

# NAMBUCCA VALLEY COUNCIL



## Plan of Management

**ANZAC PARK AND FORESHORE**

**CROWN RESERVE 85113**

**PUBLIC RECREATION**

**Lots 1, 2 and 3**

**DP 866932**

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**TABLE OF CONTENTS**

<b>1.0</b>	<b>KEY INFORMATION .....</b>	<b>1</b>
<b>2.0</b>	<b>INTRODUCTION.....</b>	<b>2</b>
2.1	<i>Corporate Objectives .....</i>	2
2.2	<i>Land to which this plan applies .....</i>	3
2.3	<i>Owner of the land.....</i>	3
2.4	<i>Categorisation of the reserve .....</i>	3
<b>3.0</b>	<b>RELEVANT LEGISLATION, POLICIES AND PROCEDURES .....</b>	<b>5</b>
3.1	<i>Local Government Act 1993 - Local Government (General) Regulation 2005.....</i>	5
3.2	<i>Crown Land Management Act 2016.....</i>	5
3.3	<i>Other relevant legislation and statutory controls.....</i>	5
3.3.1	<i>Native Title Act 1993 (Federal) .....</i>	5
3.3.2	<i>Aboriginal Land Rights Act 1983.....</i>	6
3.3.3	<i>Biodiversity Conservation Act 2016 .....</i>	6
3.3.4	<i>Environmental Planning and Assessment Act 1979.....</i>	6
3.3.5	<i>Council Plans, Strategies, Policies and Procedures .....</i>	6
3.3.6	<i>Legislation and Statutory Controls .....</i>	7
3.4	<i>Reclassification .....</i>	7
3.5	<i>Review of this Plan.....</i>	8
3.6	<i>Community Consultation .....</i>	8
<b>4.0</b>	<b>LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES .....</b>	<b>11</b>
<b>5.0</b>	<b>LAND CONTAINING SIGNIFICANT NATURAL FEATURES .....</b>	<b>12</b>
<b>6.0</b>	<b>CULTURALLY SIGNIFICANT LAND .....</b>	<b>13</b>
6.1	<i>Aboriginal Significance.....</i>	13
6.2	<i>Non-indigenous Significance.....</i>	14
<b>7.0</b>	<b>DEVELOPMENT AND USE.....</b>	<b>16</b>
7.1	<i>Overview .....</i>	16
7.2	<i>Strategic Objectives .....</i>	20
7.3	<i>Condition of the land and structures on adoption of the plan .....</i>	21
7.4	<i>Use of the land and structures at the date of adoption of the Plan of Management.....</i>	23
7.5	<i>Permitted use and future use .....</i>	23
7.5.1	<i>Further development.....</i>	24
7.6	<i>Leases, Licences and other Estates .....</i>	24
7.7	<i>Native Title Assessment.....</i>	24
<b>8.0</b>	<b>PLAN OF MANAGEMENT ADMINISTRATION AND MANAGEMENT.....</b>	<b>25</b>
8.1	<i>Permitted use strategic objectives .....</i>	25
8.1.1	<i>Management Authority.....</i>	25
8.1.2	<i>Management Issues.....</i>	25
8.2	<i>Action Plan .....</i>	26
8.3	<i>Administration.....</i>	26
8.3.1	<i>Staff Resources .....</i>	26
8.3.2	<i>Environmental Assessment of Activities .....</i>	27
8.3.3	<i>Roles of other Authorities.....</i>	27
8.3.4	<i>Activities carried out by other authorities .....</i>	27
8.3.5	<i>Principles for the development on adjoining land.....</i>	27
8.3.6	<i>Community involvement in Management.....</i>	27
8.3.7	<i>Contract and Volunteer labour .....</i>	27
8.3.8	<i>Delegation of management Responsibilities .....</i>	27
8.3.9	<i>Easements.....</i>	27
8.3.10	<i>Existing Assets .....</i>	27
8.3.11	<i>Public Liability.....</i>	28

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8.3.12	Commercial Activities .....	28
8.3.13	Emergencies.....	28
8.3.14	Land proposed for future development.....	28
8.3.15	Undeveloped Land .....	28
8.3.16	Information monitoring and research .....	28
<b>8.4</b>	<b><i>Management guidelines</i></b> .....	<b>28</b>
8.4.1	Alcohol .....	29
8.4.2	Companion Animals.....	29
8.4.3	Parking.....	29
8.4.4	Buildings and amenities .....	30
8.4.5	Infrastructure.....	30
8.4.6	General Maintenance.....	30
8.4.7	Access .....	30
8.4.8	Development Activities.....	30
8.4.9	Pollution Control.....	30
8.4.10	Public Safety.....	30
8.4.11	Neighbours .....	30
8.4.12	Trees Vegetation and Landscape.....	31
8.4.13	Weed Control.....	31
<b>9.0</b>	<b>REVISION</b> .....	<b>32</b>

## 1.0 Key Information

- Plan of Management for Public Recreation, Crown Reserve 85113 Lots 1, 2, and 3 Deposited Plan 866932
- Crown Land manager Nambucca Valley Council
- Date of Adoption

The Reserve known as Anzac Park Foreshore Reserve 85113 contained in Lots 1, 2, and 3 in DP 866932 was reserved from sale for the public purpose of Public Recreation R85113 published in the Government Gazette on 20 November 1964 Map dated 18 December 1962.

The Management Plan has been prepared by the Nambucca Valley Council and provides direction as to the use and management of the Lots 1, 2 and 3 in DP 866932, Reserve 85113. The Management Plan is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

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

The Reserve 85113 land is maintained by agreement between the Nambucca Valley Council, Nambucca Heads RSL Club Ltd and the Lions Club of Nambucca Heads.



## 2.0 Introduction

The Nambucca Valley Council local government area covers 1,491 km<sup>2</sup>, with a topography that largely reflects steep gradients, extensive waterways and a coastline of approximately 20kms.

