Draft
Plan of Management
Kitchener Poppethead Park
April 2022

PLANNING FOR OUR PEOPLE
OUR PLACE OUR FUTURE

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CESSNOCK
CITY COUNCIL

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1. Introduction

CESSNOCK CITY COUNCIL

Written by: Kate Harris (Cessnock City Council)

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Reviewed: Nathan Eveleigh (Cessnock City Council)

This Plan of Management (PoM) has been prepared by Cessnock City Council and Extent Heritage and provides direction as to the use and management of the Council-managed Crown reserve, Kitchener Poppethead Park classified as community land in the Cessnock Local Government Area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993.*

This PoM draws on information contained in relevant planning documents and studies including:

- *Local Government Act 1993*
- *Crown Land Management Act 2016*
- *Native Title Act 1993*
- Cessnock Community Strategic Plan 2027
- Local Environmental Plan 2011, Cessnock City Council
- Cessnock Recreation and Open Space Strategic Plan 2019
- Cessnock Skate and BMX Strategy 2020
- Cessnock Trails Strategy 2020
- Kitchener Poppethead Conservation Management Plan 2018

Purpose of This Plan of Management

The *Local Government Act 1993* (LG Act) requires a PoM to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to council's broader strategic goals and vision as set out in the Cessnock Community Strategic Plan 2027
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*
- provide clarity in the future development, use and management of Kitchener Poppethead Park

Further information about the legislative context of Kitchener Poppethead Park can be found in Appendix 5 of this document.

Process for Preparing this Plan of Management (PoM)

Table 1: Illustrates the process undertaken by Council in preparing this PoM

STEP 1	**Drafting the Plan of Management (PoM)** ➢ The PoM should meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ➢ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ➢ Councils must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
STEP 2	**Notifying the Landowner and Seek Minister's Consent to Adopt** ➢ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the plan under S39 LG Act. ➢ Councils are also required to seek the department's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The department's consent can be sought at the same time as notifying the landowner of the draft plan.
STEP 3	**Community Consultation** ➢ Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act. ➢ Councils are not required to hold a public hearing under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
STEP 4	**Applying a Plan of Management** ➢ If there are any changes to the plan following public exhibition of the draft PoM, Councils must seek the department's consent to adopt the PoM. ➢ Council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ➢ Once a Council has adopted the PoM, a copy of the adopted PoM should be forwarded to the department (council.clm@crownland.nsw.gov.au) for record purposes.

2. Review and Community Consultation

Change and Review of Plan of Management

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within five years of its adoption. However, the performance of this PoM will be reviewed on a yearly basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Community Consultation

In line with Council's Community Engagement Strategy, the following principles were incorporated within the development of the PoM:

- The engagement process was facilitated with integrity, with a number of opportunities for feedback (questionnaire, community and stakeholder meetings) and the process for engagement was transparent and clear in scope and purpose;
- The process was inclusive providing opportunities for a large number of stakeholders to participate on line, in person and over the phone. This inclusive process ensured a range of values and perspectives were captured;
- The engagement approach promoted dialogue and open and genuine discussions in a number of different environments (on site, group meetings, individual discussions etc.); and
- The community engagement undertaken ensured the community's influence was reflected in the outcome, i.e. the community's input directly informed the directions within the PoM.

The ideas board developed as an outcome from the onsite stakeholder meeting illustrates community engagement undertaken for the project and can be found in Appendix 1.

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the *Local Government Act 1993*, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Industry and Environment – Crown Lands

Land to Which this Plan Applies

This plan of management applies to Kitchener Poppethead Park. The reserve information is detailed in Table 2. The land is owned by the Crown and is managed by council as Crown land manager under the *Crown Land Management Act 2016.*

Table 2: Reserve information for Kitchener Poppethead Park

Reserve Number	90861
Reserve Purpose	Public Recreation
Land Parcel/s	Lot 7005 DP93585
Area (Ha)	18.9Ha
LEP Zoning	RU2 Rural Landscape and SP2 Infrastructure – Railway
Local Heritage Significance	The Park is an item of local heritage significance and is listed in Schedule 5 of the Cessnock City Council LEP 2011 as Collieries of the South Maitland Coalfields/Greta Coal Measures (I215).
Assigned Category/Categories	Park, Natural Area (Bushland), Natural Area (Watercourse) and Area of Cultural Significance.
Current Uses	Informal recreation spaces Public amenities Children's playground Memorial days and civic/community events Picnic shelters and park furniture Informal trails Environmental education Historical structures
Current Leases and Licences	Nil

Kitchener Poppethead Park (The Park) is historically known as the former Aberdare Central Colliery, and is located five kilometres south of Cessnock, New South Wales. The site is bounded by bushland to the north, south and west, and Cessnock Street to the east.

At present, the site is occupied by remnant coal mining infrastructure including the winding tower (Poppethead), building footings, and the mine dam. The site was abandoned in 1961 and transformed into a park in the 1980's. The site also features standard park facilities such as public toilets, park furniture, shelters, a playground and pathways.

Figure 1: Kitchener Poppethead Park

Cessnock City Council intends to manage Kitchener Poppethead Park to meet:

- The assigned categories of Park, Natural Area-Bushland, Natural Area-Watercourse and Area of Cultural Significance
- The LG Act and core objectives for the above categories
- Council's strategic objectives and priorities
- Development and use of the land outlined in Section 6 of the LG Act.

3. Context and Description of the Reserve

Site Description

The Park is located within the village of Kitchener, which comprises primarily of the Teradata State Conservation Area (SCA), and single storied detached residential development. The site is set in a predominantly unbuilt context, with industrial elements, namely the Poppethead, contributing to an unconventional setting. The residential development, which lies to the east of the subject site comprises of largely single storied detached houses.

Across the street from The Park are three Kitchener Company Houses – two weatherboard cottages with wraparound verandas, and a brick cottage. These houses were built for company managers and supervisors including the mine manager, paymaster and works engineer, and were relocated from Aberdare and Paxton.

The Park which covers an area of approximately 18.6 hectares includes a section of Black Creek that was used as a dam for mining activity by the former Aberdare Central Colliery. Other structures from the former Colliery that remain in The Park include the Poppethead, building footings and the mine dam (dam off Black Creek).

Links to Community Strategic Plan

Provided below are relevant objectives and strategic directions outlined within the Cessnock Community Strategic Plan cited under 'A Sustainable and Healthy Environment' which inform this PoM:

- Objective 3.1: Protecting and enhancing the natural environment and the rural character of the area
    - Our areas rural character and heritage is protected
    - Our community is aware of the value of natural resources and biodiversity
    - Our environmental amenity is protected and enhanced
    - Our waterways and catchments are maintained and enhanced
- Objective 3.2: Better utilisation of existing open space
    - Our open spaces are distributed where people live
    - We have green corridors connecting our open space areas
    - Our open space have suitable amenities and plenty of shade

This site specific PoM aligns with the strategic directions above which is demonstrated through the actions proposed to be achieved at the site (refer to Action Plan – Table 11).

Current Built Form and Areas

The Park contains a variety of built and landscape features of high value to the community. Key features of The Park include:

- Children's playground
- Picnic shelters and seating
- Barbeque facilities
- Public amenities building
- Poppethead
- Mine dam
- Historical building footings
- Shared concrete pathway throughout the reserve
- Informal trails with boardwalks around the dam
- Viewing platform at the dam
- History information board

The condition and use of built elements within The Park as well as images can be found in Appendix 2.

Restrictions on Management of Crown Land

Council is the Crown land manager of Kitchener Poppethead Park in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- 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.

Native Title

On Crown land Native title rights and interests must be considered unless:

- Native title has been extinguished; or
- Native title has been surrendered; or
- Determined by a court to no longer exist.

Some examples of acts which may affect Native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues
- the construction of extensions to existing buildings
- the construction of new roads or tracks
- Installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement
- the issue of a lease or licence
- the undertaking of major earthworks.

When proposing any act that may affect native title on Kitchener Poppethead Park the act must be authorised through Part 2 Division 3 of the *Native Title Act 1993* (Cwlth).

Where it is proposed to construct or establish a public work on Kitchener Poppethead Park, where native title is not extinguished, prior to approval Council will notify and give an opportunity to comment any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993.*

Any leases, licences, easements and other estates on crown land (a use agreement) on Crown land may impact native title rights and interests.

Any use agreement issued on Kitchener Poppethead Park must be issued in accordance with the future acts provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *Crown Land Management Act 2016* unless native title is extinguished.

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

Maintenance

The Kitchener Poppethead Heritage Park identified within this Plan of Management is maintained by Cessnock City Council.

