

PLAN OF MANAGEMENT Wellington Park Nambucca Heads

Reserve 81262



Lot 7016 DP 1056524

Version Control

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Council is proud to acknowledge and respect the Gumbaynggirr people as the Traditional Custodians of the Nambucca Valley and to pay respect to the elders both past and present.

Plan of Management Report prepared by
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EXECUTIVE SUMMARY

A Plan of Management (POM) is required to be prepared for public land which is owned and/or managed by a Council and classified as *community land* under the *Local Government Act 1993* (LG Act). A POM on *community land* is a document that provides for and directs the use and management of that land. It describes the current purposes and uses of the community lands and their values, assigns them to one or more categories and sets out objectives and performance targets for active land management and use.

The Wellington Beach, the Breakwater and Lagoon and the Lower Estuary area of the Nambucca River, land to which this POM applies (Wellington Park), is a unique area of Crown land. This land is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the *Crown Land Management Act 2016* (CLM Act).

Community land is categorised under the LG Act as either park, sportsground, general community use, natural area or area of cultural significance. The land at Wellington Park has been categorised in this POM, as:

- Park
- Natural Area – Foreshore
- Natural Area - Escarpment

The intention of this POM is to provide Nambucca Valley Council (Council) with a framework that enables decisions in regard to Wellington Park to be made on an informed, consistent and equitable basis. The POM meets all of the requirements of the LG Act.

A description of this land as it exists on Wellington Park is provided. The current uses, built and natural assets, emerging trends, constraints and influences have been considered in this POM. Appropriate management objectives and actions for successful implementation are key outcomes provided by the POM.

In defining the future use of Wellington Park, this POM draws on the historical directions for past development and the way it now functions. However, changes in state legislative requirements for the management of community lands, including Crown lands, has occurred resulting in new requirements and actions. Also, in response to legislative requirements, Council has produced a number of broader strategies and guides which promote new expectations as well as opportunities, for the management of its local government area. Some of these strategies will influence the management of community land such as that at Wellington Park. They include:

- Nambucca Coastline and Estuaries Coastal Management Program (2022)
- Coastal Zone Management Plan for the Nambucca Shire Coastline (May 2012)
- Nambucca River Masterplan (March 2010)
- Nambucca River Estuary Management Plan (April 2008)

- Community Strategic Plan 2027 (2017)

Although this POM has been developed cognisant of these emerging requirements and influences, it also proposes changes to the management of Wellington Park that are based on physical information gathered on site during the compilation of the plan, and discussions with Council staff.

A vision of this POM will be delivered through ongoing management strategies which have generally worked well, but in some cases, require tightening and appropriate amendment. This will ensure the future recreational uses by community, as well as the management of important environmental assets which exist at Wellington Park, are well provided for and appropriately managed.

The vision proposed for Wellington Park is:

“To provide for the people of Nambucca Valley and beyond, a cultural and recreational destination that reflects community values and respects our environment”

The POM is presented in two principal sections being:

- The site description (A) covering the physical attributes, the legal framework, and the constraints of Wellington Park.
- The fundamental components of the Plan (B) which describes what is planned for the site’s future.

PART A – THE SITE

1 INTRODUCTION

Wellington Park is located 1.4 kilometers from the commercial centre of Nambucca Heads (see Figure 1) and is bounded on the south by the Northern Breakwater on the Nambucca River, Wellington Beach on the east, an elevated escarpment and side slope to the north, and the carpark at the end of Wellington Drive to the west. The White Albatross Holiday Park, which is partially enclosed by Wellington Park, as freehold land, is not included within this Plan of Management (POM).

The breakwater, the beach, the escarpment and side slope, and a scenic lagoon created as a result of the construction of the breakwater and located near the southern boundary of the Holiday Park, are the major natural and constructed features at Wellington Park. Figure 1 shows its location (red boundary), in relation to the Nambucca River, the coastline, and Nambucca Heads township.



Figure 1 – Location.

1.1 Brief History of Nambucca Heads, the “Inner Harbour” and Wellington Park

Original Inhabitants

Nambucca Heads is the current and historical homeland of the **Gumbaynggirr people**. Gumbaynggirr lands stretch from Pillar Valley, Tyndale, Grafton and Copmanhurst in the north, to Glen Innes, Guyra and Black Mountain to the west, and to Bowraville to the south. The Nambucca River separated the Gumbaynggirr from the Dunghutti Ngaku who mainly occupied the Macleay Valley to the south. Indeed, the word ‘Nambucca’ is understood to be derived from a Gumbaynggirr word said to mean ‘entrance to the waters’ or ‘crooked river’.

European Settlement

The first Europeans to encounter the Nambucca River were probably within a party who set off from Sydney in 1818 in search of convicts who had stolen a boat from Sydney Harbour. John Oxley subsequently explored the area in 1830. By that time, word had spread of the substantial riches the valley had to offer, especially the sought-after red cedar which grew in profusion along the banks and adjoining rainforest of the lower river.

Cedar-getting was well established on the Nambucca River by 1843, although the dangerous sand bar at the Nambucca River mouth resulted in shipping concerns as shipwrecks and stranded vessels were a feature right up until the turn of the century. Consequently, during that time, logs were floated down-river by raft then hauled along the beach by drays to the Macleay River where they were picked up by ocean-going craft at the river port. The river port was located at Stuarts Point (prior to the MacLeay River changing course and exiting near South West Rocks during floods in 1893).

Nambucca Heads Town

The original village of Nambucca Heads stood on the north bank of the Nambucca River, slightly upstream of the land which was to be Wellington Park. This area which was to become known as the “Inner Harbour”, initially saw the establishment of several sawmills, the first of which was built in 1870. Sawmilling in a number of mills, provided employment for the early inhabitants in and around the Inner Harbour, although fishing, and interest in maize cropping and dairying in the wider district had also quickly escalated during that period.

The township later moved to the top of the hill, and the Village of Nambucca was proclaimed in 1885 with local government being established in 1915 (see Figures 2 and 3). At the time of the relocation and establishment of the village, the majority of the land now comprising Wellington Park was part of the Nambucca Riverbed. The section directly north of where a Tavern is currently located, was part of a Reserve for Public Buildings being Section 8 of the Village.

The Breakwater and Wellington Park

To address the on-going difficulties created by the sand bar at the entrance of the Nambucca River, work commenced on a set of breakwaters and river training walls in 1895, the project being

completed in 1907 (see Figures 2 and 3). In addition to creating relatively safe exit by ocean going vessels to Sydney Markets for cedar, dairy products and fish, the improvement enabled ships to travel upriver as far as Macksville.



Figure 2 – Construction of the Nambucca River Breakwaters
Extract from The Department of Public Works Plan of constructed (black) and proposed works (red) for the Nambucca River breakwaters and training walls – 30 June 1902.

The Northern Breakwater was constructed across the original river's flow, in an arc from the Wellington Rocks area upstream towards the Inner Harbour. The rock for the Northern Breakwater was sourced from Wellington Park for Public Buildings and the spoil from a nearby quarry was utilised to reclaim part of the land now used by the White Albatross Holiday Park and Wellington Park (Figure 3 shows the first stages of the reclamation of land). The existing lagoon behind the breakwater is the remnant of what was previously the bed of the Nambucca River.

Intense lobbying to parliament followed a recognition of some ongoing problems with the existing construction and safety. The eastern opening of the Inner Harbour was therefore closed in 1916-17 with the construction of a short training wall between the Northern Breakwater and the existing training wall, creating the "V" section of the V-Wall, (the name generally applied to the breakwater works including the training walls).

By the 1930s the area between the Northern Breakwater and the Wellington Rocks accreted forming Wellington Beach. The land north and north-east of the Northern Breakwater, became known as Wellington Park.¹

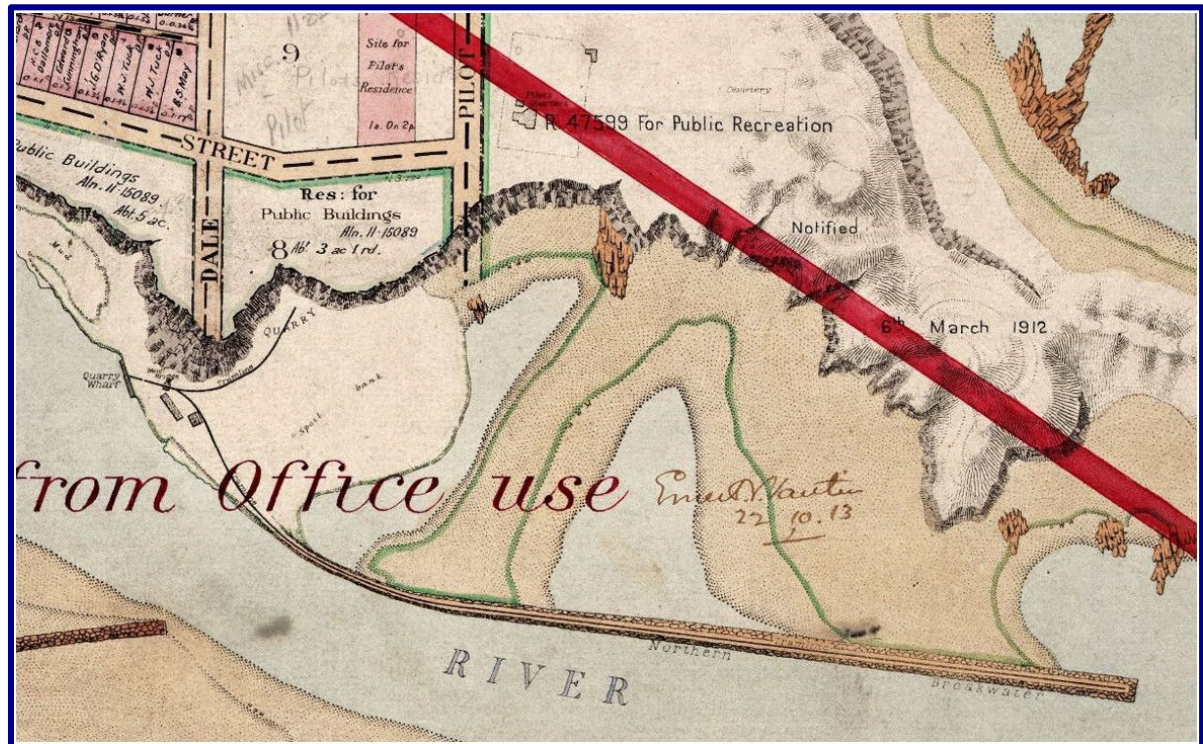


Figure 3 – 1907 Edition of the Map of the Village of Nambucca

Showing accretion of material behind the breakwater and the formation of the residual water body which became the lagoon.

Permissive Occupancies were granted in the 1940s over the spoil area adjacent to the lagoon (see Figure 3). On 28 November 1958, the land at Wellington Park was reserved for the purposes of Public Recreation, and on 1 August 1969 a tender for a 40-year Special Lease for Business Purposes (holiday resort) and public recreation was called. Special Lease 1969-9 Bellingen permitted the reclaiming of further land north of the breakwater and the development of a caravan park and camping area.

The Northern Breakwater is unique in that it offers a rare venue for unregulated placement of murals, acknowledgements to individuals past, paintings, and poetry (see Figure 5). The colourful array of boulders are a noted tourist attraction for Wellington Park and Nambucca Heads.

¹ Source from publication entitled: The History of Nambucca Heads, *Nambucca Lions Club publication 2013*.

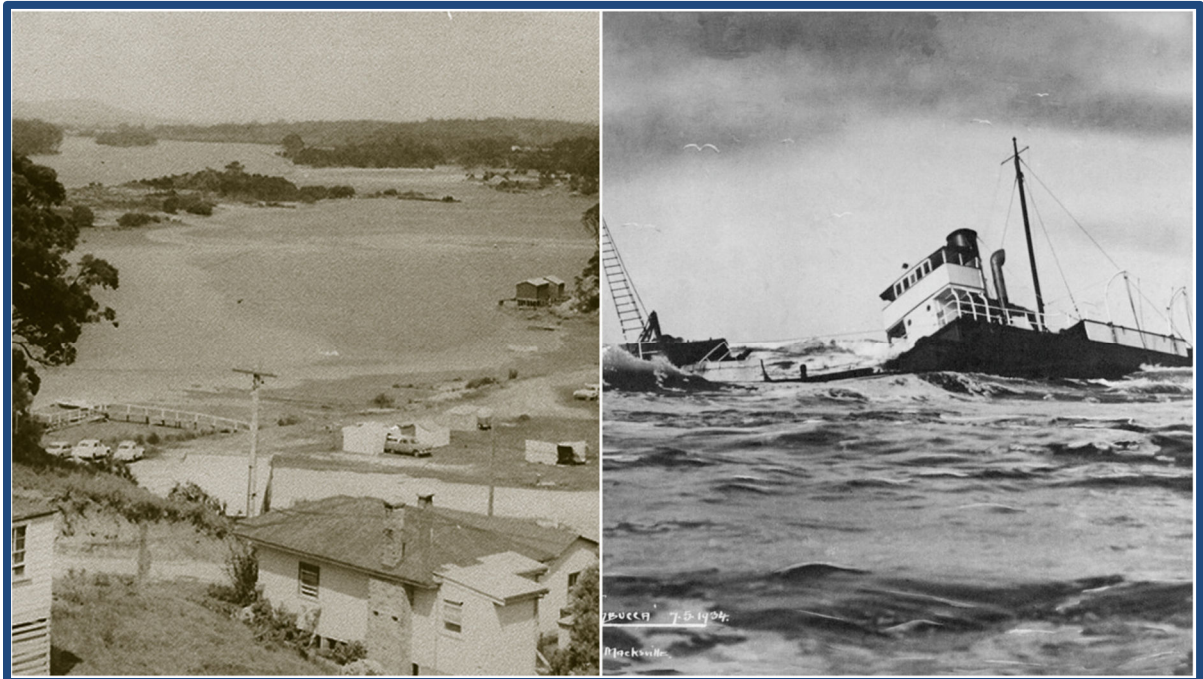


Figure 4 – History Wellington Park vicinity
Camping and housing near the Inner Harbour in the 1950s, prior to the establishment of the adjoining (downstream) camping area on the reserve now known as Wellington Park (left); The wreck of the steamer **Nambucca**, at the entrance of the Nambucca River opposite Wellington Park, May 1934.



