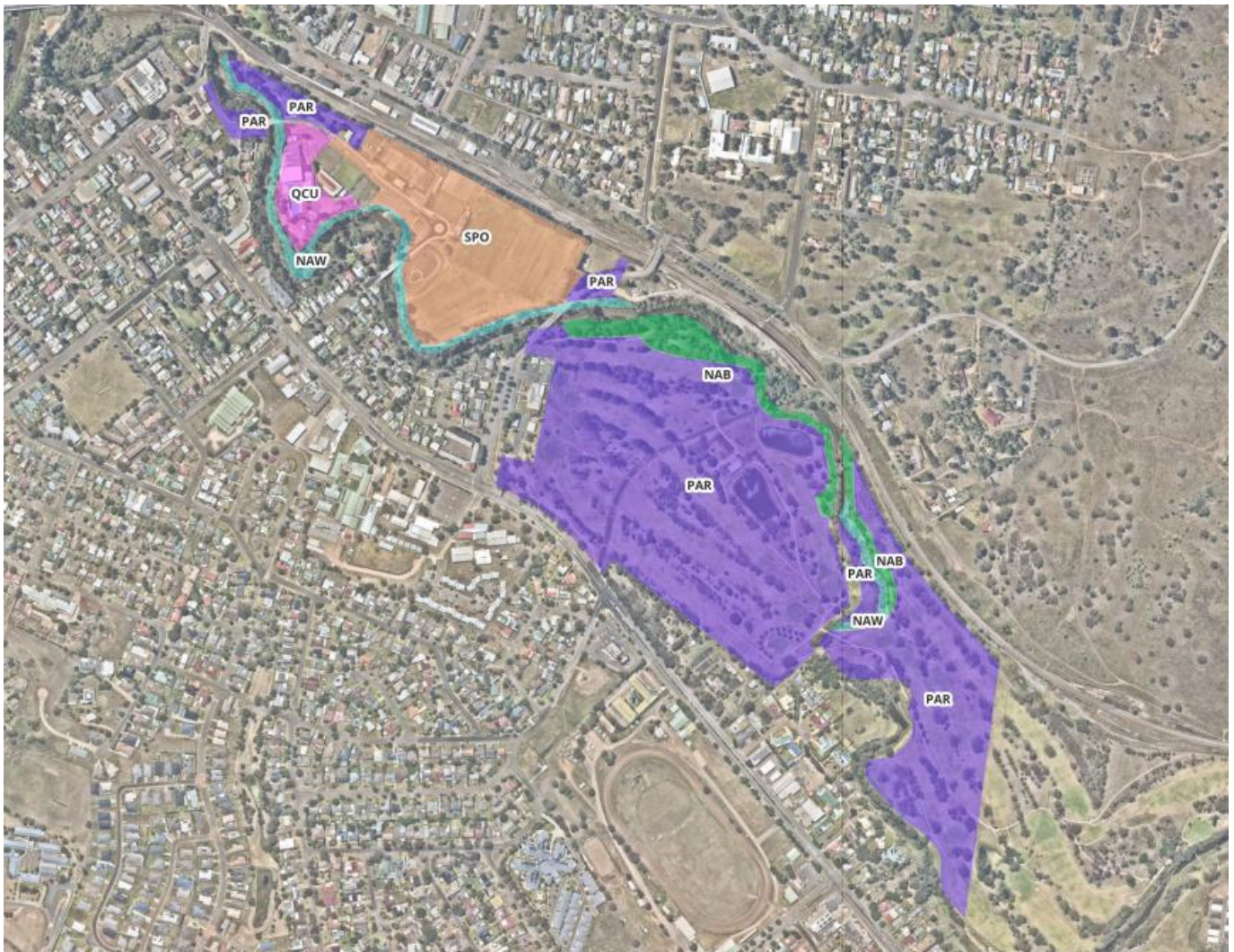


Figure 9.1:  
Sportsground and Park

Guidelines for Categorisation	Core objectives for management
<b>Sportsground</b>	
Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used, or proposed to be used, primarily for active recreation involving organised sports or the playing of outdoor games.	<p>The core objectives for management of Community Land Categorised as a sportsground are:</p> <ul style="list-style-type: none"> <li>(a) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and</li> <li>(b) To provide casual recreational, cultural, social and educational pastimes and activities.</li> </ul>
<b>Park</b>	
Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<p>The core objectives for management of Community Land Categorised as a park are:</p> <ul style="list-style-type: none"> <li>(a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;</li> <li>(b) To provide for passive recreational activities or pastimes and for the casual playing of games; and</li> <li>(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.</li> </ul>

## 9.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Sportsground and Park and must be addressed in ongoing management and assessment.

### Access and accessibility

- Peak use vehicular access – capacity of Wilkinson Ave and bridge;
- Peak use parking requirements – with all facilities at capacity;
- Pedestrian circulation and gathering space at Olympic Park gates;
- Shared access links through Olympic Park Precinct;
- Lighting to street access and carparking;
- Shared access links along south edge of Muswellbrook Golf Course;
- Equity of access to regional recreational trails passing through the Sportsground areas within Olympic Park Precinct and linking to the Muscle Creek natural Area corridor; and
- Equity of access to all facilities within the Precinct.

### Community Use

- Facilitating and encouraging informal recreational use at Olympic Park Precinct;
- Informal recreational use to appropriate areas of The Precinct;
- Suitability of change rooms and facilities at Olympic Park fields for all users of the Precinct, including the enhancement of facilities to encourage female participation in organised sports for female users and different age groups;
- Equity of access for users with accessibilities and/ or disabilities to sports ground and facilities in the Precinct; and
- Maximise the use of playing surfaces at Olympic Park to broadly benefit the community.

### Buildings and facilities

- Ensure fit for purpose and compliant facilities; and
- Economies of scale across the precinct.



### Relationship to adjoining uses

- Open visual relationship to railway corridor – how best to manage;
- Management of Aquatic Centre boundary – provide more attractive boundary and security management; and
- Creek corridor forms an effective spatial and visual buffer to residential uses.

