

ITEM 1

PUBLIC EXHIBITION - DRAFT HELENSBURGH PARK CROWN RESERVES PLAN OF MANAGEMENT

A draft Helensburgh Park Crown Reserves Plan of Management has been prepared under the *Crown Land Management Act 2016* for the two Crown Reserves known as Helensburgh Park, incorporating Charles Harper Park, Rex Jackson Park sporting facilities and Helensburgh Pool. The draft Plan of Management proposes that the additional reserve purpose of community purposes be added to the two reserves.

It is recommended that the draft Plan of Management be referred to the NSW Department of Planning and Environment – Crown Lands, seeking approval to exhibit the draft document for public comment.

RECOMMENDATION

- 1 The draft Helensburgh Park Crown Reserves Plan of Management (Attachment 2) be referred to the NSW Department of Planning and Environment – Crown Lands –
 - a as the landowner, as required by section 39 of the Local Government Act 1993;
 - b for Ministerial consent to exhibit the draft Plan of Management as required by clause 70B of the Crown Land Management Regulation 2018; and
 - c for Ministerial consent to apply the additional Crown reserve purpose of “community purposes” under section 3.38 of the Crown Land Management Act 2016, to enable the development and operation of a new Helensburgh Community Centre and Library facility.
- 2 Following the receipt of approval by the Department as landowner and the Minister’s consent, the draft Helensburgh Park Crown Reserves Plan of Management be exhibited for a minimum period of 42 days.
- 3 A further report be submitted to Council on the community feedback received following the exhibition period.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Map of the draft Plan of Management Area
- 2 Draft Helensburgh Park Crown Reserves Plan of Management

BACKGROUND

The *Crown Land Management Act 2016* (CLM Act) requires Council to prepare Plans of Management for Crown Reserves. Council has prepared a draft Plan of Management (PoM) for Crown land at Helensburgh commonly known as Charles Harper Park and Rex Jackson Park/Oval, including the Helensburgh Public Pool. A map of the draft PoM area is Attachment 1 to this report.

Helensburgh Park Crown Reserves Numbers 500340 and 500345

The draft PoM area is entirely Crown land, comprised of two different Crown Reserve numbers, each with the name of Helensburgh Park. Therefore, the draft PoM is named the draft Helensburgh Park Crown Reserves Plan of Management.

The reserves are located to the north of the Helensburgh Town Centre and south of the Garrawarra State Conservation Area and cover a combined area of just over 14 hectares, as summarised in the following table –

Crown Reserve	Lots	Area
Reserve No. 500345 Helensburgh Park Reserve Purpose: Public Recreation Gazettal date: 29/3/1892 Includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool.	Lots 517 & 940 DP 752033 Lots 7065 & 7066 DP 1031042 Lot 7306 DP 1142241	11.89ha
Reserve No. 500340 Helensburgh Park Reserve Purpose: Public Recreation Gazettal date: 8/10/1898 Includes the Tennis Courts and Cricket Ground.	Lot 7076 DP 96784	2.19ha

Helensburgh Park is zoned RE1 Public Recreation under the Wollongong Local Environmental Plan (LEP) 2009. The RE1 Public Recreation zone permits a range of uses including recreation areas (eg playgrounds), recreation facilities (eg sporting fields and pools) and community facilities.

Helensburgh Park is the largest public space in Helensburgh and contains many structures, facilities and developments that facilitate leisure, sporting and recreational activities that are central to the Helensburgh community. It is generally used as a recreational area with active sporting fields.

The built facilities on the land include -

War memorial	Outdoor sports facility	Playground with shade structures
Mine memorial	Automated public toilet	Outdoor gym Sport equipment
Charles Harper Monument	Water bubbler and tap	Storage building and container
Swimming pool facility	Footpaths	Mountain bike track
Skate Park	Park benches	Low wooden fences
Several sporting fields	Outdoor gazebo	Shipping containers
Clubhouses	BBQ area	
Grandstand	Carparks	
Netball courts	Bins	
Cricket nets	Lights	

Until the commencement of the *Crown Land Management Act 2016* in 2018, Council was under no obligation to prepare a PoM over the Crown land at Helensburgh Park. Council managed the land under the *Crown Land Act 1989* and was able to develop the land and grant tenures over the land in accordance with its Crown reserve purpose of “public recreation”. Existing license and lease agreements are shown in the table below. Some agreements were entered into under the *Crown Land Act 1989* and some issued under transitional arrangements under the CLM Act –

License or Lease Holder	Term	Permitted Use under License or Lease
Helensburgh Netball Club Inc.	1/7/2019 to 30/6/2029	Netball activities conducted as part of the Helensburgh Netball Club for community or charitable purposes but excludes any commercial and retail activities.

License or Lease Holder	Term	Permitted Use under License or Lease
Helensburgh Tigers Rugby League Football Club Inc.	1/5/2009 to 30/4/2019 – holding over	Rugby League Activities. Amenities Building Canteen on the ground floor, first floor addition to the Amenities building and four (4) light poles.
Helensburgh Touch Football Club	1/7/2020 to 1/7/2025	Storage of playing equipment for touch rugby league games and training purposes. Shipping Container for Storage of Playing Equipment by Licensee: Helensburgh Touch Football Club.
Helensburgh Little Athletics	18/8/2012 to 17/8/2017 – holding over	Use of shipping container for storage of Athletics gear
Helensburgh Thistle Soccer Club Inc and Helensburgh Junior Soccer Club	1/1/2016 to 31/12/2020 - holding over	Five (5) Lighting towers, grandstand, two (2) shipping containers and compound area, amenities (public toilets, changerooms, canteen, office, referee room) , ticket office, storage shed and portable fence around senior playing field.
Helensburgh Workmens Club Limited (Subject to DOCA)	1/9/2012 to 31/7/2022	Access Way or Part Reserve Helensburgh Park
Wollongong Tennis Courts Admin. Inc.	1/1/2000 to 31/12/2010 – holding over	Tennis facilities
A. Hawley	9/8/2021 to 8/8/2022	Community Fitness Trainer Site
A. Keighran	17/2/20 – 16/12/2021	Community Fitness Trainer Site
Vacant		Community Fitness Trainer Site
Crawchy's Swim School Pty Ltd (C. Osbourne)	27/9/2021 to 24.4.2023	For Swimming Coaching
Helensburgh Junior Rugby League Football Club	1/1/2016 to 31/12/2020 – holding over	Three (3) Shipping Containers for Club Storage
Helensburgh Off Road Cycle Club	1/4/2018 to 31/3/2023	For Helensburgh Off Road Cycle Track, Part of Rex Jackson Park

These uses are proposed to remain permissible under the draft PoM.

Crown Land Management Act 2016

The CLM Act came into effect on 1 July 2018, replacing the *Crown Lands Act 1989*, and placed more obligations on Council to manage Crown reserves, where Council is the “Crown Land Manager”. Council is currently the Crown Land Manager for 51 Crown Reserves covering approximately 584 hectares. Under the CLM Act, Council is required to classify these Crown Reserves as either “operational” or “community” land. Crown reserves that are classified as “community” land are then provided an “initial category” and categorised based on reserve purpose and existing and proposed uses and developments on the land. Council is then required to prepare a PoM for each Reserve.

Under the CLM Act, dedicated or reserved Crown land may only be used for -

- (i) the purposes for which it is dedicated or reserved;
- (ii) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved; or
- (iii) any other purposes authorised by or under this Act or another Act.

A PoM prepared and adopted under the CLM Act enables Council to manage and develop Crown land for the benefit of the public consistent with any existing Crown reserve purpose or any additional reserve purpose authorised by the Minister under s2.14 and s3.38 of the CLM Act.

A PoM will also enable Council to grant leases and licenses for terms longer than 12 months (available under section 2.20 of the CLM Act) and beyond the limited authority provided to Council through Clause 70 of the *Crown Land Management Regulations 2018*. Clause 70 is a transitional measure generally limited to leases or licenses for existing purposes or for which the Minister provides consent until a PoM can be adopted by Council under the Act.

In terms of Helensburgh Park -

- On 29 October 2018, Council resolved to classify the two Helensburgh Park reserves as Community Land. On 14 March 2019 NSW Crown lands approved this classification.
- On 29 October 2018, Council resolved an initial categorisation of the two Helensburgh Park reserves as “sportsground”, consistent with the reserve purpose of public recreation. On 14 March 2019 NSW Crown lands approved this categorisation. At that time a single initial category was required, despite the reserve having multiple functions and uses.
- A draft PoM has been prepared for Council’s consideration. If endorsed by Council and the NSW Crown Lands it will be exhibited for community comment.

PROPOSAL

A draft Helensburgh Park Crown Reserves PoM has been prepared for Helensburgh Park. The draft PoM provides for the maintenance and enhancement (including redevelopment) of existing uses and developments. It also permits possible new uses and developments that are consistent with the existing Crown reserve purpose of “public recreation” or the additional Crown reserve purpose of “Community Purposes” to the limited extent permissible under the PoM. Being permissible in the PoM means that it is possible to consider. It is not a guarantee or right for it to happen.

Categorisation under the draft PoM

All of Helensburgh Park has an initial categorisation of sportsground. Through the draft PoM, Council can amend the categorisation to better reflect the uses within different parts of the reserve. The draft PoM proposes the following categories:

Category	Facility
Sportsground	The playing fields and club rooms, grandstands The netball and tennis courts and clubrooms The skate park The mountain bike track
Park	Charles Harper Park
General Community Use	The pool and car park The proposed community centre site
Area of Cultural significance	War Memorial Mine memorial Charles Harper Monument

Additional reserve purpose – community purposes

Council currently manages three key community facilities in Helensburgh -

- Helensburgh Pool located in Helensburgh Park.
- Helensburgh library – located on Council land at 57 Walker Street (2 lots), Helensburgh. Since 2017, Council has identified that the Helensburgh Library, a small demountable structure from the 1980s on bushfire risk affected land was not fit for purpose. In 2019, during the development of the Helensburgh Town Centre Plan 2020-2045 it emerged from the community consultation that a combined Community Centre and Library with adequate parking was needed.
- Helensburgh Community Centre – located on both Council and Crown land at 26A (Crown Reserve 500332) and 26B (Council land) Walker Street, Helensburgh. The existing Helensburgh Community Centre had a flow of water under the subfloor that limited its use and required ongoing rectifications over the last ten years. In May 2022 the Helensburgh Community Centre was closed due to public health concerns related to unprecedented mould growth during the continuous wet weather of late 2021 and into 2022. The Community Centre is proposed to be demolished later this year.

A new combined Community Centre and Library is proposed to be built in Helensburgh Park, co-located with Helensburgh Pool.

The Helensburgh Town Plan 2020 – 2045 proposed an integrated Community Centre and Library that will invite people to meet, create, learn and spend time, at a purpose-built community hub.

The draft PoM proposes that either a combined Helensburgh Community Centre or Library between 1,400 to 2,000 sqm in area or a combined Helensburgh Community Centre and Library integrated with the Helensburgh Pool Amenities Block up to 2,300 sqm. The new facility is proposed to be located within the area categorised as “general community use” under the draft PoM. Development Consent under the Wollongong LEP 2009 would also be required.

NSW Crown lands have advised that a community centre and library on Helensburgh Park is not consistent with the reserve purpose of “public recreation” but would be consistent with the Crown reserve purpose of “community purposes”. Therefore, the draft PoM proposes to add the Crown reserve purpose of “community purposes” to Helensburgh Park to enable the community centre and library facility.

Under the CLM Act adding an additional purpose to a Crown reserve by the making of a PoM is possible, however the Minister needs to be satisfied that the additional purpose -

- (i) would be in the public interest, and
- (ii) would not be likely to materially harm the use of the land for any of the existing purposes for which it is dedicated or reserved.

The construction of an integrated community facility is in the public interest and will replace two existing facilities and co-locate with a third facility (the pool). The future of the existing library and community centre will be subject to separate reports. The community centre is located partly on Crown Land and cannot be sold by Council.

The additional Crown reserve purpose of “Community Purposes” to Helensburgh Park would not materially harm the use of Helensburgh Park for the existing reserve purpose of “public recreation”. A new building will alter the landform; however, the proposed location adjacent to the pool has already been altered by the pool and car park. No bushland is proposed to be removed. The proposed facility would represent 1.49% of the total of Helensburgh Park.

The draft PoM includes information in accordance with s2.14(3) of the CLM Act so that the Minister may assess if the use of the land for an additional purpose would likely materially harm its use for an existing purpose.

NSW Aboriginal Land Rights Act 1983

Helensburgh Park is subject to an undetermined Aboriginal land claim under the *NSW Aboriginal Land Rights Act 1983*.

Crown Lands has requested that Council obtain a letter of support or of no objection, if possible, regarding the proposal to add the additional Crown Reserve purpose of “Community Purposes” to Helensburgh Park through the making of a PoM from the claimant.

Council Officers have shared information with the NSW Aboriginal Land Council and Illawarra Local Aboriginal Land Council about the draft PoM so that they may make their considerations in accordance with the *Aboriginal Land Rights Act 1983*.

Native Title Act 1993 (Cth)

Helensburgh Park is also subject to an undetermined Registered Native Title claim under the *Federal Native Title Act 1993* (NT Act) by the South Coast People, Native Title Tribunal: NC2017/003 Federal Court: NSD1331/2017. Registered Native Title claimants have procedural rights under the NT Act.

In accordance with the CLM Act, Council’s Native Title Manager has provided advice on the draft PoM. The advice identifies the applicable provisions of the NT Act that are to be complied with when preparing the draft PoM and identifies pathways to validate possible future acts that are permissible under this draft PoM, subject to Council providing any procedural rights to registered Native Title Claimants under the NT Act.

The advice indicates that building a Community Centre and Library facility could be a valid future act for the purposes of the NT Act because the building would have no greater impact upon Native Title than building a Sporting Clubhouse facility or Sports Stadium that is consistent with, or ancillary to, the reserve purpose of “public recreation” gazetted for Crown Reserve 500345 on 29 March 1892 and for Crown Reserve 500340 8 October 1898. Any procedural rights under the NT Act would need to be provided to the South Coast claimants by Council at each step.

Native Title advice will also to be sought when future leases or licenses or development consents or review of environmental factors are prepared under the Infrastructure SEPP for activities to maintain or improve facilities within the PoM area. Compliance with the NT Act is an on-going obligation when managing Crown land.

“Future Acts” permitted under the draft PoM will be assessed in accordance with the NT Act before they are undertaken. A PoM permits a larger number of activities than will actually occur within the PoM area in a similar way that within the Land Use Zone RE1 permits a larger number of uses or developments under the Local Environmental Plan (LEP) as activities are dependent on other future actions such as obtaining development consent or securing funding in a future Council Annual plan (Council’s budget) or obtaining a license over the land subject to Council’s policies and compliance with provisions under both the Local Government Act 1993 and the CLM Act.

As noted earlier, each step towards undertaking a new activity or development on Crown land will incur its own additional assessment in regard to compliance with the NT Act.

Additional to any procedural rights, Crown Lands has requested that Council obtain a letter of support or of no objection, if possible, regarding the proposal to add the additional Crown Reserve purpose of “Community Purposes” to Helensburgh Park from the South Coast People Native Title Claimants. Council Officers have shared information with NTSCORP, a Native Title Service Provider, so that the South Coast People Native Title Claimants may consider supporting the draft PoM.

Native title rights are different to, and separate from, the statutory right of Aboriginal Land Councils to make claims for land under the *NSW Aboriginal Land Rights Act 1983*. Where a land claim is granted under NSW legislation, the relevant Land Council is also still subject to the Federal Native Title legislation.

CONSULTATION AND COMMUNICATION

Previous broad community consultation activities prior to the drafting of the PoM have included -

- In March 2017 Council undertook a survey on the future of Helensburgh Library.
- In October – November 2018 Council officers sought community input into the initial categorisation of all 46 Crown Reserves.
- In May – June 2020 the draft Helensburgh Town Plan and Streetscape Master Plan was exhibited. A total of 58 submissions for the Town Centre Plan were received. 32 of 36 on-line submissions supported the provision of an integrated community hub.
- In July – August 2021 Council sought community views on what facilities should be incorporated into a combined Community Centre and Library.
- On 17 November 2021 Council officers discussed the draft PoM and additional purpose with Department of Planning, Industry and Environment – Crown Lands Principal Policy and Project Manager

If the draft PoM is endorsed by Council and NSW Crown Lands for exhibition, the following engagement activities will occur -

- Post information on the draft PoM on Council's website for a minimum of 42 days.
- Notify stakeholders of the public comment period via email or letter:
 - Adjoining property owners
 - Neighbourhood Forum 1
 - Applicants of the South Coast Native Title Claimants via NTSCORP
 - NSW Aboriginal Land Council
 - Illawarra Local Aboriginal Land Council
 - Current lease and license holders within the PoM area
 - Persons involved in the previous community consultation on library services and community centre services in Helensburgh
- Hold two public information sessions within Helensburgh Park during the exhibition period.
- Hold meetings with NSW Aboriginal Land Council, Illawarra Local Aboriginal Land Council and Applicants of the South Coast Native Title Claimants.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Objectives *"Our natural environments are protected, and our resources will be managed effectively"* and *"Development is well planned and sustainable and we protect our heritage"* under the Community Goal *"We value and protect our environment"*. It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2022-2026 and Operational Plan 2022-2023 Core Business
Maintain the unique character of the Wollongong LGA, whilst balancing development, population growth and housing needs.	Prepare Plans of Management for community and Crown lands

RISK MANAGEMENT

The preparation of a draft PoM is a requirement of the Crown Lands Management Act 2016.

The Plan of Management will guide future uses of the reserves. The progression of the draft Plan of Management will enable Council to issue leases and licences for periods greater than 12 months.

The inclusion of the additional reserve purpose of community facility will enable a new community centre and library to be a permissible use in the reserve. If permission for the additional reserve purpose is not granted, an alternative location for the proposed facility will be required.

FINANCIAL IMPLICATIONS

The preparation of the draft PoM has been undertaken by Council staff. The exhibition costs can be managed within existing budgets.

The construction and maintenance of facilities in the reserves is managed through the Infrastructure Delivery Plan.

CONCLUSION

The draft Helensburgh Park Crown Reserves Plan of Management will facilitate continued improvement to recreational and community services in Helensburgh in accordance with the *Crown Land Management Act 2016*. If endorsed by Council and Crown Lands the draft Plan of Management will be exhibited for community comment. A future report will be provided to Council detailing the outcomes of the exhibition process and make recommendations regarding finalisation of the draft Plan of Management.