Figure 5 – The V-Wall
Top: The V-Wall section of the breakwater's western extremity; Bottom Left: the colourful murals on breakwater boulders; Bottom Right: Gumbaynggirr culture and language is well represented on signage within Wellington Park.

1.2 Wellington Park

Wellington Park is located on Crown land reserved for the purposes of Public Recreation on 28 November 1958 (Figure 6). The land may also be utilised for the relevant interest of Access and Port Facilities and Services added 26 June 2020.

Vehicular access is provided via Wellington Drive from the west. Access to the current *V-Wall Pavilion* was formalised in 2013 when Council resolved to divest itself of a section of the reserved land to permit the creation of a short section of public road. This is now an extension of Wellington Drive past the current public amenities block to the Pavilion.

Pedestrian access to Wellington Park is (in part) available via pathways/walkways from Shelly Beach Road to the north, as well as Wellington Beach.

This POM has been prepared in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that the land addresses the needs of the local neighbourhood, the broader community and the environment. It has been prepared to meet the requirements of the LG Act.



Figure 6 – Site Diagram

The land subject to this POM is bound by red outline (not including the White Albatross Holiday Park).

2 LEGAL FRAMEWORK

2.1 Public Land

The public land at Wellington Park is Crown land, owned by the State of New South Wales, managed by Council for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Manager, under Division 3.4 of the CLM Act, which provides that Council should manage the land under the LG Act.

Under the LG Act, all public lands must be classified as either Community or Operational land. Wellington Park, shown in Figure 6, has been previously classified 'Community' land, with the initial categorisation being for Park.²

The purpose of the classification of Public land is to clearly delineate which land should be kept for use by the general public (Community land) and which land need not be kept for that purpose (Operational land). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a sportsground, hall, public park, beach precinct etc.³ Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold
- cannot be leased, licensed or any other estate granted over the land for more than 30 years
- must have a POM prepared for it.

2.2 What is a Plan of Management?

The LG Act requires that in the development of a POM, Council consider the views of the community in identifying the important features of the land and determining how the land will be managed, used, or developed. Until a POM for Community Land is adopted, the nature and use of the land cannot be changed. Otherwise, the POM must be revised.

In its management of the Crown land of Wellington Park, Council will also undertake the required process as per Section 36 of the LG Act and Section 3.23 of the CLM Act.

Specifically, the LG Act requires that a POM must identify the:

- category of the land.
- objectives and performance targets of the Plan with respect to the land.

² Assigned by Council under Section 3.23(2) of the CLM Act.

³ See the note to Chapter 6, Part 2 of the LG Act.

- means by which the council proposes to achieve the Plan's objectives and performance targets.
- manner in which the council proposes to assess the objectives and performance targets.
- condition of the land, and any buildings or other improvements on the land, as at the adoption of the Plan.
- use of the land and any such buildings or improvements as at adoption.
- purposes for which the land, and any such buildings or improvements, will be allowed to be used.
- purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.
- scale and intensity of any such permitted use or development.

2.3 Types of Plans

The LG Act allows a POM to cover one or multiple parcels of land.

Where multiple parcels of land are covered in one POM (Generic Plans), the LG Act specifically states what needs to be included. Where a POM covers one parcel of land (Specific Plans), like this POM, there is greater detail on what has to be prescribed. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines precise management proposals.

POMs for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequently amendments to the POM may occur. This POM for Wellington Park as defined here, will be its first POM.

2.4 Relationship with Other Plans

The majority of Community land within the Nambucca Valley Local Government Area will be subject to the *Community Land Plan of Management* which provides an overarching strategy and consistent management approach for community land parcels.

This Wellington Park POM is one of a set of specific POMs for Council which will include:

- Anzac Park,
- Stuarts Island,
- Swimming Creek,
- Bellwood Park, and
- Foreshore reserves

2.5 Categorisation and Objectives

As required under Section 36 of the LG Act, *community land* is categorised as one of the following:

- Natural Area
 - Bushland
 - Wetland
 - Watercourse
 - Escarpment
 - Foreshore
- Sportsground
- Park
- Area of Cultural Significance
- General Community Use

Once categorised, community land is also subject to specified objectives which are outlined in the LG Act and in **Appendix 1**.

3 SITE DESCRIPTION

Table 1 – Site Description

Reserve	Reserve R81262 for Public Recreation – established 28 November 1958
Description	Lot 7016 DP 1056524
Address	Wellington Drive, Nambucca Heads
Initial Category	Park
Proposed Categories	Park; Natural Area – Foreshore; Natural Area – Escarpment

3.1 Land Parcels

Wellington Park consists of Lot 7016 Deposited Plan (DP) 1056524.⁴

Figure 6 shows the lot location for the land which is subject to the POM.

The total planning area of Wellington Park is approximately 10.35 Ha.

3.2 Ownership and Management

Crown Land

Wellington Park is on Crown land owned by the State of New South Wales and subject to Crown Reserve R81262 for Public Recreation, created on 28 November 1958.

Council was appointed trustee of R81262 under Section 37P of the *Crown Lands Consolidation Act 1913* on 16 November 1984.

Following various legislative changes in the management of Crown land, and changes in the areas and names of local government authorities, Council is now Crown land manager of R81262 for the purposes of the CLM Act.

All assets on Wellington Park are owned by the State of New South Wales.

Native Title

Crown land in Australia is subject to native title under the *Native Title Act 1993* (Commonwealth). 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.

⁴ Lot 1 DP 1187844, being part of Lot 7016 DP 1056524 was acquired by Nambucca Valley Council on 5 January 2018. This is yet to be recorded in the Land Title Register.

Some examples of acts⁵ 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 issue of a lease or licence.
- the undertaking of major earthworks.

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

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALRA) seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW. The lodgment of an Aboriginal land claim (ALC) under Section 36 of the ALRA, over Crown land creates an inchoate interest in the land for the claimant pending determination of the claim. The Department of Planning, Housing and Infrastructure – Crown lands advises that, if the land is subject to an undetermined ALC, any works, development or tenures authorised by the POM should not go ahead if:

- the proposed activity could prevent the land being transferred to an ALC claimant in the event that an undetermined claim is granted.
- the proposed activity could impact or change the physical/environmental condition of the land, unless:
 - the council manager has obtained written consent from the claimant Aboriginal Land Council to carry out the proposed work or activity, and/or
 - the council manager has obtained a written statement from the Aboriginal Land Council confirming that the subject land is withdrawn (in whole or partial) from the land claim.
- 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.

⁵ An act is defined in Section 226 of the *Native Title Act 1993 (Cwlth)*. An act affecting native title is defined in Section 227 of the *Native Title Act 1993 (Cwlth)*.

4 PLANNING INSTRUMENTS AND POLICIES

4.1 Land Zoning and Planning Control

Under the *Nambucca Local Environmental Plan 2010* (LEP), Wellington Park is zoned RE1 – Public Recreation (See Figure 7).

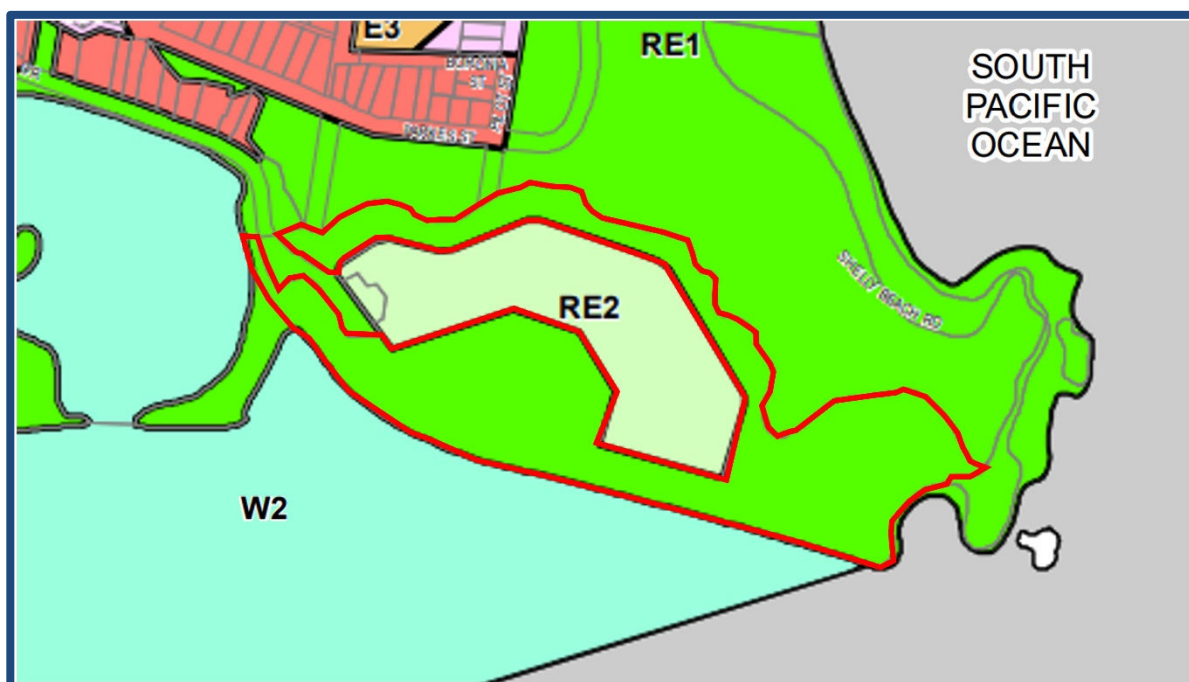


Figure 7 – Zoning Plan
Wellington Park – boundary shown in red.

Wellington Park is an irregular shaped area which is bounded on the north, east and west by public reserve and Wellington Drive, zoned RE1 – Public Recreation. To the south and south-west, Wellington Park is bounded by the Nambucca River zoned W2 – Recreational Waterways. The White Albatross Holiday Park which is partially surrounded by Wellington Park is zoned RE2 – Private Recreation.

RE1 – Public Recreation

The objectives for RE1 land described within the LEP, are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify proposed or existing publicly owned land that is used or is capable of being used for the purpose of active or passive recreation.

Activities permitted without consent for land zoned RE1 are shown as:

- Environmental protection works

Activities permitted with consent for land zoned RE1 are shown as:

- Advertising structures
- Aquaculture
- Boat launching ramps
- Boat sheds
- Camping grounds
- Caravan parks
- Centre-based childcare facilities
- Community facilities
- Educational establishments
- Environmental facilities
- Kiosks
- Recreation areas
- Recreation facilities (indoor)
- Recreation facilities (major)
- Recreation facilities (outdoor)
- Respite day care centres
- Roads

The following activities are prohibited:

- Any developments other than those permitted with or without consent are prohibited on this land.

4.2 State Environmental Planning Policies

State Environmental Planning Policies can specify planning controls for certain areas and/or types of development. They can also identify the development assessment system that applies and the type of environmental assessment that is required. Wellington Park is subject to the State Environmental Planning Policies. Important amongst these in the development of Wellington Park is *State Environmental Planning Policy (Transport and Infrastructure) 2021* or the T&I SEPP.

Section 2.74 of the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a POM adopted for the land in accordance with the LG Act.

All other impacting State Environmental Planning Policies are listed below. Those that are considered more relevant to the future of Wellington Park and this POM are underlined below and briefly described in **Appendix 2**:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021: Allowable Clearing Area; Land Application, and Subject Land (pub.2-12-2021)*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resources & Energy) 2021*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2021*
- *State Environmental Planning Policy No 65 —Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application; Subject Land.*

4.3 Council Policies

In addition to state planning policies and the directions of the LEP, Council has developed a number of plans and general policies which have either direct or indirect relevance to planning, management and maintenance of community land, more specifically, Wellington Park. Of particular relevance are the:

- **Community Strategic Plan 2032** – The Community Strategic Plan is the highest order plan that a Council prepares, the purpose being the identification of the community's main priorities and aspirations for the future and to plan strategies to achieve that future. Capturing Council's Vision (*Nambucca Valley - Living at its Best*) and Mission (*The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people*), the Community Strategic Plan is guided by a series of state and regional principles and a number of community aspirations.
- **Community Participation Plan** – Applying to all land within the Nambucca Valley Council Local Government Area (LGA) including community land, the Nambucca Community Participation Plan is designed to make participation in the planning system clearer for the community. It does this by setting out in one place how and when Council will engage with its community when exercising planning functions.
- **A Climate Change Adaption Strategy for Nambucca, Bellingen and Kempsey (December 2010)** – The objective of this plan is to develop an adaptation strategy that will develop the resilience to climate change of the evolving society, environment and economy in Nambucca, Bellingen and Kempsey, and to develop the adaptive capacity to cope with effects that cannot be predicted. Key issues for Nambucca Heads at Wellington Park include:
 - threat and drainage failure from sea level rise
 - infrastructure and asset damage due to extreme weather events

- increased electrical use from higher temperatures
 - supply issues
 - bushfire risk to property and life due to changes in temperature and rainfall patterns
 - reduced tourism due to increased occurrence of extreme weather; and
 - coastal erosion.
- ***Coastal Zone Management Plan for the Nambucca Shire Coastline (May 2012)*** – This plan is one of Council’s tools for managing the future of its coastal landscape, natural resources and communities. This plan outlines how Council will manage the open coastline within the Local Government Area into the future, aligning coastal management with Council’s other strategic and operational plans. It focusses on management of assets present, including structures (break/sea walls, amenities, natural vistas and key environmental contingencies such as unique vegetation etc.).
- ***Nambucca Coastline and Estuaries Coastal Management Program (July 2022)*** – sets the long-term strategy for coordinated management of the coastline and estuaries of the Nambucca Shire LGA. It aims to ensure that the values and benefits of the study area are enhanced and maintained for future generations, acknowledging numerous threats and pressures that affect the community and environmental values. The program also acknowledges that over time, many of these pressures are likely to increase due to increases in population, potential land use changes, development within the catchments and the impacts of climate change. Pertinent to this POM, coastal hazards such as beach erosion, coastline recession and inundation are important considerations within this program. This POM has been developed in accordance with the Nambucca Coastline and Estuaries Coastal Management Plan, and the *Coastal Management Act 2016*.
- ***Nambucca Shire Coastal Hazard Study (December 2009)*** – This study covers all issues and pressures which impact on the immediate coastal environment, (including the estuary at Wellington Park and break wall), attributed to climate change induced sea level rises and storm surges. The study defines hazards and their measurement, proposing management options for the future.
- ***Nambucca Shire Floodplain Risk Management Plan (June 2017)*** – To reflect the requirements of the NSW State Government’s Flood Policy, the Nambucca Shire Floodplain Risk Management Study is a detailed assessment of flood risk in the catchment. The assessment includes a description of flood hazard, as well as an estimate of the economic impact of flooding. The study provides a long-term plan for the future development of the flood plain, as well as a review of the flood planning level and flood planning area.
- ***Nambucca River Masterplan (March 2010)*** – This plan examines the uniqueness and values of the river system acknowledging in particular its important recreational, land use, aquaculture and fishing industry riches, cultural significance and the various topographical interactions that enable the expression of these values into the future. The lower estuary in the vicinity of Wellington Park and the breakwater feature significantly in this plan in terms of future directions, many of which have already been considered and implemented.
- ***Nambucca River Estuary Management Plan – Final Report (April 2008)*** – Through community consultation, this plan prioritises management strategies for the Nambucca River estuary, and proposes funding sources to enable the implementation of these priorities. Several key

management strategies of high priority focus on the lower estuary in the vicinity of Wellington Park.