The maintenance of community land includes but is not limited to the following:

- tree maintenance including pruning and removal of dead trees;
- mowing;
- rubbish removal;
- weed control;
- addressing acts of vandalism;
- maintenance of poppethead and surrounding structure;
- maintenance of public toilets;
- upkeep of playground equipment;
- maintenance of barbeque facilities including fire safety concerns related to these facilities; and
- cleaning, dredging and maintenance of Kitchener Dam and associated infrastructure – bridges over sections of Creek, viewing platforms, boardwalk and pathways around the Dam.

The frequency of inspection of facilities is dependent upon a number of factors including, prioritisation within resourcing constraints and external funding opportunities and will vary from year to year.

Council refers to the Kitchener Poppethead Park Conservation Management Plan 2018 (CMP) for a maintenance schedule for the existing elements on site, and bases future maintenance plans on parameters set out in the CMP.

4. Values and Themes

In consultation with the community, the following values and themes have been developed to identify the priorities and aspirations of the community and the delivery of a vision for the future.

Values

The following values have been identified as being of significance in terms of The Park:

Environment

The south and south-western sections of Kitchener Poppethead Park border the Werakata SCA. As the Werakata SCA contains and protects "areas of highly ecologically significant land that is comprised of a variety of endangered ecological communities, threatened and significant species", The Park by virtue of its location also has environmental value that needs to be considered as part of its management.

Education

As The Park borders the Werakata SCA, it has potential to serve as an education tool in terms of natural resources. Furthermore, the history and heritage of The Park, and its interpretation will serve as a valuable education resource for the community and larger public.

Recreation

The Park is currently used quite widely for its existing recreation facilities. The conversion of the former mining site into a park as a community based initiative, evidences the demand for recreational opportunities in the area.

Heritage

The Park is one of the mining sites of the former Aberdare Central Colliery, and is currently occupied by remnant coal mining infrastructure including the winding tower (Poppethead), building footings, and the mine dam. The site was abandoned in 1961 and transformed into a park in the 1980s by a community group. The Park is therefore listed, along with other sites that form part of the Collieries of the South Maitland Coalfields/Greta Coal Measures, as an item of local heritage significance in Schedule 5 of the Cessnock LEP 2011.

Themes

There are four primary themes that have been identified in the process of the fieldwork, site analysis and community consultation undertaken for Kitchener Poppethead Park. These themes help inform the management framework for The Park.

Conserve Heritage Significance of Kitchener Poppethead Park

The Statement of Heritage Significance for The Park as assessed in the *Conservation Management Plan 2018* notes: As the site for the former Aberdare Central Colliery, Kitchener Poppethead Park is an item of significance as it represents an important stage in the development of the mining industry in the Cessnock area. The former mine was associated with the establishment of the growth of Kitchener village during the 19th and 20th century and was a primary employment provider in the area. While majority of the mining associated infrastructure on the site has been demolished and removed, the extant poppethead, mine dam, building footings, second mine shaft and railway sleeper provide evidence of the technical significance of the site. The Park has considerable significance in terms of its association with the community in Kitchener, owing to its mining history and the involvement of community in the conversion of the mine site into The Park.

Elements within The Park which are original, extant fabric and have been assessed as having exceptional significance include the Poppethead, Kitchener Dam, the second mine shaft, the line of railway and building footings. An indicative layout of the original structures as seen in opposite map image, was prepared based on historical research, archival photographs and a few existing building footings on site. This area of the site, as outlined in the map image, has the potential for interpretation and can be successfully developed to showcase the history of the site as former coal mining area, and the heritage significance of the extant fabric.

Retain the Environment Setting of The Park

The predominantly rural setting of Kitchener Poppethead Heritage Park is determined by its location within the village of Kitchener, which comprises of the Werakata State Conservation Area and single storied detached residential developments. The site is a Regional Park and has a number of environmentally sensitive features including the Werakata State Conservation Area to the north and west of the site, and Black Creek that was used as a dam for mining activity by the former Aberdare Central Colliery – this is the existing Kitchener Dam. The area outlined in the map image indicates the area of The Park, which has an environmentally sensitive nature which should be retained.

Enhance the Recreation Capacity of The Park

The existing use of The Park as a recreational facility has been a community based initiative since the conversion of the former mining site into a Park in 1984. The community consultation undertaken by Cessnock Council highlighted a greater demand for the continued use of the site as a family friendly amenity, and an upgrading of its facilities and infrastructure.

Develop the Educational Potential of The Park

The Park has considerable educational potential owing to its history and heritage, and its environmental setting. The proximity to the Werakata SCA provides opportunities for education in terms of environmental matters and natural resources. Its history as a former mining site and proposed interpretation will also serve as an excellent educational tool. Community consultation has also revealed an interest in educational events into the functioning of The Park.

5. Management Framework

The management framework below outlines key objectives and planning principles for The Park.

Conserve Heritage Significance of Kitchener Poppethead Park

Objectives

- Retain and conserve the existing mining infrastructure
- Develop interpretations of the history and usage of the former mining site.

Planning Principles

- Undertake conservation of the Poppethead
- Undertake mapping of remains of mining infrastructure
- Prepare an interpretation plan which showcases the history of the site as a former mine.

Retain Environmental Setting of The Park

Objectives

- Conserve and retain the environmental context of The Park and the larger Werakata SCA
- Enhance informed and responsible use of the Werakata SCA.

Planning Principles

- Ensure that all proposed changes or works to The Park consider its environmental setting including the highly sensitive context of the Werakata SCA
- Employ The Park and Werakata SCA as an environmental education tool.

Enhance the Recreation Capacity of The Park

Objectives

- Improve and upgrade recreation facilities in The Park
- Introduce security and surveillance in The Park.

Planning Principles

- Ensure the ongoing use of The Park for recreation
- Recognise the historic conversion of the former mining site into a Park
- Maintain the centrality of the recreation area in the larger setting of The Park.

Develop the Educational Potential of The Park

Objectives

- Educate park users of the history and heritage, and environmental significance of the Park and its surroundings
- Enhance informed and responsible use of the Werakata SCA.

Planning Principles

- Develop The Park as a live educational tool for people of the community and users of The Park
- Employ The Park setting adjacent to Werakata SCA as an environmental education tool
- Concentrate all proposed educational activities within north-western section of The Park.

Categorisation

Section 36 (4) of the *Local Government Act 1993* requires that land be categorised as one or more of the following:

a) a natural area,
b) a sportsground,
c) a park,
d) an area of cultural significance,
e) General community use.

In line with the above, the reserve has been categorised as park, natural area-bushland, natural area-watercourse and an Area of Cultural Significance. The core objectives for each of these categories (section 36E, G, H, and J & M) have informed the development of the PoM. The categorisation of the land is shown in Figure 2.

Figure 2: Categorisation of Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land.

6. Park

The area categorised as Park forms part of a regional park and is highly utlised by the local community.

Guidelines and Core Objectives

Parks are defined in clause 104 of the LG (General) Regulation as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- Provide for passive recreational activities or pastimes and for the casual playing of games;
- Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Physical Environment

The land categorised as Park within this PoM incorporates the following:

- A playground containing a shade sail, combination unit, rockers, giant disc, junior unit, triple swing and flying fox;
- Grass kick about area to the north of the play equipment incorporating tree plantings;
- Park furniture including two picnic settings with a shelter and a bench seat. A large picnic shelter incorporating BBQs is also located on site;
- Timber fencing surrounding The Park area;
- 900m of pathways traverse the area categorised as park linking key infrastructure (playground, grassed area and public amenity building);
- A brick public amenity building containing two accessible toilets.

Images and a condition assessment of each infrastructure item above can be found in Appendix 3.

Key Issues

Following community engagement, key issues relevant to this category within The Park include:

Safety and Risk Management

The Park and associated facilities must be maintained to an acceptable standard to ensure the safety of the community. The following issues need to be identified and considered when addressing safety issues for the land classified as Park:

- Due to the distributed location of community land across the LGA staff are unable to inspect each site on a regular basis;
- The effects of anti-social behaviour are ongoing;
- Unsafe access points;
- Dogs, off leash, can threaten the health and safety of other users.

The issues that need to be considered in terms of the management of The Park include anti-social behaviour, vandalism, dogs off leash posing a threat to users of the park especially young children; and most importantly due to the largely unmonitored and unbuilt setting of The Park issues of safety and security are critical considerations.

Access and Connectivity

Access and parking are very important issues in the management of community land. Issues that are commonly encountered when managing community land include:

- Community land is not always easily accessible for people with disability and/or mobility challenges and pathways are not generally constructed;
- Limited access for pedestrians and cyclists;
- The Park as community land is unfenced in parts, and therefore unauthorised vehicle access can cause problems and access tracks through areas exposes them to vandalism, anti-social behaviour and the dumping of rubbish;
- Provision of emergency access can often not be provided. Flood and fire evacuation of users needs to be addressed and considered in the case of The Park as it is surrounded by dense foliage and has a water body.