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

Council's land portfolio is comprised by land owned by Council (7.4km<sup>2</sup>) and Crown Land that has been devolved or vested to Council or where Council has been appointed as the Crown Land Manager (3.1 km<sup>2</sup>).

This Plan of Management has been prepared to document the environmental, economic, recreational and social values of ANZAC Park and Foreshore and to guide the future use, development and management of the reserve.

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

### 2.1 Corporate Objectives

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

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

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

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

Detailed maps, aerial photos and drawings of this Reserve 85113 are presented in the document to identify natural and built infrastructure to form part of this Plan of Management.

## 2.2 Land to which this plan applies

The subject land is located to the south west of the central business district of Nambucca Heads and is bounded by Riverside Drive, the Nambucca River and the Nambucca Heads RSL. It is comprised of 3 lots which are zoned RE1 – Public Recreation. ANZAC Park and Foreshore contains part of the Nambucca Heads RSL Club car park, a cenotaph, café and shops, vehicle access and tourist facilities and services, BBQ and shelter, picnic tables, bench seats, grassed areas, garden beds and boardwalks. Lot 2 is divided into 2 sections by a creek.

Lot	DP	Description
1	866932	RSL car park, boat ramp, fish cleaning table, cenotaph, grassed area, boardwalk, footpath, take away food service and seating, vehicle access and tourist facilities and services
2	866932	Café, shop, picnic tables, BBQ, shelters, bench seats, garden beds, grassed areas, fish cleaning table, bike stand and jetty, vehicle access and tourist facilities and services
3	866932	Boardwalk, bench seat and concrete footpaths

## 2.3 Owner of the land

Crown Reserve 85113, Lots 1, 2 and 3 in DP 866932, is owned by the Crown and is managed by Nambucca Valley Council as Crown Land Manager under the Crown Land Management Act 2016. Council is not aware of any restrictions, covenants, trust applying to the land with the land not being subject to any conditions imposed by the owner (s.37).

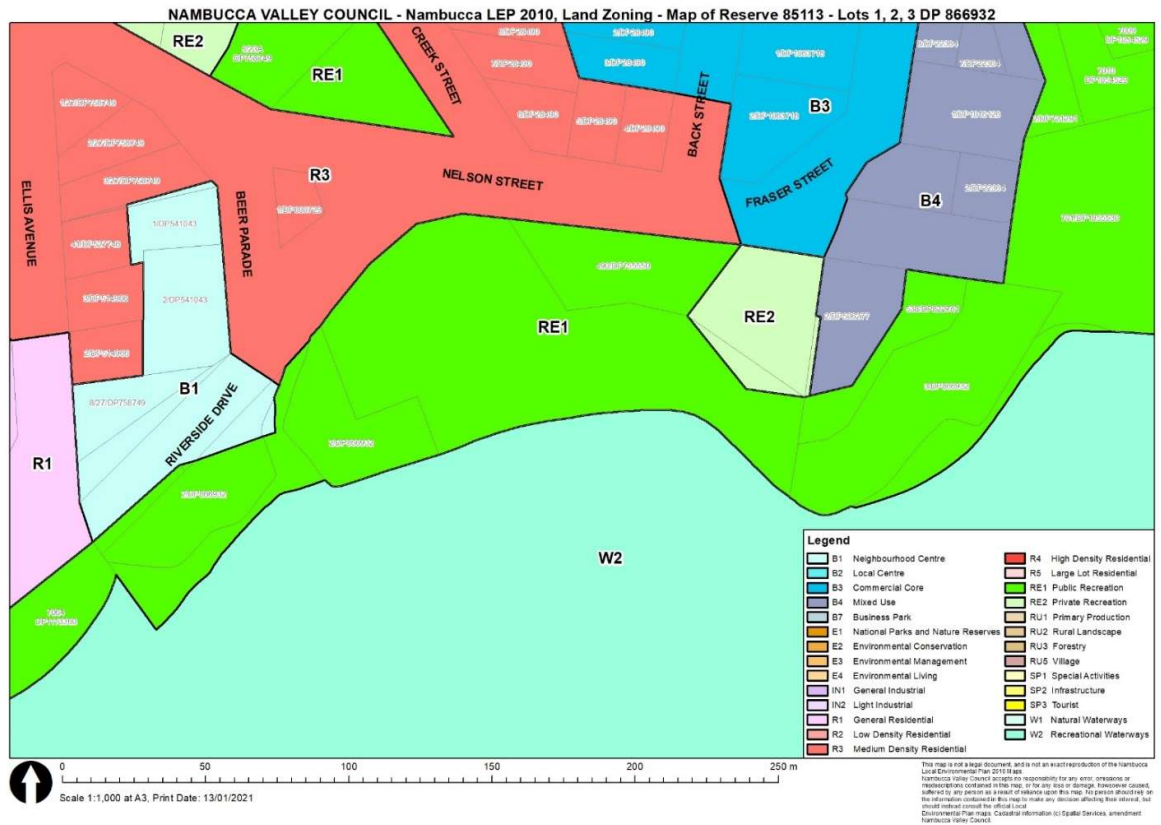
## 2.4 Categorisation of the reserve

ANZAC Park and Foreshore are categorised as Public Recreation.

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

A map detailing the land zoning of Reserve 85113 is provided below within the Plan of Management. The land identified as RE1 is categorised as Public Recreation. The map show a slight overlap of B1 zoned land on the western side of the reserve (blue in Colour) that merges across Riverside Drive, encroaching over the road and road verge and covers the existing on street car park and, over a small section of creek that is part of the Public Recreation land.

It is worth noting that the area identified blue in colour being B1 zone, encroaches on the RE1 Public Recreation, and that no development would be permissible on that section of land without the Minister’s consent by re-categorisation. No B1 development approval can be provided by Nambucca Valley Council due to the fact that this zone encroaches on a creek in the RE1 Public Recreation and an existing on street car park and, therefore does not pose any threat to the Public Recreation categorisation.