Location Map



Draft Plan of Management for Helensburgh Park Crown Reserves (Numbers 500340 and 500345)

Includes Rex Jackson Park/Oval, Helensburgh Public Pool and Charles Harper Park



ACKNOWLEDGEMENT

We acknowledge the Traditional Custodians of the land on which this city is built, the Aboriginal people of Dharawal Country. We recognise and appreciate their deep connection to this land, waters and the greater community.

We pay respect to Elders past, present and those emerging and extend our acknowledgement and respect to all Aboriginal people who call this city home.

We recognise Aboriginal people as the first people to live in the area. We respect their living cultures and recognise the positive contribution their voices, traditions and histories make to this city.

In celebration of unity, culture, both traditional and contemporary we acknowledge the rich history of our local Aboriginal heritage.



Children's artwork in Charles Harper Park- imagination sparked by nature, history

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1. INTRODUCTION

Helensburgh Park, more commonly known as Rex Jackson Park or Oval and Charles Harper Park, provides facilities that accommodate a large range of sporting and recreational activities that are central to the Helensburgh community. The entire area is Crown land, consisting of two Crown reserves, each named Helensburgh Park with the Crown Reserve Purpose of Public Recreation. Each reserve has a different Crown reserve number (500340 and 500345) as shown in Figure 1. Combined the two reserves cover a land area just over 14 hectares.

1.1 Helensburgh Park Plan of Management Area

The Helensburgh Park Plan of Management (PoM) area shown in Figure 1 by the red outline includes the land parcels listed in Table 1, grouped by Crown Reserve Number. The PoM area does not include any privately owned land or any road reserve. Vehicle access to the PoM area can be from the following public roads:

- Blackwell Street, Boomerang and Waratah Streets on the western side
- Walker Street and Robertson Street on the eastern side

On the southern boundary the PoM area adjoins Parkes Street and to the north the PoM area adjoins the Garrawarra State Conservation Area. Parkes Street and the southern portion of Walker Street form part of the Helensburgh Town Centre so the PoM area is well connected to the centre of Helensburgh.

2. PURPOSE OF THE PLAN OF MANAGEMENT

The purpose of this Helensburgh Park Crown Reserves PoM is to meet legislative requirements under the Crown Land Management Act 2016 (CLM Act) which came into effect as of 1 July 2018. Council is the 'Council Crown Land Manager' under the CLM Act for the two reserves under this PoM. The State of New South Wales is the owner of the land. The CLM Act requires Councils to classify and manage certain Crown reserves as if they were "community land" under the Local Government Act 1993 (LG Act). The LG Act requires plans of management or PoMs over community land to guide its use by the public and its management by Council by applying one or more of the possible "community land categories" to land shown in Figure 2.

Table 1 Crown Reserves under this PoM – Existing Purpose & Land Parcels

Helensburgh Park Crown Reserve Number, Description, Area and Location	Existing Reserve Purpose	Land Parcels
<p>Number: 500345</p> <p>Description: The reserve includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool</p> <p>Area: 118,954 m2 or 11.89 hectares.</p> <p>Location: In Figure 1 Crown reserve 500345 is shown with a blue outline. The reserve is north east of Blackwell Street, Waratah Street is the western boundary, with Walker Street on the eastern and Parkes Street on the southern boundaries.</p>	<p>Public Recreation</p> <p>Gazetted</p> <p>29 March 1892</p>	<p>Lots 517, 940 DP 752033</p> <p>Lots 7065-7066 DP 1031042</p> <p>Lot 7306 DP 1142241</p>
<p>Number: 500340</p> <p>Description: The reserve includes Tennis Courts, Cricket Ground, and an entrance and parking for both Rex Jackson Park, Charles Harper Park and the Helensburgh Pool.</p> <p>Area: 21,911 m2 or 2.19 hectares</p> <p>Location: In Figure 1 this reserve is shown with a black outline. It is the smaller reserve with part of Park Avenue (up to the corner with Blackwell Street) is the western boundary. A small portion of the reserve's southern boundary fronts the corner of Boomerang Street and Waratah Street.</p>	<p>Public Recreation</p> <p>Gazetted</p> <p>8 October 1898</p>	<p>Lot 7076 DP 96784</p>
Total Land Area in PoM = 14.08 hectares all with a Public Recreation Purpose		

Figure 1 Helensburgh Park PoM Area Map with Reserve Boundaries

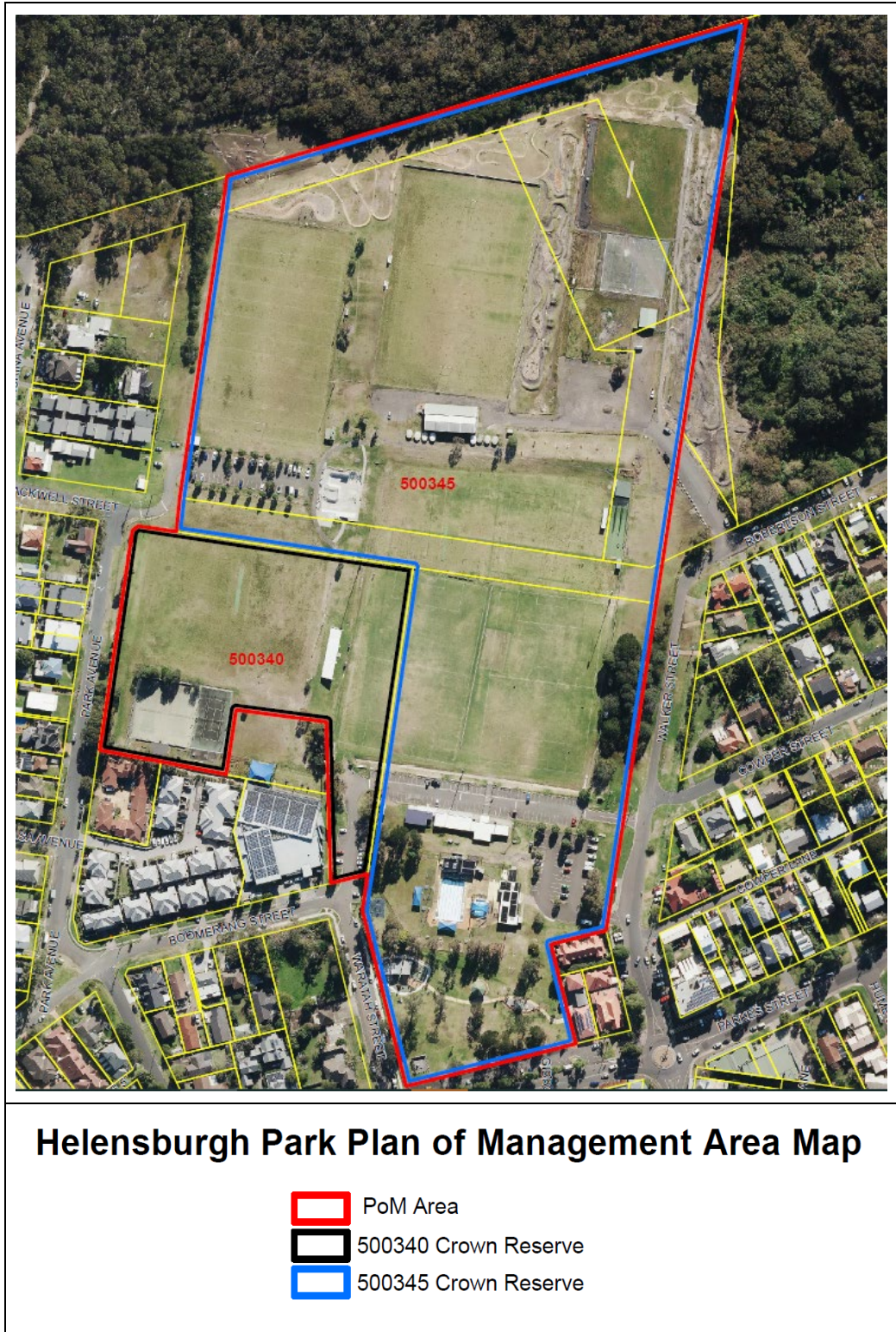
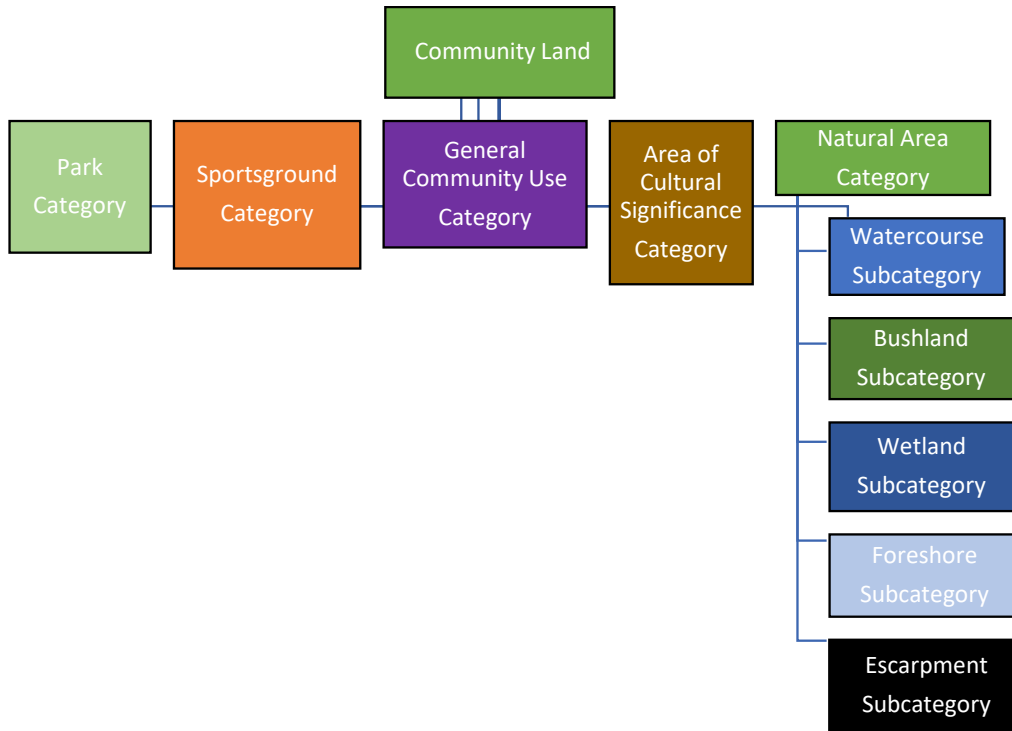


Figure 2 Community Land Categories under the LG Act



2.1 CLM Act Initial Community Land Category

The CLM Act requires that Council apply an “initial” community land categorisation before a PoM is made. Changes to the CLM Act “initial” categorisation can only be made by making a CLM Act PoM over the land. On 29 October 2018 Council resolved to classify all the Crown land under this Helensburgh Park PoM as community land with an CLM Act “initial” category of “sportsground” consistent with the reserves purpose of Public Recreation. On 14 March 2019 the DPIE- Crown Lands endorsed the “initial” community land category of “sportsground” and noted that it fitted most of the existing uses and developments on the land, but not all. For example, the public pool facilities, public access roads and parking areas correlate with the “general community use” category, while most of Charles Harper Park fit the “park category”.

2.2 Additional Community Land Categories

Under this PoM, the community land categories of “sportsground”, “park”, “general community use” and “area of cultural significance” will be applied to land under this PoM to better correspond to the existing uses and developments and to provide for future possible uses and developments. The areas where the categories apply are shown in Figure 3. Each community land category has legislatively defined core objectives (from the LG Act) which guide Council’s management of the Crown land under this PoM. Leasing and licensing of the land under this PoM is to be consistent with the core objectives of the community land category that applies to the land and the Crown reserve purpose. The core objectives of the categories of “park”, “sportsground”, “general community use” and “area of cultural significance” are management objectives in the PoM Action Plan in section 4 of this PoM.

Figure 3 Community Land Categories under this PoM

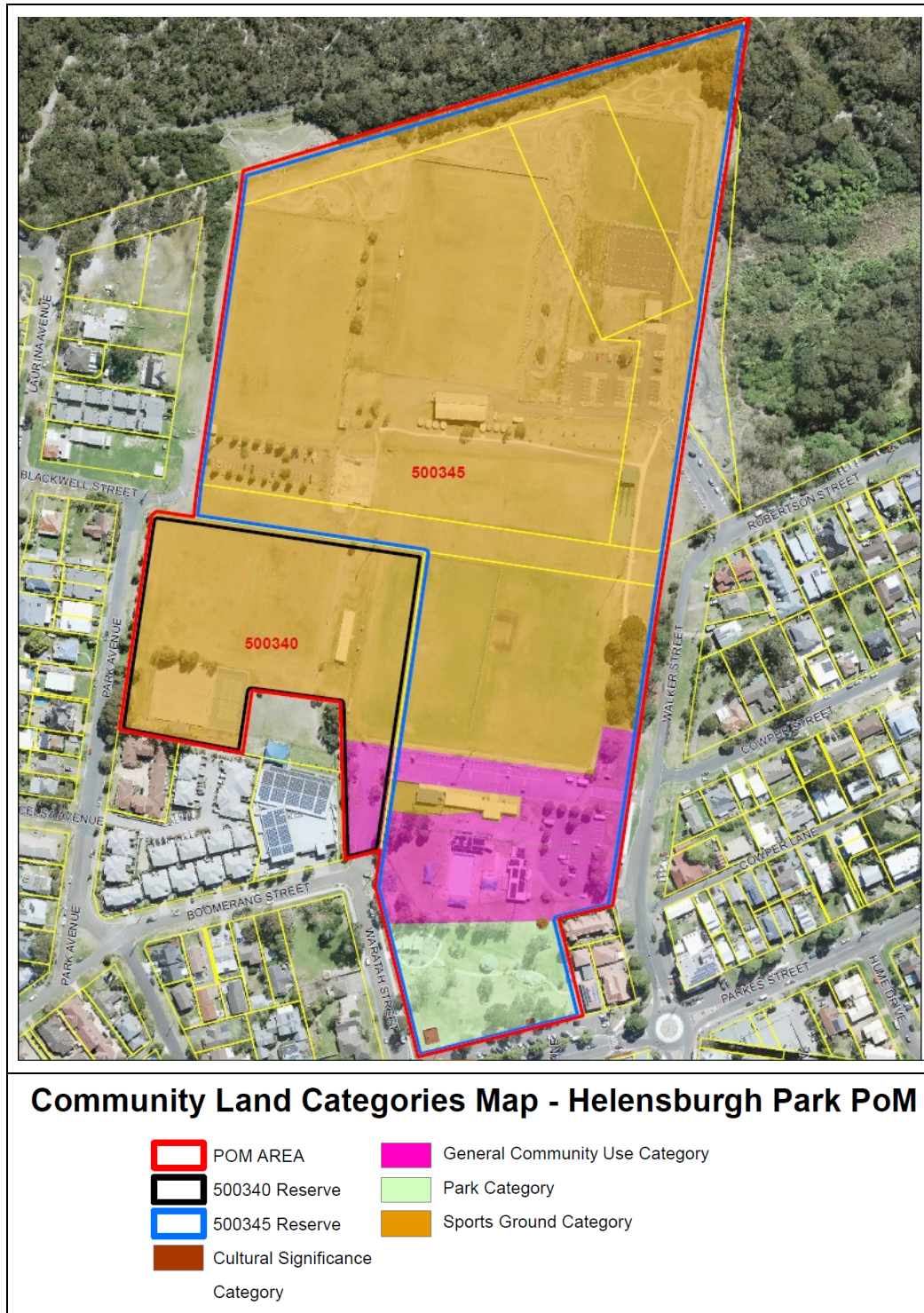
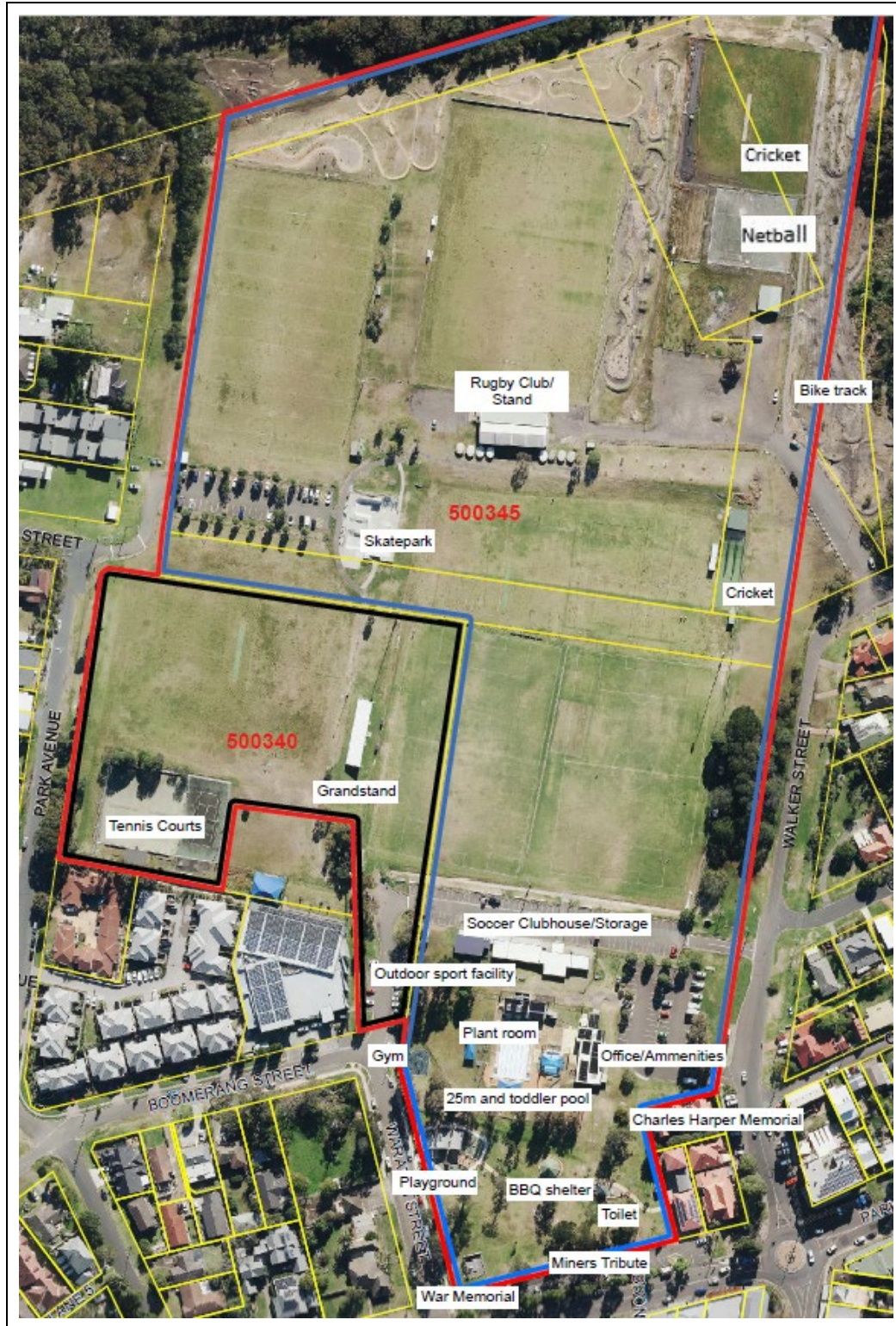


Figure 4 Existing Uses Developments



2.3 Meeting CLM Act Requirements

This PoM has been made under the CLM Act as shown in Table 2.