Active transport modes such as walking and cycling are encouraged in terms of The Park, as these provide great benefits to the health and well-being of the community. The establishment and upgrade of shared pathways should continue within and around The Park.

Parking should be within designated areas only, and if possible be limited to areas outside the park. Emergency and service vehicles are the only vehicles permitted complete access within the park. However, for special events Council can approve parking on grassed areas.

Community Involvement

Good neighbourly relations and community involvement are important in the management of community land. Community users are vital for the contribution to the planning and management process, as well as informing Council of any ongoing issues. A good relationship between the community and Council can be an effective way of managing community land classified as Park and ensuring reserves are maintained and kept clear of rubbish and anti-social behaviour.

Community involvement has been ongoing since the creation of The park and should be actively encouraged by Council.

Recreational Use

Recreation activities within community land categorised as Park are encouraged but must be managed in accordance with the context of the site.

Often the community is unaware of the classification of the land and a lack of signage identifying what can or cannot occur makes it difficult to curb certain activities. Appropriate usage of signage is encouraged.

General recreation should be encouraged in community land categorised as a park and the development of infrastructure of such land for recreational purposes should always be considered.

As a park, passive recreation is an integral part of the site with The Park serving as a popular playground for children, walking track and dog walk area. Encouraging greater use of The Park by Council through the introduction of outdoor gyms, expansion of the existing playground is supported.

Landscape Design and Character

Any structures, paths and signs installed within The Park should be sympathetic to the existing setting, the landscape values or the unique character and/or features of the site. The inherent landscape features of the community land need to be retained and where possible enhanced, when developing the community land.

Site planning, material selection and colour schemes need to be considered when planning and designing facilities on community land.

The Park is set in a predominantly unbuilt context, with industrial elements namely the historic structures from the former mining era contributing to an unconventional setting. Therefore, site planning and landscaping of the site needs to maintain its distinctive historic and environmental character.

Use of the Land and Structures

There are currently no leases or licence or other management arrangements in place in regards to the area categorised as Park.

The Park is heavily utilised by the community and visitors to the area. Predominant uses of the area categorised as Park include:

- Passive and active recreation including children's play, walking, cycling/scooter riding;
- Picnicking;
- Birthday parties and celebrations; and
- Community events including environmental workshops.

Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Park in this PoM and the forms of development generally associated with those uses, are set out in detail in Table 3.

Table 3: Permissible use and development of community land categorised as Park

PURPOSE/USE	DEVELOPMENT TO FACILITATE USES

• Active and passive recreation including children's play and wheeled sports
• Group recreational use, such as picnics and private celebrations
• Eating and drinking in a relaxed setting
• Publicly accessible ancillary areas, such as toilets
• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings
• Low-intensity commercial activities (for example recreational equipment hire)
• Filming and photographic projects
• Busking
• Public address (speeches)
• Bush tucker and Community gardening
• Note: Some of the uses listed above require approval from Council.
	• Development for the purposes of improving access, amenity and the visual character of The Park, for example shared pathways, public art, pergolas
	• Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, Multipurpose courts, skatepark/BMX elements
	• Amenities to facilitate the safe use and enjoyment of The Park, for example picnic tables, BBQs, sheltered seating areas, CCTV Cameras
	• Café or refreshment areas(kiosks/restaurants) including external seating
	• Lighting, seating, toilet facilities, courts, paved areas
	• Hard and soft landscaped areas
	• Storage sheds
	• Car parking and loading areas
	• Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment
	• Community gardens
	• Heritage and cultural interpretation, for example signs
	• Advertising structures and signage (such as A-frames and banners) that:
	  ○ relate to approved uses/activities
	  ○ are discreet and temporary
	  ○ are approved by the Council
	• Bio-banking and carbon sequestration initiatives
	• Water-saving initiatives such as stormwater harvesting, rain gardens and swales
	• Energy-saving initiatives such as solar lights and solar panels
	• Locational, directional and regulatory signage
	• Additional works may be considered that align with the purpose/use and reserve purpose.

Express Authorisation of Leases, Licences and Other Estates - Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 4.

Table 4: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE OF WHICH TENURE MAY BE GRANTED
Lease	5 years	• Food trucks, Café/kiosk areas, including seating and tables • Management of court facilities • Hire or sale of recreational equipment.
Licence	5 years	• Food trucks, outdoor café/kiosk seating and tables • Management of facilities • Hire or sale of recreational/aquatic equipment.

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE OF WHICH TENURE MAY BE GRANTED
Short-term Licence	12 months	• Community events and festivals • Playing a musical instrument, or singing for fee or reward • Picnics and private celebrations such as weddings and family gatherings • Filming, including for cinema/television • Conducting a commercial photography session • Public performances • Engaging in an appropriate trade or business • Delivering a public address • Community events • Fairs, markets, auctions and similar activities
Other Estates	N/A	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the Council or public utility provider on the community land in accordance with the LG Act.

7. Natural Area - Bushland

Guidelines and Core Objectives

Natural areas are defined in clause 102 of the LG Regulation as land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.

The core objectives for natural areas, as outlined in Section 36E of the LG Act, are to:

- Biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area;
- Maintain the land, or that feature or habitat, in its natural state and setting;
- Provide for the restoration and regeneration of the land;
- Provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion; and
- Assist in and facilitate the implementation of any provisions restricting the conserve use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994.*

Section 36(5) of the LG Act requires that any land categorised as a Natural area is to be further categorised as one or more of the following:

a) bushland,
b) wetland,
c) escarpment,
d) watercourse,
e) foreshore.

Sub categories, Bushland (a) and (d) watercourse have been identified for The Park.

The land categorised as Natural Area-Bushland within this PoM incorporates informal tracks and trails and vegetation which borders the park area, dam and Werakata State Conservation Area. The bushland within The Park contributes significantly to the biodiversity of the area.

Guidelines and Core Objectives

Bushland is defined in clause 107 of the LG (General) Regulation as land containing primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality.

The core objectives for bushland, as outlined in Section 36J of the LG Act, are to:

- Ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values;
- Protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- Manage the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures to minimise or mitigate disturbance caused by human intrusion;
- Restore degraded bushland;
- Protect existing landforms such as natural drainage lines, watercourses and foreshores;
- Retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- Protect bushland as a natural stabiliser of the soil surface.

Physical Environment

The area categorised as Natural Area-Bushland is relatively flat with some natural undulations following the banks of the dam. The south and south-western sections of The Park border the Werakata SCA. As the Werakata SCA contains and protects "areas of highly ecologically significant land that is comprised of a variety of endangered ecological communities, threatened and significant species", The Park by virtue of its location also has environmental value that needs to be considered as part of its management.

The area of the site categorised as Natural Area – Bushland contains biodiversity values (see figure 3) with Threatened Ecological Communities (Kurri Sand Heathy Woodland and Lower Hunter Red Gum-Paperbark Riverflat) and Non-Threatened Species (Swift Parrot) located on site. Figure 3 also demonstrates that a large portion of the vegetation within this area is disturbed (canopy only).

Figure 3: Natural Area-Bushland (Biodiversity Values)

Flooding

The area cateogrised as Natural Area-Bushland is also subject to flooding particularly in the north and south and to the west – due to Black Creek intersecting the site (see Figure 4)

Figure 4: Natural Area - Bushland (Flood Data)

Bushfire

The area categorised as Natural Area - Bushland is prone to bushfire (figure 5), categorised as a category 1 (in red). A number of bushfires have impacted the site in the past damaging infrastructure within this area (boardwalks, bridges etc.).

Figure 5: Natural Area - Bushland (Bushfire Prone Land)

Key Issues

Environment

Management and maintenance of community land needs to be undertaken in an ecological sustainable manner to prevent any long-term impacts on the environment. It is vital to maintain ecological processes and systems when managing community land.

This is very critical in the case of the Kitchener Poppethead Heritage Park owing to its location adjacent to the Teradata State Conservation Area – a highly ecologically sensitive conservation area.

The site is also within a bushfire and flooding zone with these events occurring at the site. There is currently no planned hazard reduction undertaken.

Safety

Safety in the Park and its surrounding areas, especially after hours has been a matter of concern for users of the Park, and for National Parks & Wildlife Services. Motorcyclists accessing the State Conservation Area through the Park was considered to be damaging to the environment, and possibly leading to safety concerns for Park users especially for children.