### Environment and sustainability

- Weed encroachment along railway line and at edges to Natural Area category;
- Improved environmental performance of all facilities desirable;
- Implement low energy use lighting;
- Increase energy generation on site; and
- Lack of shade to streets, carparks and non-sports areas of open space.

### Culture and heritage

- Olympic Park gates are a symbolic reference point; and
- Community associations with Velodrome – how to reconcile this facility given limited usability and safety concerns.

### Maintenance

- Providing effective maintenance storage and operational space for Olympic Park Precinct; and
- Access for maintenance of riparian corridor required through Park area.

## 9.3 Management framework for areas categorised as Sportsground or Park

The table below outlines the management objectives or desired outcomes for Sportsground and Park areas, means and strategies for their realisation, and means of assessment and review by Council.

**Table 9.1 Management Framework**

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
<b>1</b>	<b>ACCESS AND ACCESSIBILITY</b>		
1.1	To improve vehicular access	Investigate feasibility and performance benefits of bridge and access connection to Wilder Street (as per masterplan)	Completion of investigation
1.2		Implement bridge and access connection to Wilder Street subject to feasibility and funding	Implementation of works
1.3		Review optimum access configuration (one way or two way) – monitor and review if necessary	Monitoring and review of traffic
1.4	To provide vehicular parking that is adequate and effective to use	Provide new parking area in disused court area adjoining railway boundary (as per masterplan)	Additional parking spaces available
		Facilitate opportunities to create further parking to support precinct activities.	
1.5		Make good drainage to main southern carpark to Olympic Park	Works complete
1.6	To provide effective vehicular wayfinding	Provide strategic parking and circulation wayfinding along decision making locations and at entries	User feedback
1.7	To provide effective maintenance access	Provide effective maintenance access to sports fields and recreation facilities	Access available
1.8	To provide effective emergency access	Provide effective emergency access to sports fields and recreation facilities – liaise with emergency authorities	Access available

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.9	To provide effective shared pedestrian and cycle access	Provide pedestrian gathering and circulation space at entry to Olympic Park fields – provide seating and shade and integrate maintenance and emergency access	Works complete
1.10		Plan and implement shared access links through Olympic Park Precinct as foreshadowed in Muswellbrook Denman Pedestrian and Cycle Plan and Olympic Park Master Plan	Works complete
1.11		Plan and implement shared access links along south edge of Muswellbrook Golf Course as foreshadowed in Muswellbrook Denman Pedestrian and Cycle Plan	Works complete
1.12		Upgrade/ provide lighting to key pedestrian circulation routes including access to parking areas after training	Works complete
1.13	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
1.14	To provide for effective universal access	Integrate accessibility provisions to access from parking areas and along shared and other access routes as applicable	Works complete
<b>2</b>	<b>COMMUNITY USE</b>		
<b>2.1</b>	<b>Organised sports</b>		
2.1.1	To manage and improve Olympic Park Precinct as a hub for organised sports	Maintain and improve sports field facilities where possible	User feedback Review and monitoring
2.1.2		Maintain and improve grandstand facilities	Works complete
2.1.3		Provide expanded and improved change rooms and amenities to cater for diverse range of users	Works complete
2.1.4		Provide multipurpose function space as part of new building works for use by sports groups and general community	Works complete
2.1.5		Review Velodrome facility and determine best uses of site area for long term benefit of community	Review complete
2.1.6	To provide for effective universal access	Integrate accessibility and accessible use provisions to sports facilities as applicable	Works complete
2.1.7	To ensure field allocation is made on a fair and equitable basis	Review and monitor ground allocation on a yearly basis in accordance with Council policy	Annual review completed
2.1.8	To ensure sports facilities are effectively maintained	Plan and implement day to day	Review and monitoring User feedback
2.1.9		Develop and maintain asset management system for sports facilities	System available
2.1.10		Implement planned asset management upgrades and enhancements for sports facilities	System operational
2.1.11		Plan and implement upgrading of tennis court surfacing and ancillary areas and facilities (e.g., shelters) at appropriate time	Review and monitoring User feedback

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
2.1.12		Plan and implement upgrading of tennis court building to provide for efficient and effective use – consolidate uses where possible	Review complete Improvements implemented
<b>2.2</b>	<b>Golf Course</b>		
2.2.1	To ensure the Golf Course is effectively managed as a community recreational facility	Monitor and review as required lease agreement for operation and management of Golf Course facility	Annual review completed
2.2.2		Monitor and review effectiveness of Golf Course management maintenance and operation – identify any required actions and liaise with leaseholder	Annual review completed
2.2.3		Liaise and negotiate with leaseholder and golf users for planning and implementation of shared access links for general community use	Works complete
<b>2.3</b>	<b>Passive recreation</b>		
2.3.1	To maximise informal recreational value of Precinct in complement to the organised sports focus	Facilitate informal community use of non-sports areas of sportsgrounds where sustainable to complement family use of sports facilities and enable other community benefit from sportsgrounds	Review and monitoring Works Complete User feedback
2.3.2		Plan and implement passive recreational improvements to Park uses areas	Review and monitoring Works Complete User feedback
2.3.3	To facilitate informal fitness and exercise use	Plan and implement outdoor fitness equipment at strategic locations	Works Complete
2.3.4	Community groups	Review and monitor potential for community groups to use sports facilities in non-sports times to maximise community benefit	Review complete Trial complete Review and user feedback
2.3.5	Companion animals	Manage and enforce dog and other domestic pet access in accordance with Council policies and strategies	Review and monitoring User feedback
2.3.6	Operating committees/ incorporated bodies	Facilitate, subject to community interest and Council support, Parks Committees under S355 and S377 of the Local Government Act 1993 to assist with park management	Review and monitoring
2.3.7	To effectively control sale of alcohol on sportsground areas	Prohibit consumption of alcohol within sportsgrounds where indicated by ordinance regulations	Alcohol controls observed
2.3.8		Require site users to obtain Council consent and a Liquor licence if sale of alcohol during events is proposed, in compliance with Liquor Act 2007 and Liquor Regulations 2018. Evidence of current Liquor licence supplied to Council annually or as required for issue of permits	Licences in place
<b>2.4</b>	<b>Sustainability Hub</b>		
2.4.1	Effective community benefit of built facilities	Potential for Sustainability Hub to relocate to alternate site to maximise the use of space to complement the sporting precinct	Relocation of Sustainability Hub
<b>3</b>	<b>SUSTAINABILITY &amp; ENVIRONMENT</b>		
<b>3.1</b>	<b>Drainage</b>		



