

NAMBUCCA VALLEY COUNCIL



Plan of Management

NAMBUCCA RIVER FORESHORE / GORDON PARK

CROWN RESERVE 88151

Lot 4 DP 721291, Lot 8 DP 831156,

Lots 7009 - 7010 DP 1054529

& Lot 701 DP 1055530

44 Princess Street | PO Box 177 MACKSVILLE NSW 2447
p 02 6568 2555 | e council@nambucca.nsw.gov.au | w www.nambucca.nsw.gov.au

This page is intentionally left blank

TABLE OF CONTENTS

1.0 KEY INFORMATION.....	3
1.1 Purpose of the Reserve	3
2.0 INTRODUCTION	5
2.1 Corporate Objectives	5
2.2 Land to which this plan applies	6
2.3 Owner of the land	6
2.4 Zoning of the reserve	7
2.5 Categorisation of the reserve	8
3.0 RELEVANT LEGISLATION, POLICIES AND PROCEDURES	9
3.1 Local Government Act 1993 - Local Government (General) Regulation 2005.....	9
3.2 Crown Land Management Act 2016	10
3.3 Other relevant legislation and statutory controls	10
3.3.1 Native Title Act 1993 (Federal)	10
3.3.2 Aboriginal Land Rights Act 1983.....	10
3.3.3 Biodiversity Conservation Act 2016	10
3.3.4 Environmental Planning and Assessment Act 1979.....	11
3.3.5 Council Plans, Strategies, Policies and Procedures	11
3.3.6 Legislation and Statutory Controls	12
3.4 Review of this Plan.....	12
3.5 Process of preparing this plan of management	13
4.0 LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES	14
5.0 LAND CONTAINING SIGNIFICANT NATURAL FEATURES	17
6.0 CULTURALLY SIGNIFICANT LAND	18
6.1 Aboriginal Significance	18
6.1.1 Nambucca Local Environment Plan 2010 definition of places of Aboriginal significance	18
6.2 Non-indigenous Significance.....	19
7.0 DEVELOPMENT AND USE.....	21
7.1 Overview	21
7.1.1 Nambucca River Master Plan	21
7.2 The reserve has three distinct areas.....	23
7.2.1 The Rain Forest	23
7.2.2 The Tennis Club.....	24
7.2.3 The Recreational Area	26
7.3 Strategic Objectives	32
7.4 Condition of the land and structures on adoption of the plan	33
7.5 Use of the land and structures at the date of adoption of the Plan of Management.....	33
7.6 Permitted use and future use	33
7.6.1 Further development.....	34
7.7 Leases, Licences and other Estates	34
7.8 Express authorisation of future leases and licences.....	34
7.9 Native Title Assessment.....	38
8.0 PLAN OF MANAGEMENT ADMINISTRATION AND MANAGEMENT	39
8.1 Permitted use strategic objectives	39
8.1.1 Management Authority.....	39
8.1.2 Management Issues.....	39
8.2 Action Plan	40
8.3 Administration.....	42
8.3.1 Staff Resources	42
8.3.2 Environmental Assessment of Activities	42

8.3.3	Roles of other Authorities.....	42
8.3.4	Activities carried out by other authorities	42
8.3.5	Principles for the development on adjoining land.....	43
8.3.6	Community involvement in Management.....	43
8.3.7	Contract and Volunteer labour	43
8.3.8	Delegation of management Responsibilities	43
8.3.9	Easements.....	43
8.3.10	Existing Assets	43
8.3.11	Public Liability.....	43
8.3.12	Commercial Activities	43
8.3.13	Emergencies.....	43
8.3.14	Land proposed for future development.....	44
8.3.15	Undeveloped Land	44
8.3.16	Information monitoring and research	44
8.4	Management guidelines	44
8.4.1	Alcohol	44
8.4.2	Companion Animals.....	44
8.4.3	Parking.....	45
8.4.4	Buildings and amenities	45
8.4.5	Infrastructure.....	45
8.4.6	General Maintenance.....	45
8.4.7	Access	46
8.4.8	Development Activities.....	46
8.4.9	Pollution Control.....	46
8.4.10	Public Safety.....	46
8.4.11	Neighbours	46
8.4.12	Trees Vegetation and Landscape.....	46
8.4.13	Weed Control.....	46
9.0	REVISION	47

1.0 Key Information

- Plan of Management for Public Recreation, Crown Reserve 88151 Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009 - 7010 DP 1054529 and Lot 701 DP 1055530
For the purpose of Preservation of Native Flora; Public Baths; Public Recreation
- Crown Land manager Nambucca Valley Council
- Date of Adoption

The Reserve known as NAMBUCCA RIVER FORESHORE RESERVE 88151 / GORDON PARK contained in Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009 - 7010 DP 1054529 and Lot 701 DP 1055530 was reserved from sale for the public purpose for Public Recreation, Public Baths and Preservation of Native Flora Reserve 88151 published in the Government Gazette on 26 February 1971

The Management Plan has been prepared by the Nambucca Valley Council and provides direction as to the use and management of Reserve 88151. Made up of Lot 4 DP 721291, Lot 8 DP 831156, and Lot 701 DP 1055530 whereas Lots 7009 - 7010 DP 1054529 are wholly covered by a Licence 181.2019.03.01 for the tennis club (CM9 – 45563/2019). This plan also runs parallel with The Gordon Park Flying Fox Management Plan (CM9 2390/2018) & The Vegetation Management Plan for Gordon Park Rainforest (CM9 7975/2018) and no part of this plan overrides any of these mentioned CM9 records. (These three documents will be added as attachments when this document goes on exhibition for public viewing). These identified management plans will be implemented as part of the purpose of the reserve as preservation of Native Flora and Fauna and any future permitted use will be in line with the purpose of the reserve.

The Management Plan is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

The Management Plan outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The Plan may be used to determine the allocation of resources and funds.

The Reserve 88151 land are maintained by agreement between the Nambucca Valley Council, Nambucca Heads Tennis Club Inc., The Gordon Park Flying Fox Management Plan and The Vegetation Management Plan for Gordon Park Rainforest at the present time.

1.1 Purpose of the Reserve

New South Wales Government Gazette no 21 on the 26 February 1971 (6082) it is hereby notified that in pursuance of the provisions of section 28 of the Crown Lands consolidation Act 1913, the Crown lands hereunder describes shall be reserved from sale for the public purpose hereinafter specified, and are hereby reserved accordingly as:

- Public recreation, Public baths and Preservation of Native Flora and Fauna Reserve 88151 Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009 - 7010 DP 1054529 and Lot 701 DP 1055530



Aerial view of Reserve 88151

2.0 Introduction

The Nambucca Valley Council local government area covers 1,491 km², with a topography that largely reflects steep gradients, extensive waterways and a coastline of approximately 20kms.

The Valley is divided topographically into two broad areas. The western part comprises the rugged eastern edges of the New England Plateau and the eastern part is characterised by the gentle slopes of the Nambucca River, the Taylors Arm floodplains and adjacent undulating lands.

Council's land portfolio is comprised of land owned by Council (7.4km²) and Crown Land that has been devolved or vested in Council or where Council has been appointed as the Crown Land Manager (3.1 km²).

This Plan of Management has been prepared to document the environmental, economic, recreational and social values of NAMBUCCA RIVER FORESHORE RESERVE 88151 / GORDON PARK and to guide the future use, development and management of the reserve.

Underpinning the preparation of the plan is the involvement of the community in determining what values are important and how these should be protected and enhanced.

2.1 Corporate Objectives

Council has four corporate objectives as outlined in the 2017 - 2027 Community Strategic Plan which are:

- Our community will be a safe, healthy place to live where everyone is valued.
- Our community values our natural environment and seeks a safe, livable, sustainably built environment that is adaptive to change.
- We will support one another for the wellbeing of our community.
- Promote, support and plan opportunities for new and existing businesses to sustain a vibrant local economy. The corporate objectives tie into Council's vision statement – Living at its best.

As per the Community Strategic Plan, Council's objectives are:

- Environmental Protection – Council will seek to protect our natural environment by strategically managing operations and development and regulating activities with environmental impacts.
- Recreational Activities – The Nambucca Valley will have a variety of safe and well-maintained sporting fields, recreational areas and facilities to meet the needs of all age groups in the community.

Detailed maps, aerial photos and drawings of this Reserve 88151 are presented in the document to identify natural and built infrastructure to form part of this Plan of Management.

2.2 Land to which this plan applies

Reserve Number	88151
Purpose	Preservation of Native Flora; Public Baths; and Public Recreation
Gazette date	26 February 1971

The subject land is located to the south of the central business district of Nambucca Heads and is bounded by Ridge Street to the north, Lower Lee Street & Wellington Street to the east, the Nambucca River to the south and residential blocks & Fraser Street to the west. It comprises of 5 lots which are zoned RE1 – Public Recreation.

NAMBUCCA RIVER FORESHORE RESERVE 88151 / GORDON PARK comprises a rainforest, which has walking tracks throughout (but are temporally closed), along with two heritage-listed structures: a horse trough and the Pioneers' Well. The well and horse trough were believed to have been constructed in the 1890s as resupply points for travellers journeying from Kempsey.

To the south of the rainforest is the Nambucca Heads Tennis Centre and below that south to the river is a popular recreation area, including parklands, picnic shelters, BBQ's, amenities, playground, boat launching area, jetty, steps into the river, rock wall and walkways.