Additional safety issues that are required to be addressed include weather events – the Park can be affected by natural disasters such as fire, flood or severe weather conditions and this poses a threat to the safety of users.

Maintenance

The need for continual maintenance is a significant constraint for owners, both financially and on future works to the site. It is important to provide an effective manageable maintenance system.

The routine maintenance of the site is integrated into Cessnock Council's maintenance systems. Maintenance works should be assessed for heritage impact to determine whether the methods used are appropriate to the historic fabric of the place. Care has to be taken in terms of maintenance of the Park.

Access

Access within the bushland area is an issue. Motorcyclists access the Werakata SCA through the park causing damage to the sensitive environment of the SCA. There is also an ongoing issue of illegal dumping of waste as well as construction material and possibly hazardous material on site.

Based on the numerous access ways into the Park, cyclists and motorbike riders regularly make their own pathways through the bushland and into Werakata State Conservation Area, as opposed to utilising the formed pathways. This causes conflicts with walkers and other users in the reserve and also continues to damage the surrounding environment.

Condition of the Land and Structures

Infrastructure within the bushland area includes:

- Three timber bridges/boardwalks;
- a timber observation deck;
- An informal walking track which traverses the edge of the dam; and
- Way finding signage that is located at various junctures along the track.

Refer to Appendix 2 for a condition assessment and additional information in regards to the above infrastructure.

Use of the Land and Structures

There are currently no leases or licences or other management arrangements in place in regards to the site. The area categorised as Natural Area - Bushland is predominately utilised by the community for passive recreation (walking and cycling), and works supporting environmental studies, e.g. observation surveys for flora and fauna. The area is also a focus for community events focusing on environmental education.

Permissible Uses / Future Uses

The uses which may occur within the area categorised as Natural Area–Bushland and the forms of development associated with these uses, are set out in detail in Table 5.

Table 5: Permissible use and development of community land categorised as Natural Area–Bushland

Purpose/Use, such as…	Development to Facilitate uses, such as…
• Preservation of natural heritage including the identified endangered ecological communities • Preservation of biological diversity and habitat • Providing a location for relaxation and passive informal recreation • Walking/hiking • Guided bushwalks • Environmental and scientific study • Bush regeneration works • Carbon sequestration • Bio-banking • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna • Fire hazard reduction.	• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low impact carparks, refreshment kiosks (but not restaurants) • Low-impact walking trails • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms, signs • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage.

Express Authorisation of Leases, Licences and Other Estates – Natural Area-Bushland

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area–Bushland, listed in Table 6.

Table 6: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area–Bushland.

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE OF WHICH TENURE MAY BE GRANTED
Lease	5 years	• Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Toilets • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licence	5 years	• Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Toilets • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short-term Licence	12 months	• Scientific studies and surveys or similar • Bicycle/boat hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Other Estates	N/A	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

8. Natural Area – Watercourse

The land categorised as Natural Area - Watercourse is a perennial water body fed by Black Creek.

Guidelines and Core Objectives

Watercourses are defined in LG Regulation 110 as any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation.

The core objectives for watercourses, as outlined in Section 36M of the LG Act, are to:

- Manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows;
- Manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability;
- Restore degraded watercourses;
- Promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

Physical Environment and Background

The dam is approximately 2.1Ha, enclosed by bushland and contains a timber jetty at the eastern extents as well as an observation area at the southern end. The dam contains naturally occurring vegetative matter however the water quality of the dam is relatively unknown and does not currently support recreational use. The dam is however a popular spot for visitors and locals to observe and feed local wildlife (ducks).
As the site of the former Aberdare Colliery until 1961, the dam is a remnant of the sites coal mining history and was constructed using day labour, horses and trays in a creek depression. The water in the dam was utilised to supply water for the boilers at the mine (Kitchener Poppethead Conservation Management Plan 2018).

Figure 6: Photograph of the construction of the dam at Aberdare Central Colliery (Source: Newcastle Cultural Collections, Barry Howard Collection, accessed via Flikr).

Figure 7: View from the dam to the Aberdare Central Colliery (Source: Newcastle Cultural Collections, Barry Howard Collection, accessed via Flikr).

Based on the sites significance, this PoM acknowledges the mine dam needs to be conserved as an existing water body in the area and as a historic feature. Photographs of the dam and an outline of its condition can be found in Appendix 2.

Condition of the Land and Structures

Key Issues

Illegal Dumping

Similarly to the remainder of the reserve, illegal dumping is an issue within the dam. Rubbish has been removed from the dam over the years (including the removal of car bodies).

Maintenance

Council does not have a maintenance schedule or budget to clean out the dam, largely due to the scale of the exercise and budget constraints. Maintenance works are generally reactive without a planned maintenance program for the site. As the dam has historically not been utilised for water access/recreation (e.g. kayaking, swimming), regular monitoring of the water quality of the dam has not occurred.

Heritage Interpretation/Education

The historical significance of the dam is not evidenced on site. There are a number of opportunities to provide interpretation materials to highlight the sites significance to users.

Whilst there have been a number of community events held at the site (BioBlitz's in 2018/2019) and Council plans to hold the Our Bushland Festival at The Park in April 2022, there are further opportunities for community engagement and education at the site.

Current Leases and Licences

There are currently no lease/licences over the area categorised as Natural Area – Watercourse.

Permissible Uses / Future Uses

The general types of uses which may occur on the area categorised as Natural Area – Watercourse, and the forms of development generally associated with those uses, are set out in detail in Table 7.

Table 7: Permissible use and development of community land categorised as Natural Area – Watercourse

Purpose/Use, such as…	Development to Facilitate uses, such as…
• Preservation of natural heritage • Preservation of biological diversity and habitat • Providing a location for relaxation and passive, informal, water-based recreation, unless prohibited • Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment.	• Visitor facilities: picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants) • Low-impact walking trails • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms • Work sheds or storage sheds required in connection with the maintenance of the land • Bicycle/boat hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage • Flood mitigation works, such as detention basins, realignment of water flows and banks, installation of pipes, culverts and other structures to assist in control of flood waters.

Express Authorisation of Leases, Licences and Other Estates – Natural Area-Watercourse

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Watercourse, listed in Table 8.

Table 8: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Watercourse.

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE OF WHICH TENURE MAY BE GRANTED
Lease	5 years	• walkways, pathways, bridges, causeways • observation platforms, signs • information kiosk • kiosk selling light refreshments (but not restaurants) • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out.
Licence	5 years	• walkways, pathways, bridges, causeways • observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out.
Short-term licence	12 months	• scientific studies and surveys or similar • bicycle/boat hire or similar • temporary erection or use of any building or structure necessary to enable a filming project to be carried out.
Other Estates	N/A	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

9. Area of Cultural Significance

As the site for the former Aberdare Central Colliery, the portion of the site categorised as Area of Cultural Significance is an item of significance as it represents an important stage in the development of the mining industry in the Cessnock area. The former mine was associated with the establishment of and the growth of Kitchener village during the 19th and 20th century and was a primary employment provider in the area. While the majority of the mining associated infrastructure on the site has been demolished and removed, the extant poppethead, mine dam, building footings, second mine shaft and railway sleeper provide evidence of the technical significance of the site. The Park has considerable significance in terms of its association with the community in Kitchener, owing to its mining history and the involvement of community in the conversion of the mine site into the Park (Kitchener Poppethead Heritage Park Conservation Management Plan 2018).

Physical Environment

The area of cultural significance is adjacent to the children's playground and public amenities and is currently utilised for passive recreation and picnics. The grassed site is bordered by a shared pathway and although the site is generally flat, in portions the site slopes to the south.

At present, the site is occupied by remnant coal mining infrastructure including the winding tower (poppethead), a second mine shaft which has been sealed and covered with an enclosed metal hatch box and building footings with the condition and images of these items outlined within Appendix 2. The site was abandoned in 1961 and transformed into a park in the 1980s.

The site is listed within the Cessnock *Local Environmental Plan* 2011, 'Collieries of the South Maitland Coalfields/Greta Coal Measure' (item #I215).

Guidelines and Objectives

Areas of Cultural Significance are defined in LG Regulation 105 as land which:

- Contains an area of Aboriginal significance;
- Contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers;
- Is an area of archaeological significance;
- Is an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or;
- Is an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or;
- Is an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.

The core objectives for an area of cultural significance, as outlined in Section 36H of the LG Act, are 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.

As outlined within the Conservation Management Plan completed for the site, Kitchener Poppethead Park is the only park of this type in Australia (A mine converted to a recreation area). For Cessnock, it is a regional park with a very significant history as a former mining site which contributed greatly to the development of Kitchener and the larger area. The key historic structures on the site including the poppethead, the second mine shaft, building footings and evidence of a line of railway, make the park distinctive and very recognisable. There are very few poppetheads remaining in the region. Kitchener Poppethead Park was converted into a park by active participation of the community. The interpretative potential of the park to demonstrate the development of the mining industry in the Cessnock and larger region is substantial.