Full details of Council's relevant policies and plans as listed above can be found at Council's website at: www.nambucca.nsw.gov.au

4.4 Biodiversity

Under the LG Act, Council has obligations for conservation issues as determined by the *Biodiversity Conservation Act 2016* and the *Fisheries Management Act 1994*. The LEP notes that there are no significant biodiversity issues present or critical habitat notified at Wellington Park. There is no biodiversity certified land or biobanking agreement associated with this land as per the *Biodiversity Conservation Act 2016*.

Although not specifically referenced within the LEP and mapping, the north-east boundary of Wellington Park, covering the vegetated slopes, may fall *slightly* within the Biodiversity Values Map⁶ (see Figure 8).



Figure 8 – Biodiversity Values Map.

Biodiversity values shown in purple located adjacent to or slightly within the north-eastern boundary of Wellington Park.

⁶ This map has been prepared by the Department of Planning and Environment under Part 7 of the *Biodiversity Conservation Act 2016*. It identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing.

Estuarine macrophytes are essential components of estuarine ecology as they improve water quality, contribute to the food chain and provide habitat to fish and other marine creatures. A report on the condition of the Nambucca River catchments describes seagrass (*Zostera* species), one of three estuarine macrophytes represented within the Nambucca River catchment (the other two being mangroves and saltmarsh), as being present within the lagoon at Wellington Park.⁷ There has been considerable destruction and decline in seagrass along the coast of NSW in the past 30 years. This decline is exacerbated by excessive turbidity caused by siltation, elevated nutrient levels, stormwater discharge, heavy metal and toxic deposition, boat moorings and introduced species.

Any proposed impacts to biodiversity values both terrestrial and aquatic, which result from development, including threatened species and ecological communities and their habitats, require proper consideration in accordance with the applying legislation.

4.5 Native Vegetation

Land zoned RE1 is covered by the State Government's native vegetation laws aimed at protecting the biodiversity values of trees and other vegetation in non-rural areas of NSW and is included within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*⁸ and also considered within the *Biodiversity Conservation Act 2016*. Any clearing of native vegetation requires consideration and possible authorisation under these policies.

4.6 Acid Sulfate Soils

Acid sulfate soils are natural sediments that contain iron sulfides, often at depth. The objective of the LEP relating to the presence of acid sulfate soils is to ensure that any proposed development which may disturb, expose or drain them, is accounted for to avoid environmental damage.

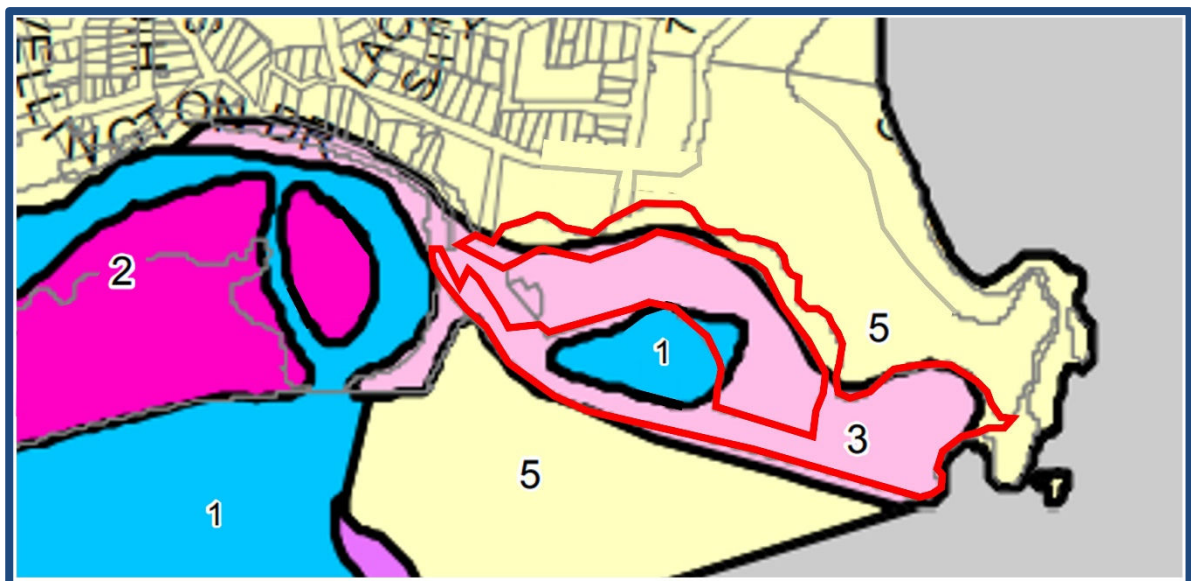


Figure 9 – Acid Sulphate Soils at Wellington Park.

⁷ Nambucca Ecohealth Project 2016-2017: Assessment of River and Estuarine Condition, Final Technical Report (July 2018) Pub. NSW Office of Environment and Heritage and Nambucca Valley Council.

⁸ Part 2.3 (1)(b) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The LEP indicates that dominantly, Class 3 acid sulfate land is likely to occur at Wellington Park, with smaller areas of Classes 1 and 5 (see Figure 9). It is therefore required that consent considerations account for development which will disturb, expose or drain the acid sulfate accumulations which occur naturally.

The LEP indicates that proposed developments of varying intensity at Wellington Park must comply with the following hazard scale:

Class 1: Any works (the lagoon)

Class 3: Works more than 1 metre below the natural ground surface by which the water table is likely to be lowered more than 1m below the ground surface

Class 5: Works within 500 metres of adjacent Class 1 or 3 land that is below 5 metres (Australian Height Datum) and by which the watertable is likely to be lowered below 1 metre on Class 1 and 3 land. (Class 5 occupies a narrow lineal landform at the base of the escarpment)

4.7 Flood Planning and Floodplain Risk Management

The objectives of the flood planning clause in the LEP are:

- to minimise the flood risk to life and property associated with the use of land
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change
- to avoid adverse or cumulative impacts on flood behaviour and the environment, and
- to enable the safe occupation and efficient evacuation of people in the event of a flood.

Under the section *Additional Local Provisions*, the objectives for Floodplain Risk Management are also presented. These are:

- for development with particular evacuation or emergency response issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level, and
- to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

At the time of the compilation of this POM, flood planning areas for the Nambucca Valley have not been incorporated into the current LEP. As such, there are no flood planning management implications for Wellington Park as designated by the LEP, either for initial planning, or the management of risk associated with flooding.

Nevertheless, the precursor for LEP amendments as required by the NSW Government's Flood Policy ensuring a framework for sustainable use of floodplain environments, has been developed within

Nambucca Council's *Floodplain Risk Management Plan (2017)*. Any interpretations and extrapolations from this plan to the area occupied by Wellington Park are limited by mapping scale and the generic nature of responses to flooding risk. However, evacuation planning, flood awareness and preparedness, and flood warnings as well as infrastructure vulnerability will be major issues for consideration at Wellington Park, within a reviewed LEP. Figure 10 shows the 1:100 flood level at Wellington Park provided in the *Bellinger, Kalang and Nambucca Catchments Regional Hydrology*.⁹

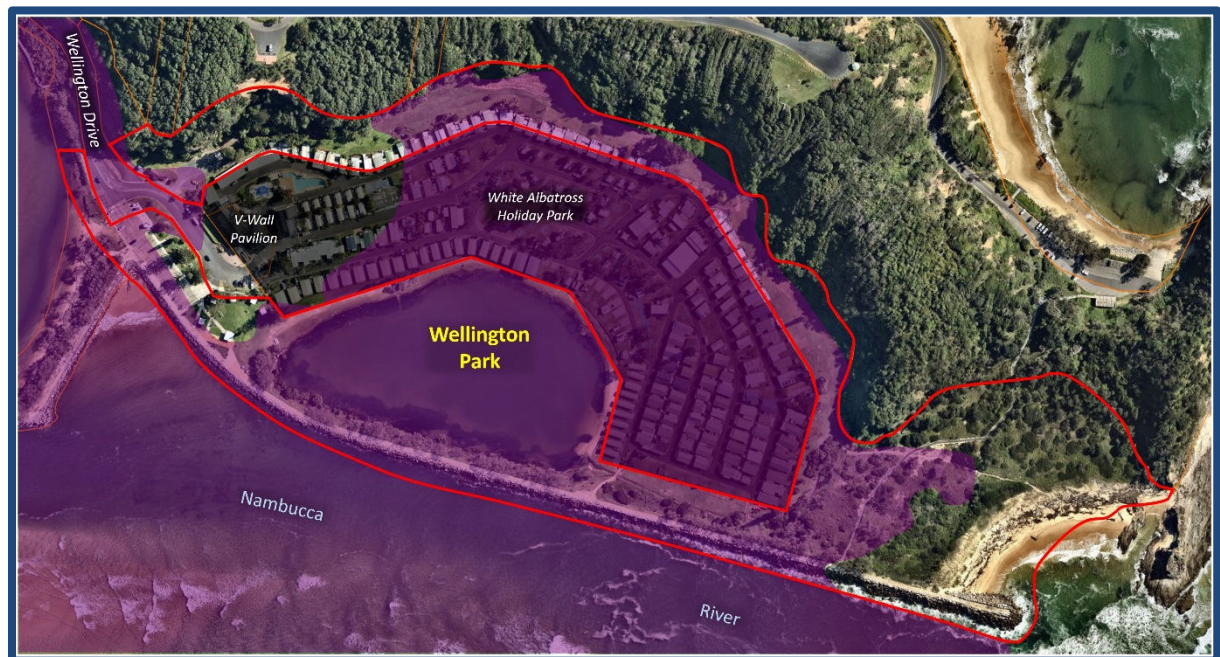


Figure 10 - Flood Prone land - Wellington Park
1:100-year flood level mapping (shaded in purple)

4.8 Aboriginal Significance

A search of the *NSW Government's Office of Environment and Heritage AHIMS Web Services* revealed that:

- no Aboriginal site is recorded in Wellington Park.
- one Aboriginal site is recorded near and northwest of Wellington Park.
- no Aboriginal places have been declared in or near Wellington Park.

Council will carefully follow the *Due Diligence Code Practice for the Protection of Aboriginal Objects in New South Wales*¹⁰ when considering development in these areas.

Any construction undertaken by Council will need to meet the cultural heritage requirements of the *National Parks and Wildlife Act 1974*.

⁹ WMAwater Pty Ltd. <https://www.wmawater.com.au/projects/bellinger-kalang-and-nambucca-catchments-regional-hydrology>

¹⁰ Published by the Department of Environment, Climate Change and Water – 1 September 2010.

Wellington Park does not contain any items listed in the LEP as being of known Aboriginal archaeological sites, nor places of indigenous heritage significance.

4.9 Heritage Significance

The objectives of environmental heritage designations in the LEP are:

- to conserve the environmental heritage of Nambucca.
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.
- to conserve archaeological sites.
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

The LEP indicates that two areas of heritage significant land are present at Wellington Park (Figure 11).

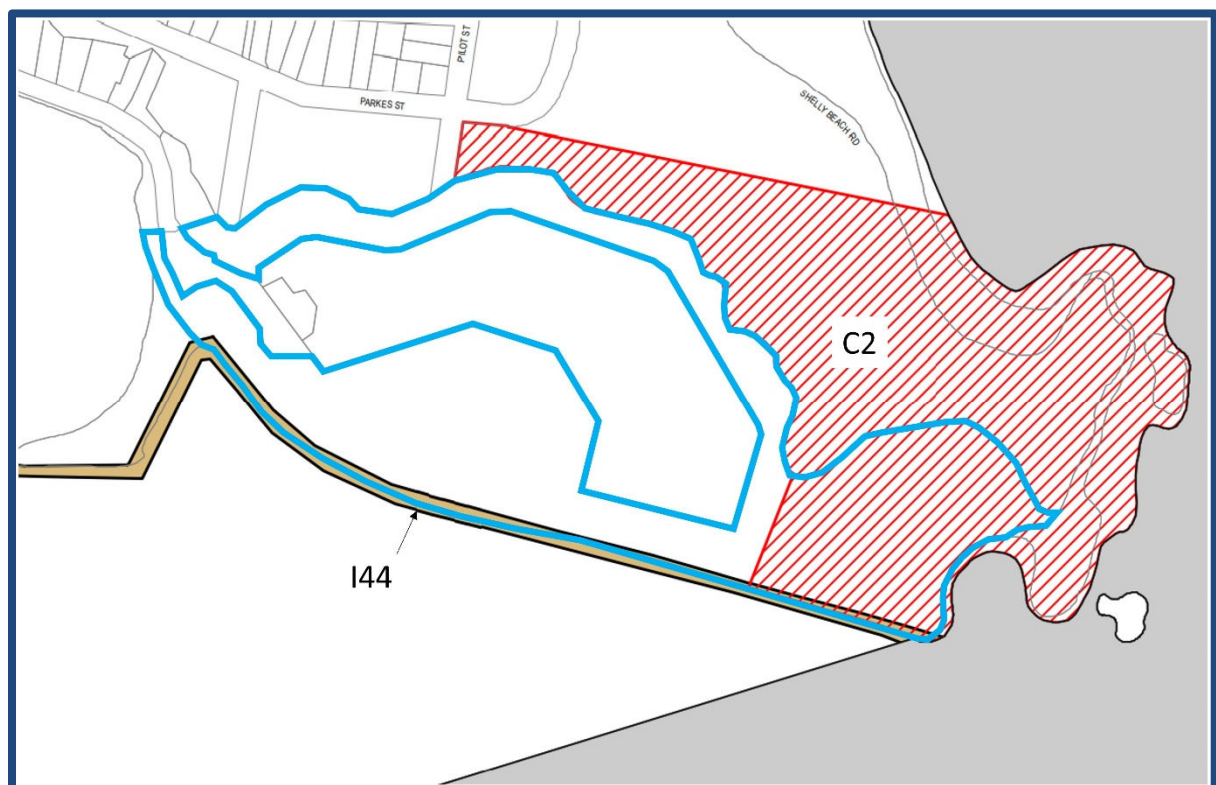


Figure 11 – Areas of Environmental Heritage
Environmental Heritage Item- Sea Wall (shaded brown). Heritage Conservation Area – North Headland (hatched red). occupies the eastern section of Wellington Park.