### **3.0 Relevant Legislation, Policies and Procedures**

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

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

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

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

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

A Plan of Management must identify the category of the land the objective and performance targets of the plan with respect to the land. The means by which Council proposes to assess its performance with respect to the plans objectives and performance targets, and may require the approval of the Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe the condition of the land as at the adoption of the plan. Describe the buildings on the land as at adoption, describe the use of the buildings and the land as at adoption and state the purposes for which the land will be allowed to be used, and the scale and intensity of that use.

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

#### **3.2 Crown Land Management Act 2016**

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

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

#### **3.3 Other relevant legislation and statutory controls**

##### **3.3.1 Native Title Act 1993 (Federal)**

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

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

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

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

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

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

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

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

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

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

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

The land is zoned RE1 Public Recreation under the Nambucca Local Environmental Plan 2014.

The objectives of the zone are:

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

### **3.3.5 Council Plans, Strategies, Policies and Procedures**

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

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

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

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

### **3.3.6 Legislation and Statutory Controls**

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

- Public Works & Procurement Act 1912 (as amended)
- Bio Diversity Conservation Act
- Water Management Act 2000 Protection of the Environment Operations Act 1997 Companion Animals Act 1998 Rural Fires Act 1997
- Pesticides Act 1999
- State Environmental Planning Policies and; Nambucca Valley Local Environmental Plan 2010
- Nambucca Valley Council Development Control Plans as amended Guidelines supporting Development Control Plans
- Council plans, strategies, policies, procedures and guidelines, generally, as amended.

### **3.4 Reclassification**

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Council presented R85113 contained in Lot 1, 2 and 3 in DP 866932 to Crown Lands to be considered to be reclassified from community land to operational land after June 2018 and the reclassification was rejected by the local branch.

Section 3.21 of the Crown Land Management Act 2016 outlines provisions of management of dedicated or reserved Crown land within the meaning of the Local Government Act 1993.

Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the Crown Land Management Act 2016.

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

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

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

As per the Local Government Act, reclassification of operational land as community land can commence via a council resolution.

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

### **3.5 Review of this Plan**

The use and management of the ANZAC Park and Foreshore Reserve is regulated by this Plan of Management.

Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review should take place within 5 years of adoption of this plan.

### **3.6 Community Consultation**

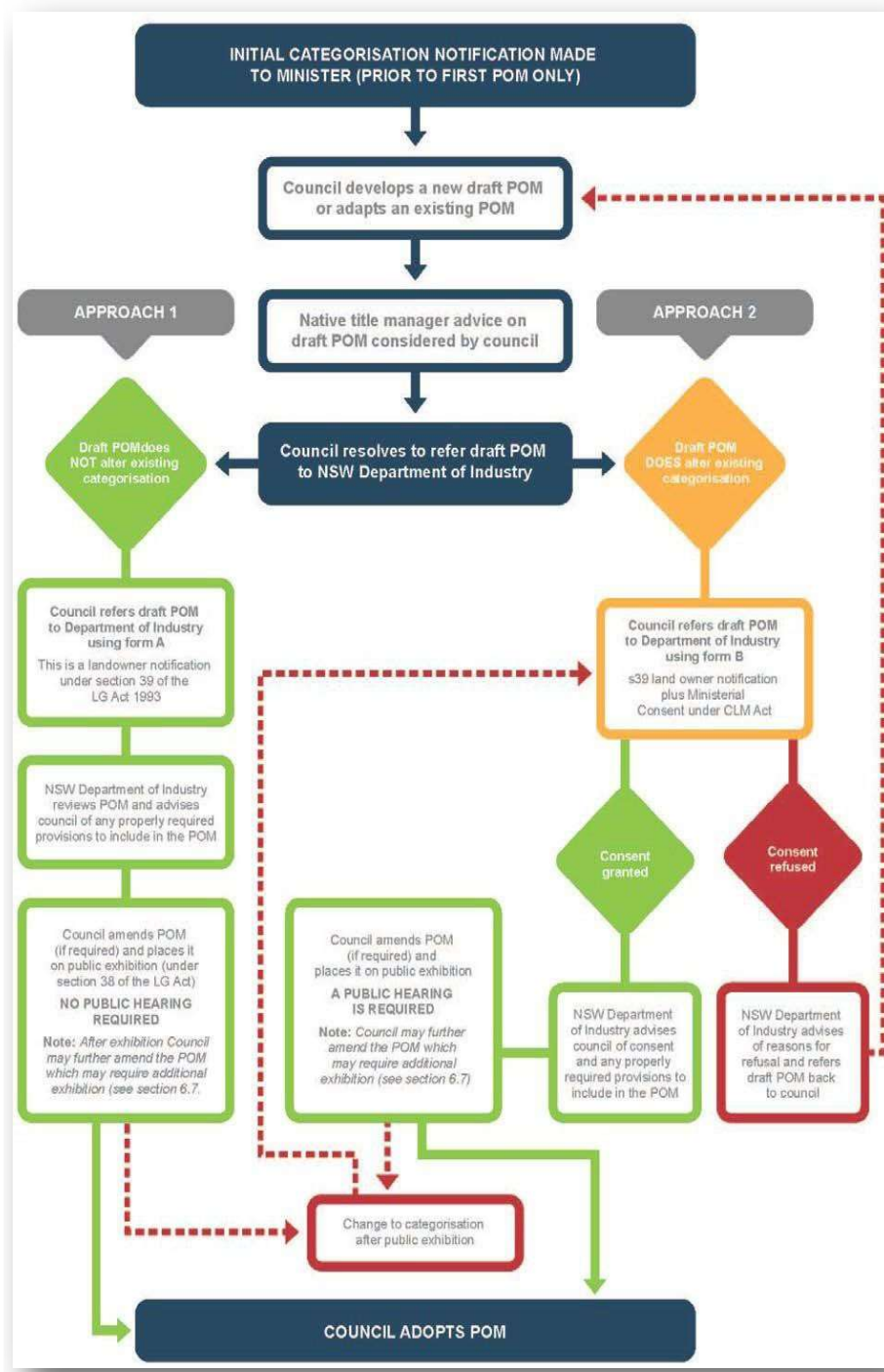
Council's Community Engagement Strategy includes consultation with the community on the development of the Community Strategic Plan, public meetings, community satisfaction surveys, public forums at the twice monthly Council meetings and engagement with local interest and sporting groups and committees of management.