Appendix 4 outlines the Assessment of Significance of the site in terms of cultural and heritage value.

Condition of the Land and Structures

Infrastructure within the Area of Cultural Significance includes:

- poppethead;
- second mine shaft;
- building footings;
- mature trees;
- bench seating and koppers log fencing.

Refer to Appendix 2 for a condition assessment and additional information in regards to the above infrastructure.

Use of the Land and Structures

There are currently no leases or licence or other management arrangements in place in regards to the site. The area categorised as Area of Cultural Significance is predominately utilised by the community for passive recreation (picnicking). A shared pathway borders this area and is highly utilised by visitors to the Park.

Key Issues

Vandalism

Vandalism has been an issue in terms of Kitchener Poppethead Heritage Park, especially the poppethead as people would often climb it, which led to the installation of a metal 4.5m high, locked fence all around it to prevent accidents, injury and destruction of property.

Maintenance

The need for continual maintenance is a significant constraint, both financially and on future works to the site. It is important to provide an effective manageable maintenance system.

The routine maintenance of the site is integrated into Cessnock Council's maintenance systems. Maintenance works should be assessed for heritage impact to determine whether the methods used are appropriate to the historic fabric of the place.

Significant Fabric

The need to preserve and not cause any adverse impact to significant heritage fabric can be a constraint for planned future works. However, it may also provide an opportunity to reinvent original forms or spaces and allow an active and educational public use of the space.
work be undertaken to the poppethead, so as to arrest rust and decay processes. The mine dam needs to be conserved as an existing water body in the area and as a historic feature. In terms of the building footings, the line of railway and the second mine shaft care should be taken to retain as much of the remaining original fabric as possible.

The Park has a number of elements which are significant – namely the poppethead, the second mine shaft, the line of railway, the mine dam and the building footings. It is proposed that restoration

Balancing Competing Requirements

As a site containing historic mining features, it is necessary to accommodate compromises that keep the historic fabric intact while accommodating the needs of Kitchener Poppethead Heritage Park. Nevertheless, as a place which has elements of exceptional and considerable heritage significance, any proposed works need to be sensitively designed to acknowledge and accommodate, as far as possible the conservation of identified heritage values. Changes to fabric, for example, should be restricted to areas of lower significance wherever possible.

Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Area of Cultural Significance, and the forms of development generally associated with those uses, are set out in detail in Table 9. The facilities on community land may change over time, reflecting the needs of the community.

Table 9: Permissible use and development of community land categorised as Area of Cultural Significance

Purpose/Use, such as…	Development to Facilitate uses, such as…
• Preservation of local heritage items • Preservation of biological diversity and habitat • Providing a location for relaxation and passive informal recreation • Walking and cycling • Environmental and scientific study	• Picnic tables • BBQs • Sheltered seating areas • Lighting • Low-impact walking trails • Interpretive signage • Water saving initiatives such as rain gardens, swales and sediment traps • Energy-saving initiatives such as solar lights and solar panels • Observation platforms, signs • Information kiosks • Refreshment kiosks (but not restaurants) • Work sheds or storage sheds required in connection with the maintenance of the land • Bicycle/boat hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage

Express Authorisation of Leases, Licences and other Estates – Area of Cultural Significance

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as Area of Cultural Significance, listed in Table 10.

Table 10: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Area of Cultural Significance.

TYPE OF TENURE ARRANGEMENT	MAXIMUM TERM	PURPOSE OF WHICH TENURE MAY BE GRANTED
Lease	5 years	• walkways, pathways, bridges, causeways • observation platforms, signs • information kiosk • kiosk selling light refreshments (but not restaurants) • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licence	5 years	• walkways, pathways, bridges, causeways • observation platforms, signs • Information kiosk • Kiosk selling light refreshments (but not restaurants) • Bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short-term Licence	12 months	• scientific studies and surveys or similar • bicycle/boat hire or similar • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Other Estates	N/A	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act

8. Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- Objectives and performance targets for the land;
- The means by which the Council proposes to achieve these objectives and performance targets; and
- The manner in which Council proposes to assess its performance in achieving the objectives and performance targets.

Table 11 – 14 sets out these requirements for community land categorised a Park, Natural Area-Bushland, Natural Area-Watercourse and Area of Cultural Significance.

Park

Table 11: Objectives and performance targets, means of achieving them and assessing achievement for community land categories as Park

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access and Inclusion	Ensure access to and within the Park for people with disabilities	In line with Council's Disability Inclusion Action Plan, Strategy 2.1 'Improve the accessibility of public spaces and facilities' the following actions are outlined: Action 3 – Undertake an audit of Council's accessible public toilets and identify priority upgrades as part of Council's Public Amenities Review. Action 5 – Identify and program access improvements through Asset Management Plans, Plans of Management, Strategic Documents and Masterplans for recreation facilities. Action 6 – Implement the NSW Department of Planning, Industry and Environment's Everyone Can Play Guideline in the development and upgrading of playspaces. Ensure access and parking facilities are accessible and in accordance with relevant standards. Ensure pedestrian access and connectivity with the surrounding areas.	Action 3 – The Public Amenities Review is completed and priority upgrades identified for Kitchener Poppethead Amenity Building. Action 5 – A Masterplan is completed for the Park identifying access improvements. Grant applications are submitted to improve access. Action 6 – The playspace is upgraded incorporating the Everyone Can Play Guidelines. Feedback is received from the community that access is improved. Carparking and pedestrian accessibility provisions are reviewed in accordance with Council's DCP, Engineering Guidelines and Recreation and Open Space Strategic Plan. Existing roads and access points are maintained and upgraded.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Use and Recreation	To enhance opportunities for a balanced organised and unstructured recreational use of parks. To optimise public access to all areas of parks. Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.	Maintain and increment the range of organised and informal/unstructured activities in the Park. Develop a Masterplan for the site to increase use and enjoyment of the Park – items may include an upgrade & expansion to the playground, the provision of a small skatepark node, a formal camping area and planned improvements to the Park generally (including toilet facilities). Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual parks and sportsgrounds. The Park has considerable educational potential owing to its history and heritage, and its environmental setting. The proximity to the Werakata SCA provides opportunities for education in terms of environmental matters and natural resources. Its history as a former mining site and proposed interpretation will also serve as an excellent educational tool.	Increased use of the Park measured by application for use forms, survey and observation. A Masterplan is developed for the site. Number of people attending workshops and community/environmental events. Education packages/tools are developed for the Park.
Safety and Risk Management	Minimise opportunities for risk of injury	Ensure Council and user groups of The Park are adequately protected from risk and public liability. Encourage community involvement in the recognition and remediation of public risk. Ensure all existing and/ or proposed facilities are constructed, installed and maintained to the relevant Australian Standards.	Ensure all community groups undertaking events or activities in The Park, are protected from damages or injury by Public Liability Insurances. Undertake periodic risk assessments of The Park and its facilities. As a former mining site, regular inspections should be undertaken to check for subsidence onsite. Review existing facilities including playground equipment, toilet block, barbeque facilities in accordance with Councils Engineering Guidelines. Undertake regular inspections to ensure The Park infrastructure is to standard.
	Ensure the safety of the public whilst visiting The Park	Prevent unsafe use of The Park. Discourage anti-social behaviour and encourage community involvement in reporting such behaviour. Introduce security and surveillance in The Park.	Ensure regulatory signage is current and appropriately located. Install signage prohibiting certain activities, such as motorbikes, dogs off leash and illegal dumping. Respond promptly and appropriately to claims of dangerous behaviour and/or damage to infrastructure. Security measures are investigated and installed.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Maintenance	To ensure the Park is safe and fit for use	Ensure the Park is maintained to standards.	Adequately provide for maintenance works in annual budgets.
Access and connectivity	Minimise adverse impacts of public access to the Park	Prevent unauthorised access to the Park	Non-essential vehicle access points to the Park are closed. Carparking is limited to areas outside The Park so as to prevent adverse impacts of vehicular access to historically and environmentally sensitive areas of the Park, and the adjacent Werakata SCA.
Heritage	To manage the Park so as to maintain the heritage values of the area and surrounds.	Ensure that any works proposed to the Park do not compromise its unique setting. Future upgrades of the Park recognise the historic conversion of the former mining site into a park.	Interpretative material is installed where appropriate. Theming of play equipment items is reflective of heritage values.
Community Involvement	Involve the community in the management of the Park.	Encourage the participation of the community in reporting incidents.	Customer Service requests are submitted to Council.
		Encourage neighbours to notify Council of any concerns regarding vandalism, dumping, noise etc.	Number of customer service requests lodged with Council.
Landscape Design and Character	Ensure that the unbuilt character of the Park is retained	Protect the heritage, cultural, aesthetic values of the land. Any paths, signs, structures etc. must be sympathetic to the existing setting. New structures to be located in appropriate areas and designed appropriately.	Any new works proposed to the Park should be sensitive to its largely unbuilt setting and its heritage values and in line with the Masterplan that is proposed to be developed.