The Environmental Heritage listed Nambucca Sea Wall (The Northern Breakwater) is listed Local Significance Item Number I44. Accordingly, any proposed developments within designated areas of heritage significance require consideration by the consent authority to ensure heritage objectives

are considered.

Part of Wellington Park, being the area east of the White Albatross Holiday Park, forms part of the Nambucca North Headland Heritage Conservation Area (map reference C2). Development consent within this heritage conservation area is required for:

- demolishing or moving a building, work, relic or tree
- erecting a building, or
- subdividing land.

4.10 Bush Fire Planning

Wellington Park has land which is designated Bushfire prone. Bushfire prone land is defined as an area of land that can support a bush fire or is likely to be subject to bush fire attack, as designated on a bush fire prone land map.¹¹

The NSW Governments Planning portal¹² indicates a range of bushfire hazard rankings at Wellington Park, as:

Vegetation Category 1 - considered to be the highest risk for bush fire and will be given a 100m buffer. This vegetation category has the highest combustibility and likelihood of forming fully developed fires including heavy ember production.¹³ (This corresponds with the more heavily vegetated areas on the slopes and footslopes to the north-east of Wellington Park).

Vegetation Category 2 - considered to be a lower bush fire risk than Category 1 but higher than the excluded areas and will be given a 30-metre buffer. This vegetation category has lower combustibility and/or limited potential fire size due to the vegetation area shape and size, land geography and management practices. (Category 2 approximates the uncleared slopes included by a section of the northern boundary of Wellington Park).

Note that Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Bushfire prone land at Wellington Park is shown in Figure 12.

¹¹ Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*.

¹² www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot.

¹³ Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*.

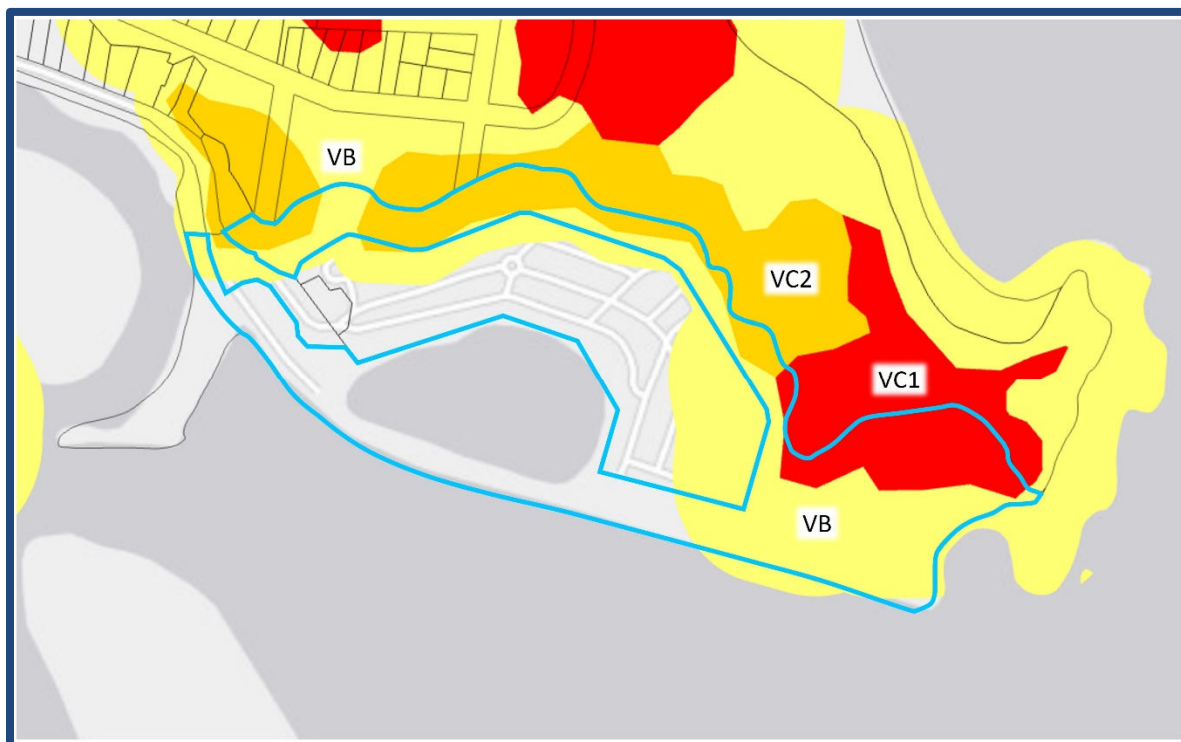


Figure 12 – Bushfire prone land
Vegetation Category 1 VC1; Vegetation Category 2 VC2; Vegetation Buffer VB.

4.11 Operating Approvals

Part of Wellington Park is currently subject to a licence, covering 2904m², for occupation, pontoon and sign to Ingenia Communities which will expire 3 December 2024.

5 THE PHYSICAL ENVIRONMENT

5.1 Coastal Geomorphology

In general terms, the present coastline topography which encapsulates the area now known as Wellington Park, including Wellington Beach and the adjoining estuary, has formed since the end of the last Ice Age and mainly over the last 6,500 years. Sea levels rose from 120m below present, to 1 – 2m above present around 6,500 years ago. Between 6,500 and 3,000 years ago, sea levels fell to around their present level and have remained fairly stable ever since. *Pleistocene*¹⁴ and *Holocene*¹⁵ barriers were created by *aeolian*¹⁶ sand deposits along the coastline to create the morphology of the coastal zone.

5.2 Geology and Soils

Broadly, the hills and slopes of the Nambucca catchment are dominated by Permian metamorphic sedimentary rocks of the Nambucca Block. These are further classified as the slates, siltstones, lithic sandstones, and phyllites and schists of the Pee Dee beds and across the terrestrial landscape, support a range of soils from those which are well-developed often texture contrasting with depth, to those which are weakly developed, often shallow and stony. Along the coast and on the tidal and estuarine flats, aeolian, alluvial and fluvial processes which have occurred during relatively recent geological times have been active in forming a range of landscapes and soils which characterise the rivers, floodplains and estuaries.

These geologies and soil forming processes have impacted on the soils found at Wellington Park, which are described as belonging to three Soil Landscapes.¹⁷

The flat terrain which dominates Wellington Park and surrounding the White Albatross Holiday Park, is described as tidal flats and estuarine reaches of the *Toormina* Soil Landscape. Soil types in this young landscape consist of deep unconsolidated Holocene sediments of sand, silt clay and mud stratified with shell layers. Referred to as Sulfidic Intertidal and Supratidal Hydrosols¹⁸ in their natural condition, these soils are highly organic, with low wet bearing strength, can contain sodic clays in the subsoil, are highly erodible with extreme acid sulfate potential, strongly saline, and of low fertility. The more recent history of landscape modification (see 5.3) has significantly altered the soils of this landscape within Wellington Park. Cut-and-fill processes, often using materials from other landscapes, means the soils there in many situations now strongly reflect man-made processes, as well as the original characteristics of the Hydrosols. Where the influence of humans has been significant, the soils are more correctly referred to as Anthrosols.

A small area of the *Goolawah* Soil Landscape covers the Wellington Beach and its fore and hind dune system immediately to the west. Soils there are described as Rudosols (siliceous sands, of minimal profile development). They are of low fertility, poor water holding ability, high permeability and subject to the pressures of coastal erosion.

¹⁴ 1.6 million years ago, to Holocene.

¹⁵ 10,000 years BP to present.

¹⁶ Wind deposited.

¹⁷ eSPADE map in: <https://espade.environment.nsw.gov.au>

¹⁸ Isbell R.F. 2002. The Australian Soil Classification Revised Edition: CSIRP Pub.

The soils of the small narrow area on hard rock foot slopes and side slopes within the northern boundary of Wellington Park, are located on the Permian metasediments which typify the slopes and hills around Nambucca Heads village, and beyond. These soils are of the *Pine Creek* Soil Landscape and present as Red and Brown Kurosols where they are deeper with reasonable profile formation (often exhibiting a texture contrast from a loam to clay loam brownish topsoils and clay reddish-brown subsoils), to shallow Tenosols which are skeletal in nature (high stone content). The latter are more common towards the crests of slopes as well as the steeper slope components, where mass movement has occurred and/or soil profile formation to any depth over time, has been corrupted by such landscape forming processes.¹⁹ High erodibility is common in the topsoils and subsoils, and some subsoils may be dispersible with a high erosion hazard when exposed, especially where grades increase. Soils are increasingly acid with depth, and may be moderately fertile, but generally lack several important elements for plant growth. Notwithstanding, at Wellington Park, these soils support generally a healthy and vigorous range on native and introduced trees and understory.

5.3 Landscape Modification

The landscape at Wellington Park is a product of both natural and man-made modifications. The installation of the initial rock breakwater has resulted in a highly modified riparian zone including its complete removal of its fringes. The training walls were constructed along the northern shoreline at Nambucca Heads during the late 1890s and early 1900s with various historical large-scale dredging undertaken up until the 1940s.

The estuary was last dredged in 1977 with works undertaken west of the V-wall which subsequently infilled rapidly. The excess workings of the adjoining quarry activity were used as fill to complement natural processes behind the walls including the lower points which remained at that time on Wellington Park.

The lagoon is a remnant of the original riverbed now enclosed by the breakwater. Additional fill was directed to the area now used as the White Albatross Holiday Park and the adjoining areas to create an elevated landscape which is mostly flood free and well drained.

The downstream extremities of the breakwater then allowed the accumulation of drifting coastal sands to enhance the Wellington Beach and its hind and foredune.

5.4 Land Clearing, Vegetation and Management

The original fringing riparian vegetation community where Wellington Park exists would likely have been Grey Mangrove - River Mangrove low open or closed forest or shrubland of intertidal flats, grading into Swamp Oak forested wetland of saline areas and Coast Banksia woodland and open forest of coastal dunes.²⁰ This has now essentially been replaced by the previously discussed works, allowing landscaping including establishment of non-native species for shade and aesthetics,

¹⁹ It is noted that where these soils and slope are compounded within the north-western boundary of Wellington Park, rock substrate has been quarried to create the materials used in initial construction of the breakwater aligning the southern boundary. The quarry remnants with exposed rock slope, remain. A safety issue due to the potential for falling rock from these steep slopes is a management consideration for the Reserve.

²⁰ See *Biodiversity Conservation Act 2016*.

including an array of palms and Norfolk Island Pines.

Some natural re-establishment of the original estuarine species has also occurred, especially along the low-lying vegetative buffer immediately to the north of the breakwater, and on the river side of the upstream stretch of the training wall where sediments have re-established to create shallow conditions at that point. These are mainly Swamp Oak and Mangroves.

Vegetation establishment along the hind dune and track walking area above Wellington Beach consists mainly of fairly recently established native woody, shrubby and groundcover species both native and non-native. Notable native woody species include Coastal Wattle, Coastal Banksia, Casuarina (Oak) species. Some invasions of weeds such as Bitou Bush and Lantana is evident. A good establishment of coastal spinifex as well as Zoysia provide groundcover and therefore protects the foredune area against the erosive forces of wind and water.

Within the enclosed aquatic environment of the lagoon at Wellington Park, the significant establishment of seagrass (*Zostera* species) is complemented by another aquatic macrophyte species, saltmarsh, which has established with other low growing species around the edges of that water body.

Across the foot slopes and side slopes of the northern extremity of Wellington Park, a lush and mainly native vegetation exists, adding a picturesque contrast which is enjoyed by visitors to and residents of Wellington Park, especially from both elevated viewing platforms – the Rotary Lookout and the Captain Cook Lookout. Some eucalypts, banksias, wattles, palms and several introduced shrubby understory species flourish. The significance of this vegetation is acknowledged in the Biodiversity Values Mapping of the NSW government (see 4.4).²¹ It is also part of the known littoral rainforest distribution in the New South Wales North Coast Bioregion,²² which has Endangered Ecological Community status.²³ Where this landform and its vegetation approaches the permanent cabin sites within the White Albatross Holiday Park, residents have informally established a number of ornamental garden plantings of flowers and shrubs. An expected level of weed invasion also prevails here.

Figures 13-15 depict the general nature of vegetation on Wellington Park.

²¹ This mapping identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing.

²² Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions - NSW North Coast: Distribution and vegetation associations | NSW Environment, Energy and Science.

²³ See *Biodiversity Conservation Act 2016*.



Figure 13 – Vegetation Wellington Park - Wellington Beach and Estuary
The area between Wellington Beach hind dune and holiday park (left); mangroves and swamp oak behind break wall (top right); Foredune at Wellington beach showing establishment of stabilising groundcover including coastal spinifex.



Figure 14 – Vegetation Wellington Park - Lagoon and Estuary
Mangroves and oaks have established in the lower buffer area behind the break water (top left); Introduced species including Norfolk Island Pine and various palms creates shade and aesthetics across Wellington Park (top right); saltmarsh species established inside the water's edge at the lagoon.