When developing Plans of Management, Council must abide by the Local Government Act which requires Council to:

- Forward a copy of the draft plan to the owner of land if not owned by Council.
- Give public notice of a draft Plan of Management.
- Place the Plan of Management on public exhibition for no less than 28 days.
- Allow no less than 42 days after the date the draft plan is placed on public exhibition for submissions.
- Hold a public hearing if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4), however this is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5).
- Hold a further public hearing if the proposed plan is amended after the initial public hearing or if the amendment of the plan would have the effect of altering the categorisation of the land under section 36(4).
- Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

- All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the Crown Lands Act 2016 as owner of the land.
- Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the Local Government Act. As shown on the Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management.
- Section 3.23(7)(d) of the Crown Lands Management Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re-categorisation would require an addition to the purposes for which the land is dedicated or reserved.
- The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.
- If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, No additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.
- If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of categorisation will require a public hearing under Section 40A of the Local Government Act 1993.

**FLOWCHART FOR CONSULTATION AND APPROVAL OF AN INITIAL PLAN OF MANAGEMENT**



#### **4.0 Land comprising the habitat of endangered species or threatened species**

ANZAC Park and Foreshore being Lots 1, 2 and 3 DP 866932 does not comprise the habitat of endangered species or threatened species.

ANZAC Park and surrounding foreshore land is bounded by the banks of the Nambucca River and Riverside Drive being the main access road entering Nambucca Heads Central Business District. The land is mostly developed with footpaths for pedestrian access with the banks of the river supported with rock and mangrove.

## 5.0 Land containing significant natural features

ANZAC Park and Foreshore being Lots 1, 2 and 3 in DP 866932 does not comprise land containing significant natural features.



The Nambucca Valley Council provided the Department of Industry with a document, Review of Environmental Factors (REF), to gain development licence approval for the works implemented over the three lots in Reserve 85113. Date: 22 March 2018 Council File Number SF2070. The outcome of the REF was that the work gained a licence and approval.



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## 6.0 Culturally significant land

### 6.1 Aboriginal Significance

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

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

The Aboriginal Cultural Heritage Plan was adopted by the Nambucca Valley Council after the study was prepared in May 2003 in conjunction with Gumbaynggirr people with Bellwood Reserve and Stuart Island identified as important places for many Gumbaynggirr people in Nambucca Heads.

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

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

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

#### **Nambucca Local Environment Plan 2010 definition of places of Aboriginal significance**

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

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

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

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

ANZAC Park and Foreshore Reserve 85113 being Lots 1, 2 and 3 in DP 866932 does not comprise culturally significant land.

## 6.2 Non-indigenous Significance

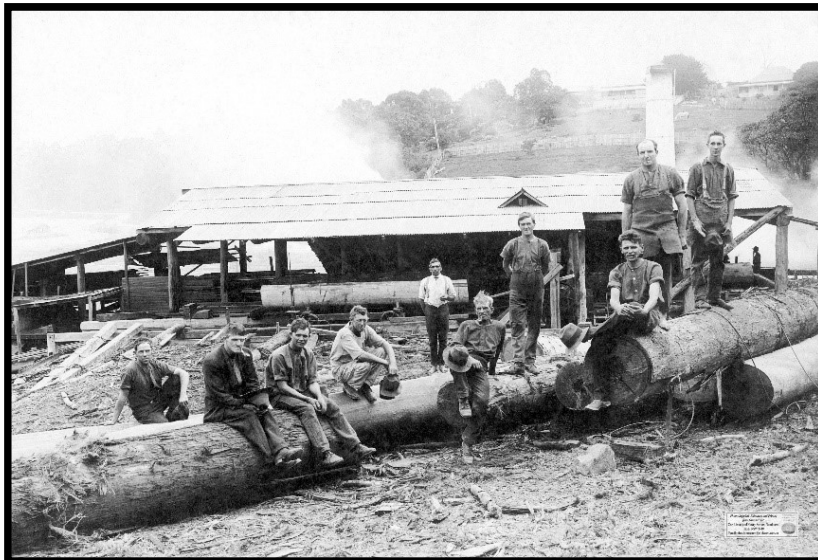
### Anzac Memorial Cenotaph

The ANZAC Memorial Cenotaph is located on the reserve catering for the ANZAC Day services and ANZAC Day celebration.



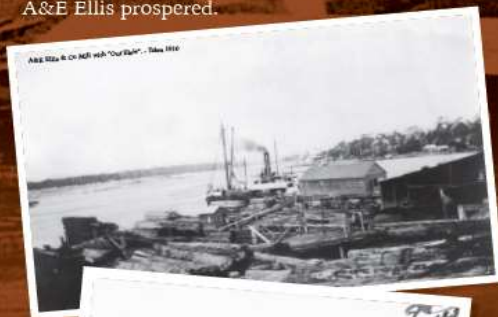
The existing structures, being the ANZAC Memorial Cenotaph, the ANZAC Wharf, the RSL car park, boat ramp and the Boatshed Kiosk and café are considered to be of non-indigenous significance.

This Reserve 85113 has a non-indigenous history that stems back to the 1800's. In 1898 the Ellis sawmilling operation was transferred from Urunga to the Nambucca Heads RSL car park site. The mill was rebuilt and continued to supply another 37,000 feet of timber for another 25 years. The mill closed in 1948-49 due to silting of the river forcing the mill closure. The Tallow-wood log that is now located within the reserve was excavated during the building of the RSL car park extension in 1996 where it had been preserved in sawdust and mud for almost 50 years.