No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
3.1.1	To provide for effective drainage of facilities	Provide water quality management as part of WSUD strategies to roads and carparks	Assessment complete Implementation complete
3.1.2		Investigate water harvesting as part of WSUD strategies to roads, carparks and tennis courts	Assessment complete Implementation complete
3.1.3		Monitor field drainage and identify potential for improvement to increase field resilience and play surface quality	Assessment complete Implementation complete
3.1.4		Rehabilitate scouring at new drainage outfall from carpark – provide visually sensitive armouring of embankment and revegetation	Works complete
<b>3.2</b>	<b>Energy management</b>		
3.2.1	To ensure sports facilities have sustainable energy management	Review sustainability performance of facilities and plan and implement potential improvements	Review complete Recommendations implemented
<b>3.3</b>	<b>Affordability</b>		
3.3.1	To ensure pay for use facilities are affordable across the community	Pay for use of sports field and other sports facilities to be reviewed and monitored to ensure equity of access to socially and economically disadvantaged members of the community including schools	Annual review completed
<b>3.4</b>	<b>Amenity and character</b>		
3.4.1	To maintain and improve fence lines to limit adverse impacts on visual character	Review and upgrade effectively and efficiently all fence lines to sports facilities and where required to boundaries – fence treatments to mitigate visual intrusion	Review complete Recommendations implemented
3.4.2	To maintain and improve sportsground and park facilities to limit adverse impacts on visual character	Review and upgrade furniture and fixtures to be fit for purpose and contribute to visual quality of sportsground and park areas	Review complete Recommendations implemented
3.4.3	To maintain and increase tree canopy across sportsground and park areas to improve shade provision, habitat quality and visual character	Identify and implement opportunities to increase tree canopy across sportsground and park areas for shade provision and habitat quality	Review complete Recommendations implemented
<b>4</b>	<b>CULTURE AND HERITAGE</b>		
<b>4.1</b>	<b>Heritage conservation</b>		
4.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
4.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation/ protection as required implemented Conservation Management Plan as required.
<b>4.2</b>	<b>Heritage interpretation</b>		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
4.2.1	To highlight and improve access to heritage narratives to enhance community uses, experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground and park areas as applicable	Planning complete Implementation complete
4.2.2		Monitor potential and facilitate where appropriate community events that support and celebrate natural and cultural heritage	Regular monitoring Number of events per year
<b>5</b>	<b>MAINTENANCE</b>		
5.1	To plan and implement appropriate service levels to sportsground areas	Develop and maintain operational and preventative maintenance program as part of Aquatic and Fitness Centre management	System available System operational
5.2		Develop and maintain operational and preventative maintenance program as part of Sports fields and sports facility management	System available System operational
5.3	To plan and implement appropriate Waste Management	Review and monitor Waste Management across sportsground and park areas – identify issues for priority action	Review and monitoring User feedback
5.4		Review and monitor illegal dumping across sportsground and park areas – address dumping immediately in accordance with Council policy	Review and monitoring User feedback
5.5	To facilitate appropriate role of organised users in sportsground maintenance and upkeep	Monitor and facilitate opportunities for organised sports users to assist with maintenance and upkeep of sports facilities	Review complete
<b>6</b>	<b>MANAGEMENT</b>		
6.1	To review and clarify / adjust (where appropriate) land management boundaries	Review anomalies of land boundaries at junction of Olympic Park, Rail corridor and Bell Street with relevant authorities	Improved clarity of ownership and effectiveness of use
6.2	Ensure safe travel and transport on roadways	Negotiate acquisition from The State of NSW of land comprising Bell Street to excise the roadway from the reserve	Local road and heavy vehicle town by-pass is acquired and made a local road under Council ownership and management
6.3		Investigate dedication of land comprising Hayden Street and Wilkinson Avenue to excise the existing roadway access from the reserve	Local road access to sports complex is formally dedicated / gazetted
6.4	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Sportsground category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

## 9.4 Permitted development and use

The Plan of Management specifically authorises activities in Olympic Park Precinct which may attract high numbers of people including organised sport activities and training, school sport competitions, commercial activities and one-off community events and performances.

The allocation of facilities for organised sport and school sport will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by-case basis.

The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use. **Table 9.2 – 9.4** following outline the permitted development and uses of areas of Olympic Park Precinct categorised as Sportsground and Park:

**Table 9.2 Permitted development and use – areas categorised as Sportsground or Park**

Uses and Activities	Developments
<ul style="list-style-type: none"> <li>Organised and unstructured recreation and sporting activities</li> <li>Casual or informal recreation</li> <li>Meetings, community events and gatherings (including for social, recreational, educational or cultural purposes)</li> <li>Group recreational use, such as picnics and private celebrations</li> <li>Festivals, parades, markets, fairs, exhibitions and similar events and gatherings</li> <li>Concerts, including all musical genres</li> <li>Performances (including film and stage)</li> <li>Exhibitions</li> <li>Fairs and parades</li> <li>Leisure or training classes</li> <li>Entertainment facilities</li> <li>Filming and photographic projects</li> <li>Amplified sound</li> </ul>	<ul style="list-style-type: none"> <li>Development of outdoor and indoor facilities to facilitate the permissible uses and activities.</li> <li>Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas</li> <li>Development for the purposes of facilitating organised and unstructured recreation such as club rooms</li> <li>Change room/locker areas</li> <li>Shower/toilet facilities</li> <li>Car parking and loading areas</li> <li>Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>Shade structures</li> <li>Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings</li> <li>Provision of amenities to facilitate use and enjoyment of the 'community land' including seating, change rooms, toilets, storage, first aid areas</li> <li>Heritage and cultural interpretation, e.g., signs</li> <li>Equipment sales/hire areas</li> <li>Meeting rooms/staff areas</li> <li>Amenities to facilitate the safe use and enjoyment of the open space, for example picnic tables, BBQs, sheltered seating areas</li> <li>Café or refreshment areas (kiosks) including external seating</li> <li>Lighting, paved areas, hard and soft landscaped areas</li> <li>Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>Relate to approved uses/activities</li> <li>Are discreet and temporary</li> <li>Are approved by Council</li> </ul> </li> <li>Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>Energy-saving initiatives such as solar lights and solar panels</li> <li>Locational, directional and regulatory signage</li> </ul>