Natural Area – Bushland

Table 12

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Safety and Risk Management	Ensure the safety of the public whilst visiting the Park.	Prevent unsafe use of the Park. Infrastructure provided is safe and to relevant standards. Discourage anti-social behaviour and encourage community involvement in reporting such behaviour.	Ensure regulatory signage is current and appropriately located. Install signage prohibiting certain activities such as motorbikes, dogs off leash and illegal dumping. Bridges, boardwalks and observation deck are upgraded. Customer service requests are received and addressed.
		Ensure the public is not threatened from flood or fire. Identify high priority areas within the Park for fire management. Manage the Park to reduce bushfire risk to life and property.	A location plan of sections of the Park that could be impacted by flooding or fire is completed and installed. Fire threat affecting the underground mines on site is clearly identified and marked as hazards. A Bushfire Risk Management Plan is developed. This plan is integrated with the Bushfire Risk Management Plan for the adjoining NPWS managed land.
Environment	To manage the park so as to maintain ecological values of the area and surrounds.	Where appropriate undertaken bushfire hazard reduction. Ensure that any works proposed do not compromise its unique environmental setting.	The Park is regularly cleared of excessive vegetation. Environmental management practices are implemented.
	Retain the distribution, abundance and diversity of native species and existing communities.	Retain Bushland in and immediately around the Park that will enable existing plants and animals to survive. Avoid compromising biodiversity values as perceived by the public about threats posed by native fauna and flora.	A planting program is prepared for the Park. Information about rare and threated species of flora and fauna in the adjacent Werakata SCA is integrated into signage in the Park, and into educational programs about the Park. Ordinance signage is erected notifying the community of sensitive areas and no domestic animals permitted, especially in terms of access to the Werakata SCA.
	To conserve biodiversity and maintain ecosystem functions. Reduction in weed cover and increase in diversity of indigenous plant species.	Utilise bushcare volunteers with Council Contractor support for regeneration of areas	Results of flora and fauna surveys. Hazard reduction.
	Manage and eradicate pest plants and obnoxious weeds.	Develop and follow protocols to reduce the risk of spread of soil pathogens.	A weed control program is developed.
	To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.	Clear wayfinding signage is provided highlighting pathways.	Appropriate ordinance signage is installed.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Maintenance	To ensure the safety of the public whilst visiting the Park.	Maintain existing bushland pathways to make safe and accessible at all times.	Existing pathways are maintained.
Access	Ensure appropriate access is provided for users.	Ensure pedestrian access and connectivity Identify suitable locations for development of access for people with disability.	Existing walking tracks are upgraded. Options are explored and access improved. The viewing platform over the mine dam is accessible.
	Minimise the creation of excessive tracks that cause erosion and fragmentation of vegetation. Prevent unauthorised access, eg. Vehicles.	Identify authorised track network and use signage (and fencing where appropriate) to promote nominated access points and discourage the creation of other access points and tracks. Maintain existing tracks to a safe standard. Maintain tracks to reduce erosion. Terminate and revegetate inappropriate tracks.	Map of authorised tracks is developed. The creation of shortcuts or unauthorised access points are monitored. Number of customer service requests received for track maintenance. Successful revegetation of unauthorised tracks.

Natural Area – Watercourse

Table 13

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Historical Significance	The size of the dam area is not altered (CMP).	In line with the CMP, no works altering the size of the dam will be approved.	The size of the dam remains unchanged.
	Works allowed only for purposes of upkeep and maintenance of the dam (CMP).	All works to be completed by Council staff or approved contractors and scope is clearly defined and limited to maintenance works.	Maintenance works are completed.
	The historical significance of the dam is evidenced on site.	Interpretation materials are installed around the dam highlighting significance of the site.	Interpretation elements are installed
Maintenance	Weed growth is monitored within the dam.	Monitor weed growth in the water of mine dam and regularly inspect vegetation for disease.	A weed control program is developed.
Water Management	Aquatic Ecosystem Health. Management of storm water and drainage.	Water Sensitive Urban Design Initiatives in regards to the mine dam are investigated.	Investigations are complete and WSUD initiatives implemented.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	Illegal dumping is reduced.	Residents are encourage to submit customer service requests when illegal dumping is observed. Ordinance signage is installed outlining unauthorised activities. Security measures are investigated around the dam (e.g. improved lighting, sight lines, CCTV)	Customer Service Requests are submitted to Council. Signage is installed. Investigations are complete and safety measures implemented.

Area of Cultural Significance

Table 14

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Heritage	Minimise opportunities for risk to historic fabric in the Park.	Develop permanent asset protection zones.	The extant fabric on site including the Poppethead, second mine shaft, line of railway evidence, mine dam and building footings are all contained within a permanent asset protection zone that maintains the heritage values of the Park.
	Maximise opportunities for interpretation of history and heritage	Opportunities for interpretation of the history and heritage of the former Aberdare Central Colliery are investigated.	An interpretation Strategy is developed for the site. Interpretative measures are installed.
Maintenance	To ensure the Park is fit for purpose	Ensure the Park is maintained to standard Undertake conservation works and maintenance works to the historic structures on site	Maintenance tasks are prioritised in accordance with the minimum standards of Maintenance and Repair outlined in the Kitchener Poppethead Heritage Park CMP 2018. Conservation works are completed in line with the CMP.
Safety	To ensure the Park is safe for users	No Building/structural works to be undertaken within the heritage zone. Actions identified within the CMP are implemented including fencing of Poppethead and securing second mine shaft.	Subsidence Advisory NSW is consulted prior to any works being undertaken.
	Vandalism	Security measures are investigated around within the area of cultural significance (e.g. improved lighting, sight lines, CCTV)	Investigations are complete and safety measures implemented.

A Native Title Assessment has been undertaken in regards to the proposed activities within the area categorise Park, Natural Area - Bushland, Natural Area - Watercourse and Area of Cultural Significance. Formal Native Title advice has advised that this Plan of Management complies with the native title legislation as required under ss8.7(d) of the *Crown Land Management Act 2016*.

9. Appendices

Appendix 1 – Community Consultation Held at Kitchener Poppethead Heritage Park 2018

Kitchener Poppethead Park – Ideas Board

Appendix 2 - The Condition and Use of Built Elements Within The Park

Table 15

REF	Item	Description	Current Use	Current Condition
1	Poppethead	The Poppethead on site is a steel upcast headframe above the former underground mine shaft. At approximately 24m in height, the existing Poppethead stands over one of the two shafts on site, and in this case, it is the shaft that was used to transport workers, horses and materials in and out of the mine. A lattice girder construction it comprises of a winding frame, a cage frame and head gear which includes two wheels, which indicates that there were two cages that carried loads in and out of the mines, while acting as counter weights. The winding frame supported the pulleys for the cages, which were in turn supported by the caged frame. Above ground the shaft is enclosed by a brick structure, and a metal plated enclosure. The Poppethead does not sit directly on the ground but is set on top of a slab made of steel girders and a concrete slab, and reinforced concrete piles supporting each member of the frame. The space between the piles has been enclosed by masonry walls, which form a structure that has doors and windows and was most probably used as an entrance space for the mine, and as a lamp room.	Historical structure – information and education	Poor – poppethead requires painting and improvements
2	Second Mine Shaft	The second mine shaft is located to the south of the Poppethead, and it was used to haul coal up to the surface. While the Poppethead was removed, the shaft still exists and has been sealed, and covered by an enclosed metal box hatch. The fly wheel which was part of the machinery at the Colliery now stands in Turner Park, Aberdare Road, and Aberdare.	Historical structure – information and education	Good
3	Building Footings	While there are no buildings remaining from the mining period of the site, as these were removed between 1960s and 1980s, more so in the 1984 conversion of the site into a park, there are footings of buildings at several locations. These brick, mortar and concrete footings are an indication of the former built structures on site, and are representative of an indicative mining settlement layout of the site.	Historical structure – information and education	N/A
4	Mine Dam	Located along the western edge of The Park, the former mining dam was converted into a lake for public use during the 1980s. The existing lake is a perennial water body fed by Black Creek.	Feature dam	Poor – the dam has been subject to historical illegal dumping with water quality requiring improvement.
5	Informal Trail and Boardwalks	The boardwalk which was constructed in the 1980s is constructed of timber planks and posts, with two timber beam bridges over sections of Black Creek. The boardwalk covers the western edge of the Mine Dam.	Recreation	Poor – the boardwalks are aged and require replacement