The Ellis family is closely tied to the history of the Nambucca River through its sawmilling, storekeeping and shipping links. Arriving from Camden Haven in 1895 they purchased the Davis sawmill at Bellwood opposite the plaza complex. When this mill was moved to Bellinger Heads (Urunga) circa 1898, the Ellis sawmilling was transferred to the RSL carpark site. A general store was run in conjunction with the mill, across the road on the corner of Riverside Drive and Beer Parade. With their own deepwater wharf, the 'Our Elsie' (passenger and timber ship), bullock teams, timber droghers and motor launch for river trade, A&E Ellis prospered.

In the early 1900's the Sydney Mail reported this mill cut 40,000 super feet weekly; mainly Blackbutt, Tallow-wood, Mahogany and Ironbark. Besides sending 1.5 million feet per year of sawn timber to the home market, they also supplied some 37,000 feet of timber to the colonial trade. One night in 1925, a massive boiler explosion completely destroyed the mill. The mill was rebuilt and continued to supply timber for another 25 years. Finally, in 1948-49 the silting of the river and a shortage of suitable timber forced the mill closure. The Tallow-wood log nearby was excavated during the building of the RSL carpark extension in November 1996; where it had been preserved in sawdust and mud for almost 50 years.



**Did you Know?**  
 A 'Super-Foot' is a unit of measurement for the volume of timber.  
 $1\text{ ft} \times 1\text{ ft} \times 1\text{ in}$   
 It is the volume of a one-foot length of a board one foot wide and one inch thick.



## 7.0 Development and use

### 7.1 Overview

Nambucca Heads is a seaside town located on the Mid North Coast of NSW with ANZAC park and Foreshore Reserve being a central location in this tourist town.

Reserve 85113 caters for many local and tourism community activities having direct river access for swimming, boating, fishing and other recreational activities. ANZAC Park Reserve 85113 consists of 3 lots that are linked by a boardwalk as part of the Nambucca Valley Council Foreshore Master Plan which covers an area from the tip of the northern breakwater along the foreshore to the Nambucca Valley Visitor Information Centre.

### Nambucca River Foreshore Master Plan

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

Boat ramps, walkways, fishing options, fish cleaning facilities, car parking for cars and boat trailers, café/ kiosk, fishing tackle and boat hire, ANZAC cenotaph memorial, RSL Club facilities via the car park, jetty's, concrete pathways, boardwalks and amenities.



**The reserve has three distinct areas: Lot 1, Lot 2 and Lot 3.**

**Lot 1 - The car park for the RSL Club, Kiosk, Boat shed and amenities**

25 years ago a Head Lease was approved for the car park as part of the redevelopment of the RSL club, kiosk, boat shed/ fishing tackle shop and amenities located on the reserve. The car park provides nonexclusive use for the RSL Club, access to tourism and visitor services for the entire reserve. Prior to the redevelopment the area had an existing kiosk and amenities block however, the kiosk was demolished due to a fire and the existing amenities were also destroyed.

As part of the redevelopment of the area the RSL Club paid for and constructed the new kiosk/boat shed hire facility and amenities and have been responsible for the management, maintenance and cleaning of the kiosk, amenities and car park for the past 25 years.

The community now enjoy the sustainable business model that exists in this reserve. The community has 24/7 access for boat launching (photo below), fishing and access to the tourist facilities and services on offer managed by the RSL lease.





**Lot 2 - ANZAC Memorial Cenotaph**

In conjunction with the RSL Club the ANZAC Memorial is the place for community gathering to remember ANZAC Day ceremonies on a yearly basis. This reserve is the best suited location as the cenotaph sits beside the leased car park for the Nambucca Heads RSL Club to cater for the many hundreds of people who attend the dawn service in this reserve.

**Lot 2 - Lions Club Jetty**

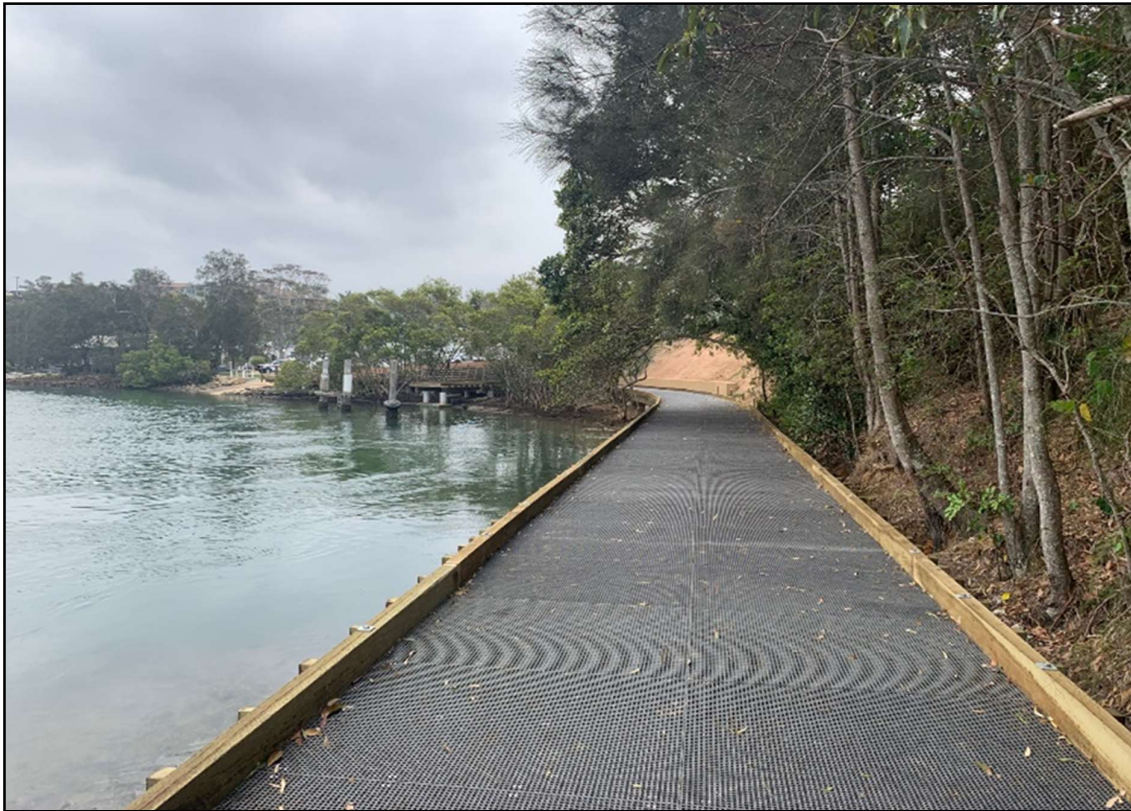
The Nambucca Heads Lions Club have played a significant role in the development of the reserve including the construction of the jetty and have volunteered many hours to maintenance which has encompassed rubbish collection, cleaning the BBQ, mowing and whipper snipping.