**Table 9.3 Additional Specific Category Permissible Purposes, Uses and Developments - Sportsground**

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> <li>Active and passive recreational and sporting activities compatible with the nature of the land and any relevant facilities</li> <li>Commercial uses associated with sports facilities</li> </ul>	<ul style="list-style-type: none"> <li>Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> <li>Sports field (cricket, football, track and field athletics, baseball, softball)</li> <li>Marked court (basketball, volleyball, badminton, tennis, hockey, netball, etc.)</li> </ul> </li> <li>Professional rooms associated with the reserve purposes for hire</li> <li>Facilities for sports training</li> <li>Compatible small-scale commercial uses (e.g., sports tuition)</li> </ul>



**Table 9.4 Additional Specific Category Permissible Purposes, Uses and Developments - Park**

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> <li>Active and passive recreation including children's play and cycling</li> <li>Eating and drinking in a relaxed setting</li> <li>Publicly accessible ancillary areas</li> <li>Low-intensity commercial activities (for example recreational equipment hire)</li> <li>Busking</li> <li>Public address (speeches)</li> <li>Community gardens</li> <li>Entertainment such as organised movie nights, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts, etc.</li> <li>Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment</li> </ul>

## 9.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM.

**Table 9.5 & 9.6** below outlines purposes for which tenure may be granted on Community Land Categorised as Sportsground and Park.

**Table 9.5 Express authorisation of leases/ licences and other estates for areas Categorised as Sportsground and Park**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>Café/kiosk areas, including seating and tables</li> <li>Hire or sale of recreational equipment</li> <li>Golf course operation and management</li> </ul>
Licence	<ul style="list-style-type: none"> <li>Outdoor café/kiosk seating and tables</li> <li>Hire or sale of recreational equipment</li> <li>Recreational purposes, including fitness classes</li> <li>Golf course operation and management</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>Access through a reserve,</li> <li>Advertising consistent with reserve purposes,</li> <li>Catering</li> <li>Community, training or education</li> <li>Community events and festivals</li> <li>Community functions</li> <li>Conducting a commercial photography session</li> <li>Delivering a public address</li> <li>Emergency occupation</li> <li>Engaging in an appropriate trade or business</li> <li>Entertainment</li> <li>Environmental protection, conservation or restoration or environmental studies</li> <li>Exhibitions</li> <li>Fairs, markets, auctions and similar activities</li> <li>Filming (as defined in the Local Government Act 1993)</li> <li>Hiring of equipment</li> <li>Markets</li> <li>Meetings</li> <li>Playing a musical instrument, or singing for fee or reward</li> </ul>

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> <li>• Picnics and private celebrations such as weddings and family gatherings</li> <li>• Public performances</li> <li>• Shows</li> <li>• Site investigations</li> <li>• Sporting and organised recreational activities</li> <li>• Storage</li> </ul>
Other estates	<p>This PoM allows the 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 LG Act.</p> <p>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 premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>

**Table 9.6 Additional permitted leases/ licences and other estates for areas Categorised as Sportsground**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>• Seasonal, one-off, and irregular sporting competitions and training</li> <li>• Management of sports field and court facilities</li> </ul>
Licence	<ul style="list-style-type: none"> <li>• Seasonal, one-off, and irregular sporting competitions and training</li> <li>• Management of sports field and court facilities</li> </ul>

## 10 GENERAL COMMUNITY USE

### 10.1 Introduction

The table following outlines the Guidelines for categorisation for General Community Use as listed in the Local Government (General) Regulation 2021 - Part 4 Community Land – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36I. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the General Community Use Community Land Categorisation.



**Figure 10.1**  
**General Community**  
**Use**

Guidelines for Categorisation	Core objectives for management
<b>General Community Use</b>	
<p>The land may be made available for use for any purpose for which 'community land' may be used, whether by the public at large or by specific sections of the public; and</p> <p>The land is not required to be categorised as a natural area and does not satisfy the guidelines for categorisation as a natural area, sportsground, park or an area of cultural significance.</p>	<p>The core objectives for management of Community Land Categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <p>(a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</p> <p>(b) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</p>

## 10.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as General Community Use and must be addressed in ongoing management and assessment.

### Access and accessibility

- Peak use vehicular access – capacity of Wilkinson Ave and bridge
- Peak use parking requirements – with all facilities at capacity.
- Lighting to street access and carparking.
- Equity of access to the Muswellbrook Aquatic and Fitness Centre.

### Community Use

- Affordability and equity of opportunity for use of pay for use facilities at the Muswellbrook Aquatic and Fitness Centre.



### Buildings and Facilities

- Planning and implementing effective operational and preventative maintenance for Muswellbrook Aquatic and Fitness Centre buildings.
- Future funding of renewal and upgrading works requirements.

### Relationship to Adjoining Uses

- Management of Aquatic and Fitness Centre boundary – provide more attractive boundary and security management.
- Creek corridor forms an effective spatial and visual buffer to residential uses.

### Environment and Sustainability

- Weed encroachment at edges to Natural Area category.
- Improved environmental performance of all facilities desirable.
- Implement low energy use lighting.
- Increase energy generation on site.
- Lack of shade to open space area of Aquatic and Fitness Centre.

### Culture and Heritage

- Recognise cultural and social role of pool as community hub.