Table 2 Crown Land Management Act PoM Provisions

CLM Act PoM Requirement	Where in the PoM
Community land categories applied to the land in each Crown Reserve	Section 2.2 and Figure 3
Identified management objectives and performance targets for the land	Section 4 PoM Action Plan
A description of the condition of the land and any improvements on the land.	Section 3.1 – 3.1.3
Identifying the scale and intensity of future uses and developments	Section 3, Table 9
Express authorisations to grant leases or licences over the land that are related to the permitted uses and developments under the PoM	Section 3.3.2
Native Title Manager Review and Advice	Appendix 1 – Key Legislation Table – Native Title Act 1993 Table Entry
Minister approval to exhibit the draft CLM Act compliant PoM	Minister's approval to exhibit the draft PoM granted on <i>[date to be inserted once permission is granted]</i>
If applicable, a request to add an additional Crown reserve purpose to a Crown reserve under the CLM Act compliant PoM.	Sections 3.2 – 3.2.2.2- Request an additional purpose of 'Community Purposes' for Helensburgh Park (500340 and 500345).
Exhibit the draft CLM Act compliant PoM for public comment	Public Comment / Exhibition Period – minimum of 42 days <i>[date to be inserted – depends on date of Ministerial approval]</i>
Report to Council on the results of the public comment/exhibition period for the draft CLM Act compliant PoM	<p><i>[date to be inserted when reported to Council]</i></p> <p>Depending on Council's consideration of submissions received during exhibition of the draft CLM Act PoM, Council may resolve:</p> <ul style="list-style-type: none"> to adopt the PoM without change change the draft PoM in a minor way and adopt the PoM change the draft PoM in a significant way and refer the amended draft PoM back to the Minister for authority to exhibition the amended draft PoM for a minimum of 42 days.

3. POM PERMISSIBLE USES AND DEVELOPMENT

A PoM can describe the permissible activities, uses and developments in a variety of ways. Under this PoM, Sections 3.1 – 3.3 describe permissible uses and developments.

Section 3.1 includes a broad description of the existing activities, uses and development on the land at the time of the making of this PoM. Leasing and Licensing information is also provided in this section.

Section 3.2 provides for new activities, uses and developments that are consistent with the existing Crown reserve purpose of “public recreation” or consistent with the additional Crown reserve purpose of “community purposes” to be permissible under this PoM.

Section 3.3 brings the information together in the PoM Permissible Uses and Development Table with scale and intensity limitations.

Section 3.4 demonstrates the processes Council will follow if new permissible uses and developments occur within the PoM area or existing uses and developments change.

Being permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.

3.1 Existing Activities, Uses and Developments

Rugby League, Cricket, Tennis, Netball and Football are all played in Rex Jackson Park. Charles Harper Park is south of the Helensburgh Pool and has recently updated playground facilities. The PoM land area consists of sportsgrounds, open spaces, trees and built improvements. It is generally used as a recreational area with active sporting fields. The built facilities on the land include:

War memorial	Cricket nets	Carparks
Mine memorial	Outdoor sports facility	Outdoor gym
Charles Harper Monument	Automated public toilet	Sport equipment storage building and container
Swimming pool facility	Water bubbler and tap	Mountain bike track
Skate park	Footpaths	Low wooden fences
Several sporting fields	Park benches	Shipping containers
Clubhouses	Outdoor gazebo	Bins
Grandstand	BBQ area	Lights
Netball courts	Playground with shade structures	

Figure 4 identifies many of the existing uses and facilities within the PoM area as of the time of the making of this PoM.

Figures 5 – 7 show the existing condition of the Charles Harper Memorial, the Miners Memorial, and the World War II monument. **These memorials and monument are categorised as an area of cultural significance under this PoM and include the land on which these improvements are occupying.**

The condition of the existing improvements on the land varies from poor to fair to good to new reflecting a combination of the improvement’s age, available resources of Council and of lease or license holders to carry out maintenance or capital improvements or respond to graffiti or other types of vandalism.

Recent improvements include shared way and pathway improvements linking Charles Harper Park to the Ruby Club/Stand and the Mountain bike track and new playground. In recent times failing parts of the Miners Memorial have been removed to reduce risk to the public until further works can be undertaken after obtaining the required approvals.

Table 3 Consents within the PoM Area and Appendix 4 Aerial Photography 1986/87 and 1977 give an indication of age of existing improvements/grounds.

This Plan of Management permits existing activities, uses and developments to meet community needs and (as they evolve over time) consistent with this PoM.

3.1.1 Current leases and licences

As of the time of the making of the PoM, the following leases or licenses were in effect as noted in Table 3:

Table 3 Current Lease and Licence Information

Ref	License or Lease Holder	Term	Permitted Use
TE143 R500345	Helensburgh Netball Club Inc.	1/7/2019-30/6/2029	Netball activities conducted as part of the Helensburgh Netball Club for community or charitable purposes but excludes any commercial and retail activities.
TE113 R500345	Helensburgh Tigers Rugby League Football Club Inc.	1/5/2009-30/4/2019 – holding over	Rugby League Activities. Amenities Building Canteen on the ground floor, first floor addition to the Amenities building and 4 light poles.
TE1596 R500345	Helensburgh Touch Football Club	1/7/2020 – 1/7/2025	Storage of playing equipment for touch rugby league games and training purposes. Shipping Container for Storage of Playing Equipment by Licensee: Helensburgh Touch Football Club
TE172 R500345	Helensburgh Little Athletics	18/8/2012 - 17/8/2017 – holding over	Use of shipping container for storage of Athletics gear
TE31 R500345	Helensburgh Thistle Soccer Club Inc and Helensburgh Junior Soccer Club	1/1/2016-31/12/2020 - holding over	5 Lighting towers, grandstand, 2 shipping containers and compound area, amenities (public toilets, changerooms, canteen, office, referee room) , ticket office, storage shed and portable fence around senior playing field.
TE1264 R500340	Helensburgh Workmens Club Limited (Subject to DOCA)	1/9/2012-31/7/2022	Access Way or Part Reserve Helensburgh Park
TE30 R500340	Wollongong Tennis Courts Admin. Inc.	1/1/2000 – 31/12/2010 – holding over	Tennis facilities

Ref	License or Lease Holder	Term	Permitted Use
TE1669 (site RJP01) R500345	A. Hawley	9/8/2021– 8/8/2022	Community Fitness Trainer Site
TE1657 (site RJP02) R500340	A. Keighran	17/2/20– 16/12/2021	Community Fitness Trainer Site
Sites RJP03 & RJP04 R500345	Vacant		Community Fitness Trainer Site
TE 170 R500345 R500345	Crawchy's Swim School Pty Ltd (C. Osbourne)	27/9/2021- 24/4/2023	for Swimming Coaching
TE1593 R500345	Helensburgh Junior Rugby League Football Club	1/1/2016- 31/12/2020 – holding over	3 Shipping Containers for Club Storage
TE1599 R500345	Helensburgh Off Road Cycle Club	1/4/2018- 31/3/2023	for Helensburgh Off Road Cycle Track, Part of Rex Jackson Park

3.1.2 Consents within the PoM Area – Various Types

Table 4 provides a list of consents or activity approvals or permits within the PoM area from a review of Council records. It may contain approvals that are in force or expired but they are listed here as an example of typical existing activities, uses and developments within the reserve and the types of consents that were obtained to meet legislative requirements. Many pieces of legislation (or Acts) may apply to a single activity or development (see Appendix 1 for a list of legislation that commonly affects community Crown land). Within Table 4 is the following references:

- “DA” are Development Consents under the EP&A Act
- “LG” are Activity Approvals under Section 68 LG Act
- “DE” are related to Liquor Licensing laws (State responsibility)
- “PJ” are Council projects carried out under the State Environmental Planning Policy Infrastructure and Transport (2021) in compliance with a “Review of Environmental Factors”

Licences or permits other than property occupation (Licence Type)

- FP-2009/102 Helensburgh Junior Soccer Club Canteen (Food Business Permit)
- OS-2019/90 Helensburgh Pool Amenities (On-Site Wastewater Management)
- ES-2004/38 Netball Clubhouse (Essential Services)
- MFP-2016-89 The Morning Brew – Operates at various locations – Mobile Van (Only Available After 2pm) (Mobile Food Business Permit).

Table 4 Consents within the PoM Area – Various Types

Consents	Description	Land
DA-2017/695	Rainbow Run and Family Fun Day - one (1) event date per year for five (5) years - August/September Otford Public School P & C Association	Lot 7065 DP 1031042 Lot 517 DP 752033 Lot 7065 DP 1031042
DA-2018/725	Use of two (2) existing shipping containers for Little Athletics equipment storage	Lot 7065 DP 1031042
DA-2020/616	Generic event application for temporary events to a maximum of 52 days in any 12 month period	Lots 7065 and 7066 DP 1031042 Lots 517 and 940 DP 752033 Lot 7306 DP 1142241
LG-2016/95	Park mobile coffee van on either Rex Jackson Oval and/or Charles Harper Park Helensburgh - Coffee @ Urz	Lot 7065 DP 1031042 Lot 517 DP 752033
LG-2019/37	Mobile Service Centre - Service NSW	Lot 7065 DP 1031042
LG-2018/54	Rainbow Run and Family Fun Day- Otford Public School P & C Association	Lot 517 DP 752033
LG-2019/68	Rainbow Run event - Otford Public School P & C Association	Lot 7065 DP 1031042 Lot 940 DP 752033 Lot 7306 DP 1142241
LG-2020/3	Mobile Service Centre bus to provide government services to the community on various dates throughout 2020	Lot 7065 DP 1031042
PJ-3878/2019	Parkes Street - Pedestrian facility, Helensburgh-Council	Lot 7065 DP 1031042
DA-2013/378	The use of public open space for commercial fitness training- Council	Lots 517 and 940 DP 752033
DA-2017/1169	Completion and use of community mountain bike track Helensburgh Offroad Cycling Club Inc	Lot 517 DP 752033

Consents	Description	Land
DA-2020/46	Use of existing metal shipping container including attached timber framed awning with metal roof at Rex Jackson Park for use during the sporting season	Lot 517 DP 752033
DE-2016/186	Liquor Licence - charitable event/activity	Lot 517 DP 752033
DE-2017/51	Liquor Licence - Thistle Soccer Club Sporting Event	Lot 517 DP 752033
DE-2017/54	Liquor Licence - Sporting Event Soccer Club Room Sth	Lot 517 DP 752033
DE-2019/27	Liquor Licence - Notification of Sporting Events - Helensburgh (Thistle) Soccer Club Room Sth - Rex Jackson Park Helensburgh	Lot 517 DP 752033
DE-2019/30	Liquor Licence Transfer - Helensburgh (Tigers) Rugby League Club - Rex Jackson Park Helensburgh (Northern Building)	Lot 517 DP 752033
DE-2019/31	Liquor Licence (multi-function) - Helensburgh (Tigers) Rugby League Club - Rex Jackson Park Helensburgh (Northern Building)	Lot 517 DP 752033
DA-2009/1365	Demolition and extension to front verandah and new awning over verandah - Helensburgh Tigers Rugby League Club	Lot 940 DP 752033
DA-2009/842	Resurface two (2) existing courts and build two (2) new courts - Helensburgh Netball Club Inc	Lot 940 DP 752033
DA-2014/997/A	Use of existing shipping containers for storage of game and event equipment and use of temporary food stall during events- Helensburgh Tigers Rugby League Club	Lot 940 DP 752033
LG-2014/23 LG-2015/32	Coffee van at Rex Jackson Oval Saturdays 8am to 4pm- The Morning Brew	Lot 940 DP 752033
LG-2018/51 LG-2019/100 LG 2021/123	Community Event - use of community land to host community Christmas carols and family activities – 14 December 2019 - DA-2017/1102/A	Lot 940 DP 752033 Lot 7066 DP 1031042 Lot 7076 DP 96784
PJ-2473	Helensburgh Cricket Club Nets Upgrade – 2015 Council	Lot 7306 DP 1142241
BA-1973/3291	Tennis court and shed	Lot 7076 DP 96784
DA-2016/1394	Community Christmas carols on Saturday 17 December 2016 – Hope Church 2508	Lot 7076 DP 96784

Consents	Description	Land
DA-2017/1102/A	Community Event - use of community land to host community Christmas carols and family activities to 2024 on second Saturday in December – Hope Church 2502	Lot 7076 DP 96784

Figure 5 Charles Harper Monument



The Charles Harper monument bears the inscription:

"CHARLES HARPER Accidentally killed 4th August 1888 At his post of duty As Manager Of the Metropolitan Coal Company's Colliery, Helensburgh Aged 53 years Genial, Generous and Just This Stone was erected As a mark of honour to his memory By Miners that had been In his employment And Others Who esteemed him on account of His manly qualities."

3.1.3 History of Charles Harper Memorial

(Abridged from <http://www.historichelensburgh.org.au/charles-harper-memorial>):

During the month of October 1884, Mr. Charles Harper, regarded as the founding father of Helensburgh, and a crew of mining engineers and labourers, moved into the Helensburgh area to begin drilling for "Black Diamonds", that is, coal. They are believed to have been the earliest Europeans to settle in the area. They found an abundance of water available in Camp Creek and set up a drilling rig close by with which they drilled to a depth of 726 feet, but no coal. They tried again, moving the drilling rig more than a mile to the east, close by the 28 mile peg on the Illawarra Railway line which was being surveyed at the time. This time they were successful, locating a 12ft. 3in. seam at a depth of 1,100 feet. Satisfied with the location and the drilling, the beginnings of a township were laid out on the heights above the drilling area. This became known as Camp Creek but was later changed to Helensburgh.

On the 3rd of March 1886, Sir Norman Wisdom, who was to become the first chairman of the Metropolitan Coal Company, turned the first sod for the sinking of the main shaft, the diameter of which was 16ft. By 1888, ten trucks of coal per week were being shipped to Sydney. Tragedy struck on Saturday August 4th 1888 when Charles Harper, who was now the manager of the mine, was killed while supervising the installation of a winding engine in the air shaft. A wire rope, being used to haul the engine, snapped and hit Mr. Harper. He died a

short time later. Charles Harper was buried in the churchyard of St. Augustine's Anglican Church at Bulli. The Helensburgh cemetery was not to open until 1892. The mourners numbered in the hundreds, such was the esteem in which Charles was held by everyone who had dealings with him, both at the Helensburgh mine and at Clifton and Greta Collieries, mines which he had previously managed. His wife and nine children, six boys and three girls, along with hundreds of mourners, attended the service. Since there was still two years to go before the first train would travel from Sydney to Wollongong, Helensburgh locals and miners were forced to either walk or travel by buggy. The Mail coach now travelled along the Illawarra road, through Bluegum forest to Stanwell Park and along the coast road. Some locals caught the coach at the end of Cawley road, the buggies took the same path, but the miners walked up the rough track that later became Parkes Street and then the 20 miles to Bulli. The Miners Lodges at both Helensburgh and Clifton Collieries organised the collection of donations for a "fitting Memorial Stone" to be placed over Mr. Harper's grave. The stone column, with carved decorations and lettered marble face tablet, was duly erected and dedicated.

In 1983 St Augustine's Church at Bulli was about to do some rebuilding and this would result in some of the older grave stones and headstones being relocated. The Historical Society approached the church authorities and the National Trust to discuss the possibility of moving the Harper memorial stone to Helensburgh. The plan evolved to move the stone to Helensburgh Park and have the Park renamed "Charles Harper Park." Wollongong City Council and the National Trust agreed and Australian Iron and Steel Ltd. (BHP), owner operator of the Helensburgh mine, agreed to meet the cost of moving and renovating the memorial and the construction of an appropriate base for the Memorial Stone. The stonework was undertaken by local stonemason, Mr. Tom Nagle. The unveiling of the memorial became a focal point of the two weeks of Centenary Celebrations. Mr. Rex Jackson, the member for Heathcote, unveiled the memorial on Sunday 7 October 1984. Over 150 descendants of Charles Harper came from three states of Australia to join with hundreds of townspeople and visitors to witness the renaming of the Park and the rededication of the memorial.

Recommended management of Harper Monument from 2018 updated Statement of Significance:

Retain in situ and keep surrounding area clear and accessible to public. Any future additional elements should respect the priority of older elements and should not visually or physically dominate over them.

Figure 6 Miners Memorial



This memorial to mining is an additional interpretive element within Charles Harper Park. The Park itself (along with the Charles Harper Memorial and Pines and the WW2 memorial) is a locally listed Heritage Item under Wollongong Local Environmental Plan 2009 (LEP).

A site assessment on 31 January 2022 identified protruding metal rail spikes in the railway sleepers, deteriorated sheet metal and strapping comprising the carriages and deteriorated overhead beams.

Temporary fencing installed (in accordance with a Heritage Exemption under Clause 5.10(3) of the LEP) shortly after the site inspection will remain in place until measures appropriate to its heritage value are considered in consultation with the community stakeholders such as the Helensburgh Historic Society and the Helensburgh Lions Club and carried out when funding is made available in future budgets of Council.