Lot	DP	Description
8	831156	Rainforest area with walking tracks & two heritage-listed structures horse trough and Pioneers' Well.
7009 7010	1054529	The Nambucca Heads Tennis Centre
4 701	721291 1055530	Gordon Park – recreation area, including parklands, picnic shelters, BBQ's, amenities, playground, boat launching area, jetty, steps into the river, rock wall and walkways.

2.3 Owner of the land

Nambucca River Foreshore / Gordon Park Reserve 88151, Lots 8 DP 831156, 7009 - 7010 DP 1054529, 4 DP 721291 and 701 DP 1055530, is owned by the Crown and managed by Nambucca Valley Council as the Crown Land Manager under the Crown Land Management Act 2016. Council is not aware of any restrictions, covenants or trusts applying to the land with the land not being subject to any conditions imposed by the owner (Section 37 of the Local Government Act 1993). All activities proposed in this plan of management will be assessed against with the purpose of the reserve.

Council is the Crown land manager of the Crown reserves described in this PoM in accordance with the legislation and conditions imposed by the minister administering the CLM Act. The use of the land described in this PoM:

- Is consistent with the purpose for which the land was dedicated or reserved.
- Has consider native title rights and interests and is consistent with the provisions of the Commonwealth Native Title Act 1993.
- Has considered the inchoate interests of Aboriginal people where any undetermined Aboriginal Land Claims exist.

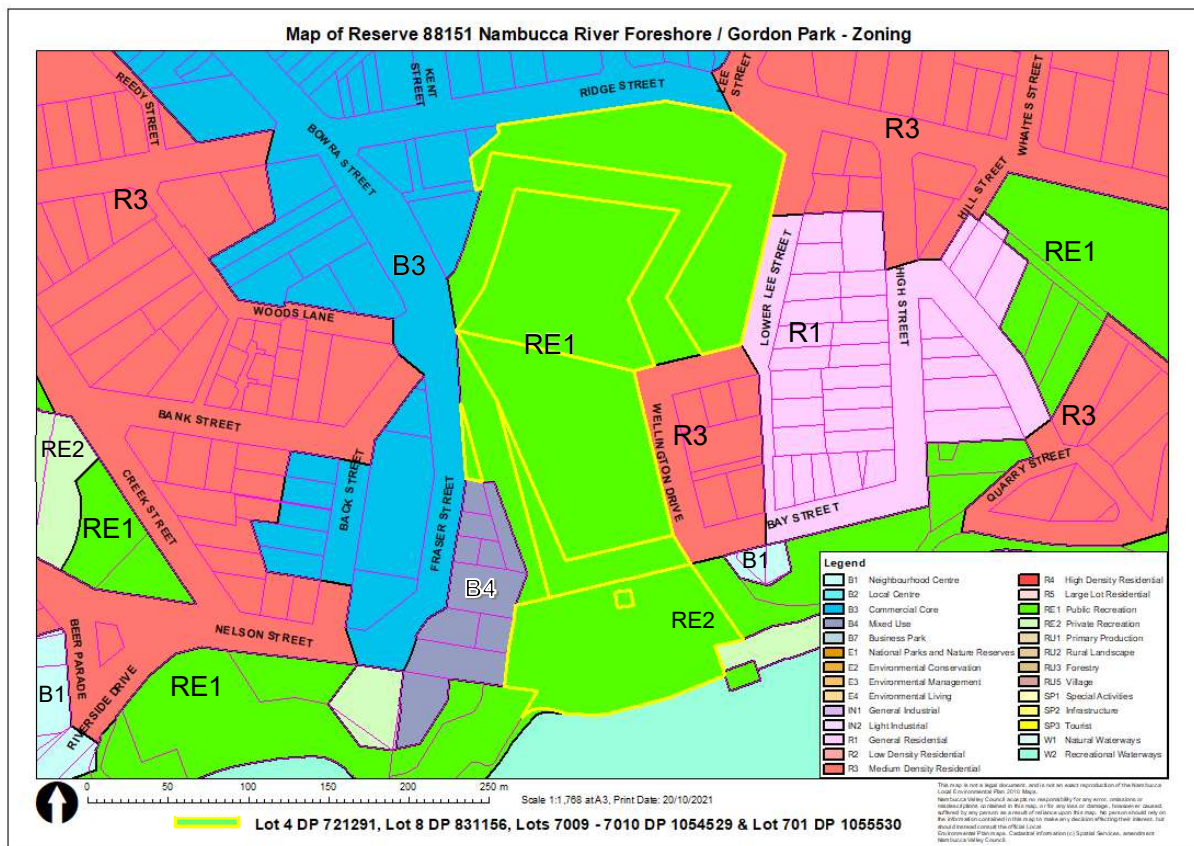
- Has considered and is not in conflict with any interests and rights granted under the CLM Act
- Considered any interests held on title.

2.4 Zoning of the reserve

Nambucca River Foreshore / Gordon Park Reserve 88151 is zoned as Public Recreation.

A map detailing the land zoning of Nambucca River Foreshore Reserve 88151 / Gordon Park is provided below within the Plan of Management. The land identified as RE1 is zoned as Public Recreation. The map shows a U shape road corridor, which splits Lot 8 DP 831156 into two parts, but are part of this Plan of Management.

The northern car park & part of the amenities block encroach on The Nambucca Heads Tennis Centre lots but are maintained by the Nambucca Valley Council.



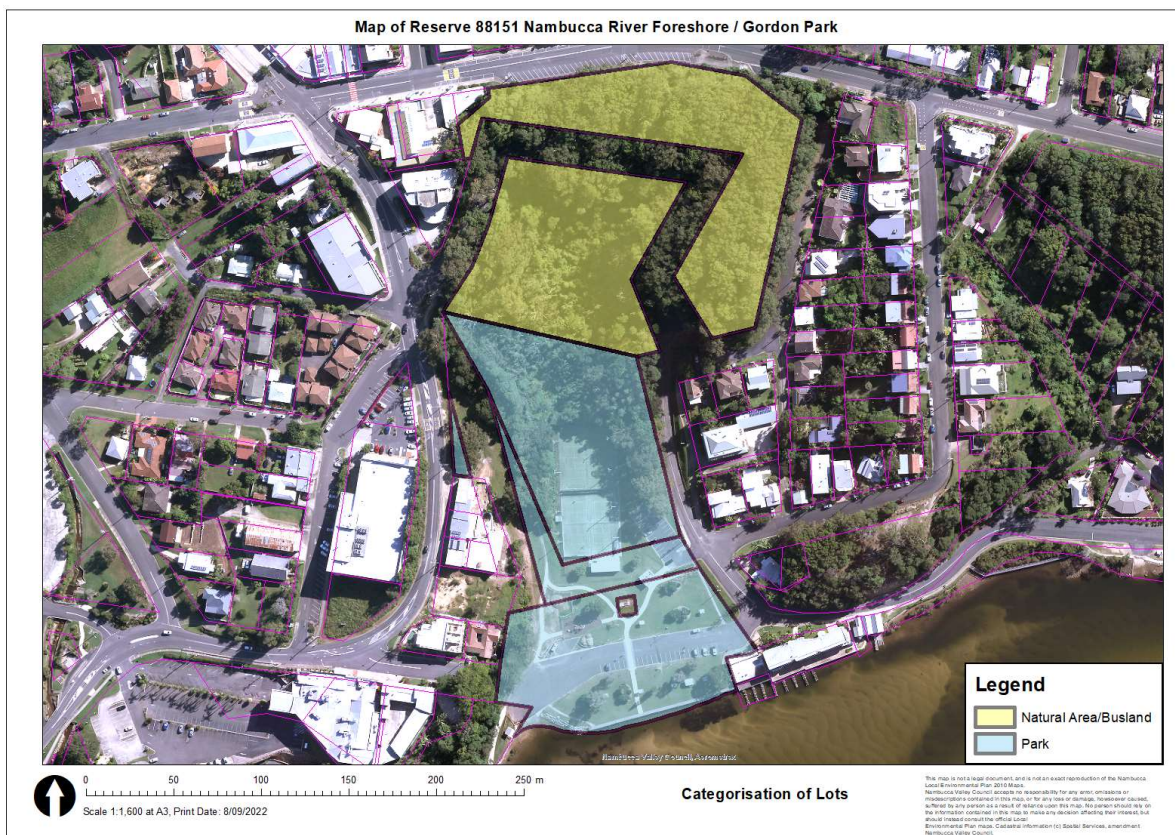
2.5 Categorisation of the reserve

Nambucca River Foreshore / Gordon Park Reserve 88151 is categorised as follow:

- Lot 8 DP 831156 – Natural Area/Bushland
- Lot 4 DP 721291 – Park
- Lot 7009 DP 1054529 – Park
- Lot 7010 DP 1054529 – Park
- Lot 701 DP 1055530 – Park

Part 4, Division 1, Clause 104 of the Local Government (General) Regulations (LG Regulations) states *“Land should be categorised as a park under section 36(4) of the Act if the land is, or proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others”*.

A Map detailing the categorisation of Nambucca River Foreshore Reserve 88151 / Gordon Park is provided below within the Plan of Management.



3.0 Relevant Legislation, Policies and Procedures

3.1 Local Government Act 1993 - Local Government (General) Regulation 2005

Under section 36(1) of the Local Government Act 1993, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public.

Clause 101(2) of the Local Government General Regulation 2005 requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the Local Government Act using the land categories approved by the Minister administering the Crown Land Management Act 2016.