### Maintenance

- Planning and implementing effective operational and preventative maintenance for Muswellbrook Aquatic and Fitness Centre facilities and equipment.
- Access for maintenance of riparian corridor required through Aquatic Centre necessary.

## 10.3 Management framework for areas categorised as General Community Use

The table below outlines the management objectives or desired outcomes for General Community Use areas, means and strategies for their realisation, and means of assessment and review by Council.

**Table 10.1 Management Framework**

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
<b>1</b>	<b>ACCESS AND ACCESSIBILITY</b>		
1.1	To improve vehicular access	Refer Sportsground category – shared access 1.9-1.12	
1.2	To provide adequate and effective to use vehicular parking	Provide new parking area for additional spaces in disused court area adjoining railway boundary (as per Master Plan)	Planning complete Works complete
1.3	To provide effective maintenance access	Provide effective maintenance access to Aquatic Centre facilities	Access available
1.4	To provide effective emergency access	Provide effective emergency access to Aquatic and Fitness Centre facilities – liaise with emergency authorities	Access available
1.5	To provide safe access between facilities and carparking for patrons	Upgrade/ provide lighting to key pedestrian circulation routes including access to parking areas after dark	Planning complete Works complete User feedback
1.6	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
1.7	To provide for effective universal access	Integrate accessibility provisions to access from parking areas and along shared and other access routes as applicable	Planning complete Works complete User feedback

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
<b>2</b>	<b>COMMUNITY USE</b>		
2.1.1	To manage the aquatic facilities for effective community sports, fitness and leisure use	Implement planned asset management upgrades and enhancements for Aquatic and Fitness Centre facilities	System available System operational
2.2.2	To manage Aquatic and Fitness Centre effectively and efficiently for community benefit	Implement and administer Aquatic and Fitness Centre management	As below
2.2.3		Review and monitor Aquatic and Fitness Centre management periodically	Annual review
2.2.4	To maintain and enhance Aquatic and Fitness Centre facilities to optimise longevity and effectiveness for community	Develop and maintain asset management system for Aquatic and Fitness Centre facilities	System available System operational
2.2.5	To optimise centre programs and services to meet community needs	Monitor and review aquatic programs to ensure efficacy for Muswellbrook community	Annual review
<b>3</b>	<b>SUSTAINABILITY &amp; ENVIRONMENT</b>		
<b>3.1</b>	<b>Drainage</b>		
3.1.1	To provide for effective drainage of facilities	Provide water quality management and potential water harvesting as part of WSUD strategies to roads and carparks	Assessment complete Implementation complete
3.1.2	To provide for effective drainage of facilities	Investigate water harvesting as part of WSUD strategies to hardstand areas	Assessment complete Implementation complete
3.1.3	To ensure effective storage and management of hazardous goods and materials	Storage and management of pool chemical and other materials to be fully compliant with OHS and other applicable standards and controls	Monitoring and review Incident reports
<b>3.2</b>	<b>Energy management</b>		
3.2.1	To ensure Aquatic and Fitness Centre facilities have sustainable energy use	Review sustainability performance of facilities and plan and implement potential improvements	Periodic review
<b>3.3</b>	<b>Affordability</b>		
3.3.1	To ensure pay for use facilities are affordable across the community	Pay for use of Aquatic and Fitness Centre facilities to be reviewed and monitored to ensure equity of access to socially and economically disadvantaged members of community including schools	Annual review
<b>3.4</b>	<b>Amenity and character</b>		
3.4.1	To maintain and improve fence lines to limit adverse impacts on visual character	Review and upgrade effectively and efficiently all fence lines to facilities and where required to boundaries – fence treatments to mitigate visual intrusion	Assessment complete Implementation complete
<b>4</b>	<b>CULTURE AND HERITAGE</b>		
<b>4.1</b>	<b>Heritage conservation</b>		
4.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
		Plan and implement effective conservation and management of items and aspects of heritage significance	Assessment complete Implementation complete
<b>4.2</b>	<b>Heritage interpretation</b>		
4.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground areas as applicable	Planning complete Implementation complete
4.2.2		Monitor potential and facilitate where appropriate community events that support and celebrate natural and cultural heritage	Regular monitoring Number of events per year
<b>5</b>	<b>MAINTENANCE</b>		
5.1	To plan and implement appropriate Service levels to General Community Use areas	Develop and maintain operational and preventative maintenance program as part of Aquatic and Fitness Centre management	System available System operational
5.2	To plan and implement appropriate Waste Management	Review and monitor waste management across areas – identify issues for priority action	Review and monitoring User feedback
<b>6</b>	<b>MANAGEMENT</b>		
6.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the General Community Use category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

## 10.4 Permitted development and use

The Plan of Management specifically authorises activities which may attract high numbers of people including commercial activities and one-off community events and performances. The allocation of facilities for events will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by- case basis. The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use.

**Table 10.2** below outlines permitted development and uses of areas categorised as General Community Use:

**Table 10.2 - Permissible Uses and Developments to General Community Use category areas: subject to Council assessment, approvals and booking/ hire systems.**

Uses and Activities	Developments
<ul style="list-style-type: none"> <li>Organised and unstructured recreation and sporting activities</li> <li>Community events and gatherings</li> <li>Group recreational use, such as picnics and private celebrations</li> <li>Festivals, parades, markets, fairs, exhibitions and similar events and gatherings</li> <li>Filming and photographic projects</li> <li>Providing a location for, and supporting, the gathering of groups for</li> </ul>	<ul style="list-style-type: none"> <li>Development of outdoor and indoor facilities to facilitate the permissible uses and activities.</li> <li>Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas</li> <li>Change room/locker areas</li> <li>Shower/toilet facilities</li> <li>Car parking and loading areas</li> <li>Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>Shade structures</li> </ul>