Figure 7 War Memorial



The war memorial consists of a stone wall clad in stone and a composition that presents a modern interpretation of a symbolically severed column, set on an elevated base. Metal plaques on the composition indicate that it was erected to commemorate soldiers - local residents who fought in WW2. Smaller individual plaques on the wall detail 36 names, each with rank, date of birth and death, and unit. These include veterans who died after the war as well as the soldiers died in battle

Explanation of Local Heritage Significance under the Wollongong 2009 LEP

Charles Harper Park (with its Harper Monument, Pine Tree plantings, WW2 war memorial and mining monument) is of significance for the Wollongong area for historical, social, and aesthetic reasons. The Park demonstrates the history of the township by commemorating persons, events and highlighting the pivotable role of mining. Socially, the park is more than an aesthetically pleasing urban parkland, it is where the community comes together and expresses its character and continues to be a place where people recreate, commemorate, and contemplate. This heritage item is number 6124 under the Wollongong 2009 Local Environmental Plan (LEP). The curtilage or setting of the Charles Harper Park heritage item extends to most of the Helensburgh Pool facilities and a portion of the carpark. Additional heritage assessments are triggered when new activities, uses or developments are proposed within the curtilage area of any heritage listed item within the Wollongong Local Government Area. Heritage listed items all have defined curtilage areas and occur on privately owned land and land owned by local, state, and federal governments. See Figure 8 for the curtilage area of Charles Harper Park - Heritage item 6124.

Figure 8 Heritage Item 6124 - Charles Harper Park Curtilage



3.2 New Activities, Uses and Developments

This Plan of Management **permits new activities, uses and developments that meet community needs (as they evolve over time)** consistent with this PoM.

3.2.1 Identified Need – Combined Community Centre and Library Facility

One of the identified needs of Helensburgh is a combined Community Centre and Library facility.

- In 2017 Council identified that a new library was needed and consulted with the community about what they were looking for in a new library. The existing Helensburgh library (57 Walker Street) is a small demountable structure from the 1980s on bushfire risk affected land.
- In 2019 during the development of the Council's 2020 – 2045 Helensburgh Town Centre Plan, the community told Council that a combined Community Centre and Library facility with adequate parking was needed. At the time the current Helensburgh community centre (26-26a Walker Street) had a flow of water under the subfloor that limited its use and required ongoing rectifications.
- In 2020 Council consulted with the community about what they would need in a new community centre.
- 2020 Helensburgh Town Centre Plan and Streetscape Masterplan.
- In 2021 Council talked with the community again to reconfirm community expectations of a combined Community Centre and Library Centre and to update them on the planning for the project.
- In May 2022 the Helensburgh Community Centre was closed permanently due to public health concerns relating to unprecedented mould growth during the continuous wet weather of late 2021 and into 2022. Council has undertaken many unsuccessful treatments to address damp over the last ten years.

The ideal site for a Combined Helensburgh Community Centre and Library is a location that is well visited by the public currently, outside of the bushfire prone land or the its buffer zones and large enough to provide a fit for purpose community facility like those that are serving the communities of Corrimal, Dapto, Thirroul and are in the planning for Warrawong in line with Council's [Places-for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028](#).

Locating a new Helensburgh Community Centre and Library either integrated with new Pool amenities/office or collocated near the Helensburgh Pool facilities (within the area categorised as "General Community Use") would fit the ideal site criteria. This PoM proposes to permit such a needed facility. Advice from NSW Crown Lands advises that such as facility would not be consistent with a Crown reserve purpose of "public recreation" but would be consistent with a Crown reserve purpose of "community purposes" so information is provided in sections 3.2.2 -3.2.2.2. for the Minister to consider. Under the Permissible Uses and Developments Table in this PoM up to 2% of the land uses or developments could be for "community purposes".

The siting and design of any future facility that would be enable by the Plan of Management would appropriately respond to cultural context and Aboriginal cultural values.

3.2.2 Additional Crown Reserve Purpose needed to facilitate Combined Facility

Crown reserve purposes are set by the NSW Government, historically through notices in the NSW Government Gazette (i.e.: gazettal). Crown reserves are to be used in accordance with their Crown reserve purpose or purposes as set out in sections 2.12 and 2.13 of the CLM Act:

Under section 2.12 of CLM Act

“Dedicated or reserved Crown land may be used only for the following purposes—

- (a) the purposes for which it is dedicated or reserved,*
- (b) any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,*
- (c) any other purposes authorised by or under this Act or another Act.*

Under section 2.13 of CLM Act

Dedicated or reserved Crown land that is dedicated or reserved for use for more than one purpose may be used for any one or more of those purposes.

The reserves under this PoM have the same single “public recreation” purpose.

Under section 3.38 of the CLM Act:

“Dedicated or reserved Crown land can be used for a purpose specified in a plan of management as a purpose that is additional to the purposes for which the land is dedicated or reserved.”

As noted earlier, Council has been given advice from NSW Department of Planning and Environment - Crown Lands that while the public recreation purpose can support a wide variety of recreational, social, leisure and sporting activities and related developments; building a combined Community Centre and Library is not in keeping with the reserve purpose of public recreation. Primarily, back in the late 1890s when the Helensburgh Park Crown reserves were gazetted, both **public recreation** and **public library** were available public purposes that the NSW Government could have applied to these reserves and purposely chose to gazette only **public recreation**.

Under **Section 2.14 of the CLM Act**, the Minister may authorise dedicated or reserved Crown land to be used for one or more **additional** purposes. To do so, the Minister must be satisfied the use of the land for the additional purpose would:

- be in the public interest and
- not be likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved – considerations relative to material harm include:
 - the proportion of the area of the land that may be affected by the additional purpose
 - if the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities
 - the degree of permanence of likely harm and in particular whether that harm is irreversible
 - the current condition of the land
 - the geographical, environmental and social context of the land

Under this PoM, Council is requesting that the additional Crown reserve public purpose of **“Community Purposes”** be added both Helensburgh Park Crown Reserves numbers 500340 and 500345 (see Table 5) as it is in the public interest and not likely to materially harm the use of the land for the existing purpose of **“public recreation”** (see PoM sections 3.2.2.1 and 3.2.2.2).

Table 5 Reserve Purpose and Land Parcels within Helensburgh Park PoM Area

Helensburgh Park Crown reserve Number, Description, Area	Existing Reserve Purpose & Additional Reserve Purpose in accordance with sec. 3.38 of CLM Act by this PoM	Land Parcels and Location
<p>500345</p> <p>The reserve includes the majority of Rex Jackson Park, all of Charles Harper Park and all of the Helensburgh Pool and covers a total area of 118,954 m² or 11.89 hectares.</p> <p>In Figure 1 this reserve is shown with a blue outline.</p>	<p>Public Recreation</p> <p>Gazetted 29 March 1892</p> <p>Community Purposes</p> <p>In effect as of date of PoM adoption under the CLM Act (<i>date not yet known</i>)</p> <p>Adding this purpose to the reserve ensures:</p> <p>if a future Combined Helensburgh Community Centre and Library (HCCL) is built by Council and used by the community, it is in accordance with a Crown reserve purpose that applies to the land to comply with sec. 2.12 and 2.13 of CLM Act.</p>	<p>Lots 517, 940 DP 752033,</p> <p>Lots 7065-7066 DP 1031042,</p> <p>Lot 7306 DP 1142241</p>
<p>500340</p> <p>The reserve includes Tennis Courts, Cricket Ground, and an entrance and parking for both Rex Jackson Park, Charles Harper Park and the Helensburgh Pool. The total area is 21,911 m² or 2.19 hectares.</p> <p>In Figure 1 this reserve is shown with a black outline. It is the smaller reserve with part of Park Avenue (up to the corner with Blackwell Street) is the western boundary. A small portion of the reserve's southern boundary fronts the corner of Boomerang Street and Waratah Street.</p>	<p>Public Recreation</p> <p>Gazetted 8 October 1898</p> <p>Community Purposes</p> <p>In effect as of date of PoM adoption under the CLM Act (<i>date not yet known</i>)</p> <p>Adding this purpose to the reserve ensures:</p> <p>if a future Combined Helensburgh Community Centre and Library (HCCL) is built by Council and used by the community, it is in accord with a Crown reserve purpose that applies to the land to comply with sec. 2.12 and 2.13 of CLM Act.</p>	<p>Lot 7076 DP 96784</p>

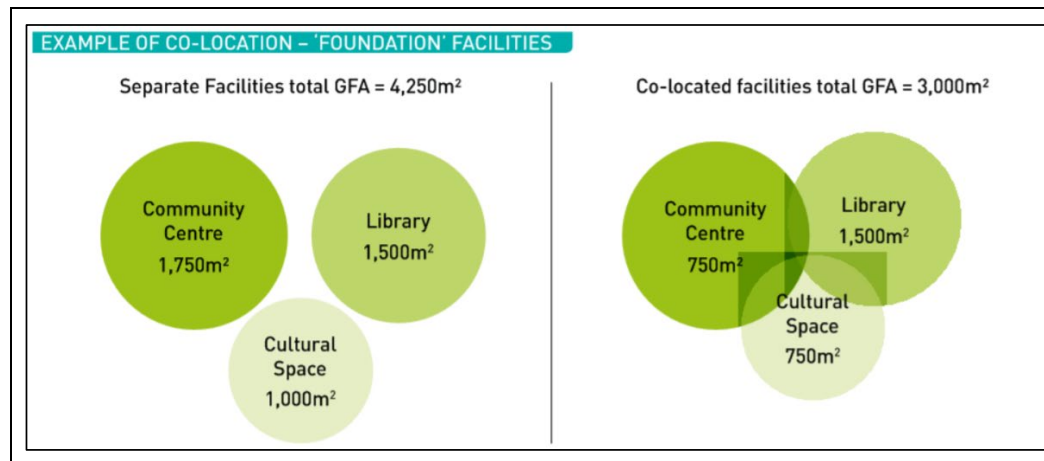
3.2.2.1 Combined Community Centre and Library is in the Public Interest

As outlined earlier in the PoM, the Helensburgh community needs a combined Community Centre and Library with modern disability accessible design and providing for a range of community offerings from student research to child story book times to Zumba classes as are available in Council's existing combined community centres at Corrimal, Thirroul, and Dapto.

There may be scope to integrate or co-locate with the Helensburgh Pool. The Corrimal Pool and the Corrimal Community Centre/Library is an example of such existing co-location. Co-located facilities have economies of scale and are a key tool described in Council's [Places-](#)

for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028 to meet changing community needs in relation to social infrastructure (Figure 12).

Figure 9 Co-location - Places for People Wollongong Social Infrastructure



Council's Places for People Wollongong Social Infrastructure Planning Framework 2018-2028 links the elements of community, needs, services and activities with assets and facilities, recognising the relationship between the purpose of our infrastructure and its form, location and management. Places for People will provide the strategic direction and guiding principles for Council to identify where and when new assets are required and where and when existing assets should be renewed, re-purposed or retired.

Figure 10 lists the types of Social Infrastructure that the strategic planning framework addresses. Within the PoM area there are Sports Clubhouses and meeting rooms where the strategy applies and if a combined Community Centre and Library is built within the PoM area it will be in accordance with the framework's guiding principles of Holistic, Fit for Purpose, High Quality, Strategic, Equitable and Sustainable.

An example of a facility developed in accordance with the framework's principles is the district level Warrawong Community Centre and Library facility that is currently under the development assessment (DA-2021/1279). While the future Helensburgh community centre and library facility will be of a smaller scale than Warrawong, the planning and implementation process will be similar as they are both underpinned by the Council's Social Infrastructure Framework.

Figure 10 People for Places Social Infrastructure Types



The future Combined Helensburgh Community Centre and Library will be a "Foundation" Social Infrastructure Facility. Council's Framework defines such facilities as follows:

"Foundation social infrastructure facilities are intended for wide community use, are utilised by the community on a daily basis and provide community spaces for a variety of activities...either managed and operated directly by Council or is managed on behalf of Council under a licence, by a community group."

Foundation social infrastructure facilities developed in line with the framework's principles are in keeping with the "objects" of the CLM Act and the "principles of Crown land management" set out in sections 1.3 and 1.4 of the Act (Table 6) and therefore are in the public interest.

Table 6 CLM Act - Objects and Principles of Crown Land Management

CLM Act section 1.3 – Objects of Act	CLM Act section 1.4 - Principles of Crown Land Management
<p>1.3 Objects of Act</p> <p>The objects of this Act are—</p> <ul style="list-style-type: none"> a) to provide for the ownership, use and management of the Crown land of New South Wales, and b) to provide clarity concerning the law applicable to Crown land, and c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and e) to facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and f) to provide for the management of Crown land having regard to the principles of Crown land management. 	<p>1.4 Principles of Crown land management</p> <p>For the purposes of this Act, the <i>principles of Crown land management</i> are—</p> <ul style="list-style-type: none"> a) that environmental protection principles be observed in relation to the management and administration of Crown land, and b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and c) that public use and enjoyment of appropriate Crown land be encouraged, and d) that, where appropriate, multiple use of Crown land be encouraged, and e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

3.2.2.2 Combined Community Centre and Library – Material Harm Assessment

Throughout NSW, many Crown reserves have more than one Crown reserve purpose. Section 2.14 (3) of the CLM Act sets out relevant considerations for determining whether the use of the land for an additional purpose would be likely to materially harm its use for an existing purpose.

Table 6 includes the assessment of possible material harm in accordance with Section 2.14(3) of the CLM Act. The assessment is based on a new Helensburgh Community Centre and Library (not to exceed 2,000 sqm in area) within the PoM area. Depending on site constraints and available resources, an upgraded Helensburgh Pool Amenities and Lifeguard Office block may be incorporated bringing the community facility sqm area up to a possible 2300sqm. Upgrading or replacing Pool facilities is compliant with the existing “public recreation” reserve purpose therefore the assessment is based on a facility of 2000sqm.




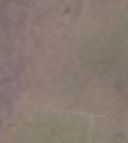


Table 7 Additional Purpose - Material Harm Considerations 2.14 (3) CLM Act

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
<p>(3) Without limitation, the following considerations are relevant to the question of whether the use of dedicated or reserved Crown land for an additional purpose would not be likely to materially harm its use for an existing purpose—</p> <p>(a) the proportion of the area of the land that may be affected by the additional purpose,</p>	<p>The Combined Helensburgh Community Centre and Library Facility is to be a minimum of 1400 sqm up to a maximum of 2000 sqm – this correlates with Council’s recent consultation with the community (see figure 8) and provides for opportunities that may arise if Council or Community Organisations obtain grant funds. Depending on final design the improvements may be a collection of built and open space improvements related to Community Centre or Library activities.</p> <p>Using the maximum of 2000 sqm for the new facility and by comparing it to the entire PoM area of just over 14 hectares (140,000 sqm) only 1.49% of the entire PoM area would be occupied by the new facility.</p> <p>Preliminary feasibility designs have sited the new facility entirely on Crown Reserve 500345 which has a reserve area of 118,954 sqm, so a facility would take up 1.68% of the reserve. If it were to be sited solely within Crown Reserve 500340 it would take up 9.1% of that reserve.</p> <p>It is expected, as with many existing recreational facilities within the PoM area, a portion of the facility or some improvement associated with it such as access route or parking may be across both reserves.</p> <p>Parking for the facility would be shared parking with the existing sporting and recreational facilities such as the pool, tennis, soccer, cricket. Outside of the PoM area some additional parking needed because of the facility will be developed in the adjoining road reserve.</p> <p>The area that is being developed to meet the additional Crown reserve purpose of “Community Purposes” is the size of the facility or the portion of the facility that houses the Community Centre and Library if a co-location or integration with the Swimming Pool Amenities Block is part of the final design. The existing Swimming Pool Amenities Block is 300 sqm and is a use that is consistent with the “public recreation” purpose.</p>
<p>(b) if the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities,</p>	<p>The library and community centre requiring the additional purpose would be a permanent structure, accessible to the general public providing a range of community services similar to other combined Community Centres/Libraries at Corrimal, Thirroul, Dapto and in the development application stage at Warrawong. Many of those activities are recreational in nature such as community exercise classes and meeting space used by community groups with a wide range of interests from Lego to table tennis to gardening. Some uses are in accord with the public recreation purpose as they involve active leisure pursuits.</p>

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
(c) the degree of permanence of likely harm and in particular whether that harm is irreversible,	The life of the facility is expected to be 30 to 40 years. However, in the life of the State of NSW and therefore Crown land that is a short period of time and does not preclude the site of the combined centre being demolished at the end of its useful life and the area once again becoming a sportsground or park. Again, it is noted that many of the activities of a new Helensburgh Community Centre and Library are recreational in nature such as community exercise classes and meeting space used by community groups with a wide range of interests from Lego to table tennis to gardening. Some uses are in accord with the public recreation purpose as they involve active leisure pursuits.
(d) the current condition of the land,	<p>Using the example site location and configuration shown in Table 7, a co-located Helensburgh Community Centre and Library with Pool Facility – the condition of the land and the improvements on the land are poor to good reflecting the age of the Pool amenities block and the upkeep of the carpark.</p> <p>The PoM does not permit existing uses (such as sporting activities) to be greatly impacted negatively by the new Community Centre and Library facility. While a site within the PoM area is not yet determined to the development consent level of detail, the area categorised as “general community use” under this PoM is the area that could accommodate such a community facility and the current condition of that land is explained in section 3.1.</p>
(e) the geographical, environmental and social context of the land,	Helensburgh is situated on a ridgeline at the top of the Illawarra escarpment, in between the Hawkesbury Sandstone and Bundeena Plateau landscapes. The PoM area is located within an area of ‘Disturbed Terrain’. The Helensburgh regions natural landscape consists of a plateau of very low rolling rises and gently inclined slopes which is marked by rocky outcrops and is subject to high erosion and low soil fertility. The soils of the activity area of the example site shown in Table 7 are classified as disturbed, which generally include fill material, reburial of original soils and a high degree of sub-surface modification to a depth of at least 100cm. As the activity area contains disturbed soils, the level of permeability is unclear. Vegetation within the activity area has been cleared. Helensburgh Park is a highly valued area for the community and is marked by the continued gentrification of the area and renovation of local facilities. Recent improvements include an upgraded playground and a war memorial space. The activity area has seen the car park, infrastructure and facilities maintained, and new facilities have been constructed at Rex Jackson Oval to the immediate north-west of the activity area. As noted previously the community’s existing library and community centre are no longer fit for purpose and siting a combined facility within the PoM area addresses a number of community desires without encountering as many site constraints as are in other locations in Helensburgh. Appendix 9 includes the presentation given

CLM Act section 2.14 (3) – Considerations relative to Material Harm	Proposal to add “Community Purposes” as an additional Crown Reserve Purpose to Crown Reserves 500340 and 500345 to enable the development and operation of a new Helensburgh Community Centre and Library facility
	during recent online community meetings held on 15 and 24 July 2021 about planning for the new Helensburgh Community Centre and Library.
(f) any other considerations that may be prescribed by the regulations.	As of present the Crown Land Management Regulation 2018 does not prescribe other considerations.