**Lot 3 - Recently completed bank restoration and upgrade of boardwalk, fish cleaning table and boat ramp.**

The area is linked by a boardwalk allowing for public recreation walking, fishing, swimming, providing access to the river via a boat ramp, visitor facilities and services. The area is maintained by the Nambucca Valley Council and is cleaned and serviced on a regular maintenance schedule by Council staff.







The ongoing maintenance of the total area of the reserve 85113 will be shared by Nambucca Valley Council, Lions Club of Nambucca Heads and Nambucca Heads RSL Ex-Servicemen's Club Inc.

Council maintains the western section of Lot 2 and all of Lot 3, the Lions Club clean the BBQ, and the RSL club maintains all of Lot 1 and the eastern section of Lot 2 including the buildings as per their lease with Council as the Crown Land Manager.

The grounds will be mowed and whipper snipped on a scheduled basis, and inspections of the picnic tables, benches, BBQ shelters, boardwalk and footpaths will be undertaken again on a scheduled basis to ensure they are fit for purpose and meet the needs of the park users.

Where funding permits, Council intends to upgrade the garden beds, improve the landscaping and will replace the picnic tables, benches, BBQ shelters, boardwalk and footpaths when they have reached the end of their useful life.

Any future works on the reserve is identified in the Nambucca River Master Plan and will be implemented by the Nambucca Valley Council.

## **7.2 Strategic Objectives**

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

- Our community will be a safe, healthy place to live where everyone is valued.



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

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

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

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

### **7.3 Condition of the land and structures on adoption of the plan**

At the date of adoption of this plan, the Reserve 85113 is in overall good condition with all of the built facilities on all three lots as part of the Foreshore Master Plan having either been upgraded or replaced.

The trees and garden beds are thriving and in good condition, grass cover in the park is generally good with some worn patches in the high use areas around the shelters and bike stand.

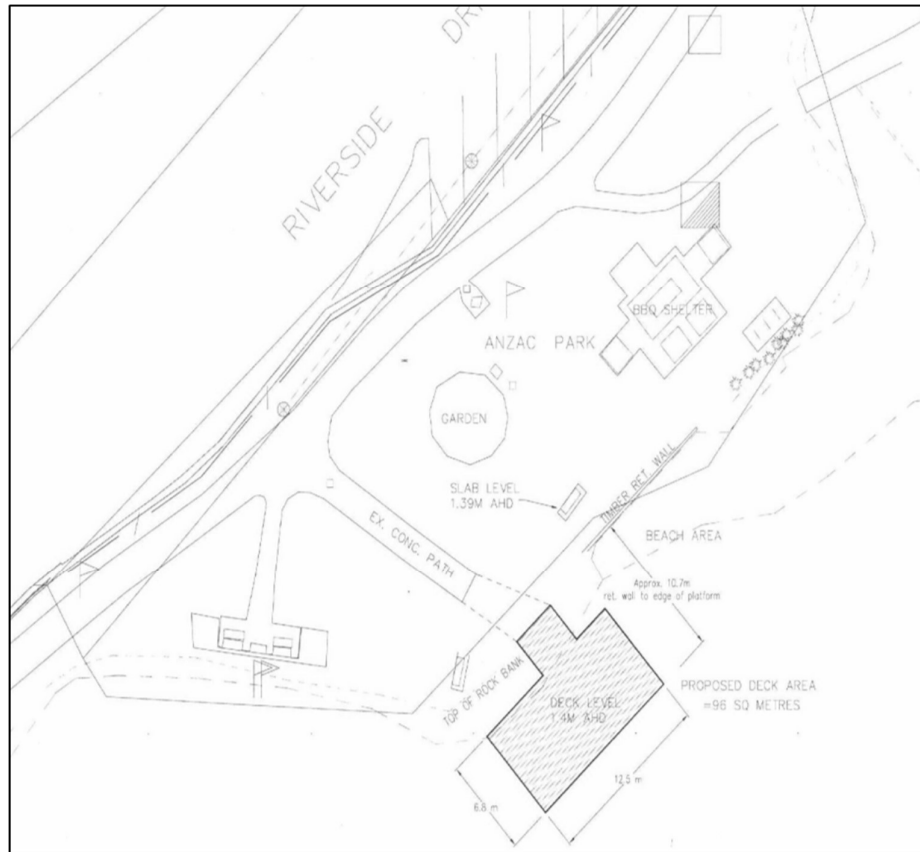
All picnic tables, benches, shelters, fish cleaning tables, jetty and footpaths are in good serviceable condition.

The walk bridge has recently been replaced in March 2019 and is in excellent condition.