Uses and Activities	Developments
<p>a range of social, cultural or recreational purposes.</p> <ul style="list-style-type: none"> <li>Casual or informal recreation</li> <li>Meetings (including for social, recreational, educational or cultural purposes)</li> <li>Concerts, including all musical genres</li> <li>Performances (including film and stage)</li> <li>Exhibitions</li> <li>Fairs and parades</li> <li>Leisure or training classes</li> <li>Entertainment facilities</li> <li>Providing multi-purpose buildings for a range of mixed-use options including indoor sports and community use venues</li> <li>Specialised community uses such as: <ul style="list-style-type: none"> <li>functions</li> <li>workshops</li> <li>childcare (for example, before and after school care, vacation care)</li> <li>designated group use (e.g., scout and girl guide use)</li> </ul> </li> <li>Educational centres, including information and resource centres. <ul style="list-style-type: none"> <li>Small scale commercial uses compatible with the location and use of the land</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings</li> <li>Provision of amenities to facilitate use and enjoyment of the 'community land' including seating, change rooms, toilets, storage, first aid areas</li> <li>Heritage and cultural interpretation, e.g., signs</li> <li>Equipment sales/hire areas</li> <li>Meeting rooms/staff areas</li> <li>Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas</li> <li>Café or refreshment areas (kiosks) including external seating</li> <li>Lighting, paved areas, hard and soft landscaped areas</li> <li>Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>Relate to approved uses/activities</li> <li>Are discreet and temporary</li> <li>Are approved by the Council</li> </ul> </li> <li>Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>Energy-saving initiatives such as solar lights and solar panels</li> <li>Locational, directional and regulatory signage</li> <li>Development for the purposes of social, community, cultural and recreational activities, such as aquatic centres, mixed use indoor sports and community use venues, show facilities, community use facilities</li> <li>Development includes: <ul style="list-style-type: none"> <li>Provision of buildings or other amenity areas to facilitate use and enjoyment by the community</li> <li>Development (such as within buildings) to address the needs of a particular group (for example, a stage)</li> </ul> </li> <li>Environmental initiatives such as return and earn bottle recycling facility Council storage area</li> </ul>

## 10.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM.

**Table 10.3** below outlines purposes for which tenure may be granted on Community Land Categorised as General Community use. For more information on leases, licences and other estates, see section 6.3.7.

**Table 10.3 Leases, licences and other estates and purposes for which they may be granted for Community Land Categorised as General Community Use**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>Childcare or vacation care</li> <li>Health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)</li> <li>Educational purposes, including libraries, education classes, workshops</li> <li>Cultural purposes, including concerts, dramatic productions and galleries</li> <li>Recreational purposes, including fitness classes, dance classes and games</li> <li>Sporting uses developed/operated by a private operator</li> <li>Kiosk, café and refreshment purposes</li> <li>Commercial retail uses associated with the facility (e.g., sale or hire of sports goods)</li> </ul>

Type of tenure arrangement	Purpose for which tenure may be granted
Licence	<ul style="list-style-type: none"> <li>• Social purposes (including childcare, vacation care)</li> <li>• Educational purposes, including libraries, education classes, workshops</li> <li>• Recreational purposes, including fitness classes, dance classes</li> <li>• Café/kiosk areas</li> <li>• Sale of goods or services that are ancillary to 'community land' use and reserve purpose</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>• Public speeches, meetings, seminars and presentations, including educational programs</li> <li>• Functions (including commemorative functions, book launches, film releases, balls and similar activities)</li> <li>• Displays, exhibitions, fairs, fashion parades and shows</li> <li>• Events (including weddings, corporate functions, and community gatherings)</li> <li>• Concerts and other performances, including both live performances and film (cinema and TV)</li> <li>• Broadcasts associated with any event, concert, or public speech</li> <li>• Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities</li> <li>• Advertising consistent with reserve purposes,</li> <li>• Catering,</li> <li>• Conducting a commercial photography session</li> <li>• Emergency occupation,</li> <li>• Filming (as defined in the Local Government Act 1993),</li> <li>• Hiring of equipment,</li> <li>• Playing a musical instrument, or singing for fee or reward</li> <li>• Site investigations,</li> <li>• Storage.</li> </ul>
Other estates	<p>This PoM allows the 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 LG Act.</p> <p>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 premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>

## 11 NATURAL AREA WATERCOURSE

### 11.1 Introduction

The following table outlines the Guidelines for categorisation for Natural Area Watercourse as listed in the Local Government (General) Regulation 2021 – Part 4 Community Land – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36M. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Natural Area Watercourse Community Land Categorisation.



**Figure 11.1:  
Natural Area  
Watercourse**

Guidelines for Categorisation	Core objectives for management
<b>Natural Area Watercourse</b>	
<p>Land that is categorised as a natural area should be further categorised as a watercourse under section 36 (5) of the Act if the land includes:</p> <ul style="list-style-type: none"> <li>(a) Any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</li> <li>(b) Associated riparian land or vegetation, including land that is protected land for the purposes of the Rivers and Foreshores Improvement Act 1948 or State protected land identified in an order under section 7 of the Native Vegetation Conservation Act 1997.</li> </ul>	<p>The core objectives for management of Community Land Categorised as a watercourse are:</p> <ul style="list-style-type: none"> <li>(a) To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and</li> <li>(b) To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</li> <li>(c) To restore degraded watercourses, and</li> <li>(d) To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</li> </ul>

## 11.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Natural Area Watercourse and must be addressed in ongoing management and assessment.

### Habitat management



- Weed encroachment from land and along creek line.
- Extent of closed boundary to Aquatic Centre facility.
- Weed and other impacts across boundary from Aquatic Centre facility, Park area and Golf Course.
- Steep erosion prone nature of embankments.
- Stormwater outfalls to creek can cause erosion.
- Stormwater outfalls to creek generally degrade water quality.

### Access and accessibility

- Continuation of shared access through site shared path in the Golf Course to Riparian Walk, through Natural Area Watercourse and Natural Area Bushland.
- Enabling users to experience the creek environment.

### Facilities and infrastructure

- Provision of pedestrian access in a manner complimentary to the character of the natural area.

### Relationship to adjoining uses

- Adjoining Golf Course is subject to lease and is not subject to day-to-day management by Council – ongoing monitoring required.

### Culture and heritage

- Interpretation of heritage values.