REF	Item	Description	Current Use	Current Condition
				Good – informal tracks require minor upgrades.
6	Viewing Platform	Located at the eastern edge of the mine dam, the platform is wooden jetty like structure extending out into the water, supported by concrete piers.	Informal recreation	Average – improvements required to viewing platform.
7	Line of Railway	A single sleeper from the former railway line that ran through the site from north to site still exists on site, although it is difficult to ascertain if its position is accurate or if it has been moved.	Historical structure – information and education.	Good
8	Playground Equipment and park furniture	The playground equipment includes swings, slides, jungle gyms, shade sail and a flying fox.	playground	Good – Improvements could be made to improve accessibility. The playground is not currently reflective of its regional status.
9	History Board	A wood and aluminum gabled roofed structure covers a double-sided board that has historical information about the Park and the mine.	Information for park users	Good – minor improvements to be made to freshen up the signage.
10	Barbeque Facilities	There is one barbeque in the Park and it is located under a large shelter which has tables, seats and benches, and is used extensively by people visiting the Park.	Picnics	Good
11	Public Amenity Building	The Park has one brick toilet block containing a male and female toilet.	Toilets	Good – improvements could be made to improve accessibility
12	Signage	The Park has multiple signs which provide some way-finding, and some information about the site. However, the signage is quite inadequate for a park of this size and for interpretation/information purposes.	Signage	Good – park signage is in good condition, trail signage requires improvement.

EXTENT
HERITAGE ADVISORS
Kitchener Heritage Park
Park boundaries
Modern features
Structures
Concrete rubble and slabs
Paved vehicular areas
Unpaved vehicular areas
Footpaths and pedestrian areas
Play areas
Water
Trees and large bushes
1
2/3
3
4
5
6
7
8
9
10
11
0 25 50 75 100
Metres

Figure 8

Appendix 3 – Images of Site Infrastructure

Figure 9: Poppethead

Figure 10: Poppethead footing

Figure 11: Poppethead showing two wheels

Figure 12: Lattice girder construction

Figure 13: Brick enclosure

Figure 14: RCC piles

Figure 15: Brick enclosure

Figure 16: Brick enclosure

Figure 17: View towards second mine shaft

Figure 18: Second mine shaft cover

Figure 19: Building footings

Figure 20: Building footings

Figure 21: Mine dam

Figure 22: Mine dam

Figure 23: Boardwalk

Figure 24: Boardwalk

Figure 25: Viewing platform

Figure 26: Viewing platform looking back towards the Poppethead

Figure 27: Viewing platform

Figure 28: Viewing platform and retaining wall

Figure 29: Viewing platform

Figure 30: Line of railway

Figure 31: Playground

Figure 33 - Flying fox

Figure 32 - Playground

Appendix 4 – Assessment of Significance

Cultural Value

Table 16: Assessment against heritage criteria

Criterion	Assessment
a) An item is important in the course, or pattern, of NSW's cultural or natural history	As the site of the former Aberdare Central Colliery, which also led to the accompanying development of Kitchener village, the site has significance in terms of the development of the area and the larger Cessnock LGA.
b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history	The site has associations with the former Aberdare Central Colliery and is therefore an integral part of the mining history of the community in the area.
c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW	The existing poppethead and dam on site are the two remaining built elements from the former Aberdare Central Colliery. Poppetheads were employed in Australia from the 1820s for shaft mining, and the existing metal poppethead on site represents mining activity in the larger Cessnock area. It fulfils this criterion on the basis of demonstrating technical achievement.
d) An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.	The conversion of the disused mine site into Kitchener Poppethead Heritage Park was a community-based initiative, and the current upkeep and maintenance of the Park is often tended to by the same community group, and by Cessnock City Council which indicates that the item has considerable significance in terms of its association with the community in Kitchener.
e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history	The site has footings of former mining camp buildings and possible sleepers of the former railway lines that were associated with the mine. Therefore, the item has significance under this criterion.
f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history	The item does not fulfil this criterion.
g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments	The existence of a poppethead on site demonstrates typical features of former 19th and early 20th century mining sites which had shaft mining.

Historic Themes

Table 17: The following historic themes have been identified as relevant to the study of the place

Australian Theme	New South Wales Theme
Developing local, regional and national economies	Mining - Activities associated with the identification, extraction, processing and distribution of mineral ores, precious stones and other such inorganic substances.
Building settlements, towns and cities	Towns, suburbs and villages - Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages

Conclusion

The Kitchener Poppethead Heritage Park, as the site of the former Aberdare Central Colliery, represents the development of mining industry in the Cessnock area and the larger region. At its peak Aberdare Central was the largest mine in the area, producing 1500 tonnes of coal a day and employing up to 578 employees. The Aberdare Central Colliery led to the accompanying establishment and development of Kitchener village, and contributed to the growth of the village and Cessnock during the 19th and 20th century.

Summary of Statement of Significance

Existing Statements of Significance for the Aberdare Central Colliery notes:

- The most significant remains of the Aberdare Central Colliery, part of the network of mines and collieries which were established across the South Maitland coalfields - Australia's richest coal resource. The colliery was important as it provided the impetus for the government town of Kitchener. It is also significant as a large employer of local labour and as the scene of great local heroism.

The Statement of Significance for Kitchener Poppethead Heritage Park could read as follows:

- As the site for the former Aberdare Central Colliery, Kitchener Poppethead Heritage Park is an item of significance as it represents an important stage in the development of the mining industry in the Cessnock area. The former mine was associated with the establishment of and the growth of Kitchener village during the 19th and 20th century and was a primary employment provider in the area. While the majority of the mining associated infrastructure on the site has been demolished and removed, the extant poppethead, mine dam, building footings, second mine shaft and railway sleeper provide evidence of the technical significance of the site. The Park has considerable significance in terms of its association with the community in Kitchener, owing to its mining history and the involvement of community in the conversion of the mine site into the Park.

Graded Levels of Significance

Graded levels of significance are a management tool used to assess the relative significance of elements within an item, place or site, and assist in decision-making regarding individual elements of a place. The integrity of elements and relationship with other elements should be considered in management decisions, along with graded levels of significance.

In order to manage the significance of the place, it is important to define what elements of the site contribute to that significance. Depending on the nature of the significance of the place this may include buildings and building elements, machinery, plant, freestanding structures or landscape elements.

Table 18: Graded Levels of Significance

Level of Significance	General Conservation Principles
Exceptional	Elements of exceptional significance are key to the understanding of the place, as they represent its major characteristics and are generally original elements. They may also be rare or exceptional examples of their type. Fabric of exceptional significance must be conserved and restored. In the case of failure, fabric of exceptional significance must be reinstated using the same materials and, where possible, traditional methods. These elements should not be removed or obscured by future works. Where such elements are missing, concealed or damaged, they should be restored.
Considerable	Elements of considerable significance are major components of the place and important to understanding its significance and development over time. These elements may be later but sympathetic additions to the place or original elements, which have been altered sympathetically. Fabric of considerable significance should generally be retained, conserved or restored using sympathetic methods and materials. Minor changes or alterations to fabric of considerable significance are permissible, where changes are relatively minor, fabric is not obscured and changes are reversible.
Some	Elements of some significance have some heritage value but are not key components to understanding the place or its significance. This may include later, introduced fabric or elements in poor condition, which cannot be reasonably conserved. Fabric of some significance may be altered if necessary provided such alteration does not compromise the overall significance of the heritage item.
Little	Elements of little significance are minor components of the site, elements which have been altered over time or which make little contribution to the significance of the place. They may include items such as fittings and fixtures which have been changed many times over the life of the item. Fabric of little significance may be altered, removed or replaced as necessary, but such actions should not damage or obscure fabric of higher significance.
Intrusive	Intrusive elements are those later additions to a site which obscure or compromise elements of the site's significance. Such elements are not sympathetic to the site and may obscure the understanding of the place. Wherever possible, intrusive elements should be removed and replaced (if necessary) with new elements which are sympathetic to the place. New intrusive elements should not be introduced to a place.