The minimum requirements for a Plan of Management are set out under section 36(3) of the Local Government Act 1993.

36 (3) A Plan of Management for community land must identify the following—

- (a) the category of the land,
- (b) the objectives and performance targets of the plan with respect to the land,
- (c) the means by which the council proposes to achieve the plan's objectives and performance targets,
- (d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.

36 (3A) A plan of management that applies to just one area of community land—

- (a) must include a description of—
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- (b) must—
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

36 (4) For the purposes of this section, land is to be categorised as one or more of the following—

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

Sections 36E – 36N of the Local Government Act 1993 specifies the core objectives for the management of each category of community land.

3.2 Crown Land Management Act 2016

Division 3.6 of the Crown Lands Management Act 2016 deals the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the Crown Land Management Act 2016 requires Council Crown Land Managers to adopt a Plan of Management for any Crown Reserve for which it is appointed Crown Land Manager and that is classified as community land under the Local Government Act 1993.

3.3 Other relevant legislation and statutory controls

3.3.1 Native Title Act 1993 (Federal)

All activities on the land must address the native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native Title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The Native Title process must be considered for each activity on the land and a Native Title assessment must be undertaken. Almost all activities and public works carried out on the land will affect Native Title and require validation of the future act procedures in Division 3 of the Native Title Act by Council's Native Title Manager.

3.3.2 Aboriginal Land Rights Act 1983

In New South Wales, Aboriginal Land Rights sits alongside Native Title and allows Aboriginal Land Councils to claim 'claimable' Crown Land.

Generally, the Aboriginal Land Rights Act is directed at allowing Land Councils to claim Crown Land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council should be mindful that any activity on Crown Land is lawful in relation to the reserve purpose of the land, Council should ensure that Crown Land under its control is at all times lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licensee or any public works, Council should request a search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the Aboriginal Land Rights Act.

3.3.3 Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

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

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

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

3.3.4 Environmental Planning and Assessment Act 1979

The land is zoned RE1 Public Recreation under the Nambucca Local Environmental Plan 2010.

The objectives of the zone are:

- to enable land to be used for public open space and recreational purposes
- to provide a range of recreational settings and activities and compatible land uses
- to protect and enhance the natural environment for recreational purposes; and
- to encourage the development of public open spaces in a way that addresses the community's diverse recreational needs.

3.3.5 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

Management of Crown Land will be administered in accordance with the following Nambucca Valley Council Policies which can be found on Council's website at www.nambucca.nsw.gov.au

Policy Name	Policy No
Bushfire Buffers on Public Land	DE 05
Smoke Free Outdoor Areas	DE 12
Trees and Street Gardens – Maintenance and Removal of Trees and Street Gardens on Public Land Managed by Council	ES 10
Reserves and Parks – Conditions of Use of Sportsgrounds	ES 04
Footpaths and Cycleways Risk Management	ES 03

3.3.6 Legislation and Statutory Controls

This Plan of Management does not overrule existing legislation that also applies to the management of community land. Other legislation and policies to be considered in the management process include but is not limited to the:

- Public Works & Procurement Act 1912 (as amended)
- Bio Diversity Conservation Act
- Water Management Act 2000 Protection of the Environment Operations Act 1997 Companion Animals Act 1998 Rural Fires Act 1997
- Pesticides Act 1999
- State Environmental Planning Policies and; Nambucca Valley Local Environmental Plan 2010
- Nambucca Valley Council Development Control Plans as amended Guidelines supporting Development Control Plans
- Crown Land Management Act 2016 (see s3.22 of the Crown Land Management Act 2016)

The Local Government Act defines community land as land that is set aside for community use such as reserves, parks and sportsgrounds. Strict controls are placed on this land so that it cannot be sold, or leased or licensed for more than 30 years and it must have a current Plan of Management.

Operational land is land that serves a commercial or operational function, e.g. drainage reserve, works depot, car park, pump station etc.

Reclassification of land from community to operational or operational to community can occur. For this to happen, strict guidelines as set out in the Local Government Act must be followed.

As per the Local Government Act, reclassification of operational land as community land can occur via a council resolution to proceed. Then consent will be required from the Minister administering the Crown Land Management Act 2016.

The reclassification of community land as operational can take place via a Local Environmental Plan under the Environmental Planning and Assessment Act.

3.4 Review of this Plan

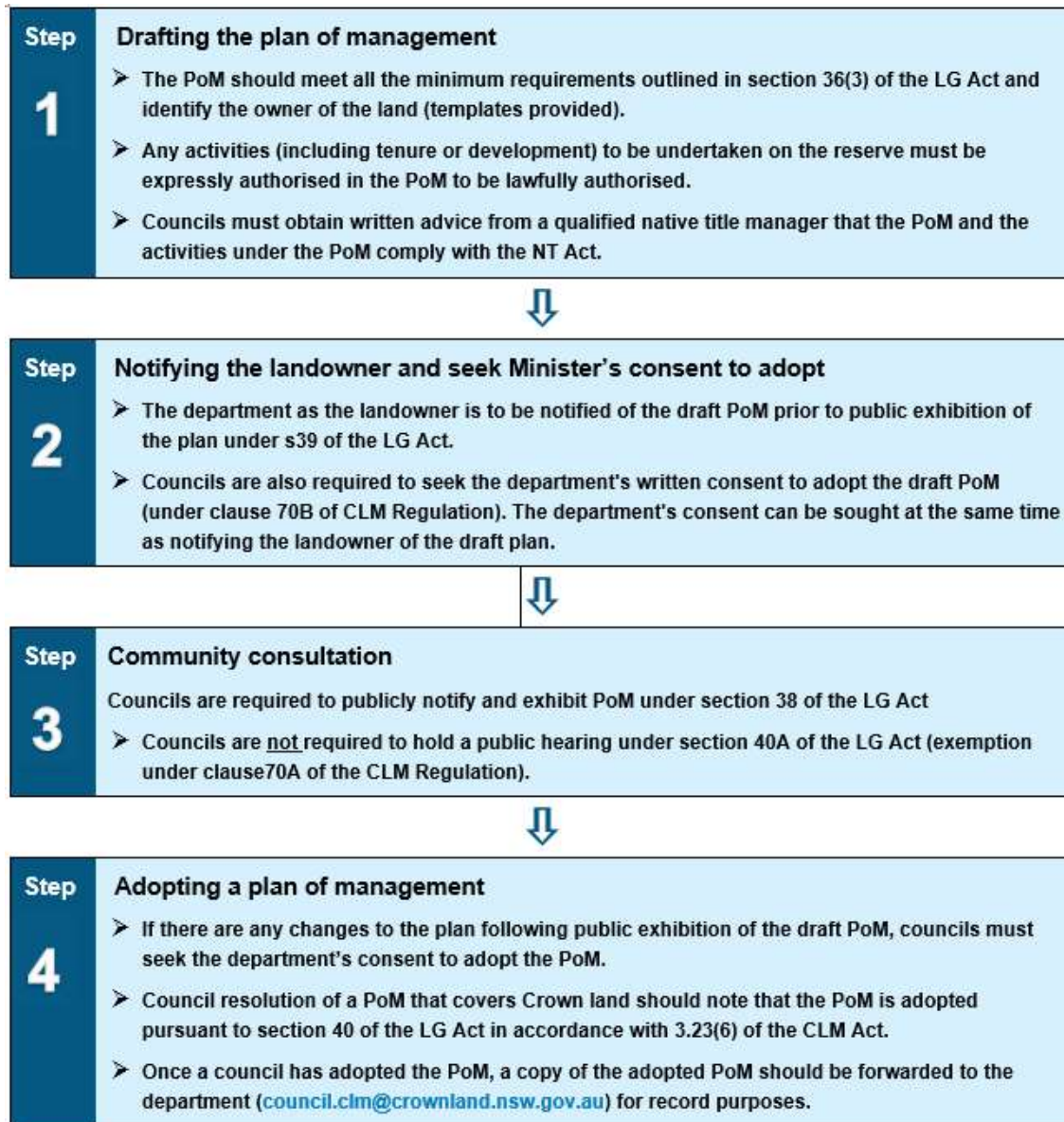
The use and management of the Nambucca River Foreshore Reserve 88151 / Gordon Park is regulated by this Plan of Management.

Whilst the guidelines and principles outlined in the plan may be suitable at present, if the road corridor is added to the Reserve 88151, the Plan should be reviewed from time to time, to confirm its relevance.

The review is recommended to take place within 5 years of adoption of this plan but it can also take longer.

3.5 Process of preparing this plan of management

Figure 1 illustrates the process undertaken by Council in preparing this PoM.



4.0 Land comprising the habitat of endangered species or threatened species

Nambucca River Foreshore Reserve 88151 / Gordon Park being Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009-7010 DP 1054529, Lot 701 DP 1055530 does comprise the habitat of endangered species and/or threatened species.

Endangered species are those plants and animals that have become so rare they are in danger of becoming extinct. Threatened species are plants and animals that are likely to become endangered within the foreseeable future throughout all or a significant portion of its range. ***Copied from <https://www.epa.gov/endangered-species/learn-more-about-threatened-and-endangered-species>***

Nambucca River Foreshore Reserve 88151 / Gordon Park has been identified as a nationally important Grey Headed Flying Fox (GHFF) camp. Therefore, referral may be required for any significant action at the camp, particularly if mitigation standards below are not followed.