### Maintenance

- Availability of adequate maintenance access through adjoining open space.

### Management

Muscle Creek is a Crown Waterway - Prior to carrying out management or modification works, it is necessary to seek approval through the NSW Department of Planning, Industry and Environment.

## 11.3 Management framework for areas categorised as Natural Area Watercourse

The table below outlines the management objectives or desired outcomes for Natural Area Watercourse area, means and strategies for their realisation, and means of assessment and review by Council.

**Table 11.1 Management Framework**

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
<b>1</b>	<b>HABITAT MANAGEMENT</b>		
1.1	To provide effective management of natural corridor	Generally, manage the natural system of the creek corridor in accordance with existing riparian management frameworks and strategies	Monitoring and review
1.2	To reduce the impact of weed encroachment on habitat values	Plan and implement a staged weed management program in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Annual progress on weed reduction
1.3	To realise integrated rehabilitation of natural vegetation system through corridor	Plan and implement ongoing vegetation management program in accordance with existing riparian management frameworks and strategies and coordinating items 1.1-1.7	Monitoring and review
1.4	To provide practical maintenance access to riparian corridor	Formalise maintenance access points to riparian corridor through Park area	Availability of maintenance access

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.5	To improve bank stability	Plan and implement programs to improve bank stability including vegetative and engineered (where applicable) in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Availability of programs Monitoring and review
1.6	To reduce erosional impacts of stormwater outfalls	Plan and implement upgrade of stormwater outfalls to mitigate flow speeds and reduce erosion potential	Assessment complete Implement recommendations
1.7	To mitigate water quality impact of stormwater outfalls	Plan and implement point source WSUD measures within adjoining Park area to improve quality of stormwater entering channel	Assessment complete Implement recommendations
<b>2</b>	<b>ACCESS AND ACCESSIBILITY</b>		
2.1	To Integrate sustainable access through riparian corridor that can add to user experiences	Plan and implement Riparian Walk track access	Planning complete Implementation complete
2.2	To provide effective pedestrian	Provide strategic pedestrian wayfinding along decision making locations and at entries	User feedback
<b>3</b>	<b>CULTURE AND HERITAGE</b>		
<b>3.1</b>	<b>Heritage conservation</b>		
3.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
3.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation implemented
<b>3.2</b>	<b>Heritage Interpretation</b>		
3.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within Natural Area Watercourse as applicable	Planning complete Implementation complete
3.2.2		Monitor potential and facilitate where appropriate community walks that support and celebrate natural and cultural heritage	Annual review
<b>4</b>	<b>MAINTENANCE</b>		
4.1	To plan and implement appropriate service levels to Natural Area Watercourse	Develop and maintain operational and preventative maintenance program as part vegetation management	System available System implemented
4.2	To ensure appropriate management of adjoining areas	Monitor Golf Course management adjoining Natural Area Watercourse	Monitoring and review
<b>5</b>	<b>MANAGEMENT</b>		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
5.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Watercourse category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

## 11.4 Permitted development and use

The use and development of 'community land' should be compatible with the legislated purpose of the land and the wider community context.

Generally, Council encourages a wide range of uses of 'community land' and intends to facilitate uses which increase the activation of its land. For Natural Areas use must be compatible with the core objectives for management and limit impacts on the natural values of the area.

The general types of uses which may occur on Community Land Categorised Natural Area Watercourse and the forms of development generally associated with this use, are set out in **Table 11.2** following.

**Table 11.2 Permissible use and development of Community Land Categorised as Natural Area - Watercourse**

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> <li>• Preservation and enhancement of Council's natural and cultural heritage</li> <li>• Preservation of biological diversity and habitat</li> <li>• Providing a location for formal and informal recreation</li> <li>• Walking</li> <li>• Access to the waterway</li> <li>• Environmental and scientific study</li> <li>• Community engagement in understanding and enhancing natural and cultural values</li> <li>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.</li> <li>• Fire hazard reduction</li> </ul>	<ul style="list-style-type: none"> <li>• Low-impact walking trails</li> <li>• Water sensitive urban design installations</li> <li>• Observation platforms</li> <li>• Barriers</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• Locational, directional, interpretative and regulatory signage</li> <li>• Creek erosion control works</li> </ul>

## 12 NATURAL AREA BUSHLAND

### 12.1 Introduction

The following table outlines the Guidelines for categorisation for Natural Area Bushland as listed in the Local Government (General) Regulation 2021 - Part 4 'community land' – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36J. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Natural Area Bushland Community Land Categorisation.



**Figure 12.1**
**Natural Area Bushland**

Guidelines for Categorisation	Core objectives for management
<p><b>Natural Area Bushland</b></p> <p>The land (whether in an undisturbed state or not) possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.</p> <p>(1) Land that is categorised as a natural area should be further categorised as bushland under section 36 (5) of the Act if the land contains primarily native vegetation and that vegetation:</p> <p>(a) Is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>(2) Such land includes:</p> <p>(a) Bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) Moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) Highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated</p>	<p>The core objectives for management of 'community land' categorised as bushland are:</p> <p>(a) To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>(b) To protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(c) To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>(d) To restore degraded bushland, and</p> <p>(e) To protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(f) To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>(g) To protect bushland as a natural stabiliser of the soil surface.</p>



## 12.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Natural Area Bushland and must be addressed in ongoing management and assessment.

### Habitat management

- Weed and other impacts from Aquatic Centre facility, Sportsground and Park Areas
- Level of general weed encroachment

### Access and accessibility

- Continuation of shared access from through-site shared path in General Community Use and Park Areas to Riparian Walk, through Natural Area Bushland and Natural Area Watercourse on the Golf Course
- Enabling users to experience the creek edge bushland environment

### Facilities and infrastructure

- Provision of pedestrian access in a manner complimentary to the character of the natural area

### Relationship to adjoining uses

- Adjoining Aquatic centre facility, General Community Use and Park areas are public use land over which Council has control – ability to manage potential impacts
- Adjoining Muswellbrook Golf Course where the land is under lease that has impact on the Natural Area Bushland in the part of the Precinct.