Table 8 Example Site of Community Centre Library Facility Integrated with Pool

<p>One Possible Example of How a Combined Facility integrated with the Pool could be sited within the PoM Area is shown below – site constraints, budget and legislative approvals will dictate actual Facility configuration if built in PoM area.</p>	
	<p>Site Area</p>
	<p>Combined Community Centre Library Facility Integrated with Upgraded Swimming Pool Amenities building footprint</p>
	<p>Additional Parking - uses Walker Street Road reserve</p>
	<p>Replacing Parking lost by Facility location within PoM area</p>
	<p>Charles Harper Monument – close to site area</p>
	

One Possible Example of How a Combined Facility integrated with the Pool could be sited within the PoM Area is shown below – site constraints, budget and legislative approvals will dictate actual Facility configuration if built in PoM area.

The example site area (the orange outline) is close to the Charles Harper Monument that is categorised as an area of cultural significance. Information on Charles Harper and the related Heritage Item for the Charles Harper Park can be found in section 3.1.3 of this PoM. It is noted that the example building (the pink outline) is farther away from the Charles Harper Memorial.

Obtaining development consent for a Community Centre and Library as shown in the example concept is not a matter than can be pre-determined.

Council has responded to similar circumstances when developing the Thirroul Community Centre and Library when faced with the magnificent tree on site. As shown in the picture below the design met the brief and legislative requirements. When in the main library a visitor feels as if they are a part of that tree.



Thirroul Community Centre and Library - Example of site appropriate design

3.3 Bringing It Together – Existing and New

Helensburgh Park is the largest developed public open space in Helensburgh. It plays a pivotable role in the life of the Helensburgh community and will continue to do so consistent with:

- this PoM
- applicable law (Appendix 1 - Legislation)
- Council Policies (Appendix 2)
- Council Supporting Documents (Appendix 3)
- Crown-land-2031: *State Strategic Plan for Crown land*

Table 9 PoM Permissible Uses and Development brings together the information in Sections 3.1-3.3 with scale and intensity limitations.

Table 9 PoM Permissible Uses and Development

Helensburgh Park PoM Permissible Purposes Uses Developments	Scale and Intensity of PoM Permissible Uses and Developments
<p>1. Activities or uses and development or improvements on the land (new or existing) that are consistent with the Crown reserve purpose of public recreation are permissible with the intent of meeting existing and emerging needs as they arise in the future.</p> <p>Please note: All existing activities, uses and development in section 3.1 are examples that are consistent with the Crown reserve purpose of public recreation.</p>	<p>1.1 Consistent with the intended function of the land, public safety, the known constraints and the wider community context and future needs.</p> <p>1.2 Compatible with existing or future leases or licenses, development consents or other approvals if they are in force at the time of the change in an existing activity, use or development is proposed.</p> <p>1.3 Accords with a Council Supporting Document in effect at the time of the change in an existing activity, use or development is proposed.</p> <p>1.4 Compliant with any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land and Council Policies in effect at the time of the change in an existing activity, use or development is proposed.</p> <p>1.4.1 For example, a building partly or entirely located within the curtilage area of Local Heritage Item 6124 Helensburgh Park, Charles Harper Monument and Pines (Wollongong LEP 2009) requires an Historical Heritage Assessment (HHA) and possibly a Statement of Heritage Impact depending on the outcome of the HHA. The design of the future building would incorporate the recommendations in any future HHA or future Statement of Heritage Impact so that the impact would be mitigated or avoided. Figure 8 of this PoM shows the curtilage area of Item 6124. This example demonstrates compliance with the Environmental Planning and Assessment Act 1979 as Item 6124 is a local heritage item.</p>

Helensburgh Park PoM Permissible Purposes Uses Developments	Scale and Intensity of PoM Permissible Uses and Developments
<p>2. Activities or uses and development or improvements on the land (new or existing) that are consistent with the Crown reserve purpose of community purposes are permissible with the intent of meeting existing and emerging needs as they arise in the future.</p> <p>Please Note:</p> <p>A Different Scale and Intensity measure (sqm) have been developed to cover the possible ways the existing needs of the Helensburgh Community for a better Community Centre and modern Library could be met in the future.</p> <p>Being permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.</p>	<p>Subject to the same scale and intensity limitations as 1.1 – 1.4.1 above</p> <p>And</p> <p>2.1 At any one time (now or in the future) – All community purposes activities, uses and developments (taken in culminative total) are not to exceed 2% of the entire PoM area unless it is a short-term casual event with no permanent structures upon the land.</p> <p>2.1.1 A combined Helensburgh Community Centre and Library between 1,400 sqm to 2,000 sqm (see Section 3.2.2.2) – located within the area categorised as “general community use” in Figure 3 subject to development consent.</p> <p>Or</p> <p>2.1.2 A combined Helensburgh Community Centre and Library and Helensburgh Pool Amenities Block is not to exceed 2,300 sqm (see PoM Section 3.2.2.2) - located within the area categorised as “general community use” in Figure 3 subject to development consent.</p>
<p>3. Short term, casual purposes in accordance with the LG Act and CLM Act regulations</p>	<p>Subject to the same scale and intensity limitations as 1.1 – 1.4.1</p> <p>and</p> <p>Section 3.3.2.1 and 3.3.2.3 of this PoM.</p>

3.3.2 Express authorisation of leases and licences and other estates

The granting of bookings, licences, leases or of other estates relating to permissible uses, developments, activities, events (described in Section 3) is expressly authorised under this PoM, subject to meeting the relevant legislative requirements under the LG Act, the CLM Act and Council policies.

Bookings, leasing, licensing, granting of other estates (such as, but not limited to easements) of land or buildings can be for casual, short, medium or long term, not to exceed 30 years under this PoM.

3.3.2.1 Local Government (General) Regulation 2021 – Clause 116

It is noted that the Local Government (General) Regulation 2021 – Clause 116 prescribes the purposes for which a Council may grant a licence for a short-term, casual basis if the use or occupation does not involve the erection of any building or structure of a permanent nature:

- (a) the playing of a musical instrument, or singing, for fee or reward,
- (b) engaging in a trade or business,
- (c) the playing of a lawful game or sport,
- (d) the delivery of a public address,
- (e) commercial photographic sessions,
- (f) picnics and private celebrations such as weddings and family gatherings,
- (g) filming sessions,
- (h) **the agistment of stock (this is not permissible under this PoM)**

3.3.2.2 Crown Land Management Act 2016 Section 2.20 (3)

Under section 2.20 (3) of the CLM Act “A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved.”

3.3.2.3 Crown Land Management Regulation 2018 Clause 31

It is also noted that the Crown Land Management Regulation 2018 Clause 31 prescribes purposes for which a short-term licence (up to 1 year) may be granted under section 2.20 of the Act:

- (a) access through a reserve,
- (b) advertising,
- (c) **camping using a tent, caravan or otherwise - This is not permissible under this PoM unless the camping is related to a sporting or cultural event and for a period not to exceed temporary use provisions in the Wollongong LEP 2009 and subject to development consent.**
- (d) catering,
- (e) community, training or education,
- (f) emergency occupation,
- (g) entertainment,
- (h) environmental protection, conservation or restoration or environmental studies,
- (i) equestrian events,
- (j) exhibitions,
- (k) filming (as defined in the Local Government Act 1993),
- (l) functions,
- (m) **grazing, (this is not permissible under this PoM)**
- (n) hiring of equipment,
- (o) **holiday accommodation, (this is not permissible under this PoM)**
- (p) markets,
- (q) meetings,

- (r) military exercises,
- (s) **mooring of boats to wharves or other structures, ,(this is not applicable)**
- (t) sales,
- (u) shows,
- (v) site investigations,
- (w) sporting and organised recreational activities,
- (x) stabling of horses, **(this is not permissible under this PoM)**
- (y) storage.

3.4 What Could Change and How under this PoM?

What Council processes are in place when new permissible uses and developments are proposed within the PoM area or existing uses and developments are proposed to change?

A use that is permissible in the PoM means that it is possible to consider, it is not a guarantee or right for it to happen.

For all activities, uses, and improvements on the land through its development, there are considerations, assessments, applications and policies and procedures to ensure compliance with applicable legislation.

There is a wide range regarding level of consideration or assessment dependent on the circumstances. Figures 11, 12 and 13 illustrate some points across the range of consideration or assessment for activities that could occur on land under this PoM.

Table 11 Low Level Considerations - Individual

Low Level – Individual Considerations – “Do I walk the dog to Charles Harper Park today?” – Yes, because I have a leash and I know that Helensburgh Park is not an off-leash Dog park. “Do I ride my bike to Rex Jackson Oval?” – Yes, because I have a helmet and there is a share way and a mountain bike track.”



Walking the dog on a leash in a park or riding a bike on a shareway is at the **low level** of consideration because the person undertaking the activity can make the decision as it does not affect anyone else as long as the person obeys the regulations sign posted in the park or sportsground.

Table 12 Mid-Level Considerations - Individuals and Others

Mid-Level Considerations – Individual and Others - “I am helping the P&C organise this year’s Rainbow Run and Family Fun day this year. I am so glad there is already a development consent, I was told I just need to lodge an Activity Application with Council so we can use a loudspeaker on the day. Good thing that I can do it online”

Or

“I will contact Council on behalf of Little Athletics to see if it would be possible to build a storage shed in the place of the club’s storage container. I can send an email to Council as a start. I know we had to get development consent to put the storage container on site and we have a license over the land I think or is it the container?”

A community organisation holding a one day or half day event is at the **mid level** of consideration because the persons undertaking the activity can not make the decision without some kind of Council approval **and** it has the potential to affect others who are existing users of the reserve. Their rainbow run and family fun day will involve a potentially

large number of people and could use land that is licensed or leased by another community group. It is only for brief period of time, but without consultation or assessment that half day event could be at a critical time for another user if not planned carefully - such as during an under an 11s grand final in football/soccer. In some cases a Council booking is appropriate or in the case of a Rainbow Run and Family Fun day by the Otford P&C it required development consent for 5 years and an annual Activity Application (see Table 3)

A community organisation wanting to place a more permanent structure on the land under this PoM also is at the **mid level** of consideration. While the group does have a license for the use of the container and development consent, a shipping container can be moved around the land or off the land with relative ease when compared with a shed that is affixed to the ground and would require another consent to demolish if the land was needed for another purpose. Additionally while they may seem like minor changes, the existing license agreement and development consent do not confer any other kind of rights to do anything but what the development consent and license agreement expressly state. Like the Rainbow run event, the persons requesting the change cannot make the decision without some form of Council approval **and** it has the potential to affect others who are existing users of the reserve.

Table 13 High Level Considerations - Individuals and Others

High Level Considerations – Individuals and Others - *“I think Charles Harper Park is a great place to have markets on the weekends. Every Saturday morning would be great. I don’t know why the Council doesn’t have markets there already”*

Or

“Deciding where exactly within the PoM area the new Helensburgh Community Centre and Library is going to be built.”



While the Helensburgh Town Centre Plan broadly nominates the brown oval area in Charles Harper Park as an area where the “edges of the park will be enhanced to improve visual and physical connections” and there are suggestions of events and markets here and in the Town Centre, it would

be a matter that would affect others who use the park on a regular basis, and it is within the curtilage of Heritage Item 6124 (see Figure 8). Events that happen to have a few market stalls are already a possibility within the PoM area under development consent DA-2020/616. Regular markets that are not ancillary to other events or activities of community clubs may not meet the Crown reserve purpose or scale and intensity requirements in the PoM Permissible Uses and Developments Table without careful planning and negotiation with other park users. The limitations may not make it a viable option for a commercial markets' operator as depending on circumstances it may only be acceptable as a short-term (up to 1 year) use under section 2.20 of the CLM Act. If there is great interest in commercial markets by multiple operators an expression of interest or tender may be required to ensure a fair opportunity for access to being able to run markets in a popular area. **Regular on-going Markets** are a **high-level** consideration because it is a new activity with the potential to impact on existing users and consents must be obtained from Council to undertake the activity and the operator has to have a license to occupy the land on market days. Consents and licenses to occupy land are separate processes with no guarantee of a successful outcome.

In relation to **siting a final location within the PoM area for the Helensburgh Community Centre and Library, to meet the goal of opening the centre by mid-2027**, the following project steps could be taken -

- Council will engage a design team (engineers, heritage professionals, architects for example) who will prepare more detailed design plans and consult with community on those plans.
- A development application based on those plans will be lodged
- The design will be completed through the DA assessment process
- If development consent is granted for a location within the Helensburgh Park PoM area, then depending on whether or not the PoM has been adopted, construction may start straight away or have to wait until the PoM has been adopted.
- Completion and opening of Centre

The siting of a foundation facility such as a library is a significant capital investment and **is at a very high level** of consideration it will have impacts and benefits for up to 50 years for thousands of people.

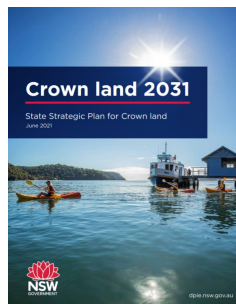
4. PLAN OF MANAGEMENT ACTION PLAN

A Plan of Management is required to identify management objectives and performance targets for the land and in this PoM, these are found in the PoM Action Plan which includes both Tables 9 and 10. The Action Plan has been informed Council's Community Strategic Plan and the State Government's Strategic Plan for Crown Land.



Council has one Plan, the ten-year Community Strategic Plan (CSP), to guide all of its operations including management of community land.

Link: [Wollongong-2028 – the 10-year Community Strategic Plan Wollongong-2028](#)



The NSW State Government has a ten-year vision for Crown land, to guide its management of Crown land directly and through others such as Council. Link:

[Crown-land-2031-State-Strategic-Plan-for-Crown-land](#)

The Priorities for the State under this Strategic Plan are -

- Strengthen community connections with Crown land
- Accelerate economic progress in regional and rural NSW
- Accelerate the realisation of Aboriginal land rights and native title in partnership with Aboriginal people
- Protect cultural heritage on Crown land
- Protect environmental assets, improve and expand green space and build climate change resilience

4.1 PoM Action Plan Management Objectives

Tables 9 and 10 form the Helensburgh Park PoM Action Plan.

Council will manage the land under this PoM towards these objectives:

Table 10 PoM Action Plan Management Objectives

#	Helensburgh Park Action Plan Management Objectives	Source
1	We value and protect our environment	Wollongong 2028 Goal
2	We have an innovative and sustainable economy	As above
3	We have a creative, vibrant city	As above
4	We are a connected and engaged community	As above
5	We have a healthy community in a liveable city	As above
6	To encourage, promote, and facilitate recreational, cultural, social and educational pastimes and activities	LG Act Core Objective for land categorised as Park
7	To provide for passive recreational activities or pastimes and for the casual playing of games	As above
8	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management	As above
9	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.	LG Act Core Objective for land categorised as Sportsground
10	To ensure that activities are managed having regard to any adverse impact on nearby residences.	As above
11	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 in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and 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).	Core Objectives for land categorised as General Community Use
12	To retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods. Those conservation methods may include any or all of the following methods:	LG Act Area of Cultural Significance Core Objective

#	Helensburgh Park Action Plan Management Objectives	Source
	<ul style="list-style-type: none"> (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. <p><i>(A reference to land in the above includes reference to any buildings erected on the land)</i></p>	

Table 11 PoM Action Plan

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
<p>1. We have an innovative and sustainable economy*</p> <p>*Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9</p>	<p>1.1. New and Existing Recreational, Social, and Community pursuits are successfully operating in line with council policy, lease or license terms and development consents</p>	<p>1.1.1 Continue the use of Helensburgh Park as a place to hold recreational, social and community events.</p> <p>1.1.2 Ensure that leasing and licensing of permissible uses and activities is current and in line with Council policies.</p> <p>1.1.3 Consider ways relevant Council Supporting Documents such as, but not limited to, the ones listed below can be applied to the PoM area consistent with the PoM Permissible Uses and Developments Table:</p> <ul style="list-style-type: none"> • Economic Development Strategy 2013-2023 • Play Wollongong Strategy 2014-2024 • Sportsground and Sporting Facilities Strategy 2017-2021. • Wollongong Social Infrastructure Planning Framework 2018-2028 <p>1.1.4 Provide sustainable assets for the community by recognising and considering the full cost of Council acquiring and operating assets throughout their lifecycle and managing these assets in line with the Council's adopted strategic directions in order to respond to the needs of our community.</p>	<p>1.1.1.1 Number of community and social events held in the PoM area remains the same or increases from 2021</p> <p>1.1.1.2 Number of bookings, licenses, leases within the PoM area remains the same or increases from 2021</p> <p>1.1.1.3 1 A development application is lodged for a combined Helensburgh Community Centre and Library in 2023</p> <p>1.1.1.4 1.1.4.1 The design, services proposed, and operational needs of the Combined Community Centre and Library presented in the development application is value for money and of a high quality and durable standard to account for lifecycle and strategic directives.</p>

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
2. We have a creative, vibrant city* *Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9	2.1 Events held at within the PoM area are suitable for the setting and provide creative and vibrant opportunities for the community across a range of social, cultural, recreational, and sporting activities 2.2 The creative infrastructure at Helensburgh Park is well maintained or improved (monuments, art works, heritage signage)	2.1.1. Same as 1.1.1 – Continue the use of Helensburgh Park as a place to hold community and social events. 2.2.1 Regular maintenance and operational upkeep is ongoing within the PoM area and creative infrastructure is regularly inspected and appropriate maintenance undertaken in response to condition in consultation with the Asset Manager.	2.1.1.1 Same as 1.1.1.1 – Number of community and social events held in the PoM area remains the same or increases from 2021 2.2.1.1 Maintenance Requests are carried out in a timely manner.
3 We are a connected and engaged community	3.1 The community is informed and has an opportunity to be	3.1.1 Exhibition of the draft PoM for public comment prior to finalising the PoM occurs. 3.1.2 Leasing and licensing within the PoM area will meet the public exhibition requirements of section 47 and	3.1.4.1 Exhibition of the Draft PoM occurs, and comments are received and considered by Council

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
	engaged with events, plans, projects and uses at Helensburgh Park.	<p>47A of the LG Act and consider submissions made during exhibition of the leasing and licensing proposals</p> <p>3.1.3 For events and Infrastructure projects within the PoM area, information will be accessible via Council's website and social media outlets to keep the public informed.</p> <p>3.1.4 Development Applications (DAs) for uses, activities or developments within the PoM area will meet the public exhibition requirements of the EP&A Act and consider submissions made during exhibition.</p>	<p>3.1.2.1 Exhibition of leasing and licensing within the PoM area occurs and comments are received and considered by Council</p> <p>3.1.3.1 Information is posted on Council's website as events and infrastructure and projects</p> <p>3.1.4.1 DAs are exhibited for comment as required under the EP&A Act and submissions are considered by Council.</p>
<p>4 We have a healthy community in a liveable city*</p> <p>*Objective fits with Park, Sportsground and General Community Use Core Objectives in Table 9</p>	<p>4.1 Community members use Helensburgh Park for active and passive recreational and community pursuits</p> <p>4.2 same as 1.1 - New and Existing Recreational, Social, and Community pursuits are successfully</p>	<p>4.1.1 Continue to maintain the PoM area to a standard that encourages the community to exercise, engage in organised sport, be social and enjoy their surrounding open space and parkland.</p> <p>4.2.1 same as 1.1.2 - Ensure that leasing and licensing of permissible uses and activities is current and in line with Council policies.</p>	<p>4.1.1.1. People continue to use Helensburgh Park for their community, social, recreational, and sporting needs. Visitor numbers to Helensburgh Park remains the same or increases from 2021.</p> <p>4.2.1.1 same as 1.1.2.1 Number of bookings, licenses, leases within the PoM area remains the same or increases from 2021</p>

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
	<p>operating in line with council policy, lease or license terms and development consents</p> <p>4.3 Helensburgh Park PoM area is more integrated and connected even more with the heart (Centre) of Town than in 2021.</p>	<p>4.2.2 Manage playgrounds in the PoM area in accordance with the Play Wollongong Strategy 2014-2024 or its successor</p> <p>4.2.3 Sport facilities in the PoM area are managed in accordance with the Sportsground and Sporting Facilities Strategy 2017-2021 or its successor.</p> <p>4.2.4 Community Facilities in the PoM area are managed in accordance with the Places for People Wollongong Social Infrastructure Planning Framework 2018-2028 or its successor.</p> <p>4.3.1 Implement the Helensburgh Town Centre Plan and Streetscape Masterplan</p>	<p>4.2.2.1 The number of visitors to the playground from increase from 2021 while amenity remains high.</p> <p>4.2.3.1 The number of participants in sport increase from 2021 numbers without a decrease in existing condition of grounds due to appropriate management.</p> <p>4.2.4.1. same as 1.1.3.1- A development application is lodged for a combined Helensburgh Community Centre and Library in 2023.</p> <p>4.3.1.1 Completed Town Centre Streetscape Masterplan projects increase the numbers of visitors to Charles Harper Park as it adjoins the Town Centre Plan area.</p>
5. Core Objective of Area of	5.1 The War memorial, Charles Harper	5.1.1 The current levels of service provision be maintained or increased to respond as needed to incidents for the memorial and monuments.	Those who visit Charles Harper Park understand the heritage value of the monuments and memorial.