(Next three paragraphs are copied from the Flying-fox Camp Management Plan Gordon Park, Nambucca Heads – October 2017)

Acronyms for the mentioned paragraphs:

DoEE	Department of the Environment and Energy (Commonwealth)
DoE	Department of the Environment
EPBC	Act Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
GHFF	Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>)
MNES	Matters of National Environmental Significance
SFF1	Spectacled Flying-Fox

*The GHFF (*Pteropus poliocephalus*; GHFF) is listed as a vulnerable species under the EPBC Act, meaning it is an MNES. It is also considered to have a single national population. DoEE has developed the Referral guideline for management actions in GHFF and SFF1 camps (DoE 2015) (the Guideline) to guide whether referral is required for actions pertaining to the GHFF. Referral is more likely required at camps that have been identified as nationally important to one of these threatened species. Management at these nationally important camps should follow mitigation standards in the Guideline to minimise the likelihood of a significant impact to the population.*

Mitigation standards:

- *The action must not occur if the camp contains females that are in the late stages of pregnancy or have dependent young that cannot fly on their own.*
- *The action must not occur during or immediately after climatic extremes (heat stress event 2 , cyclone event 3), or during a period of significant food stress 4 .*
- *Disturbance must be carried out using non-lethal means, such as acoustic, visual and/or physical disturbance or use of smoke.*
- *Disturbance activities must be limited to a maximum of 2.5 hours in any 12 hour period, preferably at or before sunrise or at sunset.*
- *Trees are not felled, lopped or have large branches removed when flying-foxes are in or near to a tree and likely to be harmed.*
- *The action must be supervised by a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of climatic extremes and food stress events. This person must make an assessment of the relevant*

conditions and advise the proponent whether the activity can go ahead consistent with these standards.

- The action must not involve the clearing of all vegetation supporting a nationally important flying-fox camp. Sufficient vegetation must be retained to support the maximum number of flying-foxes ever recorded in the camp of interest.*

Referral will also be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in the Plan. Self-assessable criteria are available in the Significant Impact Guidelines 1.1 (DoE 2013) to assist in determining whether a significant impact is likely; otherwise consultation with DoEE will be required.

The Gordon Park Flying Fox Management Plan (CM9 2390/2018) explain how the Flying Fox Camp is managed now and in the future. All future activities undertaken in the Crown Reserve 88151 shall consider the content, requirements and actions identified in this plan.

Nambucca River Foreshore Reserve 88151 / Gordon Park and surrounding foreshore land is bounded by the banks of the Nambucca River and Fraser Street being the main access road entering Nambucca Heads Central Business District. The land is mostly developed with footpaths for pedestrian access with the banks of the river supported with rock and mangrove.

Included are Page 10 from the document from ecosure Flying-fox Camp Management Plan Gordon Park, Nambucca Heads CM9 2390/2018 on the next page to identify the: Gordon Park camp showing the camp extent and vegetation types.

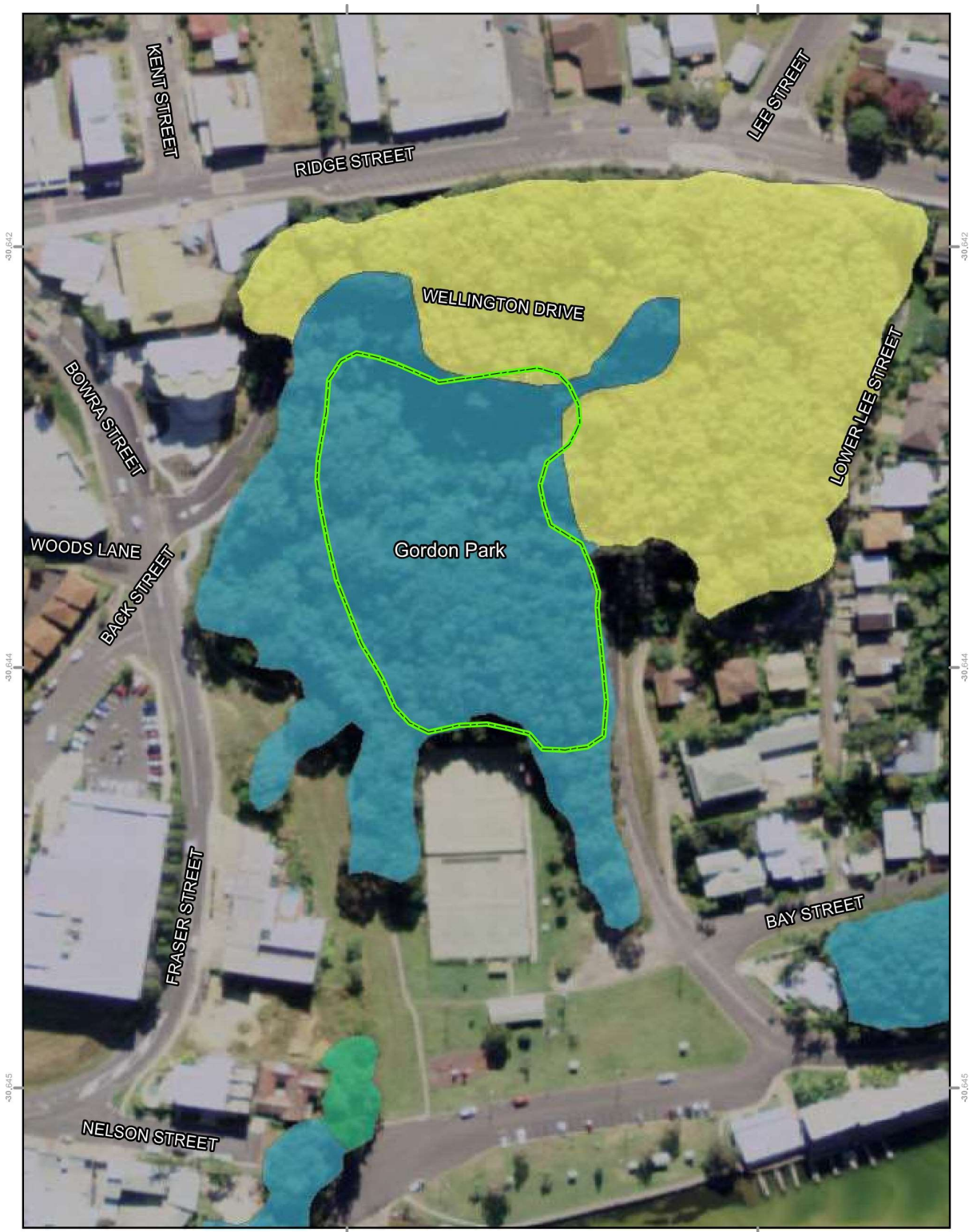


Figure 1: Gordon Park camp showing camp extent and vegetation type

Nambucca Shire Council
FF Management Plan

Vegetation mapping

- Brushbox headland littoral rainforest
- Exotic Vegetation
- Tallowood - Blackbutt moist shrubby tall open forest of the hinterland ranges
- Camp extent

ecosure

Job number: PR2402
Revision: 0
Author: ALM
Date: 07/06/2017

0 12.5 25 50
Metres

GCS WGS 1984
Datum: WGS 1984
Units: Degree

5.0 Land containing significant natural features

Nambucca River Foreshore Reserve 88151 / Gordon Park being Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009-7010 DP 1054529, Lot 701 DP 1055530 does not comprise land containing significant natural features.

6.0 Culturally significant land

6.1 Aboriginal Significance

The Nambucca Valley is located in the country of the Gumbaynggirr nation and many members of the community are Gumbaynggirr people.

Aboriginal sites are the physical remains of a culture, that is more than 40,000 years old. It is important Aboriginal sites are recorded, studied and preserved as part of the cultural heritage of the Aboriginal people in the Nambucca Valley today and as part of the wider communities historic and cultural heritage, and as a scientific resource.

The Aboriginal Cultural Heritage Plan was adopted by the Nambucca Valley Council after the study was prepared in May 2003 in conjunction with Gumbaynggirr people.

The Nambucca Valley Council Aboriginal Cultural Heritage Management Plan describes places of Aboriginal Heritage significance as Council having a statutory responsibility when dealing with proposals that may have an affect on, or affect the significance of Aboriginal sites in the Nambucca Valley. It is important when proposals are made that may affect Aboriginal culture that adequate information is provided so that a full assessment can be made in dealing with the land.

In 2003 there were nineteen (19) Aboriginal relic sites and fifteen (15) mythological sites recorded in the Nambucca Valley. These sites have been surveyed by the NSW National Parks and Wildlife Services to determine their significance.

The location of the relic sites is generally well dispersed throughout the Nambucca Valley and encompasses campsites, carved trees, burial grounds, middens, ceremonial grounds and sacred artefacts.

6.1.1 Nambucca Local Environment Plan 2010 definition of places of Aboriginal significance

The Nambucca Valley Council has provided funds to the Gumbaynggirr Nation to upgrade the Nambucca Valley Council Aboriginal Cultural Heritage Management Plan in 2020/21 with any newly discovered areas of Aboriginal significance to be covered in the upgrade of this plan.

Aboriginal Place of heritage significance means any deposit, object or other material on an area of land, the general location of which is identified in an Aboriginal Heritage study adopted by Council after public exhibition and that may be shown on the heritage Map that is:

- a The site of one or more Aboriginal objects or place that has the physical remains of pre European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items of remnants of the occupation of the land by Aboriginal people such as burial places, engraving sites, rock art, midden deposits, sacred and scarred trees and sharpening grooves, or
- b A natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of longstanding cultural significance as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note: The term may include (but is not limited to) places that are declared under section 84 of the National Parks and wildlife Act. 1974 to be Aboriginal places for the purpose of the Act.