### Culture and Heritage

- Interpretation of heritage values

### Maintenance

- Availability of adequate maintenance access through adjoining open space
- Need to integrate maintenance of bushland pocket with riparian corridor and watercourse

### Management

- Natural Bushland pockets generally adjoin and integrate with Park and General Community Use areas in the Precinct. Management will need to be similarly integrated.
- The Natural Bushland pockets within Muswellbrook Golf Course that is under lease will need ongoing monitoring

## 12.3 Management framework for areas categorised as Natural Area Bushland

The table below outlines the management objectives or desired outcomes for Natural Area Bushland areas, means and strategies for their realisation, and means of assessment and review by Council.

**Table 12.1 Management Framework**

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
<b>1</b>	<b>HABITAT MANAGEMENT</b>		
1.1	To provide effective management of natural corridor	Management of the natural system in accordance with existing bushland management frameworks and strategies	Review and monitoring
1.2	To reduce the impact of weed encroachment on habitat values	Plan and implemented a staged weed management program in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Planning available Progressive implementation

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.3		Provide weed management and garden escape management along Golf Course boundary to riparian corridor	Review and monitoring
1.4	To realise integrated rehabilitation of natural vegetation system through corridor	Plan and implement ongoing bushland vegetation management program in accordance with existing creek riparian management frameworks and strategies and coordinating items 1.1-1.8	Progressive implementation
1.5	To provide practical maintenance access to riparian corridor	Formalise maintenance access points to riparian corridor through General Community Use and Park areas	Maintenance access available
1.6	To improve bank stability	Plan and implement programs to improve bank stability including vegetative and engineered (where applicable) in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Occurrences of bank erosion are reduced
1.7	To reduce erosional impacts of stormwater outfalls	Plan and implement upgrade of stormwater outfalls to mitigate flow speeds and reduce erosion potential	Planning complete Implementation complete
1.8	To mitigate water quality impact of stormwater outfalls	Plan and implement point source WSUD measures within adjoining areas	Planning complete Implementation complete
<b>2</b>	<b>ACCESS AND ACCESSIBILITY</b>		
2.1	To Integrate sustainable access through riparian corridor that can add to user experiences	Plan and implement Riparian Walk track access in accordance with Olympic Park Master Plan	Planning complete Implementation complete
2.2	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
<b>3</b>	<b>CULTURE AND HERITAGE</b>		
<b>3.1</b>	<b>Heritage conservation</b>		
3.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
3.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation implemented
<b>3.2</b>	<b>Heritage interpretation</b>		
3.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground areas as applicable	Planning complete Implementation complete
3.2.2		Monitor potential and facilitate where appropriate community walks that support and celebrate natural and cultural heritage	Annual review
<b>4</b>	<b>MAINTENANCE</b>		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
4.1	To plan and implement appropriate Service levels to Natural Area Bushland areas	Develop and maintain operational and preventative maintenance program as part of vegetation management	System available System implemented
<b>5</b>	<b>MANAGEMENT</b>		
5.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Bushland category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

## 12.4 Permitted development and use

The use and development of 'community land' should be compatible with the legislated purpose of the land and the wider community context.

Generally, Muswellbrook Shire Council encourages a wide range of uses of 'community land' and intends to facilitate uses which increase the activation of its land. Natural Areas use must be compatible with core objectives for management and limit impacts on the natural values of the area.

The general types of uses which may occur on Community Land Categorised Natural Area Bushland and the forms of development generally associated with those uses, are set out in **table 12.2** below.

**Table 12.2 Permissible use and development of Community Land Categorised as Natural Area Bushland**

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> <li>• Preservation of Council's natural and cultural heritage</li> <li>• Preservation and enhancement of biological diversity and habitat</li> <li>• Providing a location for relaxation, passive informal recreation and filming/ photographic projects</li> <li>• Amenities to support the use of the land</li> <li>• Walking/ hiking/ cycling</li> <li>• Guided bushwalks</li> <li>• Environmental and scientific study</li> <li>• Community engagement in understanding and enhancing natural and cultural values</li> <li>• Bush regeneration works</li> <li>• Carbon sequestration</li> <li>• Bio-banking</li> <li>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.</li> <li>• Fire hazard reduction</li> <li>• WSUD, soil erosion and stormwater management.</li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purposes of improving access, amenity and the visual character of the natural areas</li> <li>• Any development or activity that promotes the restoration and regeneration of the land including WSUD, erosion controls, stormwater management and habitat enhancement</li> <li>• Visitor facilities: picnic tables, BBQs, seating areas, lighting, toilets</li> <li>• Low-impact walking trails</li> <li>• Observation platforms, boardwalks, barriers, fences</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out or for specific one-off events</li> <li>• Temporary or permanent erection of art that complements the natural or cultural heritage</li> <li>• Locational, directional, interpretative and regulatory signage</li> <li>• Garbage bins</li> <li>• Fencing necessary for community utilisation of Precinct</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• Energy-saving initiatives such as solar lights and solar panels</li> </ul>

## 12.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM. **Table 12.3** below outlines purposes for which tenure may be granted on Community Land Categorised as Natural Area Bushland. For more information on leases, licences and other estates See Section 6.3.7.

**Table 12.3 Express Authorisation of short-term casual use and occupation**

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways</li> <li>• Observation platforms, signs</li> <li>• Information kiosk</li> <li>• Bicycle hire or similar</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
Licence	<ul style="list-style-type: none"> <li>• Walkways, pathways, bridges, causeways</li> <li>• Observation platforms, signs</li> <li>• Information kiosk</li> <li>• Bicycle hire or similar</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
Short-term licence	<ul style="list-style-type: none"> <li>• Scientific studies and surveys or similar</li> <li>• Bicycle hire or similar</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
Other estates	<p>This PoM allows the 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 LG Act.</p> <p>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 premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>



## PART 3 - ATTACHMENTS

- **‘Attachment A’** - Native Title Manager Advice; uploaded to share folder
- **‘Attachment B’** - Olympic Park Master Plan; uploaded to share folder