Table 19: Grading of Significance

Item #	Element	Graded Level of Significance
1	Poppethead	Exceptional
2	Kitchener Dam	Exceptional
3	Second mine shaft	Exceptional
4	Line of railway	Exceptional
5	Building footings	Exceptional
6	Boardwalk	Some
7	Viewing platform	Some
8	History Board	Some
9	Playground equipment	Little
10	Barbeque facilities	Little
11	Toilet facilities	Little
12	Signage	Little

Appendix 5 – Legislative Context

Local Government Act 1993

The *Local Government Act 1993* requires that Council must have a Plan of Management for all community land. Section 35 of the *Local Government Act 1993* provides that community land can only be used in accordance with:

- the Plan of Management applying to that area of community land;
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- the provisions of Part 2, Division 2 of Chapter 6 of the *Local Government Act 1993*.

This Plan of Management has been prepared in accordance with Section 36(3) and Section 36(3A) of the *Local Government Act 1993*

Environmental Planning and Assessment Amendment Act

Environmental Planning and Assessment Amendment Act 2017 establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning Policies, Regional Environmental Plans and Local Environmental Plans.

The *Environmental Planning and Assessment Act 1979* also sets out processes for approving development applications and enabling development to proceed on public and private land through alternative processes known as exempt or complying development.

The statutory planning framework for the Kitchener Poppethead Heritage Park is the *Cessnock City Council LEP 2011*.

Heritage Act 1997

The *Heritage Act 1977* aims to conserve the environmental heritage of NSW. Proposed changes affecting sites on the State Heritage Register and the management of archaeological and maritime archaeological sites are covered by this Act. The *Heritage Act 1977* also applies to managing excavation that may affect archaeological relics. As the Kitchen Poppethead Heritage Park is a heritage item and it is community land, a site-specific Plan of Management or more specifically a Conservation Management Plan has been prepared concurrently with this Plan of Management. The *Kitchener Poppethead Heritage Park Conservation Management Plan 2018* should be read in conjunction with this Plan of Management to better understand site specific management issues for The Park.

Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* aims to conserve threatened species, populations and ecological communities of flora and fauna state-wide. The main objectives are to conserve biological diversity, prevent the extinction of threatened species, promote the recovery of threatened or endangered species and reduce the pressures that threaten such species.

Where a threatened species or endangered local community (as listed by the *Threatened Species Conservation Act 1995*), or its habitat occurs on community land, the *Threatened Species Conservation Act 1995* applies to that site.

Native Vegetation Act 2003

The *Native Vegetation Act 2003* aims to promote and encourage the growth and restoration of native vegetation and prevent the inappropriate clearing of native vegetation. Native vegetation must not be cleared except in accordance with development consent granted in accordance with the *Native Vegetation Act 2003*, or with a property vegetation plan. Clearing of native vegetation that is unprotected regrowth is permitted. The clearing of native vegetation that comprises only groundcover is permitted if the vegetation comprises less than 50% of indigenous species of vegetation, and not less than 10% of the area is covered with vegetation (whether dead or alive). Where community land contains Native Vegetation, it will be managed in accordance with the provisions of the *Native Vegetation Act 2003*.

Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. It also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The *Disability Discrimination Act 1992* covers a range of areas including sport and recreation, and access to premises. It requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

As a public park, accessibility is an important consideration for The Park.

Companion Animals Act 1998

The *Companion Animals Act 1998* aims to promote responsible animal ownership in NSW. Under the *Companion Animals Act 1998*, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation/ consumption areas, and recreation areas where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle.

The Park is used by dog owners, and the Act needs to be enabled for sensitive use of the premises.

Rural Fires Act 1997

The *Rural Fires Act 1997* aims to provide for the prevention, mitigation and suppression of bush and other fires in Local Government Areas and Rural Fire districts. It also includes an aim of co-ordinating bush firefighting and prevention, protection of persons from injury and death and property from damage due to fires. Under this Act, there is a continuous chain of command from the Commission to the fire-fighter within the NSW Rural Fire Service. There is also an emphasis on having regard to the principles of ecologically sustainable development when carrying out firefighting and prevention activities.

As the Park is identified as Bushland, fire threat is a matter of concern.

Biosecurity Act 2005

The *Biosecurity Act 2015* is about managing diseases and pests that may cause harm to human, animal or plant health or the environment. Council is a Local Control Authority under Section 370 of the *Biosecurity Act 2015* and Section 371(1) of the *Biosecurity Act 2015* prescribes the functions of Local Control Authority in relation to weed management.

They are as follows:

- the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- to develop, implement, co-ordinate and review weed control programs,
- to inspect land in connection with its weed control functions, to keep records about the exercise of the Local Control Authority functions under the *Biosecurity Act 2015*,
- to report to the Secretary about the exercise other Local Control Authority functions under this Act.

Section 372 of the *Biosecurity Act 2015* provides Local Control Authority with the authority to appoint authorised officers to control weeds on community land covered in this Plan of Management.

Water Management 2000

The *Water Management Act 2000* aims to sustain and integrate the management of the

State's water for the benefit of both present and future generations. The *Water Management Act 2000* is based on the concept of ecologically sustainable development – development today that will not threaten the ability of future generations to meet their needs. The *Water Management Act 2000* was developed because NSW was at the limit of its available water resources and the decline in the health of our rivers, groundwater, floodplains and estuaries was evident with increasing water quality problems, loss of species, wetland decline and habitat loss.

This act applies to the Kitchener Dam on site.

Other Statutory Provisions.

The Department of Local Government "Public Land Management" Practice Notes (May, 2000) were developed to assist Local Government with the management of public land.

The Notes set out guidelines for the preparation of Plans of Management which have been considered in the development of this Plan of Management.

Council also has many adopted policies which could affect how community land is used. Relevant legislation, plans and policies that guide the management of community land identified in this Plan of Management are available on Council's website (www.cessnock.nsw.gov.au).

Council also has a number of guidelines and plans that affect the management of community land. These include:

- Council's Engineering Guidelines
- Asset Management Plans
- Floodplain Management Documents.

Each year Council adopts its own Operational Plan, derived from the four year Delivery.

Program, which focuses on the financial aspects of Council's operations. The Operational Plan identifies key projects and the allocation of funding to the management of its community infrastructure, such as roads and footpaths, community centres, parks, sporting fields and natural areas in terms of services and capital projects. Much of the major infrastructure within the local government area is in critical need of significant repairs and maintenance.

In addition, Council's Property Management Plan identifies all land and buildings owned and managed by Council and provides a framework for the management of the land.

Aboriginal Land Rights Act 1993

The *Aboriginal Land Rights Act 1983* seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW (who may or may not also be native title holders).

Prior to any works, development or tenures authorised by this Plan of Management will not go ahead if:

1. The proposed activity could prevent the land from being transferred to an ALC claimant in the event that an undetermined claim is granted;
2. The proposed activity could impact or change the physical/environmental condition of the land, unless:
    a) consent provided from Aboriginal Land Council to carry out proposed activity
    b) written statement from Aboriginal Land Council obtained confirming that the subject land is withdrawn;

The proposed activity is a lease to be registered on title unless the Council manager has obtained written consent from the claimant Aboriginal Land Council.

Crown Land Management Act 2016

The objects and principles of Crown Land Management are listed in Sections 1.3 and 1.4 of the *Crown Land Management Act 2016* and form the starting point for the preparation of Plans of Management. The principles of Crown Land Management are:

a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
c) that public use and enjoyment of appropriate Crown land be encouraged, and
d) that, where appropriate, multiple use of Crown land be encouraged, and
e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

The Act and existing policy for the management of Crown land has always encouraged the appropriate commercial use of reserved Crown land. Commercial activity can meet the needs of public users of a reserve as well as generate the financial means to manage and improve the Crown Reserve system generally. A specific requirement of the Act is the proceeds of commercial activities on reserved Crown land are to be spent on the management of reserved Crown land.

The Act deals specifically with the management of Reserves and matters related to the appointment and responsibilities of non-council land managers. The purpose of establishing non-council land managers is to allow reserved Crown Land and potentially other land (Crown and freehold) to be managed but subject to Ministerial direction.

Crown Land Managers have a statutory responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated or other purposes as authorised by the Act such as those authorised under clause 3.38 as specified in a plan of management.

Native Title Act 1993

Native title is the legal recognition of the individual or communal rights and interests which Aboriginal people have in land and water, where Aboriginal people have continued to exercise their rights and interests in accordance with traditional law and custom since before the British asserted sovereignty over Australia. Native title rights and interests are formally recognised under the Native Title Act (1993) (Commonwealth).

Prior to any works commencing in relation to this Plan of Management, the Native Title Manager will comply with the requirements of the *Native Title Act*. This includes determining if Native Title has been extinguished, working through the Future Acts regime and liaising with the relevant authority in relation to any existing agreements or Indigenous Land Use Agreements.

CESSNOCK
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