Nambucca River Foreshore Reserve 88151 / Gordon Park being Lot 4 DP 721291, Lot 8 DP 831156, Lots 7009 - 7010 DP 1054529 & Lot 701 DP 1055530 does not comprise culturally significant land.

6.2 Non-indigenous Significance

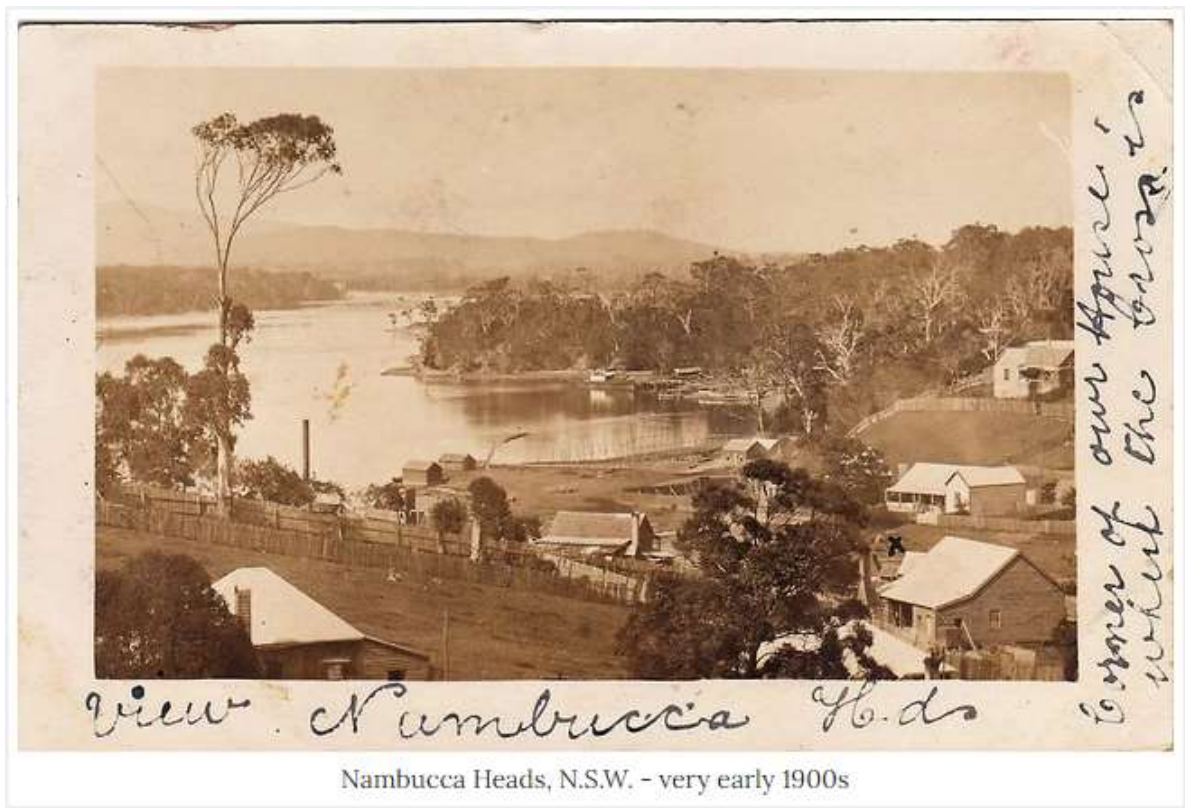
There is a horse trough and a Pioneers' Well in this Reserve, but they are not accessible to the public because they are in the closed off area of the Flying Fox Camp at the moment.

It is expected that once the Flying Fox camp moves on, Council will undertake remedial works to restore the area.

This Reserve 88151 has a non-indigenous history that stems back to the 1800's.

Jabez Buckman in 1878 established the first sawmill in Nambucca Heads on the flats by the river on the site now known as Gordon Park but then it was known as Log Hollow.

The business of sawmilling was greatly affected by market conditions and in the book Red Cedar our Heritage by Gaddes it is noted that "After the failure of the banks in 1893 ... the mills all closed down and people went away, searching for work elsewhere".



(6082)

Sydney, 26th February, 1971.

RESERVES FROM SALE

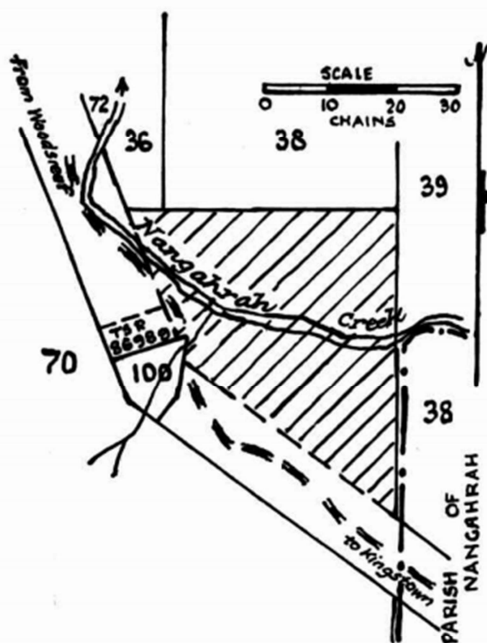
IT is hereby notified that in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and are hereby reserved accordingly.

T. L. LEWIS, Minister for Lands.

FOR PUBLIC RECREATION AND PRESERVATION OF NATIVE FLORA AND FAUNA

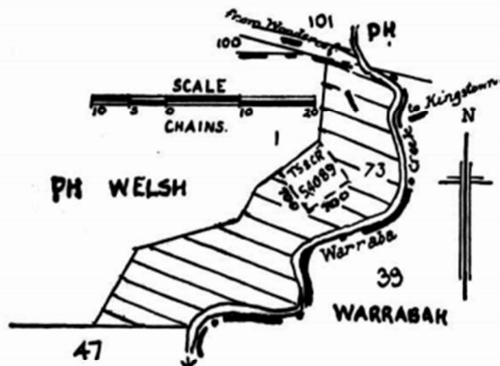
Land District—Tamworth; Shire—Barraba

No. 88149, Parish Woodsreef, County Darling, about 105 acres, exclusive of public road shown by hatching on diagram below. Pks 71-165.



Land District—Tamworth; Shire—Manilla

No. 88153, Parishes Warrabah and Welsh, County Darling, about 55 acres, exclusive of public road shown by hatching on diagram below. D. 3866-1808. Pks 71-194.



FOR PUBLIC RECREATION, PUBLIC BATHS, AND PRESERVATION OF NATIVE FLORA

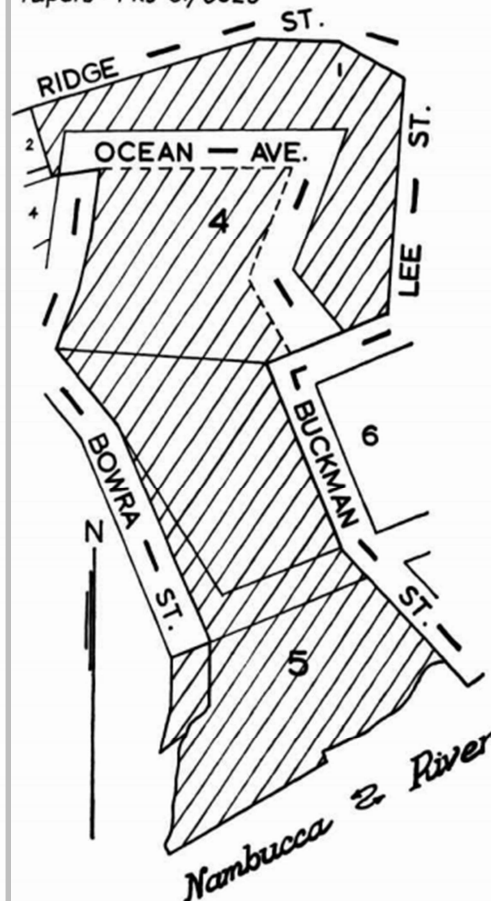
Land District—Bellingen; Shire—Nambucca

No. 88151, Parish and Village Nambucca, County Raleigh, about 11 acres 1 rood 17 perches, being the area shown by hatching on the diagram hereunder. Plans N. 103-2194A, Ms 1925 Gfn and Sp.L. 42 Ksy. Pks 61-5023.

DIAGRAM

Scale 0 1 2 4 8 Chains

Papers : Pks 61/5023



(Reserves R. 79922 for Public Recreation and Public Baths notified 20th September, 1957; addition to R. 79922 notified 4th July, 1969, and R. 81239 for Public Recreation and Preservation of Native Flora notified 21st November, 1958, are hereby revoked.)

FOR PUBLIC RECREATION

Land District—Gunnedah; Shire—Liverpool Plains

No. 88155, Parish Curlewis, County Pottinger, 28 acres 3 roods 30 perches, being portion 213 at Curlewis. Pks 67-2069. Plan P. 5030-1781.

Land District—Bellingen; Shire—Coffs Harbour

No. 88156, Parish Coff, County Fitzroy, Town of Coffs Harbour, about 6 acres 1 rood 15 perches, portions 304, 329, and 397 and the area bounded by portions 377, 367, and 397, Mildura Street, Pumping Station Site (Ms 4002 Gfn), portions 365 and 364, closed road now sold, portion 329 and a line to the northern corner of portion 377 rectangular to the road frontage of that portion. F. 3885, 3949, and 4120-1810. Pks 70-2036.