Objective (an end towards which efforts are directed)	Performance Target (an objective or goal to be performed)	Means of Achievement – Actions (How Council or the community can achieve the objective and performance targets)	Performance Measure (How Council can assess the performance of the means of achievement)
Cultural Significance To retain and enhance the cultural significance of the area for past, present and future generations by the active use of conservation methods.	Monument and Mine memorial are maintained to a high standard, free of graffiti, signs of poor maintenance or overgrown shrubs that obscure inscriptions.	5.1.2 Public Art, Heritage Assets are managed in line with Creative Wollongong 2019-2024 and Council's Heritage Strategy 2019-2022 or its successor. 5.1.3 Conservation methods may include any or all of the methods specified in section 36H of the Local Government Act 1993 or otherwise specified in a	

Assessing Progress and Formal Review

Council reports on the progress toward implementing Wollongong 2028 quarterly. Wollongong 2028 encompasses all Council services, supporting documents and capital works. This PoM is a legislative enabling document rather than a supporting document as its primary actions from the PoM Action Plan can be achieved within existing operating and services levels and capital budgets. The Community Centre and Library that is enabled by this PoM's permissible uses and developments is already in Council's Delivery Program. Each Plan of Management developed by Council addresses a unique set of circumstances. While they all meet LG Act or CLM Act requirements, some are supporting documents with actions requiring consideration in future Council business proposal processes because they are unfunded and may constitute a new direction for Council in its management of the subject land.

This Helensburgh Park Plan of Management is proposed to be formally reviewed five years after its adoption to assess progress towards Action Plan performance targets and to address any changes in community needs or legislative requirements.

Appendix 1 – Key Legislation

The management of land is a complex interaction between governments and the community. Users of community land may be:

- residents
- out of town visitors or tourists
- community or commercial organisations.

All users of Helensburgh Park Crown reserves must comply with this plan of management and any relevant Council policy, supporting document, state or federal legislation and any booking, licences or lease agreement. Additionally, when in the PoM area, adhering to directives found in regulatory signage in Charles Harper Park or the tennis or rugby fields or on the Mountain Bike track is important for social cohesion and sustainability of Council's management of the area to an appropriate standard. As of the time of making this PoM, the key legislation affecting the use of Crown community land is listed in the Table below. It is not an exhausted list and is subject to change. In this Appendix a list of the key legislation that may affect land under this PoM is in the table.

Key Legislation	Description or Listing of Purposes or Objectives of Act
<p>Crown Land Management Act 2016</p> <p>Link to NSW legislation website:</p> <p>Crown Land Management Act 2016</p>	<p>Council is the Crown land manager of the Crown reserves described in this Helensburgh Park Plan of Management in accordance with the legislation and conditions imposed by the minister administering the Crown Land Management Act 2016.</p> <p>The use of the land under this plan of management must:</p> <ul style="list-style-type: none"> • be consistent with the purpose for which the land was dedicated or reserved • consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993 • consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists • consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016 • consider any interests held on title • the land must be used and managed in accordance with this PoM and it is noted that community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act. <p>Proposed development that requires approval under part 4 of the EP&A Act, requires landowner's consent for a tenure holder to lodge a development application (DA) on Crown land, unless a development type is covered under section 2.23 of the CLM Act.</p> <p>Section 2.23 of the CLM Act has introduced low impact development types where the Minister responsible for the CLM Act is taken to have given landowner's consent on behalf of the Crown to make a development application (DA) under Part 4 of the EP&A Act.</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>Local Government Act 1993 (LG Act)</p> <p>Link to NSW Legislation Local Government Act 1993</p> <p>Division 2 of the LG Act applies to the use and management of community land.</p>	<p>This Act affects the management of Crown Land to the extent authorised under the Crown Land Management Act 2016.</p> <p>The purposes of the LG Act 1993 are as follows—</p> <ol style="list-style-type: none"> to provide the legal framework for the system of local government for New South Wales, to set out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government, to provide for governing bodies of councils that are democratically elected, to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government, to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.
<p>Environmental Planning and Assessment Act 1979 (EP&A Act)</p> <p>Link to NSW Legislation EP & A Act</p> <p>State Environmental Planning Policies (SEPPs), Local Environmental Plans</p>	<p>The objects of this Act are as follows—</p> <ol style="list-style-type: none"> to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, to promote the orderly and economic use and development of land, to promote the delivery and maintenance of affordable housing,

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(LEPs), Development Control Plans (DCPs) are made under this legislation. The legislation also dictates the development assessment and consent framework including infrastructure and environmental impact assessment if development consent is not applicable (for example when the Infrastructure SEPP is applicable)	<ul style="list-style-type: none"> e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), g. to promote good design and amenity of the built environment, h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, j. to provide increased opportunity for community participation in environmental planning and assessment.
<p>Coastal Management Act 2016</p> <p>Link: Coastal Management Act 2016</p> <p>The State Environmental Planning Policy (Resilience and Hazards – Coastal Management) 2021 assists in the implementation of this</p>	<p>The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular—</p> <ul style="list-style-type: none"> a. to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and b. to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and c. to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and d. to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and

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legislation to meet the many objects of the Act.	<ul style="list-style-type: none"> e. to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and f. to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and g. to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and h. to promote integrated and co-ordinated coastal planning, management and reporting, and i. to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and j. to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and k. to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and l. to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and m. to support the objects of the Marine Estate Management Act 2014.

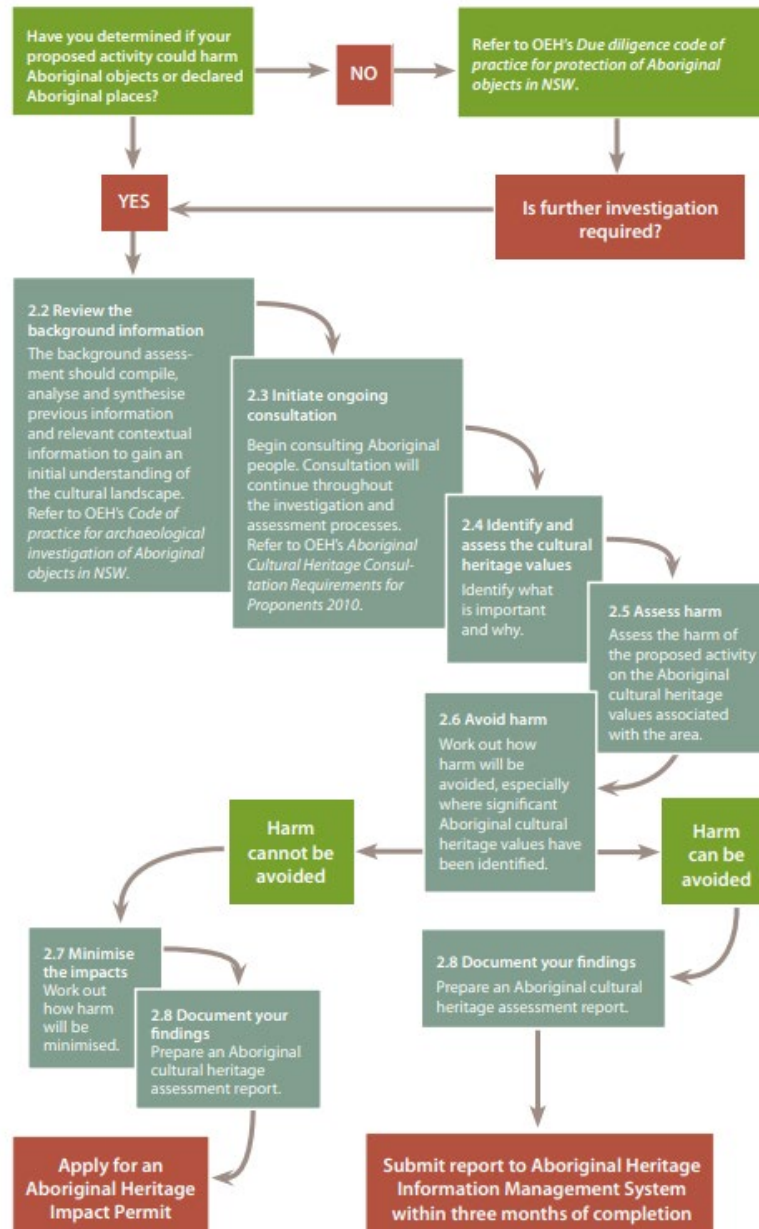
Key Legislation	Description or Listing of Purposes or Objectives of Act
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<p>The Biodiversity Conservation Act 2016 (BC Act)</p> <p>Link to NSW Legislation BC Act 2016</p> <p>Division 2 of this Act covers Biodiversity Stewardship agreements</p>	<p>The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991), and in particular—</p> <ol style="list-style-type: none"> to conserve biodiversity at bioregional and State scales, and to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and to support biodiversity conservation in the context of a changing climate, and to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and to regulate human interactions with wildlife by applying a risk-based approach, and to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and to support and guide prioritised and strategic investment in biodiversity conservation, and

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	<ul style="list-style-type: none"> (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and <p>to make expert advice and knowledge available to assist the Minister in the administration of this Act.</p>
<p>The Rural Fires Act 1997 (RF Act)</p> <p>Link to NSW legislation: Rural Fires Act 1997</p>	<p>The objects of this Act are to provide—</p> <ul style="list-style-type: none"> a. for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and b. for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and c. for the protection of persons from injury or death, and property from damage, arising from fires, and d. (c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and

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	<p>e. for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>.</p>
<p>The National Parks and Wildlife Act 1974 (NPW Act)</p> <p>NSW Legislation Link: NPW Act 1974</p> <p>Aboriginal Places are declared and managed in accordance with this legislation. This legislation also applies to the management of Aboriginal objects within or outside of a declared Aboriginal Place.</p> <p>Aboriginal Objects are known to be present on various land parcels under this PoM and may be present in unknown locations.</p>	<p>The objects of this Act are as follows—</p> <ol style="list-style-type: none"> the conservation of nature, including, but not limited to, the conservation of— <ol style="list-style-type: none"> habitat, ecosystems and ecosystem processes, and biological diversity at the community, species and genetic levels, and landforms of significance, including geological features and processes, and landscapes and natural features of significance including wilderness and wild rivers, the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to— <ol style="list-style-type: none"> places, objects and features of significance to Aboriginal people, and places of social value to the people of New South Wales, and places of historic, architectural or scientific significance, fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation, providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation. (2) The objects of this Act are to be achieved by applying the principles of ecologically sustainable development.

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See more information about investigating and reporting on Aboriginal Cultural Heritage (in the following 3 pages of this table) in compliance with the NPWS Act –	<p>f. (3) In carrying out functions under this Act, the Minister, the Chief Executive and the Service are to give effect to the following—</p> <ul style="list-style-type: none"> i. the objects of this Act, ii. the public interest in the protection of the values for which land is reserved under this Act and the appropriate management of those lands.
<p>Investigating and Reporting on Aboriginal Cultural Heritage</p> <p>The following extracts on the next following pages illustrate the process for investigating Aboriginal Cultural Heritage in NSW in line with the National Parks and Wildlife Act 1974</p>	

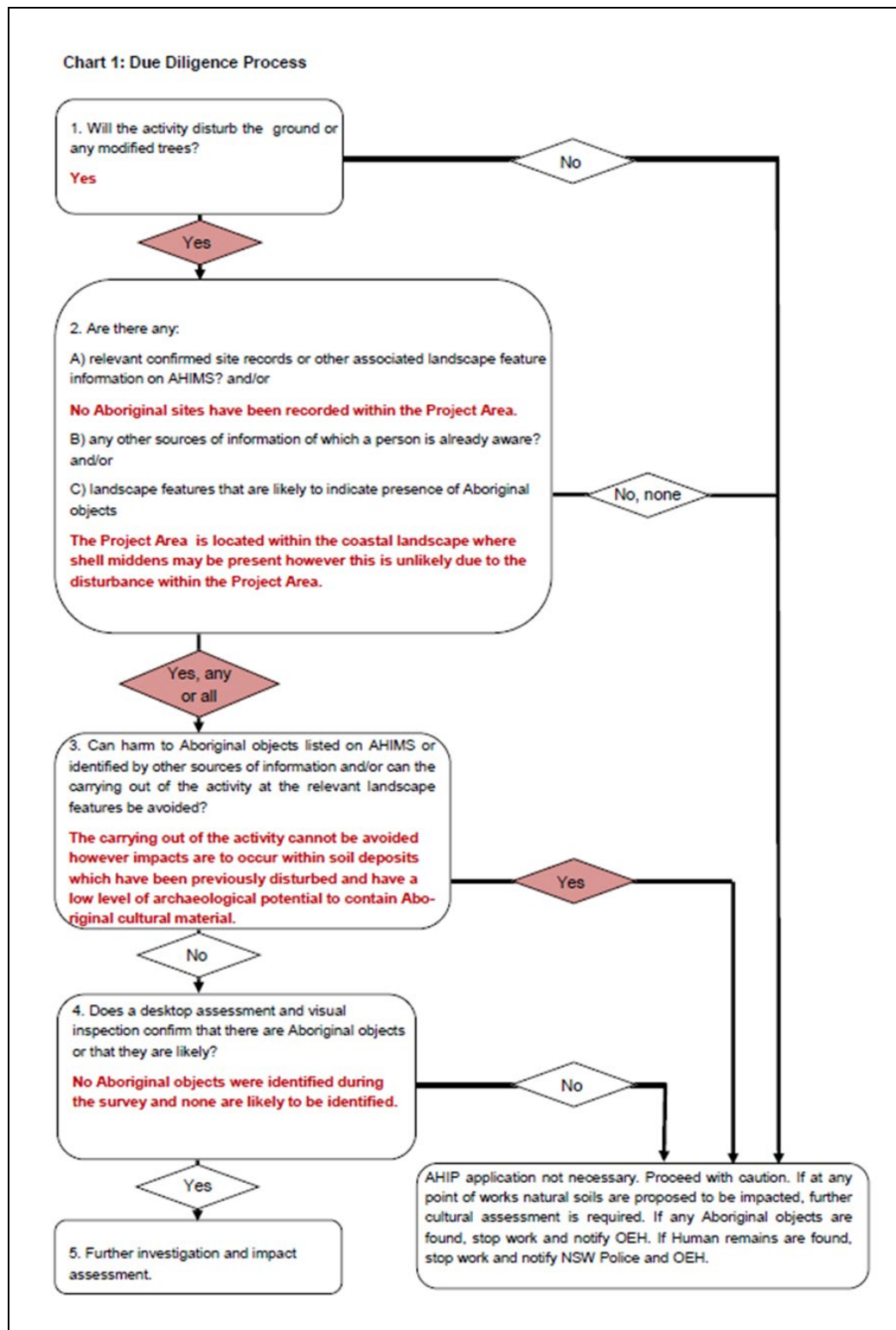
Figure 1: The process for investigating and assessing Aboriginal cultural heritage



Extract from Guide to investigating, assessing, and reporting on Aboriginal cultural heritage in NSW from NSW Government April 2011

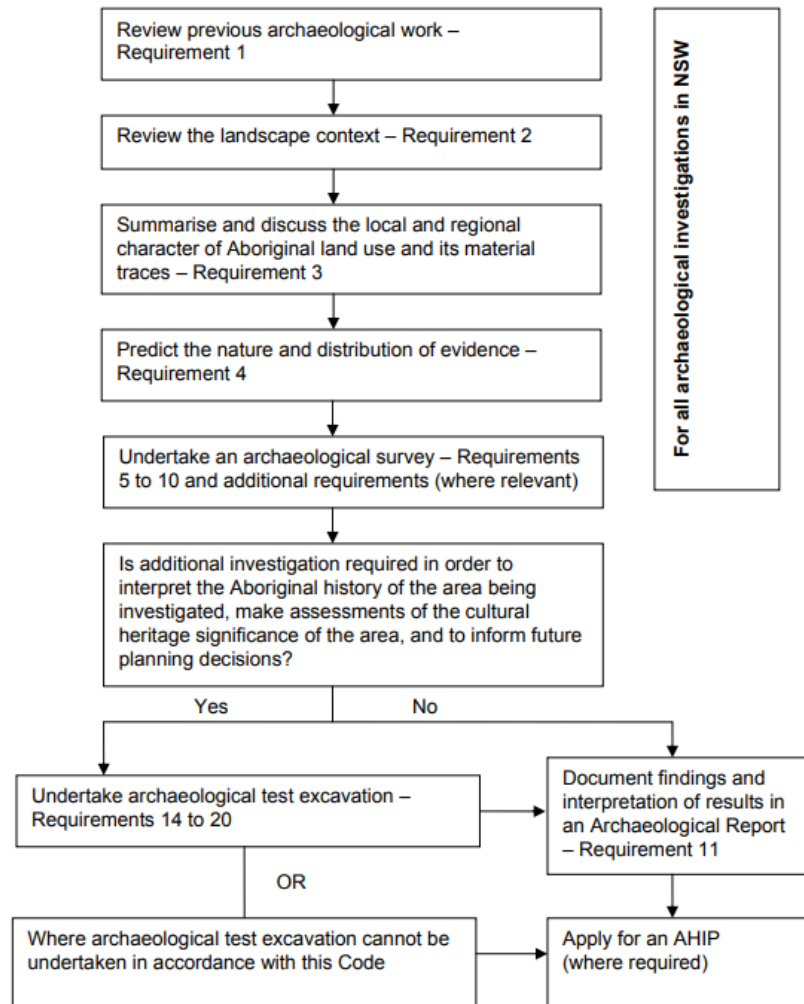
Link to Entire Report is below: [Heritage NSW Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-NSW](#)

A Chart about the Due Diligence Process referenced in the above diagram is on next page.