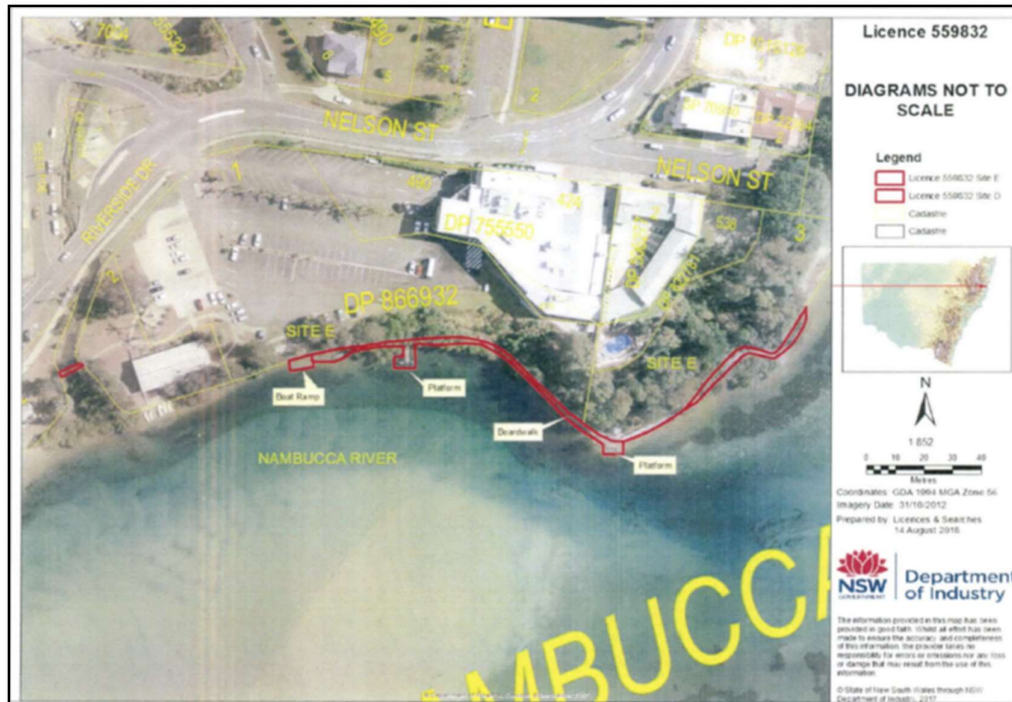
The RSL car park and associated gardens are in fair condition with upgrades to the car park area to be included in a new lease agreement with the RSL Club.

The condition of the kiosk, amenities and boat shed building is in overall good condition with work commencing and approved by Council as Reserve Manager for the renewing of the footings of the building.

The boardwalks, new fish cleaning table, pathways and bank stabilisation projects associated with Lot 1 were completed in 2020.



The above Plan is of the Lions Park section including infrastructure and the new jetty.



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#### **7.4 Use of the land and structures at the date of adoption of the Plan of Management**

ANZAC Park and foreshore is currently used for passive recreation, which includes BBQs, picnics, walking and cycling on the Nambucca Riverside Walk, which passes through the reserve. Recreational fishing from the boardwalk, locals and visitors enjoying a meal at the takeaway kiosk, taking quiet time at the cenotaph to remember the people who served in and died as a result of war and boat launching activities take place on a daily basis.

The car park used for access to the RSL Club is in fair condition and is used by the broader community and tourists to access the RSL Club, the boardwalk and to launch boats. The Kiosk and Boat Shed are also used and are very popular with the local community, tourist and day visitors, servicing locals and providing access to tourist facilities and services.

Nambucca Heads RSL and Ex-servicemen's Club Ltd have entered into a twenty-one (21) year lease with Nambucca Valley Council as the Crown Land Manager, which terminates on 7 November 2021. A new lease is currently being negotiated. The lease allows for the following:

- Lot 1 in DP 866932 to be used as a public car park and take away food service with seating.
- Lot 2 in DP 866392 to be used for public recreation and amenities and as a takeaway food kiosk and boat hire. Other such uses consistent with the categorisation of the Reserve 85113 as may from time to time be approved by the Lessor.

The Department of Industry – Crown Lands granted a licence to Council on 24 August 2018 over Lots 1-3 in DP 866932 to enable the construction and ongoing maintenance of the foreshore area including embankment stabilisation, environmental protection works, boardwalks, platforms and jetties.

#### **7.5 Permitted use and future use**

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

- access and tourist facilities and services
- BBQs and picnics
- walking and cycling on the Nambucca Riverside Walk which passes through the reserve
- fishing from the boardwalk and jetty and associated fish cleaning at the fish cleaning tables provided
- taking quiet time at the Cenotaph to remember the people who served in and died as a result of war
- boat launching
- boat hire
- public car park
- takeaway food kiosk with outdoor seating permitted
- other uses consistent with the notification of Reserve 85113 as may from time to time be approved by the Lessor

Future use of the park includes general community recreation, with public right of access to all outdoor areas. Continued operation of the takeaway kiosk with outdoor dining and boat hire and fishing tackle for the enjoyment of recreational users. The RSL car park lease is to be continued for access to the RSL Club and associated tourist facilities and services.

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

### **7.5.1 Further development**

Reserve 85113 forms part of the Nambucca River Master Plan that identified any future development to the reserve for the enjoyment of the community. The shared public / RSL lease over part of the reserve Lot 1 for a car park does not provide exclusive use to the RSL and allows car park to service the needs of locals and visitors wishing to access other recreational activities.

The RSL offer many community activities from Australia Day celebrations to ANZAC Day celebrations and is the meeting place for a plethora of community groups and activities from fishing clubs, dart clubs, car club rallies, women's auxiliary, men sheds and more. The RSL Club is a community facility catering for community and tourism needs and providing a broad range of community services. There is no intention to make extensive changes to the terms and conditions of the existing long term, uninterrupted lease when it is renegotiated.

### **7.6 Leases, Licences and other Estates**

The RSL currently holds a 25 year commercial lease over Lots 1 and 2 in DP 866932, being Part of Reserve 85113 for Public Recreation, commencing 8 November 1996 and expiring 7 November 2021.

The lease involves a Head Lease to the Nambucca Heads RSL who sub lease the Kiosk and Boat Shed.