*Figure 15 – Vegetation Wellington Park - Sideslopes and Footslopes:
Dense rainforest of high conservation value consists mainly of native rainforest species (left); entrance to access track (right top); small gardens of introduced species established on parts of the Footslope area within Wellington Park.*

6 CURRENT USES

6.1 Visitations, Parking and General Recreational Activities

The focus of human use of Wellington Park is centered on the estuary, the breakwater and the main infrastructure it encircles – the White Albatross Holiday Park– which caters for casual holidays and camping, as well as semi-permanent accommodation. Direct access for pedestrians and vehicles to the estuary and the Holiday Park including its V-Wall Pavilion, is via Wellington Drive. Wellington Park also accommodates a substantial parking area, BBQ/picnic shelters and an amenities block catering for day visitations. A bus parking station is also available at the end of Wellington Drive adjacent to the amenities block.

Fishing, art creation along the breakwater, photography and walking the bounds of Wellington Park including access to the acknowledged *Nyambaga Walking Trail*, are popular activities. The breakwater itself is a major drawcard especially for its art²⁴ (Figure 16), history, fishing and the constructed board walk which links walkers from Wellington Park to Shelley Beach Road and Shelly Beach to its north (Figure 17). Although just outside the northern boundary, prime viewing across Wellington Park, Wellington Rock, the Nambucca River mouth and beaches and landforms to the south from both Rotary Lookout and Captain Cook Lookout, are popular vantage points, accessed off Ridge and Park Streets (Figure 17).



Figure 16 – The Breakwater – Art

The breakwater provides a unique opportunity for the unregulated expression of art in its Ocean Gallery.

²⁴ The rocks comprising the breakwater provide one of very few similar breakwater venues on coastal NSW, where expression through art is encouraged by a local government, rather than constrained by regulation.



*Figure 17 – Recreational activities at Wellington Park
Constructed all weather walking track links Shelly Beach and the village from the north, was built in 2012 (left): The view from Rotary Lookout (just above Wellington Park’s western boundary) provides great viewing over the park, river entrance and beaches to the south*

6.2 Education and Cultural Awareness

In conjunction with the traditional custodians of the Nambucca Valley, the *Gumbaynggirr* people, Council has provided a well highlighted and appropriately located series of educational board writings (Figure 18). Much of this provides descriptions in the local indigenous language, a range of traditional foods, plants and locations. This information provides a partial though valuable introduction to Aboriginal culture, to those who visit Wellington Park.

The history of the land at Wellington Park, particularly that associated with the use and development of the waterway, as well as information on biodiversity, is well demonstrated by this signage.

6.3 Transit Ways for Engineering Works

An existing partially formed track running from the closed gate in the northwest along the flatter cleared landform (between the cabins and the footslope) and within the northern boundary at Wellington Park, has previously been used to convey heavy machinery used to transport rock for building and maintenance purposes of the breakwater. Use for this purpose will continue to be required.

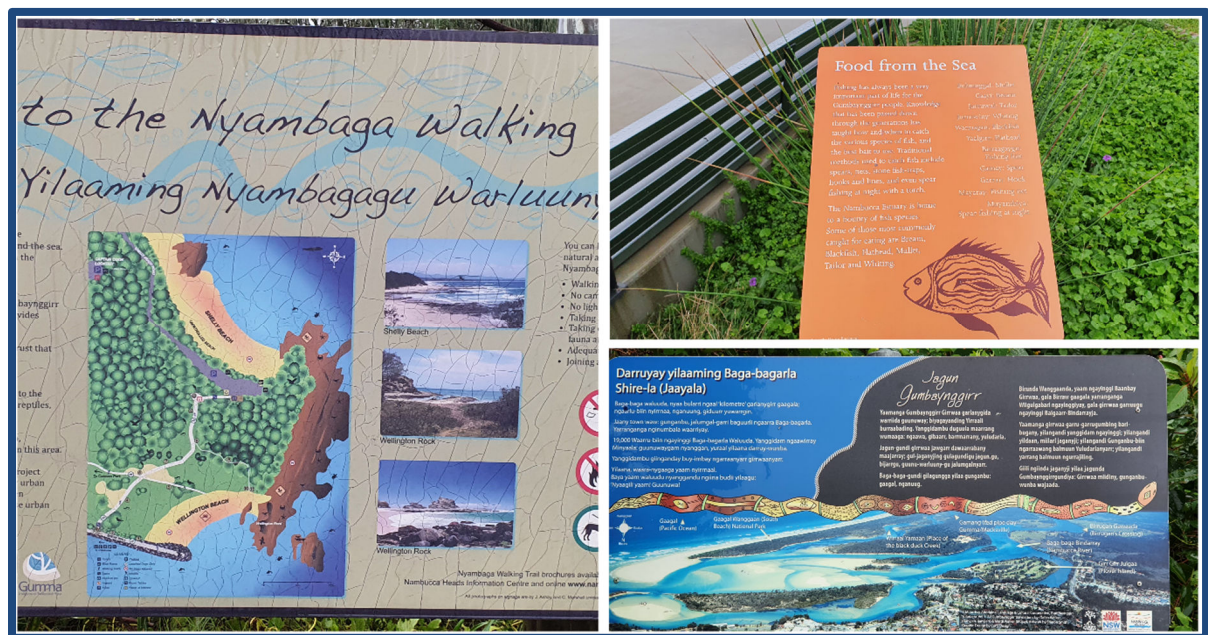


Figure 18 – Educational Signage at Wellington Park

6.4 Community Volunteer

A *Dunecare* group has worked in a volunteer capacity in the area around the tracks and dune system. Recently there been a decline in interest in this form of activity most likely because of Covid 19 social distancing requirements.

6.5 Miscellaneous Activities

A number of encroachments into the boundaries of Wellington Park exist particularly in its northern section, as a result of incremental extension from semi-permanent dwellings within the White Albatross Holiday Park.

Ornamental gardens have also been established past the northern boundary of Wellington Park on the footslopes.

6.6 Environmental Services

The main environmental services provided by the natural assets of Wellington Park are:

- The key aquatic habitat provided by the presence of aquatic macrophytes (seagrasses and salt marsh) at the lagoon.
- The established mangroves²⁵ and oak species in the (minor) tidal/ semi tidal areas surrounding the break water and training walls which provide important habitat.

²⁵ Mangroves in many coastal situations appear to be increasing in their coverage.

- The established native species of the fore and hind dune at Wellington Beach (trees, shrubs and groundcover) which provide terrestrial habitat and landscape stabilization.
- The rainforest vegetation present on the footslopes and sideslopes within the northern boundary, consisting of a healthy range of native species as well as habitat for bird, bats, reptiles, insects etc.

7 RESERVE ASSESSMENT

7.1 Assessment of Infrastructure

Overall, the condition of most built assets on Wellington Park are fair to good. The exceptions include the quarry boundary fencing, and the public amenities block, both of which are in need of immediate attention.

Figures 19-24 depict the range of assets present at Wellington Park.



Figure 19 – Wellington Park Assets – Day visit facilities

Covered seating, BBQ and outdoor seating is located to the right of the entrance to Wellington Park.



Figure 20 – Wellington Park Assets – Fencing
Steel and wire fencing at quarry exclusion (left); Treated pine boundary fence between White Albatross Holiday Park (bottom right).



Figure 21 – Wellington Park Assets
Amenities block (left) and car parking areas.



Figure 22 – Wellington Park Assets – Concrete works
Masonry abutment marks boundary of Wellington Park and White Albatross Holiday Park, at the Lagoon (left); Pathway on top of full length of breakwater, with solar guide lights.



Figure 23 – Wellington Park Assets – Walkway and Signage
Rubberised floating walkway links breakwater and Wellington Park with northern beaches and Nambucca Heads village (left); Directional and educational signage.



Figure 24 – Wellington Park Assets – Walking Tracks
Walking Tracks on the Hind Dune area: Shelley Beach Track to V-Wall (left); Track section from White Albatross Holiday Park (northeast) to Wellington Beach requires completion.

Table 2 provides a listing of the main assets present at Wellington Park, each with an indicative condition rating (1-5) which guides maintenance requirements.

Table 2 – Condition of Assets at Wellington Park

ASSET ²⁶	Cond.	ASSET	Cond.	ASSET	Cond.
Public amenities block	4	Paths breakwater	2	Paths picnic area	1
Covered picnic seating (small) (4)	1	Covered picnic seating (large) (1)	1	Covered BBQ picnic area	1
Landscaping	2	Seating breakwater	2	Carpark area (50 spaces) and surfaces	2
Steel/wire quarry area subdivision fence, gates	5	Board walk	3	Concrete abutment lagoon	1
Drains (surface and subsurface)	2	Signage -educational	3	Signage – directional/safety	2
Breakwater and Training Banks ²⁷	3	Solar lights (breakwater)	2	Treated pine fencing panels	3

²⁶ **1. Very Good** - Excellent overall condition.
2. Good - Very good overall – early stages of deterioration – normal maintenance, minor repairs.
3. Fair - Condition deterioration obvious, serviceability affected, significant maintenance required.
4. Poor - Serviceability heavily impacted, maintenance cost high and significant renewal/major maintenance.
5. Very Poor - Severe serviceability problems, immediate rehabilitation, requires over 50% asset renewal.

²⁷ Maintenance responsibility of NSW Government.

7.2 Assessment of Management Needs

Requirements for Wellington Park include essential maintenance and infrastructure upgrades as well as administrative issues including:

- Refurbishment of the Amenities block.
- General maintenance for high priority additional infrastructure including fencing, signage.
- Human safety issues, in particular from potential rock falls from unstable slopes of the old quarry site and slope generally. A series of geotechnical reports to Council²⁸ indicated that the likelihood of the risk being expressed is *'Likely to almost Certain'*, though the risk evaluation is *'Low to Moderate'* (Figures 25 and 26).
- Authorisation of encroachment²⁹ from camping/cabin sites within the bounds of the White Albatross into Wellington Park along the northern and eastern boundary (Figure 25).
- Unauthorised occupation of parts of Wellington Park near its northern boundary for ornamental garden creation (Figure 25).
- The use of the area between White Albatross Holiday Park boundary and the foot of the cliff through to the walking track above Wellington Beach, for heavy transport of materials (interim) for break wall restitution / maintenance as planned by NSW Government.
- Flood emergency management protocols and procedures for Wellington Park.
- Management of terrestrial and aquatic biodiversity values in accordance with NSW Environmental Legislation particularly around the lagoon and the steep slope near the northern boundary – e.g. native vegetation management, weeds, sea grass within the lagoon, threatened species where present.
- Consideration of the nominated Heritage Conservation areas within Wellington Park, regarding future management, in particular, development.
- Managing off-site pollutants especially stormwater into the lagoon in times of high run-off (Figure 27).
- Waste Management from Wellington Park and White Albatross as it may impact on Wellington Park (Figure 27).
- Walking tracks generally, their suitability, configuration and design.
- Cultural issues especially indigenous and historical.

²⁸ Reports on Natural Disaster Risk Management: Study *Nambucca Coastal Strip Stage 1: Slope Stability Hazard Identification*, Stage 1 (2003), and *Landslip Risk Nambucca Coastal Strip Stage 2 Formal Assessment of Ten Selected Sites (2007)* - Douglas Partners.

²⁹ Any authorisation of existing encroachment into Wellington Park will be in accordance with the requirements of the *Crown Land Management Act 2016* and the *Native Title Act 1993*.

- Bushfire Management requirements of state legislation.
- Community use of Wellington Park and possible new opportunities for limited commercial use such as mobile food vendors.



Figure 25 – Management Requirements

Safety associated with potential rock falls (top left); The irregular orientation of bedding and significant fracture of phyllites and shales of the Nambucca Block results in instability of shear rock face exacerbated by historical quarrying (top right); informal incursions and use of the land at Wellington Park (bottom right); incursions of cabin sites into the northern section of Wellington Park.



Figure 26 – Management Requirements – Old quarry safety issues

Evidence of smaller rocks near toe suggest rock face instability (left); Tall steel “Catch Fence” has been constructed to manage risk of falling rock materials – visible between yellow/black barriers (right).



Figure 27 – Management Requirements (2)

Steel and wire fencing creates an exclusion zone at the base of the quarry and requires urgent maintenance (top left); Safety issues are well signposted, yet flood hazard remains a major concern to future management (top right); Garbage disposal requires further consideration (bottom right); Stormwater runoff from outside Wellington Park requires consideration to avoid unwanted chemicals and sediments impacting on the habitat of the lagoon.

PART B – THE PLAN

8 A VISION FOR WELLINGTON PARK

In order to articulate an appropriate vision statement for Wellington Park, it is helpful to first review Council's past and current thinking regarding the valley's future, including an analysis of the themes of progress, how success can be achieved, and questioning in what form does that occur? For instance, the Nambucca Valley Council's Community Strategic Plan,³⁰ Council's highest-level plan, is based on four key themes which reflect the aspirations of the Community:

Caring for our community – the community should be well informed; the social, financial and environmental resources of the Nambucca Valley should be well managed.

Caring for our environment – new development will consider environmental needs and enhance social and economic opportunity; the community will take responsibility for protection of the environment.

Living well – cultural and recreational opportunities are important for social cohesion; indigenous culture and heritage will be respected; all residents will feel a part of the Nambucca community.

Promoting prosperity – the infrastructure will match the needs of the community; and people will be meaningfully employed in a rewarding way.

The Vision of Nambucca Valley Council condenses the above statements in an appropriately simple statement:

“The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people”

The provision of appropriate facilities, services, amenities, and areas for passive recreation as discussed within the above themes, also matches the broad objects for the management of Crown land. More specifically, the Crown land of Wellington Park provides an attractive and safe interface between the community and an aquatic environment, contributing to the fulfillment of critical health and lifestyle needs for the people of the Nambucca Valley and beyond. Under appropriate management, Wellington Park will also continue to contribute to some significant environmental services.

The vision statement for the management of Wellington Park is therefore proposed as:

**“To provide for the people of Nambucca Valley and beyond,
a cultural and recreational destination that reflects
community values and respects our environment”**

³⁰ Nambucca Valley: *Living at its Best 2027 Community Strategic plan*.

9 OBJECTIVES, CLASSIFICATION AND CATEGORY OF LAND

Wellington Park is classified as Community Land under the LG Act.