7.0 Development and use

7.1 Overview

Nambucca Heads is a seaside town on the Mid North Coast of NSW with Nambucca River Foreshore Reserve 88151 / Gordon Park being a central location in this tourist town.

Nambucca River Foreshore Reserve 88151 / Gordon Park caters for many local community and tourism activities having direct river access for swimming, boating, fishing, a playground, a tennis club and other recreational activities. This Reserve consists of 5 lots that are partly linked by a boardwalk as part of the Nambucca Valley Council Foreshore Master Plan which covers an area from the tip of the northern breakwater along the foreshore to the Nambucca Valley Visitor Information Centre.

7.1.1 Nambucca River Master Plan

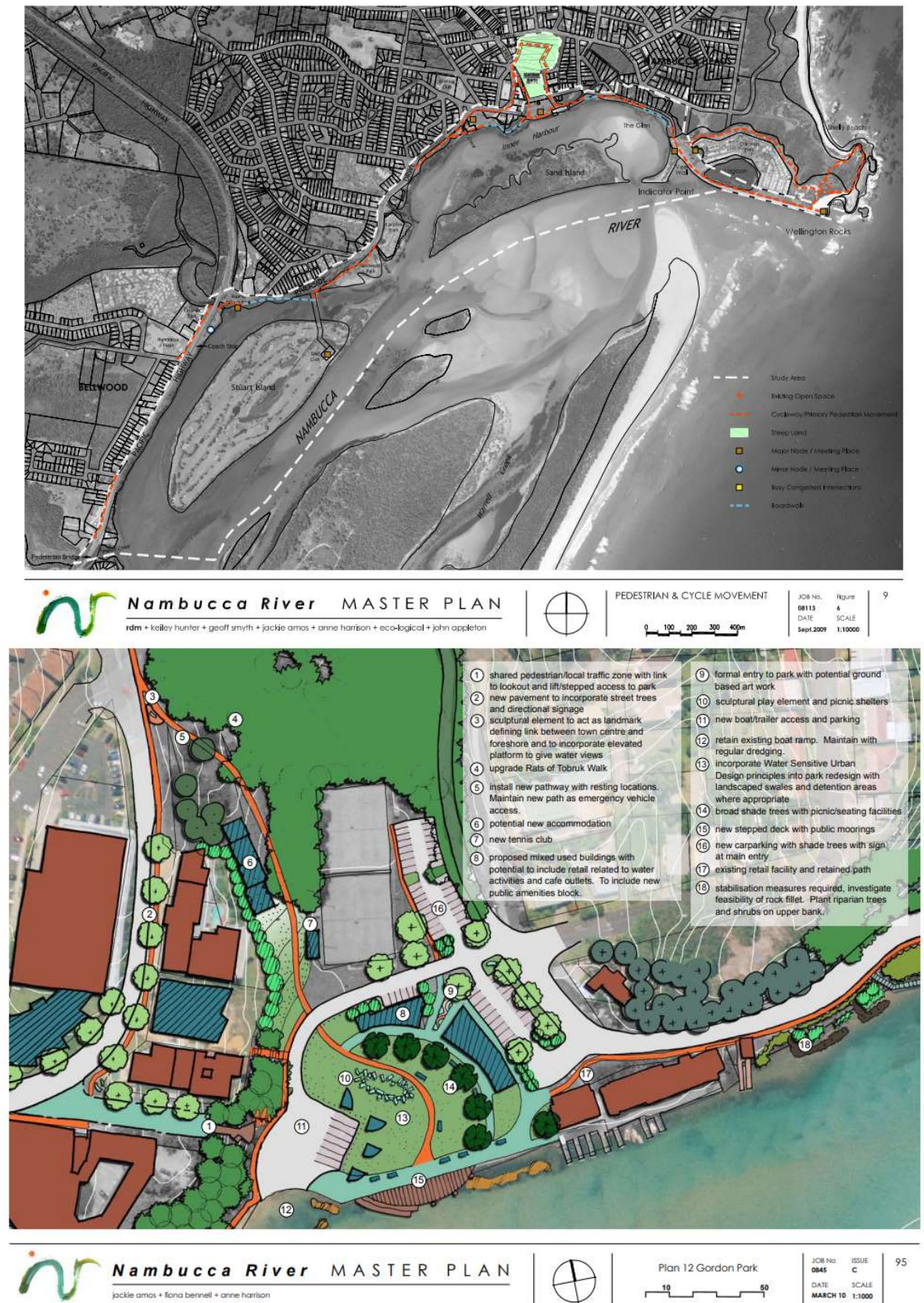
The Master plan provides for infrastructure for local and tourists to have safe access through Council land and Council managed Crown Land to the foreshore and waterway. This management plan provides all user groups and community stakeholders' access to a raft of tourism services for the community enjoyment as follows:

- one of the most used boat ramps
- fishing options
- steps into the river
- car parking for cars and boat trailers
- picnic and BBQ facilities
- children's playground
- tennis courts
- concrete pathways
- amenities

Gordon Park is linked to the town centre by a pedestrian pathway and to the foreshore at the RSL via a boardwalk. Vehicular access to the park is by Wellington Drive. This area is prime public recreation area that will be considered for future against the purpose of the reserve for events, leasing and licencing of food vans for festivals and events, paddle board and kayak hire, tourist type activities that are suitable to meet the purpose of the reserve.

The master plan also proposed a bikeway through Gordon Park rain forest but this is in part of the closed section within the Flying Fox Camp. Council is planning more future development in the reserve with all of the considerations being required to suit the purpose of the reserve being Public recreation, Public baths (WELL) preservation of Native Flora and Fauna every future decision will be considered in relation to the reserve purpose. The Well is closed at the moment due to the Flying Fox population. Much of the foreshore Master plan the reserve purpose has already been considered within the plans.

It is planned to provide a shade shelter over the playground, extend and fence the playground and provide an improved link to the CBD via the Rats of Tobruk Walk (this is the link between the park and the road on the left-hand side of the tennis court and part of the currently road corridor Lot 2 DP 721291, purpose to be closed and become part of the park in the future.) Additional seating and a small retaining structure at the western side of the park are also planned and partially funded.



Some of the items mentioned on the Nambucca River Master Plan 2010 have been completed.

7.2 The reserve has three distinct areas

- The Rain Forest
- The Tennis Club
- The Recreational Area

7.2.1 The Rain Forest

This lot contains the Rain Forest that is dedicated to the Flying-fox camp. The lot is split into two parts by a road corridor that is Wellington Drive.



Lot 8 DP 831156 - The Rain Forest area

Three species of flying-foxes occur in New South Wales (NSW), all of which are protected under legislation: the Grey-headed Flying-fox (GHFF; *Pteropus poliocephalus*), Black Flyingfox (BFF; *P. alecto*) and Little Red Flying-fox (LRFF; *P. scapulatus*). The Gordon Park is mainly comprised of GHFF, which permanently occupy the site. A relatively small number of BFF also commonly occur, and the highly transient LRFF has been recorded on two occasions.

The GHFF is a threatened species under both State and Federal Legislation and Council has a statutory requirement to appropriately address this legislation when planning activities in or near to the Camp.

A Camp Management Plan has been developed to provide Nambucca Valley Council with a framework to manage the complex issues associated with the camp, while also ensuring flying-foxes and their important ecological services are conserved.

All future activities undertaken in the Crown Reserve 88151 shall give appropriate consideration to the content, requirements and actions identified in CM9 2390/2018 - Gordon Park Flying Fox Camp Management Plan (ecosure, 2017)

Littoral Rainforest

Part of the Gordon Park reserve managed as bushland has been identified as Littoral Rainforest an Endangered Ecological Community as listed under the *Biodiversity Conservation Act 2016*. To assist Council to manage this and other bushland located on the Reserve a Vegetation Management Plan has been prepared. All Future Activities undertaken on Crown Reserve 88151 shall give appropriate consideration to the content, requirements and actions identified in CM9 7975/2018 - Gordon Park Rainforest Vegetation Management Plan V:1A (Future Ecology 2018).

7.2.2 The Tennis Club

Since the formation of The Tennis Club in 1946, the park has undergone several additions. The park features four tennis courts, which are available to the public for hire from the Nambucca Heads Tennis Club Inc.

At the moment The Tennis Club has a licence to operate the facilities till the 31 August 2023 with a further four-year period from the 1 September 2023 to the 31 August 2027 and then a second four-year term from the 1 September 2027 till 31 August 2031. The tennis club sits within the park category and meets the purpose of the reserve as recreational activities these activities are spread across the entire reserve delivering a multi-functional park land of recreation, preservation of native flora and fauna and public baths.

The Gordon Park Tennis Club is responsible for the maintenance of the tennis courts, clubhouse and its storeroom, the storage shed and two sets of bleachers and the gardens at the south end of the tennis courts. The responsibility for the remaining facilities, infrastructure and general area is with Council.

Once the Flying Fox camp move on the tennis Club propose to remove a number of trees bordering the courts and damaging the infrastructure.



Lot 7009 & 7010 DP 1054529 - The Tennis Club



The tennis courts and Club House at the Tennis Club

7.2.3 The Recreational Area

With the recent upgrade at the end of 2020 Council has installed 3 new picnic shelters, new concrete footpaths, a new children's playground, a new fishing pontoon and concrete steps into the river as well as an upgraded boat ramp.