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<p>Due Diligence reference above may result in requirements for further investigation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW applies.</p> <p>Code of Practice for Archaeological Investigation of Aboriginal Objects</p>	

Figure 1: Requirements of the Code



Link to entire Code of Practice document: [Code-of-Practice-for-Archaeological-Investigation-in-NSW](#). The Code of Practice Archaeological Investigations may result in the need to apply for an Aboriginal Heritage Impact Permit under the NSW National Parks and Wildlife Act 1974. For more information: [Applying-for-an-Aboriginal-Heritage-Impact-Permit-Guide-for-applicants](#)

The Heritage Act 1977

State Heritage Items are to be managed in accordance with this legislation and its regulations, including minimum standards of care.

The objects of this Act are as follows—

- to promote an understanding of the State's heritage,
- to encourage the conservation of the State's heritage,
- to provide for the identification and registration of items of State heritage significance,
- to provide for the interim protection of items of State heritage significance,
- to encourage the adaptive reuse of items of State heritage significance,

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	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>NSW Legislation Link: Heritage Act 1977</p>	<p>f. to constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,</p> <p>g. to assist owners with the conservation of items of State heritage significance.</p> <p>When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct or land, a person will need an approval under this Act to do certain things like, but not limited to, demolish a building, carry out any development on the land, (see section 57 of the Act)</p> <p>Under this Act the Minister can make interim heritage orders for items of State or local heritage significance. Council also has delegation to issue interim heritage orders under certain circumstances</p>
<p>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act – Federal legislation) Federal Legislation Link: EPBC Act</p>	<p>1. The objects of this Act are:</p> <ol style="list-style-type: none"> a. to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and b. to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and c. to promote the conservation of biodiversity; and d. to provide for the protection and conservation of heritage; and e. to promote a cooperative approach to the protection and management of the environment involving governments, the community, landholders and indigenous peoples; and f. to assist in the cooperative implementation of Australia's international environmental responsibilities; and

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	<ul style="list-style-type: none"> g. to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and h. to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.
<p>Fisheries Management Act 1994 (NSW legislation)</p> <p>Link: Fisheries Management Act 1994</p>	<ol style="list-style-type: none"> 1. The objects of this Act are to conserve, develop and share the fishery resources of the State for the benefit of present and future generations. 2. In particular, the objects of this Act include – <ol style="list-style-type: none"> a. to conserve fish stocks and key fish habitats, and b. to conserve threatened species, populations and ecological communities of fish and marine vegetation, and c. to promote ecologically sustainable development, including the conservation of biological diversity, d. and, consistently with those objects— e. to promote viable commercial fishing and aquaculture industries, and f. to promote quality recreational fishing opportunities, and g. to appropriately share fisheries resources between the users of those resources, and h. to provide social and economic benefits for the wider community of New South Wales, and to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect, and promote the continuation of, Aboriginal cultural fishing.
<p>Retail Leases Act 1994</p>	<p>The purpose of this Act is to be the authority on retail shop leases between the tenant and the landlord. Retail shop tenants and landlords must abide by the legislation when entering into leases</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
<p>Link: Retail Leases Act 1994</p>	<p>and conduct themselves in accordance with the Act during the period of the lease.</p>
<p>Contaminated Land Management Act 1997 Link: Contaminated Land Management Act 1997 Council has a Contaminated Land Management Policy and an Unexpected Find Procedure to address legislative requirements.</p>	<ol style="list-style-type: none"> 1. The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3. 2. Particular objects of this Act are— <ol style="list-style-type: none"> a. to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and b. to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and c. to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and <p>(d) to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.</p>
<p>Native Title Act 1993</p>	<p>Native title is the name given to the traditional ownership of land and waters that have always belonged to Aboriginal people according to their traditions, laws and customs. The Native Title Act 1993 sets out how native title rights are recognised and protected.</p> <p>There is a Native Title Claim affecting the PoM area lodged pursuant to the Commonwealth (Cth) Native Title Act 1993 as follows:</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>South Coast People: Tribunal No:NC2017/003 Federal Court No. NSD1331/2017.</p> <p>Registered claimants have procedural rights under Native Title legislation if Native Title may be affected</p> <p>As a Crown land manager under the CLM Act, section 8.7 (1)(d) of the Act requires that Council obtain the written advice of Council's Native Title Manager that the draft PoM complies with the applicable provisions of the native title legislation.</p> <p>Council has received and considered written advice from Council's Native Title Manager in relation to the Helensburgh Park Plan of Management in accordance with Section 8.7 of the CLM Act.</p> <p>Council provided notice of the preparation of this draft PoM to South Coast People via NTSCORP on 7/7/22.</p> <p>If the draft POM obtains Ministers consent to public exhibit for public comment another notices to the South Coast People seeking their comments on the draft PoM will be sent. Any comments received by Council by South Coast People will be considered.</p>
<p>NSW Aboriginal Land Rights Act 1983</p>	<p><i>"There are fundamental differences between land rights and native title. Land rights are rights created by the Australian, state or territory governments. Land rights usually comprise of a grant of freehold or perpetual lease title to Indigenous Australians. By contrast, native title arises as a result of the recognition, under Australian common law, of pre-existing Indigenous rights and interests according to traditional laws and customs. Native title is not a grant or right created by governments."</i> (source: https://www.ag.gov.au/nativetitle)</p>

Key Legislation	Description or Listing of Purposes or Objectives of Act
	<p>Section 2.23(2)l applies when a person makes a change from one land use to another form of land use on a property which, for the purposes of the Environmental Planning and Assessment Act 1979, that person has undertaken development. A change in land use includes a change in the use of a building.</p> <p>For land under this PoM: Section 2.23(2)(c) can be applied in the following circumstances:</p> <ul style="list-style-type: none"> • where Council or a Tenure Holder is the applicant, and • for Council, for a use or development of the land that is consistent with the reserve or dedication purpose and this plan of management or • for Tenure Holders (i.e. holders of a lease or licence), for a use of the land permissible under their licence or lease and this PoM. <p>If Section 2.23 of the CLM Act does not apply to the use or development, then Council or the holder of the lease or licence will need to contact the Crown Lands Office to obtain Owner's Consent to lodge the development application.</p>
	<p>Aboriginal Land Councils constituted under the Aboriginal Land Rights Act 1983 (NSW) can claim Crown Land as compensation for historic dispossession of land and to support the social and economic development of Aboriginal communities. Broadly, Crown Land is claimable if it is not needed for an essential public purpose or being legally used and/or occupied at the time a claim is made. If a claim is successful, the relevant Crown Land parcel is transferred to the claimant Aboriginal Land Council as freehold title. An Aboriginal Land Claim was lodged that affects land under this PoM as follows:</p> <p>NSW Aboriginal Land Council, Claim Number 42492 Lodged 19 December 2016.</p> <p>Council notified NSW Aboriginal Land Council of the draft PoM on 7/7/22. A If the draft POM obtains Ministers consent to public exhibit for public comment another notice to the NSW Aboriginal Land Council seeking their comments on the draft PoM will be sent. Any comments received will be considered. The existence of an undetermined claim over this land gives rise to the need for certain additional procedural steps to be undertaken before any lease or licence can be granted or before any development, which will change the physical condition of the land, can take place. Council will work cooperatively with the NSW Aboriginal Land Claim Investigation Unit and the NSW Aboriginal Land Council (the claimant). Council has no role in determining whether a particular parcel of Crown Land is claimable. However, in the case of Crown Land which Council manages, when requested, Council provides information to the Minister administering the Crown Land Management Act 2016 relating the way the land is used and/or occupied. For more information - https://www.aboriginalaffairs.nsw.gov.au/land-rights/land-claims</p>

Appendix 2 – Council Policies

Council policies explain the way Council works and makes decisions. They are regularly updated. Please find below in the table a list of the Council policies likely to affect the use of land under this PoM. If the link does not work, the policy may have been updated or is no longer in effect because a new policy has been made under a new name. **All** of Council's current policies can be found on Council's website ([Wollongong City Council Policies](#)) –

Council Policy Name/ Link to Document on Council Website	Year adopted
Community-Engagement Policy	2018
Community Participation Plan (2019)	2019
Dogs on Beaches and Parks	2019
Allocation of Community Facilities to Community Groups	2017
Community and Sporting Group Rentals	2018
Community Recognition Program	2018
Commercial-Fitness-Training-Activities-on-Public-Open-Space	2018
Commercial-Surf-School-Activities-on-Foreshore-Public-Open-Space	2016
Clothing-Collection-Bins-on-Council-Land	2018
Crime Prevention	2017
Electric-Vehicle-Charging-Stations-on-Public-Land	2020
Establishment and Maintenance of Alcohol-Free Zones on Public Roads and Footpaths	2018
Graffiti Management	2018
Reduction or Waiver of Hire Fees for Community Rooms and Halls under the Direct Control of Council	2017
Encroachment Policy	2019
Sponsorship of Council Activities	2016
Volunteer Management	2018
Unsolicited Proposals	2019
CCTV Policy and Code of Practice	2018
Civil Works Notification	2018

Council Policy Name/ Link to Document on Council Website	Year adopted
Compliance and Enforcement	2018
Corporate Emergency Planning	2018
Procurement Procedures	2018
Wollongong-DCP-2009-Chapter-E10-Aboriginal-Heritage	2010
Wollongong-DCP-2009-Chapter-E11-Heritage-Conservation	2010
Wollongong-DCP-2009-Chapter-E23-Riparian-Land-Management	2010
Wollongong-DCP-2009-Chapter-E20-Contaminated-Land-Management	2017
Wollongong-DCP-2009-Chapter-E18-Threatened-Species-Impact-Assessment.pdf	2010
Wollongong-DCP-2009-Chapter-E13-Floodplain-Management	2020
Wollongong-DCP-2009-Chapter-E14-Stormwater-Management	2020
Wollongong-DCP-2009-Chapter-E12-Geotechnical-Assessment-of-Slope-Instability	2011
Wollongong-DCP-2009-Chapter-E16-Bushfire-Management	2013
Wollongong-DCP-2009-Chapter-E17-Preservation-and-Management-of-Trees-and-Vegetation	2013
Wollongong-DCP-2009-Chapter-E19-Earthworks	2017
Wollongong Local Environmental Plan 2009	2020
Sustainable Procurement	2014
Clothing Collection Bins on Council Land	2018
Council Property Management - Hardship Assessment Framework	2017
Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads	2017
Legal Costs Payable by Lessees and Licensees of Council Premises other than Retail Premises	2015
Management of Community Halls, Community Centres, Senior Citizens Centres and Neighbourhood Centres	2017
Public Private Partnerships	2018


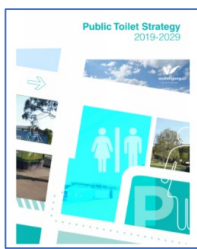



Council Policy Name/ Link to Document on Council Website	Year adopted
Request for Owners Consent for Development Proposals on Council Owned or Managed Land	2017
West-Dapto-Open-Space-Design-Manual	2019
West-Dapto-Open-Space-Technical-Manual	2019
Risk-Management-Framework	2020
Asset-Management Policy	2017
Wollongong-CBD-Night-Time-Economy Policy.pdf	2020
Planning-Agreements Policy.pdf	2020



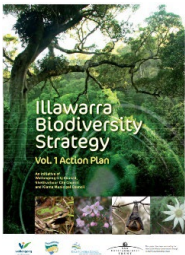

Appendix 3 – Supporting Documents

As noted throughout this PoM, Council's many supporting documents and strategies associated with Wollongong 2028 guide Council's management of community land.

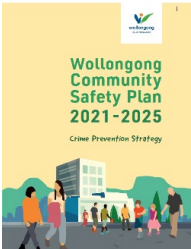
As these supporting documents change in the future in accordance with Council resolutions this portion of this PoM will be administratively updated.

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Play spaces – both traditional playgrounds and natural focused play spaces.</p> <p><i>Link:</i> Play-Wollongong-Strategy-2014-2024</p>
	<p>Sportsgrounds – all types of playing fields and sports facilities.</p> <p><i>Link:</i> Sportsgrounds-and-Sporting-Facilities-Strategy-2017-2021</p>
	<p>Social Infrastructure - all types (including hard and soft social infrastructure) from community centres to surf clubs to libraries and the organisations that use them.</p> <p><i>Link:</i> Places-for-People-Wollongong-Social-Infrastructure-Planning-Framework-2018-2028</p>
	<p>Pools – Not Heated, Heated and Ocean</p> <p>An example of typical management or improvements under the Strategy are as followings from Council's 16 November 2020 meeting of Council:</p> <p>SPK Plumbing and Civil Pty Ltd was engaged by Council to complete the proposed new filtration system to the Helensburgh Toddlers Pool for the sum of \$223,309.</p> <p><i>Link:</i> Future-of-Our-Pools-Strategy-2014-2024</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Public Art in public places Art helps define a place and is incorporated into many parks and opens spaces in the LGA.</p> <p><i>Link:</i> Public-Art-Strategy-and-Guidelines-2016-2021</p>
	<p>Public Toilets on Council managed land.</p> <p><i>Link:</i> Public-Toilet-Strategy-2019-2029</p>
	<p>Heritage listed Items on Council managed land (areas and buildings).</p> <p><i>Link:</i> Wollongong-Heritage-Strategy-2019-2022</p>
	<p>Cycleways and Shared Paths - many of these are on community land as well as road or road reserve Adopted on 11 November 2020.</p> <p><i>Link:</i> Wollongong-Cycling-Strategy-2030</p>
	<p>Expressions of our arts culture, community connectedness and times of celebration</p> <p><i>Link:</i> Creative-Wollongong-2019-2024</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Council's Events Toolkit</p> <p>Council has developed the Events Toolkit as part of implementing the Creative Wollongong Strategy. Council has already development consent ready event sites.</p> <p>The Events Toolkit explains how to apply to hold an event in the Wollongong Local Government Area.</p> <p><i>Link:</i> organise-an-event</p>
	<p>Council's Role in creating a Sustainable Wollongong</p> <p>The Sustainable Wollongong 2030 and the Climate Change Mitigation Plan 2020 are new plans to guide the management of buildings, land and people in the response to climate change.</p> <p><i>Links:</i> Sustainable-Wollongong-2030 Climate-Change-Mitigation-Plan-2020</p>
	<p>Council's Natural Assets as they relate to our region</p> <p>(The Illawarra Biodiversity Strategy was a grant funded partnership plan with Shellharbour and Kiama).</p> <p><i>Links:</i> Illawarra-Biodiversity-Strategy-Volume-1 Illawarra-Biodiversity-Strategy-Volume-2</p>
	<p>Council's Natural Assets in the Illawarra Escarpment</p> <p><i>Link:</i> Illawarra-Escarpment-Strategic-Management-Plan-2015</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Tree and plants across the Wollongong Local Government Area</p> <p><i>Links:</i></p> <p>Urban-Greening-Strategy-2017-2037</p>
	<p>Improving access to Council services and assets by persons with a Disability</p> <p>Council has a key role to support the creation of an inclusive city that enables people with disability to participate equally in all aspects of city life. The DIAP 2020-2025 guides Council in meeting its obligations under the NSW Disability Inclusion Act 2014.</p> <p><i>Link:</i></p> <p>Disability-Inclusion-Action-Plan-2020-2025</p>
<p>Vegetation Management Plans</p>	<p>Areas in need of targeted vegetation management and planning.</p> <p>Vegetation Management Plans can be created as a result of development consent conditions or a result of a Council plan or strategy. VMPs are often developed for areas of high community use like our patrolled beaches or of high environmental value such as riparian or wildlife corridors. These plans often guide actions on community land by volunteers, Council staff or contractors. A link is provided to the dune vegetation site plan for Bulli Beach for an example.</p> <p><i>Link:</i></p> <p>Bulli-beach-dune-vegetation-site-plan</p>
	<p>Economic Development Strategy 2019 – 2029</p> <p><i>“Building a strong, diversified economy is a priority because it will enable the community to respond to environmental, economic and social challenges. A strong economy will generate the high-quality jobs that will retain and attract young people and university graduates. It will enhance the regions centres and public spaces and offer interesting cultural and recreational experiences that will increase the appeal of the region as a place to live, work and invest.”</i></p> <p><i>Link:</i></p> <p>Wollongong-City-Council-Economic-Development-Strategy-2019-2029</p>

Supporting Document	The Supporting Document guides use, protection, maintenance, upgrades, and new infrastructure for:
	<p>Wollongong Community Safety Plan 2021-2025</p> <p>The 5 areas of focus under the Safety plan are:</p> <ol style="list-style-type: none"> 1. Property and Environment – Malicious damage including graffiti 2. Gendered violence – Domestic assault 3. Anti-social behaviour – assault non-domestic (alcohol related) and anti-social behaviour (ASB) including intimidation, stalking and harassment 4. Personal property – fraud, steal from a motor vehicle, motor vehicle theft 5. Perceptions – perceived and actual community safety. <p><i>Link:</i></p> <p>Wollongong-Community-Safety-Plan-2021-2025</p>

Appendix 4 - Aerial Photography of PoM Area 1986/87 & 1977

Figure 14 Air photo 1986/87

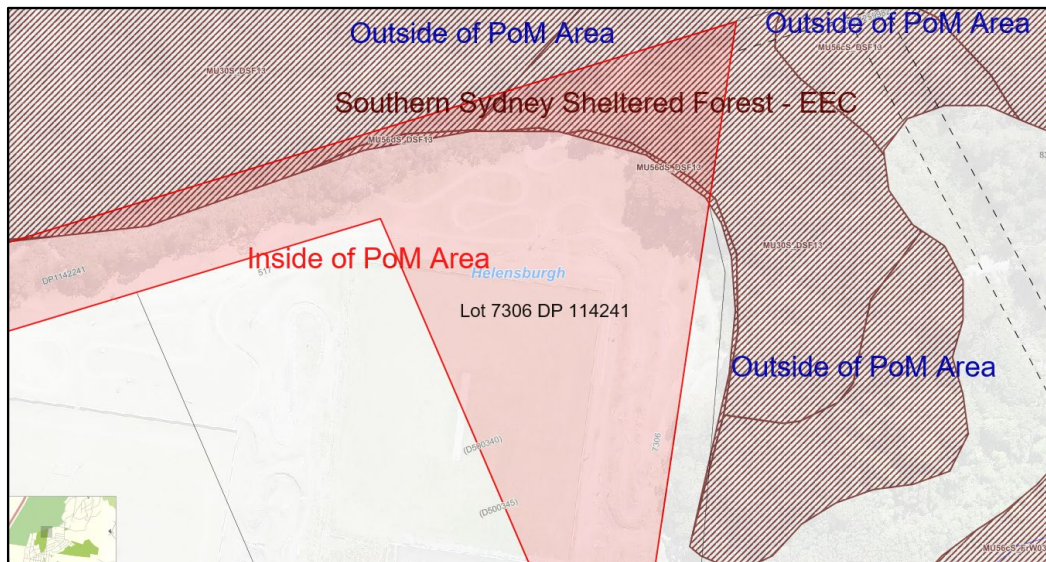


Figure 15 Air photo 1977



Appendix 5 – Location of Southern Sydney Sheltered Forest – Ecologically Endangered Community

An Ecologically Endangered Community – the “Southern Sydney Sheltered Forest” is located in the north east corner of Reserve 500345.