Under Section 36(4), all Community Land must be categorised as one of the following categories:

- Natural Area - (further categorised as either Bushland, Wetland, Escarpment, Foreshore, Watercourse)
- Sportsground
- Park
- Area of Cultural Significance; or
- General Community Use.

The Core Objectives for all community land categories vary according to the categorisation of the land. All objectives are defined in Sections 36E to 36N of the LG Act and also appear in **Appendix 1**, of this POM.

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) and the derived management directions and planning principles presented above, the lands of Wellington Park should be categorised (see Figure 28) as:

- **Natural Area – Foreshore**
- **Natural Area – Escarpment**
- **Park**

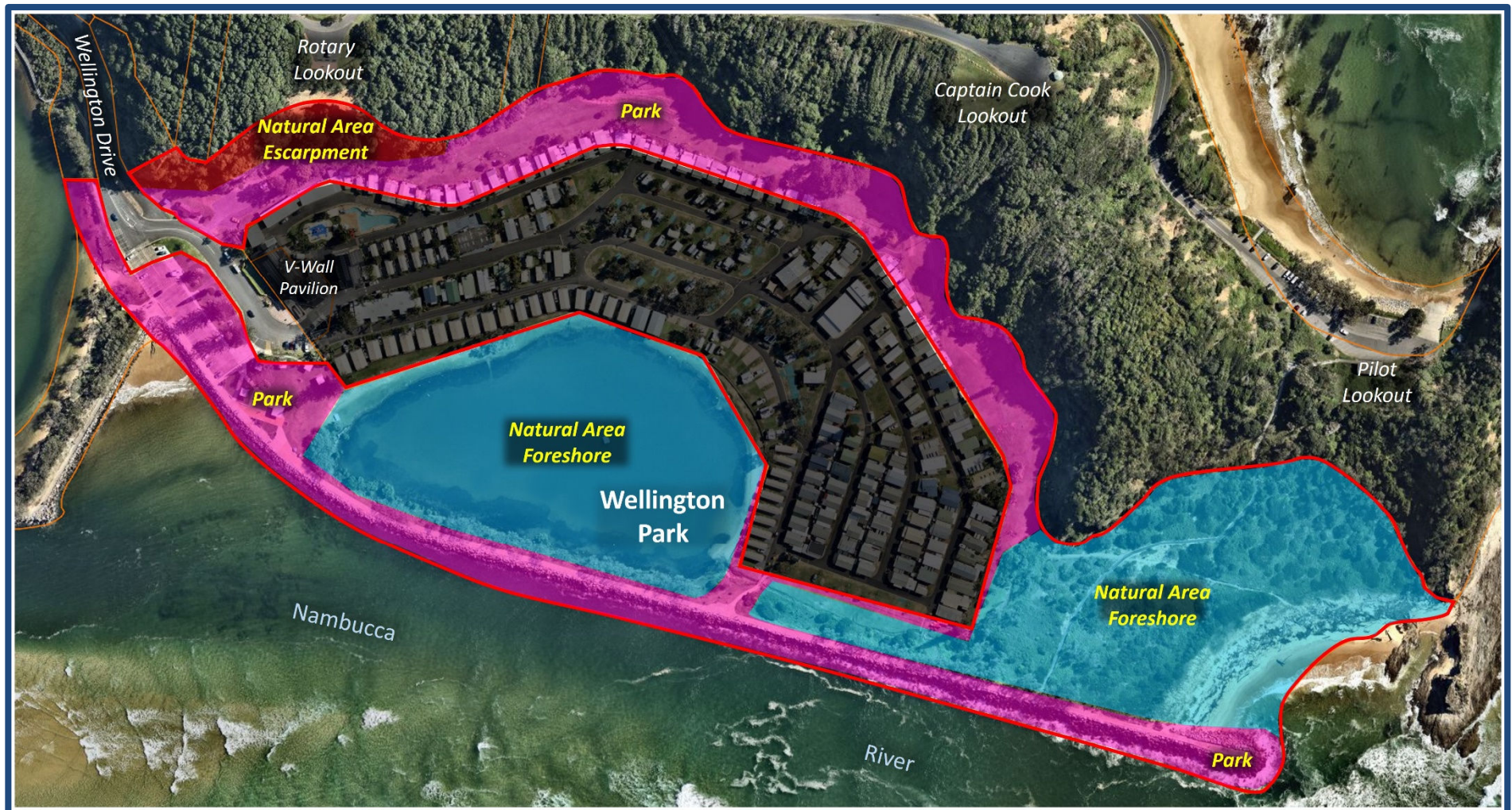


Figure 28 – Land Categories³¹

³¹ The categorisation of the Nambucca River North Breakwater as Park category is at the direction of the Department of Planning, Housing and Infrastructure – Crown lands.

9.1 Park

The core objectives for management of community land categorised as **Park**³² are:

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

Description and Location

The two separate areas categorised as Park include:

- the contiguous narrow Breakwater precinct including its rock sea wall and training wall, the sealed car parking and picnic/day visitor areas to the immediate south and southwest of Wellington Drive, and
- the public amenities block and sealed car turning area to the north of Wellington Park's main entrance, contiguous with the fenced exclusion beyond the base of the quarry area, and the generally cleared drainage area north of the White Albatross Holiday Park northern boundary.

Management Objectives

The management objectives of Wellington Park's Park areas are to provide facilities and a venue:

- to meet the recreation, health and relaxation needs of the community, including safety considerations
- that provides educational and cultural historical awareness opportunities
- that provides an opportunity for personal reflection and art in an outdoor gallery environment
- ensure no further unauthorised encroachments are made into Wellington Park

³² S 36G of the LG Act – NSW Legislation.

9.2 Natural Area - Foreshore

The core objectives for management of community land categorised as a **Natural Area** are to:

- conserve 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, and
- maintain the land, or that feature or habitat, in its natural state and setting, and
- provide for the restoration and regeneration of the land, and
- 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 use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the relevant state legislation.

The Core Objectives for management of community land categorised as **Foreshore**³³ are:

- to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Description and Location

The area categorised as Foreshore includes:

- the single contiguous area from Wellington Beach to the eastern boundary of the White Albatross Holiday Park, including the fore and hind dune, and the low lying partially treed zone between the lower section of the Breakwater to its extremity, and the White Albatross Holiday Park's southern boundary and
- the previously described lagoon including its immediate foreshore.

Management Objective

The prime objective for the management of land categorised as Foreshore is to maintain the land as a stable interface between the aquatic and terrestrial environment:

³³ S 36N of the LG Act – NSW Legislation.

- with the priority of maintenance and management of the natural assets of the land (Wellington Beach and dunes, the lagoon and terrestrial vegetation).
- to manage built infrastructure present (walking tracks, signage etc.)
- to be conscious of the management needs of adjoining land categories especially their infrastructure and natural values (Breakwater, Escarpment)
- where present, environmental values will require management in accordance with policy and legislation.³⁴

9.3 Natural Area - Escarpment

The core objectives for management of community land categorised as a **Natural Area**³⁵ are to:

- conserve 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, and
- maintain the land, or that feature or habitat, in its natural state and setting, and
- provide for the restoration and regeneration of the land, and
- 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 use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the relevant state legislation.

The Core Objectives for management of community land categorised as **Escarpment**³⁶ are:

- to protect any important geomorphological or scenic features of the escarpment, and
- to facilitate safe community use and enjoyment of the escarpment³⁷.

Description and Location

The Escarpment category land is the smallish extrusion which contains and shrouds the old quarry works site. The quarry provided rock materials used in the construction of the original breakwater, however it remains unstable. The land also includes some valuable vegetation which has biodiversity

³⁴ No works are to occur without obtaining the required approvals under all applying biodiversity and environmental legislation which may require appropriate creation of environmental impact offsets.

³⁵ S 36E of the LG Act – NSW Legislation.

³⁶ S 36L of the LG Act – NSW Legislation.

³⁷ Report by Douglas Partners February 2007 recognises instability problems of the escarpment above Wellington Drive. See section 3.3: *Report on Natural Disaster Risk Management Study Landslip Risk, Nambucca Coastal Strip Stage 2*.

value linking to the side slope of the Park category land. The upper extension of the Escarpment land includes the highest vantage point of Wellington Park, its northern boundary crossing (almost) bare rock bench just below the popular Rotary Lookout.

Management Objective

The management of the area categorised Escarpment will prioritise:

- human safety and prevention of injury, which may result from exposure to the old quarry works and its steep slopes, through effective exclusion and signage.
- maintenance of the vistas from vantage points slightly beyond Wellington Park's northern boundary from Rotary Lookout and Captain Cook Lookout.
- maintenance (in accordance with legislative requirements) and where opportunities arise, enhancement of biodiversity through appropriate management of key natural resources.³⁸

³⁸ No works are to occur without obtaining the required approvals under relevant biodiversity and environmental legislation. This may require appropriate creation of environmental impact offsets.

10 DEVELOPMENT AND MANAGEMENT OF WELLINGTON PARK

10.1 Management of Wellington Park

Council reserves the right to control the use of community land including Wellington Park.

Council intends to:

- Create opportunities for community consultation and participation in the planning and development as required.
- Consider and attempt to balance the need for community recreation facilities with the impact development that such sites will have on local residents.
- Provide an efficient method and process for approval of all agreed improvements and developments which meet the needs of a growing community.
- Consider access to recreational facilities for all users.
- Ensure all formal use of the Wellington Park is authorised through appropriate documentation.
- Allow casual informal use consistent with Council's policies and procedures.
- Consider how use of the site can provide funding for the maintenance of facilities for Wellington Park.
- Recognise that the ongoing viability of Wellington Park is dependent on the ongoing viability of the Nambucca Valley users.
- Facilitate a system whereby enquiries and complaints from the public can be efficiently and promptly dealt with.³⁹

Council will issue leases and licences as described in Section 11.3

Restrictions on Use and Development

Restrictions of use and development of certain parts of Wellington Park are described in Section 3.2 under the subheading "Native Title"

Management Structure

Council manages Wellington Park directly.

³⁹ Complaints in relation to the Reserve will be addressed consistent with Council's established management process (*see Make a Request: www.nambucca.nsw.gov.au*).

10.2 Permitted Uses and Activities at Wellington Park

Access by the public will be permitted and encouraged at Wellington Park, subject to signage and usage protocols established by Council.

Permissible Uses

Table 3 lists the permissible uses of the land to which this POM applies, subject to Council assessment, approvals and booking/hire systems, together with their scale and intensity and the land category the permissible use relates to.

Table 3- Permissible Uses

Use	Scale	Intensity	Permissible Category
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	Park, NA-F
Amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	Park
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure and/or Development Application conditions for a specific event	Park, NA-F
Biodiversity enhancement activities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	All
Business Operations	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement	Park
Café, Canteen or Kiosk	Limited to the physical constraints of the facility	Operating hours of the establishment subject to Tenure or Hire Agreement	Park
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	Park
Playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement	Park, NA-F
Children's programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement	Park, NA-F
Community events (fundraising/charity events, special events)	Limited to the hours the facility is booked, Agreement via Tenure or Hire Agreement	7 days a week, 8.00am – 10.00pm	Park, NA-F
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	All
Emergency Service and Community Service use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure	All

Use	Scale	Intensity	Permissible Category
Filming and photography (commercial, amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure	All
Fitness and wellbeing programs	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	All
Gala days and club meetings	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	Park, NA-F
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	Park
Landcare / Dunecare activities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	All
Maintenance buildings and infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	NA-F, Park
Markets, Fairs and Auctions	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	Park, NA-F
Marquees, tents, stages and jumping castles	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure	Park
Mobile food vendors	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	Park
Organised playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement	Park
Outdoor film screening	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	Park
Passive recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, sunrise – 10.00pm	All
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	All
Personal training	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	All
Playing of a musical instrument, or singing, for fee or reward	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement	Park
Private events (i.e., weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement	Park
Public performance or education	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement	Park, NA-F
Public utility infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week	All
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week	All
School sport and recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	Monday – Friday 7.00am – 4.00pm subject to Tenure or Hire Agreement	Park, NA-F
Shade structures	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	Park

Use	Scale	Intensity	Permissible Category
Signage – Educational, Directional, Safety, Sponsorship (temporary)	As per section 10.11	24 hours a day, 7 days a week	Park
Swimming and water sports	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week	Park, NA-F
Stabilisation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week	All
Temporary structures (i.e., marquees, tents, stages)	Limited to the physical constraints of the facility	Temporary structures (no pegs, weighted only)	All
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement	Park, NA-F

It is an express provision of this POM that Council shall provide from time to time as circumstances may require the construction and maintenance of utility services, provision and maintenance of floodways, vehicular access ways and the granting of easements.

10.3 Leases, Licences and other Estates

For this section, please see the Explanation of Terms⁴⁰ set out below.

The *Local Government Act 1993* provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land. Council may allow use of community land by a casual user for any permissible use (see Section 11.2). However, Council may require a form of authorisation for a permissible use to be undertaken.

The authorisation in a POM gives ‘in principle’ support for activities, uses and developments consistent with the objectives for land categorisation to proceed to development assessment under the *Environmental Planning and Assessment Act 1979*, if required.

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

⁴⁰ Explanation of Terms

Tenure	A lease, licence or other estate issued by Council in accordance with Section 46 of the <i>Local Government Act 1993</i> or Section 2.20 of the <i>Crown Land Management Act 2016</i> .
Hire Agreement	An estate issued by Council.
Holder	The company, organisation, individual or group of individuals who have been issued with a Tenure.
Hirer	The company, organisation, individual or group of individuals who have been issued with a Hire Agreement.
Regular hirer	A hirer who regularly uses the NTSA through a Hire Agreement or has an ongoing Hire Agreement.
Singular hirer	A Hirer who has a Hire Agreement as a once off or irregularly.
Casual user	A person or group of people using the NTSA for passive recreation, non-commercial purposes without a Tenure or Hire Agreement.
User	The collective term for a holder, hirer and casual user.

this POM.

Tenures may be held by:

- community organisations and sporting clubs, or
- by private/commercial organisations or
- individuals providing facilities and/or services for public use.

The maximum period for leases and licences on community land allowable under the LG Act is 30 years (with the consent of the Minister for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licensed for periods of more than 5 years if public notice is given according to the requirements of Sections 47 and 47A of the *Local Government Act 1993*.