Access to the park is from Fraser Street via a walkway from Woolworths end that are Lot 2 DP 721291 or from Wellington Drive in the north or the walkway along Wellington Drive from the east or the concrete path from the west coming from the Nambucca RSL.



Lot 4 DP 721291 & Lot 701 DP 1055530 - The Recreational Area

The recreational area is maintained by the Nambucca Valley Council and is cleaned and serviced on a regular maintenance schedule by Council staff/contractors.

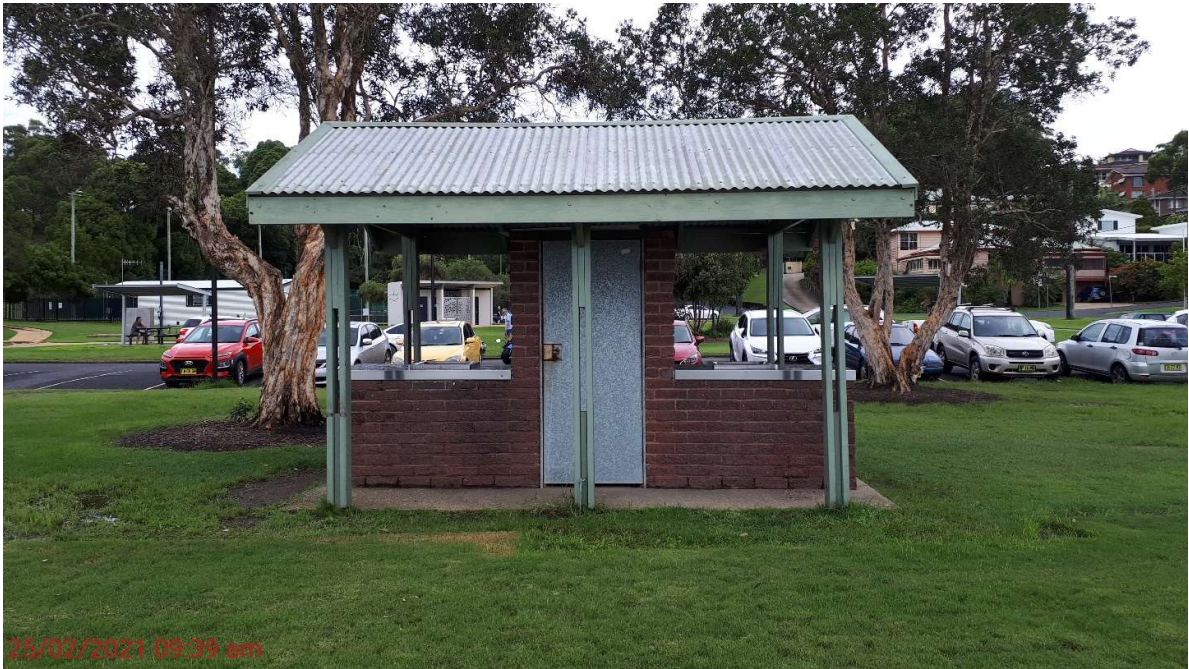
The grounds will be mowed and whipper snipped on a scheduled basis, and inspections of the playground, picnic shelters, BBQ shelter, amenities, boat ramp, jetty, concrete steps into the water, rock wall and footpaths will also be undertaken on a scheduled basis to ensure they are fit for purpose and meet the needs of the park users.

Future works on the reserve such as events and tourist activities infrastructure, being water and power connection points, PV solar panels and playground equipment implemented by the Nambucca Valley Council when funding permits. Council intends to continue with upgrades to the park to serve the community that is aligned and support the purpose of the Reserve.

Future upgrades to the area include a playground extension, provision of bubbler, shade structure provision, additional seating, picnic shelters and public art.



Amenities block



BBQ's



Play area & pump station



**Walkway from Fraser Street &
CBD into park**

Walkway & Rock wall on river



New concrete jetty



New picnic shelter to the north east



New picnic shelter in the middle of the recreation area



Pump station

A sewer pump station is located south of the tennis club. The pump station resides on Lot 1 DP 600730 classified as Operational Land and is located on the inside of Lot 701 DP 1055530 and is not part of this Plan of Management.

7.3 Strategic Objectives

Council has four corporate objectives as outlined in the 2017- 2027 Community Strategic Plan which are:

- Our community will be a safe, healthy place to live where everyone is valued.
- Our community values our natural environment and seeks a safe, livable, sustainably built environment that is adaptive to change.
- We will support one another for the wellbeing of our community.
- Promote, support and plan opportunities for new and existing businesses to sustain a vibrant local economy.

The corporate objectives tie into Council's Vision Statement – *Living at its best*.

As per the Community Strategic Plan 2017- 2027, Council's objectives are:

- Environmental Protection – Council will seek to protect our natural environment by strategically managing operations and development and regulating activities with environmental impacts.
- Recreational Activities – The Nambucca Valley will have a variety of safe and well-maintained sporting fields, recreational areas and facilities to meet the needs of all age groups in the community.

7.4 Condition of the land and structures on adoption of the plan

At the date of adoption of this plan, the Reserve 88151 is in overall good condition with all of the built facilities on all the lots having either been upgraded or replaced.

The trees and gardens are thriving and in good condition, grass cover in the park is generally good.

The amenities building, playground, concrete pathways and three shelters are new and are in excellent condition.

7.5 Use of the land and structures at the date of adoption of the Plan of Management

Gordon Park is currently used for passive recreation, which includes BBQs, picnics, walking and playing in the playground on the Nambucca River, which passes through the reserve. Recreational fishing from the jetty, with boat launching activities take place on a daily basis. You can also hire a tennis court from the Tennis Club. Locals and visitors enjoy dining at The Wharf Café right next to the park.

The car park is in good condition and is used by the broader community and tourists to access the boardwalk, boat ramp, jetty, playground and tennis courts as well as the adjacent Café.

The Department of Industry – Crown Lands granted a licence to Council on 24 August 2018 over Lots 701 DP 1055530 to enable the construction and ongoing maintenance of the foreshore area including embankment stabilisation, environmental protection works, boardwalks and the boat ramp. These works are completed; however, the licence allows for ongoing future maintenance.

7.6 Permitted use and future use

Permitted use for the reserve is passive recreation including but not limited to:

- access and tourist facilities and services
- playground
- BBQ's and picnics
- walking on the Nambucca Riverside Walk which passes through the reserve
- fishing from the boardwalk and associated fish cleaning at the fish cleaning tables provided on Crown Reserve 85113 right next to the boat ramp
- boat launching
- jetty
- concrete steps into the water
- public car park
- tennis*
- other uses consistent with the purpose of Reserve 88151, as may from time to time be approved by Council

Future use of the park includes general community recreation, with public right of access to all outdoor areas, except for the restricted rain forest area.

*Bookings and fees required for the hire of the tennis courts.

The infrastructure will be continuously improved to suit the ongoing use of the reserve for passive recreation and access to tourist facilities and services, which may include but not be limited to improved quality, size and location of picnic tables, shelters, BBQs, benches, garden beds, landscaping, boat ramp and boardwalks, jetty, concrete steps into the river, car parking surfaces and public amenities.

7.6.1 Further development

Reserve 88151 forms part of the Nambucca River Master Plan that identified any future development to the reserve for the enjoyment of the community. The bike path that is mentioned in the Master Plan is on hold while the rainforest is closed. After the flying fox camp moves on the well area will be remediated, and some trees around the tennis courts removed and replaced with more suitable species. An extension to the playground, provision of bubbler, additional seating and picnic shelters are also planned.

7.7 Leases, Licences and other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

The Tennis Club holds a licence it is provided as an **attachment** (CM9 – 45563/2019) which expires on the 31 August 2023 with a further four-year period from the 1 September 2023 to the 31 August 2027 and then a second four-year term from the 1 September 2027 till 31 August 2031.

The Nambucca Valley Council holds the following permit, PN20-300 Nambucca Valley Council DPI Fisheries Part 7 Maintenance Permit Sept 2020 – 2025 is provided as an **attachment** (CM9 – 38374/2021) to do minor to low impact dredging maintenance works within the boundaries of the permit in Nambucca Valley Council LGA.

7.8 Express authorisation of future leases and licences

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)

- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables in the relevant category sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management. -

The general types of uses which may occur on community land categorised as **Natural Area – Bushland** and the forms of development generally associated with those uses, are set out in detail in Table 1. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide.

Table 1 Permissible use and development of community land categorised as Natural Area – Bushland by council or the community

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Preservation of the council's 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. 	<ul style="list-style-type: none"> • 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 2.

Table 2 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 for which tenure may be granted
Lease	<ul style="list-style-type: none"> 21 years 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 5 years 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 12 months 	<ul style="list-style-type: none"> 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		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.

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in Table 3. The facilities on community land may change over time, reflecting the needs of the community.

Table 3 Permissible use and development of community land categorised as Park by council or the community

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> Active and passive recreation including children's play and cycling 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) Community gardening <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas 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: <ul style="list-style-type: none"> 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

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 for which tenure may be granted
Lease	<ul style="list-style-type: none"> 21 years 	<ul style="list-style-type: none"> café/kiosk areas, including seating and tables management of court facilities hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> 5 years 	<ul style="list-style-type: none"> outdoor café/kiosk seating and tables management of court or similar facilities hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> 12 months 	<ul style="list-style-type: none"> 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		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.