Council undertakes management activities or make improvements on public land in accordance with a Review of Environmental Factors if undertaken under the Infrastructure SEPP or through a development application process, both of which would identify this constraint and instigate proper management controls for the safety of this vegetation community, regardless of the community land category applied to the land, taken as a whole Lot 7306 DP 114241 is used for recreational pursuits and the sporting fields are of long standing use – since 1986/87 upon review of aerial photography (see Appendix 4)

Appendix 6 - Stage 1 Preliminary Consultation – Planning for 46 Crown Reserves

Council engaged with the community from 8 Oct 2019 to 9 Nov 2019 on proposed community land category mix for 46 Crown Reserves across the Wollongong LGA. Helensburgh Park Reserves were 2 of the 46. There were 28 views of the information on Helensburgh Park reserves on Council's website and 1 submitter who said *"We use the reserve, park pool and sports grounds all valued areas in Helensburgh. We agree with categories. Would appreciate maintenance and upkeep of tennis courts for the community to use safely"*

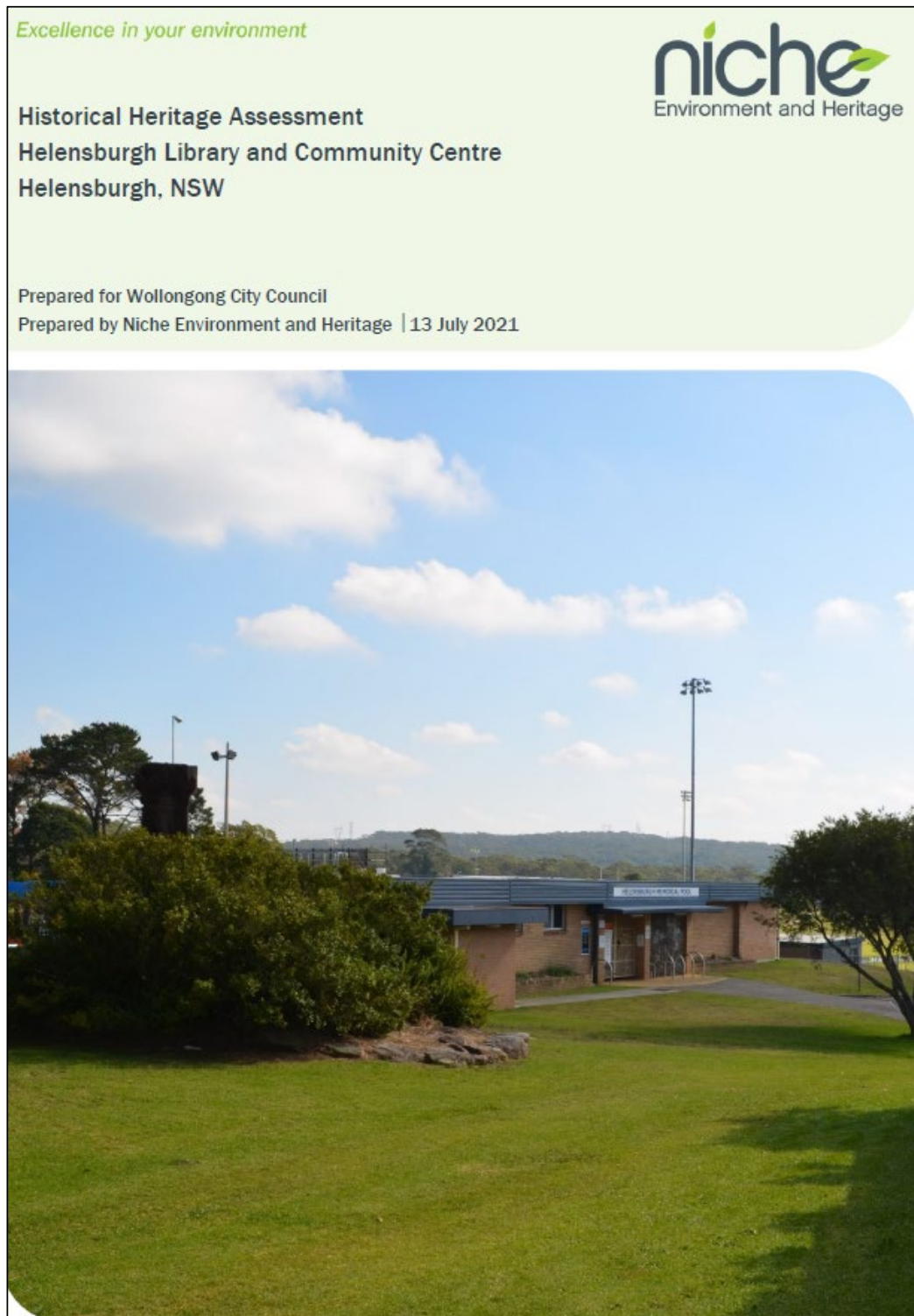
46 CROWN RESERVES BY NAME, RESERVE NUMBER, LOCATION & PROPOSED COMMUNITY CATEGORY

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
1. ANDREW LYSAGHT PARK (1000384)	Cnr of Marine Dr & Crown St, Wollongong	<ul style="list-style-type: none"> Area of cultural significance General community use
2. WOLLONGONG RESERVE TRUST (84424)	9-11 Crown St, Wollongong	<ul style="list-style-type: none"> Park General Community Use
3. AUSTINMER BEACH AND RESERVES (89084)	Coastal reserve north of Mountain Rd & south of Headland Ave; includes Austinmer Beach	<ul style="list-style-type: none"> Natural area foreshore Park
4. AUSTINMER BOATHARBOUR, PINECOURT PARK (88873)	From 1B Headland Ave Austinmer to Scarborough Beach Reef Ave, Wombarra	<ul style="list-style-type: none"> Natural area foreshore Natural area bushland Park Sportsground Area of cultural significance
5. BATTERY PARK RESERVE (72138)	Cliff Rd, Wollongong	<ul style="list-style-type: none"> Area of Cultural Significance
6. BELLAMBI LAGOON (180029)	Slightly east of Birch Cres, Bellambi	<ul style="list-style-type: none"> Area of Cultural Significance
7. BELLAMBI POINT RESERVE (88075)	Bellambi Point Reserve follows the coast from Bellambi to Woonona	<ul style="list-style-type: none"> Area of Cultural Significance Park Natural Area Foreshore Natural Area watercourse
8. BRIGHTON LAWN (40908)	81 Cliff Rd, Wollongong	<ul style="list-style-type: none"> Park General Community Use Area of Cultural Significance
9. BULLI GATEWAY (1004388)	881 Princes Hwy, Maddens Plains	<ul style="list-style-type: none"> General Community Use
10. BULLI PARK (580062)	Split in two areas by Trinity Rd. West are sporting fields. East is the beach. Bounded by Park Rd to the north and Ursula Rd to the South	<ul style="list-style-type: none"> Sportsground Park Natural Area Foreshore

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
11. BULLI PASS SCENIC RESERVE (67711)	851 Princes Hwy (Cliffhanger) & 661 Princes Hwy (Sublime Point), Maddens Plains	<ul style="list-style-type: none"> • Natural Area Escarpment • General Community Use
12. BULLI ROCK POOL - REPLACED BY NEW POOL (37214)	The area of sand next to the current Bulli Rock Pool. The closest road is Trinity Row.	<ul style="list-style-type: none"> • Natural Area Foreshore
13. COLLINS PARK (88274)	The closest street to Collins Park is Carrington St, Woonona to the west.	<ul style="list-style-type: none"> • Sportsground • Natural Area Foreshore • Natural Area Watercourse • General Community Use
14. CORRIMAL MEMORIAL PARK (580087)	90 Railway St, Corrimal	<ul style="list-style-type: none"> • Sportsground
15. DARKES FOREST (80366)	302 Darkes Forest Rd, Darkes Forest	<ul style="list-style-type: none"> • General Community Use • Natural Area Bushland
16. FLAGSTAFF POINT (580103)	Located around Endeavour Dr, Wollongong	<ul style="list-style-type: none"> • Area of Cultural Significance • Park • Natural Area Foreshore
17. GLADSTONE PARK (580081)	Cnr of Northcliffe Dr & George St, Berkeley	<ul style="list-style-type: none"> • Park
18. HARRY MORTON PARK (70792)	North of Robertson St, Port Kembla	<ul style="list-style-type: none"> • Natural Area Bushland • Park
19. PROUD PARK (39863)	Adjacent south of Nixon Pl, Helensburgh	<ul style="list-style-type: none"> • Park
20. HELENSBURGH AND DISTRICT HISTORICAL SOCIETY MINE MUSEUM (72217)	78 Parkes St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
21. {HELENSBURGH} PATRICK MCCARTHY HALL – DESTROYED BY FIRE (87211)	78 Parkes St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
22. HELENSBURGH - PROPOSED POUND SITE (91278)	13 Nixon Pl, Helensburgh	<ul style="list-style-type: none"> • General Community Use
23. HELENSBURGH PRE-SCHOOL (90884)	26D Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
24. HELENSBURGH BABY HEALTH CENTRE (1000263)	26C Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
25. HELENSBURGH COMMUNITY HALL (500332)	26A Walker St, Helensburgh	<ul style="list-style-type: none"> • General Community Use
26. HELENSBURGH FLORA & FAUNA RESERVE (79561)	East of Oxley Pl, Helensburgh	<ul style="list-style-type: none"> • Natural Area Bushland

CROWN RESERVE NAME (NUMBER)	LOCATION	PROPOSED COMMUNITY LAND CATEGORY MIX
27. HELENSBURGH PARK (500340)	Part of Rex Jackson Park; western boundary of Park Ave.	<ul style="list-style-type: none"> Sportsground
28. HELENSBURGH PARK (500345)	Majority of Rex Jackson Park and all of Charles Harper Park. North east of Blackwell St. Waratah St is the western boundary. Parkes St is the southern boundary and Walker St is its eastern boundary.	<ul style="list-style-type: none"> Sportsground Park Area of Cultural Significance

Appendix 7 – The Heritage Assessment Executive Summary



Document control

Project number	Client	Project manager	LGA
6638	Wollongong City Council	Samuel Ward	Wollongong City LGA

Version	Author	Review	Status	Date
D1	Samuel Ward	Clare Anderson	Draft	11 June 2021
REV0	Samuel Ward	Sarah McGuinness	Final	13 July 2021

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Important information about your Report

Your Report has been written for a specific purpose: The Report has been developed for a specific purpose as agreed by us with you and applies only for that purpose. Unless otherwise stated in the Report, this Report cannot be applied or used when the nature of the specific purpose changes from that agreed. **Report for the sole benefit of Niche's client:** This Report has been prepared by Niche for you, as Niche's client, in accordance with our agreed purpose, scope, schedule and budget. This Report should not be applied for any purpose other than that stated in the Report. Unless otherwise agreed in writing between us, the Report has been prepared for your benefit and no other party. Other parties should not and cannot rely upon the Report or the accuracy or completeness of any recommendation. **Limitations of the Report:** The work was conducted, and the Report has been prepared, in response to an agreed purpose and scope, within respective time and budget constraints, and possibly in reliance on certain data and information made available to Niche. The analyses, assessments, opinions, recommendations, and conclusions presented in this Report are based on that purpose and scope, requirements, data, or information, and they could change if such requirements or data are inaccurate or incomplete. **No responsibility to others:** Niche assumes no responsibility and will not be liable to any other person or organisation for, or in relation to, any matter dealt with, or conclusions expressed in the Report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with, or conclusions expressed in the Report.

Niche Environment and Heritage Pty Ltd (ACN 137 111 721)
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PO Box 2443, Parramatta NSW 1750, Australia
Email: info@niche-eh.com



Executive summary

Project outline and Aims

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Wollongong City Council (WCC) to undertake an Historical Heritage Assessment (HHA) in accordance with the provisions of the current panel contract titled T18/46 – Design & Technical Services Panel to Council, for the Helensburgh Library & Community Centre project, Helensburgh, New South Wales (NSW) (Figure 1) (hereafter referred to as the 'Activity Area').

The Activity Area is located partially within the curtilage of the locally listed item ID# 6124 *Helensburgh Park, Charles Harper Monument and Pines* (Wollongong LEP 2009).

The HHA has been undertaken to inform the design and outline constraints of the Activity Area and is a preliminary to a Statement of Heritage Impact (SoHI) which will assess the impacts to historical heritage values which could be a result of implementing the proposed designs. A desktop assessment of the statutory constraints, along with historical analysis and background research was undertaken to inform the HHA. This was coupled with a detailed site inspection to confirm the findings of the HHA. Once the designs are finalised, a SoHI will be necessary to support the DA approval for the Library and Community Centre building.

Results and Conclusions

It was found that the Activity Area has little archaeological potential, and is not assessed to have heritage significance overall, as it does not reflect the associations of significance connected to the history and cultural value of the local area. This is despite the fact that it is located within close proximity to the Charles Harper Monument, which has local heritage significance. Some elements within the Activity Area were found to be damaging heritage value, such as the amenities building and the pool's car parking infrastructure.

Based on the proposed design, the following potential heritage impacts were anticipated:

Construction Phase:

- Potential physical permanent damage through vibration or other processes to Charles Harper Park Monument
- Temporary moderate impact to views to the Charles Harper Park Monument
- Temporary impacts public amenities

Post-Construction Phase:

- Permanent moderate visual impacts to the Charles Harper Park/Monument

In order to mitigate these anticipated potential impacts the following design considerations are suggested to be explored for their viability for incorporation into the proposed design:

- During Construction: adequate fencing; vibration monitoring, along with a stop work procedure should levels be exceeded; a site induction for contractors to be prepared which explains the sensitive areas of nearby sites, consider how the construction plan will affect access to the Charles Harper Park and Helensburgh Memorial Pool.
- Design Suggestions: The following points are suggested for application to the design process of the proposed building:
 - use of landscaping as a device for linking the Monument with the new library building's façade,



- use of heritage interpretation to further link the complementary roles of the Library with the role of the Monument in educating the public of the importance of Charles Harper,
- the design of the library should carefully consider the height of the southern façade (see notes below), and employ design, finish and materials choice to minimise the impact of the south façade,
- the design should respect the priority of the older elements in the landscape, particularly the nearby Monument, but also reflect in the design the view to the distant hills.
- Design Notes on the heritage considerations of the height of the southern façade: restriction of height on this façade would be a better outcome for heritage values of the site, but the impact of the building on the nearby heritage would largely be governed by the design of the structure's façade. If this façade's design is sympathetic with the heritage item, a higher façade would be permissible from a heritage impact perspective. The opposite would be true of an intrusive or jarring design – in this case it would be necessary to reduce the overall height of the façade in order to lessen the heritage impact of the design. Therefore, while there is no explicit limit set by heritage considerations for the maximum height for the southern façade of the structure, it is considered preferable that this aspect of the design is limited within the bounds of practicality and reasonable understanding of how this façade will relate to, and appear from, the nearby heritage item.
- A Note on 'Sympathetic Design': New development in a landscape adjacent to an existing heritage item could be said to be best undertaken following the principle of conservation as described by the Burra Charter – *the Australia ICOMOS charter for the conservation of places of cultural significance* (Australia ICOMOS 2013). This principle does not require imitation or following inflexible design rules. A wide range of solutions may emerge for any design problem after careful analysis of surrounding buildings and *sympathetic* interpretation of their design elements. A successful design in these circumstances would be appropriate once considered under the following design criteria: *character; scale; form; siting; materials and colour; and detailing*. Further explanation of these terms can be found in the Heritage NSW guideline: *Design in Context: Guidelines for Infill Development in the Historic Environment* (Heritage NSW 2005)

Recommended Actions

Based on the above conclusions, the following recommendations are proposed:

- That the current site is able to be utilised for the proposed development from a heritage perspective, should the suggested design considerations (see above) be used.
- That the suggested design considerations described above be incorporated into the design in order to minimise the impacts to the adjacent heritage item. Input from a heritage architect during the continuing design process could also be a potential cost-saving measure, allowing for consideration of heritage design requirements during building design.
- That once the design is finalised, a Statement of Heritage Impact must be prepared (based on this report) to support the development application for the proposed works. This HHA does not constitute an Heritage Impact Statement as the finalised designs have not been assessed.