Leases

A lease will be generally required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- That subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council, and consistent with Section 47C of the LG Act.
- Maintenance of the facility will be the responsibility of the Lessees.

Licences

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different holders can apply to the same area at the same time, provided there is no conflict of interest.

Hire Agreements

An agreement for use of the land subject to this POM may be issued by Council for any purpose listed below, subject to the approval of Council. A hire agreement may be issued to a regular hirer or a singular hirer for formal use. Any legal requirements as determined by Council will include the requirement for adequate public liability insurance cover.

Purposes for which Tenures may be issued

In accordance with Section 46A of the LG Act, a Plan of Management for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a POM.

This POM authorises a tenure to be issued:

- for any permissible use in Table 3.
- for purposes consistent with Wellington Park;
 - categorisation (see Section 10.1), and
 - zoning (see Section 4.1) under Section 46 of the LG Act, and
 - reserve purpose of Public Recreation and/or Communication Facilities as required under the CLM Act.

However, the CLM Act allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLM Act. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently being:⁴¹

- | | |
|--|--|
| a. access through a reserve | m. grazing |
| b. advertising | n. hiring of equipment |
| c. camping using a tent, caravan or otherwise | o. holiday accommodation |
| d. catering | p. markets |
| e. community, training or education | q. meetings |
| f. emergency occupation | r. military exercises |
| g. entertainment | s. mooring of boats to wharves or other structures |
| h. environmental protection | t. sales |
| conservation or restoration or environmental studies | u. shows |
| i. equestrian events | v. site investigations |
| j. exhibitions | w. sporting and organised recreational activities |
| k. filming (as defined in the LG Act) | x. stabling of horses |
| l. functions | y. storage. |

Council may grant a lease, licence or other estate in respect of Community Land for:

- A purpose prescribed by Sections 36E, 36G, 36I and 36N as a core objective of the categorisation of the land and subject to being consistent with the Wellington Park purpose; or
- For the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation

⁴¹ Crown Land Management Regulation 2018 Section 31.

to Public Recreation and Community Purposes.

The issuing of tenures at Wellington Park in the past have been minimal. This POM expressly authorises⁴² the following tenures:

- a. The White Albatross Holiday Park for, a water pontoon at the lagoon⁴³ and other uses, subject to suitable use conditions.
- b. For sporting bodies for the use of aquatic sports and activities at the lagoon (e.g. Lake Burley Griffin Canoe Club).⁴⁴

A tenure or hire agreement on Crown land may impact native title rights and interests. Apart from the tenure/hire agreements authorised above, which are valid acts under Section 24JA of the *Native Title Act 1993*, any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the CLM Act unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Council at any time in the future, reserves the right to prohibit the taking or consumption of alcohol on the NTSA. This will be indicated by conspicuously displayed signs in accordance with Section 632 and Section 670 of the LG Act (as amended).

Direction of Funds

Income produced from Wellington Park will be distributed to manage crown reserves, managed by Council including this reserve, in a fashion directed by Council.

⁴² Express Authorisation in Section 46 (1)(b) of the LG Act permits tenures to be granted in accordance with and subject to such provisions of a Plan of Management.

⁴³ Any authorisation of existing encroachment into Wellington Park will be in accordance with the requirements of the *Crown Land Management Act 2016* and the *Native Title Act 1993*. The authorisation of existing cabins and waste storage will be subject to agreement between White Albatross Holiday Park and the DPHI – CL.

⁴⁴ Canoe Clubs, and other water sports etc.

10.4 Other Approvals

An approval to occupy land or facilities for a specific purpose does not remove the need to obtain approval under other legislation. These approvals may include to:

- Obtain a liquor licence
- engage in a trade or business
- direct or procure a theatrical, musical or other entertainment for the public
- construct a temporary enclosure for the purpose of entertainment
- play a musical instrument or sing for fee or reward
- set up, operate or use a loudspeaker or sound amplifying device
- deliver a public address or hold a religious service or public meeting with the use of a loudspeaker
- install or operate amusement devices
- operate a caravan park or camping ground
- use a standing vehicle or any article for the purpose of selling any article in a public place.

10.5 Allocation

Wellington Park may potentially be used by a variety of user groups and individuals for purposes previously noted. Council will endeavor to generate greater utilisation of Wellington Park for community purpose and other activities consistent with Wellington Park's purpose, particularly as new opportunities arise.

10.6 Fees

Council applies fees for the use of Council reserves.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc., are detailed in Council's Fees and Charges Policy on Council's website.⁴⁵

Where Wellington Park is to be hired for a purpose not within Council's Fees and Charges Policy, the fee will be set by Council.

⁴⁵ See: *2021-2022 Fees and Charges*, www.nambucca.nsw.gov.au.

10.7 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the *Native Title Act 1993* and Division 8.7 of the *Crown Land Management Act 2016*.

10.8 Development at Wellington Park

Under this POM, Council reserves the right to control the use of all land categorised at Wellington Park, as Park, Escarpment, and Foreshore.

Council may also undertake development of works as shown in Section 10.9 and to facilitate the use and activities listed in Table 3, consistent with the requirements of the LG Act and the CLM Act.

Council approval is required prior to any development or improvement made to community land.⁴⁶

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.⁴⁷

To facilitate the establishment of the new and restored infrastructure, Council may issue tenders to design and establish additional car parks, access roads, land development and landscaping, and installation of associated and required facilities at Wellington Park. Note that existing Council plans will guide many of the new developments on Wellington Park.

Council will also:

- consider how use of the site can provide funding for the maintenance of the facilities at Wellington Park to reduce costs to Council and employ human services as required.
- issue leases and licences for appropriate activities at Wellington Park, as described in Section 10.3.
- create opportunities for community consultation and participation in the planning and development at Wellington Park as required.

⁴⁶ Section 2.74 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the *Local Government Act 1993* (see Appendix 2).

⁴⁷ The term approval refers to approval as Crown land manager of the land rather than consent under the *Environmental Planning and Assessment Act 1979*.

Native Title

Where it is proposed to construct or establish a public work⁴⁸ on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from 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*.

Where a proposed update of a Capital Works Program, Facilities Asset Management Plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

10.9 Development of Facilities, Land Management and Processes⁴⁹

It is proposed to install new or improve existing facilities accordingly (see works plan Figure 29):

Works and Maintenance

- Refurbish Public Amenities Block near entrance of Wellington Park from Wellington Drive in a style which draws on the recommendations of Councils' Masterplan,⁵⁰ and considers the needs of the disabled, utilising rainwater tanks and solar energy where possible.
- Remove unsafe cliff face boulders, install rock bolts and rock catch fence adjacent to the Amenities Block carpark.
- Repair or replace existing fences where required, especially boundary fences. For safety reasons, it is important that the quarry exclusion fence is an effective barrier to pedestrians.
- Implement additional safety signage where appropriate, in particular covering the swimming activity on the small beach adjoining Wellington Park near the commencement of the training wall component of the V-Wall.⁵¹

⁴⁸ A public work is defined as:

(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:

(i) a building, or other structure (including a memorial), that is a fixture; or
(ii) a road, railway or bridge; or
(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or
(iii) a well, or bore, for obtaining water; or
(iv) any major earthworks; or

(b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as:

earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

⁴⁹ Where relevant, proposed works, maintenance, processes have been prepared in accordance with directions within Council's Coastal Management Program (2022).

⁵⁰ See page 122 Nambucca River Master Plan March 2010.

⁵¹ Due to fast flowing waters and dangerous currents, swimming is not appropriate.



Figure 29 – Proposed Works Wellington Park

- Recondition the fences which enclose the V-Wall track (to Shelly Beach component) to avoid human egress into the fragile dune system.
- Upgrade the walking track which crosses the V-Wall track linking Wellington Beach with the White Albatross Holiday Park, including small culvert construction.
- Construction of an access route within Wellington Park along the northern and eastern boundaries of the White Albatross Holiday Park to incorporate intermittent vehicle access required for the maintenance of the eastern section of Wellington Park and the northern Nambucca River Breakwater.
- Address encroachments into Wellington Park by the White Albatross Holiday Park in the northern and eastern section of Wellington Park.⁵²
- Maintenance and upgrade of existing drainage infrastructure, as required.
- In consultation with White Albatross Holiday Park management, identify future options for short term storage and disposal of refuse both from both Wellington Park and the Holiday Park.

Land Management

The following land management actions will be an ongoing requirement:

- In conjunction with North Coast Weeds Advisory Committee, Coastcare, Landcare and other advisory groups, instigate and implement a weed eradication program, especially on the hind dune area and the slopes encompassing the old quarry site.
- Remove dated fencing and rubbish.
- Work with White Albatross Holiday Park to undertake the removal of existing ornamental gardens and ensure there is no further creation by semi-permanent Holiday Park residents along the northern sections of Wellington Park (footslope position).⁵³
- Manage terrestrial and aquatic biodiversity values in accordance with NSW environmental legislation particularly around the lagoon and the steep slope near the northern boundary – e.g., native vegetation management, weeds, sea grass within the lagoon, threatened species where present.
- Manage off-site pollutants especially into the lagoon in times of high rainfall and run-off.⁵⁴ This may include consideration of the tenure conditions of the White Albatross Holiday Park issued

⁵² Any authorisation of existing encroachment into Wellington Park will be in accordance with the requirements of the *Crown Land Management Act 2016* and the *Native Title Act 1993*. The authorisation of existing cabins and waste storage will be subject to agreement between White Albatross Holiday Park and the DPHI – CL. Council to advise Holiday Park that further encroachment will be required to be removed.

⁵³ These private gardens are unauthorised and lead to escapes of undesirable plant species into the adjoining rainforest within and beyond Wellington Park.

⁵⁴ Use of herbicides and other chemicals such as fertilisers can be harmful to the seagrass beds established within the lagoon, which are important habitat for aquatic animals.

by Council.

- Ensure the goals and objectives of the nominated Heritage Conservation areas within Wellington Park, regarding future management, and new developments are maintained.
- Implement required components of the local Bushfire Management Plan as it relates to the nominated hazard areas within Wellington Park.
- Ensure any proposed developments consider requirements for the management of acid sulfate soils and runoff.

Processes

The following processes and interventions are also recommended in the management of Wellington Park:

- Actively encourage the unique use of the breakwater and training walls for public artwork, protecting that which has already been contributed.
- Consider the production and promotion of a *cultural route brochure*, revealing information and storytelling associated with the *Nambucca River Way*, aimed at drawing new tourists to Wellington Park.
- Investigate creation of a community driven Dunecare Group to assist with the development and implementation of a plan of management for the foredune and hind dune of Wellington Beach.
- On completion of the Nambucca River Floodplain Plan, and its corresponding Risk Management Plan, ensure required protocols are installed and established at Wellington Park.

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.

10.10 Maintenance of Facilities

In accordance with the maintenance schedule of its asset management plans, building management plans and grounds management plans, and to measured targets within available resources, Council will ensure the facilities on Wellington Park are maintained to an appropriate standard.

Council will:

- conduct essential repairs and maintenance to all facilities.
- maintain the structures and open spaces on Wellington Park.
- oversee lease maintenance responsibilities of tenure holders.

- monitor the condition of structures on Wellington Park and ensure effective maintenance procedures are in place through tenure conditions.
- prepare a safety audit of the site and repair or replace any areas that may impact on public safety.
- ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across Wellington Park where required.
- ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish.
- ensure council officers continue monitoring for issues of compliance and general site amenity.
- ensure particular maintenance attention is directed to existing structures (1-3 years):

10.11 Signage

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits.

Whilst signs are a crucial source of information, they also have a significant impact on the aesthetics of Wellington Park. All signs must:

- meet a design standard and be approved by Council.
- be sympathetic to their environment in their design, construction and location.
- be placed in accordance with *State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- be consistent with the Nambucca Valley Council's *Development Control Plan*.

Note that for issues of safety signage, Council uses the *Statewide Mutual Best Practice Manual – Signs as Remote Supervision*.

Where a sign requires development consent,⁵⁵ Council must approve as owner the lodging of a Development Application prior to assessment by Council in accordance with Schedule 5 Assessment Criteria of I&E SEPP.

Where a sign does not require development consent, Council must approve the sign before erection.

All Council signs erected under Section 632 of the LG Act, plus reserve name signs and traffic and safety signs, are permissible.

⁵⁵ Development consent is not required if the sign is to be erected for the purposes of implementing this POM.

Proposed Signage

Council will ensure the following signage is on Wellington Park:

- Directional signage for the purposes of guiding the community to required infrastructure and services.
- Signage for safety purposes including speed limitations, water safety and evacuation procedures.

11 FINANCIAL SUSTAINABILITY

Income may be sourced from the following:

- **Council's General Revenue Fund (in accordance with annual operational budgets):** Where Wellington Park is being used for informal casual use, Council will contribute to the maintenance and development of infrastructure.
- **Section 7.11 (Environmental Planning and Assessment Act 1979) contributions specifically collected for community land:** This component occurs as developer's contributions for the general use of community land for community well-being.
- **User pays for minor infrastructure works associated with nominated facilities:** This occurs through fund raising by the relevant body including entry fees and sales.
- **Community contributions by way of sponsorships and community group projects (e.g., service clubs such as Rotary, Lions Club, Landcare etc):** This occurs through grants either sourced externally, and/or contributed locally by the group (e.g., for the purposes of environmental works, sporting facilities, shelters and seating, social and intellectual well-being etc. and other improvements).
- **Grant and loan funding from either Commonwealth or State Governments:** Primary users may apply for funds from a number of government bodies with the concurrence of Council. Council may also apply for these funds. Funding opportunities exist from government programs including the Crown Reserves Improvement Fund managed by the Department of Planning, Housing and Infrastructure – Crown lands.
- **Income from commercial operations:** Where tenures are involved, income will arise as per details in the corresponding agreement.

Income produced from Wellington Park will be distributed to manage crown reserves, managed by Council including this reserve, in a fashion directed by Council.

12 IMPLEMENTATION PLAN

Table 4 sets out a number of actions which enable the identified Management Strategies and Performance Targets within Wellington Park. These actions are the means of achieving the objectives of the POM. A clear indication of how the completion of the aims will be assessed is also provided in the table under Performance Evaluation.