7.9 Native Title Assessment

The Nambucca Valley Council Native Title Manager has provided a Native Title assessment and this is provided as an **attachment** (CM9 – 11208/2021) to this Plan of Management.

8.0 Plan of Management Administration and Management

The administration and management of this Plan of Management is the responsibility of the Nambucca Valley Council with all decision measured against the reserve purpose.

Part of Council's role, prioritised by our community and the local government charter, is to provide safe and functional infrastructure and access to our waterways, beaches and other high use coastal environments. Our community also has a very high expectation that we manage and protect our natural resources to the highest level and deliver works in a timely manner. To meet these expectations Council will undertake projects linked to other government departments such as the Office of Environment and Heritage Coastal Management Program and the Transport for NSW/Department of Primary Industries Fisheries Boating Now Program and other grants and programs that become available.

This Plan of Management authorises maintenance and improvements to the park and foreshore and the leasing, licensing or granting of any other estate over the park, and any buildings on the park for any community purpose as determined by Council that meets the reserve purpose. The leasing and licencing in the park for recreation or, preservation of Flora and Fauna will be considered by Council as part of this Plan of Management before approval is granted. These include, but again are not limited to:

- environmental protection works (including bank stabilisation activities)
- emergency Works for projects funded through Natural Disaster Assistance funds or similar
- maintenance and improvements to existing boating facilities, foreshore infrastructure and coastal protection works
- maintenance and improvements to existing picnic tables, playgrounds, shelters, BBQs, benches, garden beds, landscaping, footpaths.

8.1 Permitted use strategic objectives

The objectives of the zone are:

- to enable land to be used for public open space and recreational purposes;
- to provide a range of recreational settings and activities and compatible land uses;
- to protect and enhance the natural environment for recreational purposes; and
- to encourage the development of public open spaces in a way that addresses the community's diverse recreational needs.

8.1.1 Management Authority

For the purposes of this plan, the management authority is Nambucca Valley Council, in accordance with the provisions of the Crown Land Management Act 2016 and the Local Government Act 1993.

Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

8.1.2 Management Issues

The management of the land must take into account the reserve purpose(s) of the land and the purpose for which the land is classified and categorised.

8.2 Action Plan

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken.


A summary of indicators and targets for major objectives is outlined in the table below:

Objectives and Performance Targets of the Plan in respect of the land	Means by which the Council proposes to achieve the plan's objectives and performance targets	Manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the value of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.
Council will ensure foreshore areas are managed appropriately to mitigate and manage riverbanks to minimise erosion and potential impacts on the Crown Reserve and submerged Crown land. Council will ensure foreshore and intertidal vegetation is managed appropriately.	These actions will be undertaken in relevant policies and statutory requirements including DPI Fisheries Maintenance Permit Sept 2020-2025 PN20-300 (CM9 – 38374/2021)	This management action gives effect to clause 200 (2)(a) of the Fisheries Management Act 1994.

Objectives and Performance Targets of the Plan in respect of the land	Means by which the Council proposes to achieve the plan's objectives and performance targets	Manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets
<p>Council will ensure other council infrastructure in the foreshore area is managed appropriately to maintain community safety and manage environmental risk.</p> <p>Existing coastal protections will be maintained and improved to contemporary standards as required to ensure longevity, function, safety and environmental risks are appropriately managed.</p>	<p>Update and review the plan ever five years</p>	<p>Agreements achieve with leases and licences.</p>
<p>During planning for an extension to Nambucca Heads Library (21-23 Ridge Street) during 2020, a Bush Fire Risk Assessment was undertaken which identified the requirement and opportunity for increased fire protection measures through building design and management of the adjoining forest.</p>	<p>To follow the recommendation from the NSW Rural Fire Service to establish a 1 meter wide defendable space along the southern/south-eastern boundary at the interface of the Library site and the Gordon Park Reserve which is managed by Council, (See map below) The inclusion of an identified defendable space within the Gordon Park Plan of Management will ensure its provision and management in perpetuity.</p>	<p>The ground surface of this area should be level and the area shall be kept clear of any vegetation including canopy from the adjacent buildings. Regular maintenance should be undertaken to ensure that the defendable space remain in a functional condition at all times and ongoing weed management shall be undertaken to ensure that the site is not colonised by undesirable weed species that could potentially impact on adjacent forest habitats.</p>

At the top North West corner of the Reserve, there need to be a 1m wide fire corridor, depicted by 2 yellow lines, that will encroach into Reserve 88151 as shown below.



 1m wide fire corridor – depicted by 2 yellow lines

8.3 Administration

Administrative issues have an important influence on the way in which the land is managed.

8.3.1 Staff Resources

Council shall seek to provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

8.3.2 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

8.3.3 Roles of other Authorities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be taken into account, and where appropriate, consultation will take place with relevant authorities.

8.3.4 Activities carried out by other authorities

Other government authorities may have responsibilities or involvement in the management of the

land or of immediately adjacent land. This will be taken into account, and where appropriate consultation, will take place with relevant authorities.

8.3.5 Principles for the development on adjoining land

Council's development control practices recognise and endeavor to minimise the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

8.3.6 Community involvement in Management

Where appropriate Council may undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.

8.3.7 Contract and Volunteer labour

In managing the land Council may use contract and volunteer labor but shall ensure that supervisors have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

8.3.8 Delegation of management Responsibilities

Where management responsibilities are delegated by the Council a requirement of the delegation shall be that the provisions of this Plan of Management are complied with.

8.3.9 Easements

The Council may grant easements for the provision of services over, or on the land provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

8.3.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

8.3.11 Public Liability

Council will maintain Public Liability insurance for the land. All users of the land will be required to take out Public Liability insurance for a sum of not less than \$20m.

8.3.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

8.3.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared

emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

8.3.14 Land proposed for future development

Land proposed in any of Council's plans for future development for a specific purpose may be utilised for other purposes on an interim basis until required for that purpose as long as it is aligned with the reserve purpose.

8.3.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land, may upon assessment be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing as long as it meets the purpose of the reserve.

8.3.16 Information monitoring and research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management.

Where a demonstrated need has been identified, an educational program shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities.

Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

8.4 Management guidelines

Based on legislative and corporate goals, community needs and expectations the following management guidelines have been identified. The Guidelines apply to all areas and categories of the Nambucca River Foreshore Crown Reserve 88151 / Gordon Park, locally known as GORDON PARK, Plan of Management unless otherwise identified.

8.4.1 Alcohol

The occasional sale of alcohol by a sporting committee, club or group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making application for the use of an active recreational area if the sale of alcohol is intended, applicants are required to comply with any requirements of both Liquor Gaming and Gaming NSW and Council.

8.4.2 Companion Animals

Dogs are not permitted on any area:

- set aside for the playing of organised games, or

- within 10 meters of a children's playing apparatus, or
- within 10 meters of cooking or eating facilities.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas.

Domestic pets may use the land where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

8.4.3 Parking

The car parking area also provides access to the boat ramp and provides for recreational boating and parking of boat trailers.

Existing car parking areas will be maintained to safety standards.

Where off street parking occurs within the reserve, consideration will be given to the provision of parking spaces for people with a disability (in accordance with regulations). Internal roads and parking areas may be constructed or reconstructed to a safe and all weather standard.

8.4.4 Buildings and amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act, 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to the highest possible standard, subject to funding availability.

8.4.5 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act, 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

8.4.6 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may make arrangements for community groups to undertake maintenance for specific facilities on Council's behalf.

8.4.7 Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of General Community Use, to services for public recreation. Community boat ramp, boardwalk, concrete path, steps into the water, jetty, playground, amenities, picnic shelters, BBQ's and the Tennis Club are also meet the categorization as a Park for public recreation and Preservation of Native flora and fauna.

8.4.8 Development Activities

Development activities shall be undertaken in a way that minimises the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

8.4.9 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

8.4.10 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

8.4.11 Neighbours

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of the management of activities which may affect them.

8.4.12 Trees Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land to adhere to the reserve purpose of preservation of native flora.

Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's trees and street gardens maintenance and removal of trees and street gardens on public land managed by council - Policy No: ES 10.

8.4.13 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures, which are acceptable, include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health will occur.

9.0 Revision

RESPONSIBLE OFFICER:		GIS Officer Assets			
REVIEWED BY:		AGMCS			
DATE ADOPTED:					
ADOPTED BY:		Nambucca Valley Council			
RESOLUTION NO: (IF RELEVANT)					
REVIEW DUE DATE:					
DOCUMENT NO:		10185/2021			
REVISION NUMBER:					
NATIVE TITLE ASSESSMENT DOCUMENT NO:		11208/2021			
ADDITIONAL SUPPORTING DOCUMENTS NO:		Tennis Club Licence (CM9 – 45563/2019) Gordon Park Flying Fox Management Plan (CM9 – 2390/2018) Vegetation Management Plan for Gordon Park Rainforest (CM9 – 7975/2018) Bush Fire Risk Assessment – Nambucca Heads Library Project (CM9 – 52657/2021) Ecological Assessment – Nambucca Heads Library Project (CM9 – 52646/2021) PN20-300 Nambucca Valley Council DPI Fisheries Part 7 Maintenance Permit Sept 2020 – 2025 (CM9 – 38374/2021)			
PREVIOUS VERSION	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR / EDITOR	REVIEW / SIGN OFF	MINUTE NO (IF RELEVANT)