Table 4 - Implementation Table

Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
PARK			
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and	A. Ensure the management of the Park category land allows for ready access by people and visual connectivity to open space.	<ol style="list-style-type: none"> 1. Address additional safety signage where appropriate, in particular covering the swimming activity on the small beach near the commencement of the V-Wall. 2. Erect additional appropriate signage in accordance with Schedule 5 I&E SEPP and approved by Council. 3. Establish appropriate tenure and hiring arrangements for existing and new hirers, at recommended/appropriate rent and hire fees where applicable. 4. Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. 5. Continue to effectively administer Council's policy for occupation of community lands with users. 6. Council officers to be present to monitor all issues of compliance and general site amenity. 	<ul style="list-style-type: none"> • Directional signage enhanced and effective. • Areas well signed for appropriate and safe community use. • Audit processes for safety and asset condition reporting developed and working well. • Tenures are well managed resulting in minimal complaints. • No confusion or inefficiencies regarding use and occupation exist. • No illegal use and abuse of facilities
To provide for passive recreational activities or pastimes and for the casual playing of games, and	B. Maintain the amenity and quality of the existing Park settings and facilities.	<ol style="list-style-type: none"> 1. Conduct essential repairs and maintenance to all facilities (NSW Government). 2. Monitor the condition of structures and ensure effective maintenance procedures are in place through tenure conditions. 3. Particular maintenance attention to be directed at existing structures (1-3 years): <ul style="list-style-type: none"> • Repair or replace existing fences where required, especially boundary fence and quarry exclusion fence. 	<ul style="list-style-type: none"> • Built assets are managed in accordance with prescribed Council and State Government standards and community expectations. • Park area orderly, neat, well maintained. • Grounds well maintained and operating effectively in accordance with use agreements and responsibilities, orderly,

Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
		<ol style="list-style-type: none"> 4. Implement required components of the local Bushfire Management Plan as it relates to the nominated hazard areas within the Park area. 5. Maintenance of the Breakwater by State Government Agencies. 6. Actively encourage the unique use of the breakwater and training walls for public artwork, protecting that which has already been contributed. 7. Consider the production and promotion of a <i>cultural route brochure</i>, revealing information and storytelling associated with the <i>Nambucca River Way</i>, aimed at drawing new tourists to Wellington Park. 8. Work with White Albatross Holiday Park to undertake the removal of existing ornamental gardens and ensure there is no further creation by semi-permanent Holiday Park residents along the northern sections of Wellington Park. 9. Ensure regular collection of rubbish. 10. Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. 11. On completion of the Nambucca River Floodplain Plan, and its corresponding Risk Management Plan, ensure required protocols are installed and established at Wellington Park. 12. Mow/slash open areas and pathways to maintain attractive and well managed appearance. 13. Manage invasive plant species to enhance native species and habitat values, where present. 14. Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers where required. 15. Council officers to continue monitoring for issues of compliance and general site amenity. 16. Ensure the goals and objectives of the nominated Heritage Conservation areas within the Park area (Sea Wall), regarding future management, and new development are maintained. 	<ul style="list-style-type: none"> • clean. • Positive feedback from user groups and individuals. • Aesthetic and environmental qualities and outcomes, improved. • Safety standards maintained.

Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
		17. Ensure any proposed developments consider requirements for the management of acid sulfate soils and runoff.	
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management	C. Upgrade and improve the existing park infrastructure	<ol style="list-style-type: none"> 1. Upgrade Public Amenities Block near entrance of Wellington Park from Wellington Drive in a style which draws on the recommendations of Councils' Masterplan. 2. Install rock catch fence adjacent to the Amenities Block carpark. 3. Continue to monitor the condition of all structures and ensure effective maintenance schedule and procedures are in place. 	<ul style="list-style-type: none"> • All new works are completed in accordance with works plans, to budget. • Disruptions to delivery of services and community usage due to establishment of new works schedules are minimised. • Feedback from visitors that services delivered are satisfactory. • Increased usage (especially by the disabled) into passive areas (walking, viewing etc.). • Car parking and traffic management is in accordance with current and increased visitation to Wellington Park.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
NATURAL AREA / ESCARPMENT			
To protect any important geological or scenic features of the escarpment,	A. Maintain scenic values by managing the land.	<ol style="list-style-type: none"> 1. In conjunction with North Coast Weeds Advisory Committee, Coastcare, Landcare and other advisory groups, implement a weed eradication program where required, on the slopes encompassing the old quarry site. 2. Manage all biodiversity values in accordance with NSW Environmental Legislation particularly on the steep slope near the northern boundary – e.g., native vegetation, and threatened species, where present. 3. Implement required components of the local Bushfire Management Plan as it relates to the nominated hazard areas within the Escarpment area. 	<ul style="list-style-type: none"> • Environmental outcomes show improvement as weeds reduced, vegetation improved, bushfires managed etc.
To facilitate safe community use and enjoyment of the escarpment.	B. Ensure the community has a good opportunity to continue to enjoy the benefits of landscape scenery.	<ol style="list-style-type: none"> 1. Remove unsafe cliff face boulders, install rock bolts and rock catch fence adjacent to the Amenities Block carpark. 2. Address additional safety signage where appropriate, in particular covering the issues associated with falling rocks and human safety. 3. Erect signage in accordance with Schedule 5 I&E SEPP and approve by Council. 4. Council to ensure visual amenity across Wellington Park to the south from neighbouring Rotary and Captain Cook Lookouts on Parkes Street is maintained by sensitive management of vegetation height below that point, within the reserve, adjoining viewing platforms etc. 	<ul style="list-style-type: none"> • Cliff face made safe. • Safety signage adequate, users/visitors complying, no human injuries. • Positive feedback from visitors/viewers.
NATURAL AREA / FORESHORE			
To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area,	A. Maintain and where appropriate, enhance the natural values of the Foreshore area.	<ol style="list-style-type: none"> 1. Implement a weed eradication program, especially on the hind dune area and manage invasive plant species to enhance native plant species and habitat values. 2. Maintain existing structures which control access and use (fences, tracks etc.) to avoid damaging environmentally sensitive areas. 3. Manage native vegetation as a means of reducing sand drift and dune/beach erosion. 4. Investigate the creation of a community driven Dunecare Group to assist with the development and implementation of a plan of management for the foredune and hind dune of Wellington Beach. 5. Manage terrestrial and aquatic biodiversity values in accordance with NSW 	<ul style="list-style-type: none"> • Active volunteer network (Landcare, Dunecare, service clubs etc.) and active participation. • The movements of people are controlled and do not result in destruction of natural features. • The native vegetation is healthy, invasive plants are well maintained; feral animals controlled.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
		<p>Environmental Legislation particularly around the lagoon (e.g., sea grass) and other threatened species where present.</p> <p>6. Manage off-site pollutants especially into the lagoon (fertilizers and herbicides, sediment) in times of high rainfall and run-off.</p> <p>7. Ensure the goals and objectives of the nominated Heritage Conservation areas within Foreshore area (Northern Headland), regarding future management and new development are maintained.</p> <p>8. Implement required components of the local Bushfire Management Plan as it relates to the nominated hazard areas within the Foreshore area.</p>	<ul style="list-style-type: none"> Dune/beach erosion by wind and water is minimised.
To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.	B. Upgrade and improve the existing infrastructure of the Foreshore area as required, ensuring community impacts on natural values are minimised.	<p>1. Recondition the fences which enclose the V-Wall track to avoid human egress into the fragile dune system.</p> <p>2. Recondition the walking track linking Wellington Beach with the White Albatross Holiday Park.</p> <p>3. Erect additional appropriate signage in accordance with Schedule 5 I and E SEPP and approved by Council.</p>	<ul style="list-style-type: none"> All new works are completed in accordance with works plans, to budget. Community use is encouraged and environmental damage minimal. Unfettered access to Natural Area/Foreshore area by all people.

13 CONSULTATION DURING THE PREPARATION OF THIS PLAN

Community consultation is an important source of information necessary to provide an effective POM for Community Land and is a requirement under Section 38 of the LG Act. As such, Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using Wellington Park.

Section 38 of the LG Act requires that:

- Council must give public notice of a draft POM.
- The period of public exhibition of the draft plan must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council.
- Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

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 LG Act. A total of [XX] submissions were received. Council considered these submissions before adopting the POM. In accordance with Section 39 of the LG Act, prior to being placed on public exhibition, the draft POM was referred to the Department of Planning, Housing and Infrastructure – Crown lands, as representative of the State of New South Wales, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Housing and Infrastructure – Crown lands.

In accordance with Section 70B of the *Crown Land Management Regulation 2018* Council will obtain consent of the Minister administering the CLM Act prior to adopting this POM (see Appendix 3).

14 APPENDICES

1. Core Objectives for Categories of Community Land
2. Relevant State Environmental Planning Policies
3. Key steps in preparing the first PoM for Crown Reserves.

15 REFERENCES

Assessment of River and Estuarine Condition, Final Technical Report (July 2018) Nambucca Ecohealth Project 2016-2017: Pub. *NSW Office of Environment and Heritage and Nambucca Valley Shire Council*.

Commonwealth Government, *Native Title Act 1993*,
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Crown Land Management Act 2016: www.industry.nsw.gov.au/lands/what-we-do/legislation-policies/the-crown-land-management-act-2016

Crown Land Management Regulation S.31:
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Department of Local Government (2000): Practice Note No.1, *Public Land Management, amended May 2000*.

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Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*.

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Nambucca River Master Plan, March 2010: *Nambucca Valley Shire Council*.

Nambucca Valley: *Living at its Best 2027* Community Strategic plan: *Nambucca Valley Shire Council*.

Reports on Natural Disaster Risk Management: Study *Nambucca Coastal Strip Stage 1: Slope Stability Hazard Identification*, Stage 1 (2003), and *Landslip Risk Nambucca Coastal Strip Stage 2 Formal Assessment of Ten Selected Sites (2007)* - Douglas Partners.

The History of Nambucca Heads, *Nambucca Lions Club publication 2013*.

Appendix 1

CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (*Local Government Act 1993*):

36E Core objectives for management of community land categorised as a natural area

The core objectives for management of community land categorised as a natural area are:

- (a) to conserve 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, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) 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, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

36F Core objectives for management of community land categorised as a sportsground

The core objectives for management of community land categorised as a sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

36G Core objectives for management of community land categorised as a park

The core objectives for management of community land categorised as a park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

36H Core objectives for management of community land categorised as an area of cultural significance

- (1) The core objectives for management of community land categorised as an area of cultural significance 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.

- (2) Those conservation methods may include any or all of the following methods:
- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact)
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

36J Core objectives for management of community land categorised as bushland

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

36K Core objectives for management of community land categorised as wetland

The core objectives for management of community land categorised as wetland are:

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
- (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

36L Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

36M Core objectives for management of community land categorised as a watercourse

The core objectives for management of community land categorised as a watercourse are:

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

36N Core objectives for management of community land categorised as foreshore

The core objectives for management of community land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Appendix 2

STATE ENVIRONMENTAL PLANNING POLICIES WHICH ARE RELEVANT TO WELLINGTON PARK

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP Exempt, providing the limitations and conditions of the exemptions. They include:

- Access Ramps
- Advertising and signage
- Aerials, antennae and communication dishes
- Air-conditioning units
- Animal shelters
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, rotundas, terraces and verandahs
- Barbecues and other outdoor cooking structures
- Bollards
- Charity bins and recycling bins
- Earthworks, retaining walls and structural support
- Fences
- Flagpoles
- Footpaths, pathways and paving
- Fowl and poultry houses
- Garbage bin storage enclosure
- Hot water systems
- Landscaping structures
- Minor building alterations
- Mobile food and drink outlets
- Playground equipment
- Screen enclosures
- Sculptures and artworks
- Temporary uses and structures
- Waste storage containers

Section 1-16 of Division 2 of the SEPP Exempt provides the General Requirements for exempt development.

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) commenced in New South Wales on 1 March 2022 consolidating three earlier SEPPs focused on employment and advertising. The R&H SEPP focuses on:

- Coastal management for land use planning within the coastal zone consistent with the *Coastal Management Act 2016* and defines the coastal zone and establishes state-level planning priorities and development controls to guide decision-making for development within the coastal zone.

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by—

- a. managing development in the coastal zone and protecting the environmental assets of the coast, and

- b. establishing a framework for land use planning to guide decision-making in the coastal zone, and
- c. mapping the four coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.
- the management of Hazardous and offensive development.
- the provision of a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced in New South Wales on 1 March 2022 consolidating 4 earlier SEPPs focused on employment and advertising. The T&I SEPP focuses on:

- Planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The T&I SEPP provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Section 2.20 of the T&I SEPP provides that a range of works are “exempt development” when carried out for or on behalf of a public authority (including Nambucca Valley Council). These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m² in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m².

Section 2.74 of the T&I SEPP further provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act. Further, any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- a. development for any of the following purposes:
 - i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges
 - ii. recreation areas and recreation facilities (outdoor), but not including grandstands
 - iii. visitor information centres, information boards and other information facilities
 - iv. lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard
 - v. landscaping, including landscape structures or features (such as artwork) and irrigation systems
 - vi. amenities for people using Wellington Park, including toilets and change rooms
 - vii. food preparation and related facilities for people using Wellington Park

- viii. maintenance depot,
 - ix. portable lifeguard towers.
- b. environmental management works
- c. demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Educational establishments and childcare facilities containing planning for child-care centres, schools, TAFEs and Universities.
- Major infrastructure corridors containing planning controls and reserves land for the protection of the 3 North South Rail Lines, South West Rail Link extension and Western Sydney Freight Line corridors.
- Three ports containing the land-use planning and assessment framework for Port Botany, Port Kembla and the Port of Newcastle.

State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP) commenced in New South Wales on 1 March 2022 consolidating 2 earlier SEPPs focused on employment and advertising. The I&E SEPP focuses on:

- Western Sydney employment area' contains planning rules and controls for the employment land within the Western Sydney
- Advertising and signage ensuring that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high-quality design and finish.
- to regulate signage (but not content) under Part 4 of the Act, and
- to provide time-limited consents for the display of certain advertisements, and
- to regulate the display of advertisements in transport corridors, and
- to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Appendix 3

KEY STEPS IN PREPARING THE FIRST POM FOR CROWN RESERVES.

(from Page 5 – Developing plans of management for community land Crown reserves - NSW Department of Planning, Industry and Environment).