The Head Lease is related to both Lots 1 and 2 with Lot 1 being the RSL car park with no exclusive use and Lot 2 being for the Kiosk, Boat Shed Fishing Tackle Shop. The Kiosk and Boat Shed are two separate leases known as Lot 2 in DP 866932 part of Reserve 85113 and the RSL car park known as Lot 1 part of Reserve 85113.

The Plan of Management authorises the leases that have existed on the land for the past 25 years. All of the uninterrupted leases have been in place since 1995. Accordingly, the activities authorised under the Plan of Management could be validated under subdivision J of the Native Title Act 1993.

All leases expire on 7 November 2021 with the lessees seeking renewal of a minimum 21 year Head Lease.

### **7.7 Native Title Assessment**

The Nambucca Valley Council Native Title Manager has provided a Native Title assessment and this is provided as an attachment to this Plan of Management.

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## 8.0 Plan of Management Administration and Management

The Administration and management of this Plan of Management is the responsibility of the Nambucca Valley Council.

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

This Plan of Management authorises maintenance and improvements to the park and foreshore and the leasing, licensing or granting of any other estate over the park, and any buildings on the park for any community purpose as determined by Council. These include, but again are not limited to:

- Environmental Protection Works (including bank stabilisation activities)
- Emergency Works for projects funded through Natural Disaster Assistance funds or similar
- Maintenance and improvements to existing boating facilities, foreshore infrastructure and coastal protection works
- Maintenance and improvements to existing picnic tables, shelters, BBQs, benches, garden beds, landscaping, footpaths, cenotaph
- Maintenance and improvements to existing takeaway kiosk and shop

### 8.1 Permitted use strategic objectives

The objectives of the zone are:

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

#### 8.1.1 Management Authority

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

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

#### 8.1.2 Management Issues

The management of the land must take into account the reserve purpose(s) of the land and the purpose for which the land is classified and categorized, which in this case is Community land.

## 8.2 Action Plan

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

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

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

Objectives and Performance Targets of the Plan in respect of the land	Means by which the Council proposes to achieve the plan's objectives and performance targets	Manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the value of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.

## 8.3 Administration

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

### 8.3.1 Staff Resources

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

### **8.3.2 Environmental Assessment of Activities**

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

### **8.3.3 Roles of other Authorities**

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

### **8.3.4 Activities carried out by other authorities**

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

### **8.3.5 Principles for the development on adjoining land**

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

### **8.3.6 Community involvement in Management**

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

### **8.3.7 Contract and Volunteer labour**

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

### **8.3.8 Delegation of management Responsibilities**

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

### **8.3.9 Easements**

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

### **8.3.10 Existing Assets**

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

### **8.3.11 Public Liability**

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

### **8.3.12 Commercial Activities**

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

### **8.3.13 Emergencies**

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following the carrying out of any activities, periodic monitoring will be undertaken and rehabilitation works undertaken if necessary.

### **8.3.14 Land proposed for future development**

Land proposed in any of Council's plans for future development for a specific purpose may be utilised for other purposes on an interim basis until required for that purpose.

### **8.3.15 Undeveloped Land**

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

### **8.3.16 Information monitoring and research**

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

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

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

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

## **8.4 Management guidelines**

Based on legislative and corporate goals, community needs and expectations the following management guidelines have been identified. The Guidelines apply to all areas and categories of the ANZAC Park Foreshore Crown Reserve 85113 Plan of Management unless otherwise identified.



### **8.4.1 Alcohol**

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

### **8.4.2 Companion Animals**

Dogs are not permitted on any area:

- set aside for the playing of organised games, or
- within 10 metres of a children's playing apparatus, or
- within 10 metres of cooking or eating facilities.

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

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

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

### **8.4.3 Parking**

Part of Reserve 85113 is leased to the RSL club specifically for car parking without exclusive use, the car park is used by the general community to access the broader recreational area. The car park forms part of the existing uninterrupted 25 year lease and requires development approval of any RSL Club expansion plans.

The car parking area also provides access to the boat ramp and provides for recreational boating and parking of boat trailers. Parking is also provided for the boat shed kiosk and boat hire businesses for tourism and recreational purposes.

ANZAC Reserve Park and Foreshore Crown reserve attracts numerous user groups and some car parking is required to be provided within the reserve. Car parking areas should not occupy valuable land but be positioned to minimise the impact on the reserve.

Car parking is not to be situated near children's play areas. Existing car parking areas will be maintained to safety standards.

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

#### **8.4.4 Buildings and amenities**

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

Buildings and amenities are to be maintained to the highest possible standard.

#### **8.4.5 Infrastructure**

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

#### **8.4.6 General Maintenance**

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

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

#### **8.4.7 Access**

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of General Community Use, to service tourist facilities and services, RSL Club, ANZAC cenotaph, community boat ramp, boardwalk and lions club jetty.

#### **8.4.8 Development Activities**

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

#### **8.4.9 Pollution Control**

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

#### **8.4.10 Public Safety**

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

#### **8.4.11 Neighbours**

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

#### **8.4.12 Trees Vegetation and Landscape**

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's TREES AND STREET GARDENS MAINTENANCE AND REMOVAL OF TREES AND STREET GARDENS ON PUBLIC LAND MANAGED BY COUNCIL - POLICY NO: ES 10.

#### **8.4.13 Weed Control**

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

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

## 9.0 Revision

<b>RESPONSIBLE OFFICER:</b>		GIS Officer Assets			
<b>REVIEWED BY:</b>		Nambucca Valley Council			
<b>DATE ADOPTED:</b>		29 April 2021			
<b>ADOPTED BY:</b>		Nambucca Valley Council			
<b>RESOLUTION NO:</b>		162/21			
<b>REVIEW DUE DATE:</b>		October 2023			
<b>DOCUMENT NO:</b>		43129/2020			
<b>REVISION NUMBER:</b>		1			
<b>NATIVE TITLE ASSESSMENT DOCUMENT NO:</b>		6775/2021			
<b>PREVIOUS VERSION</b>	<b>DATE</b>	<b>DESCRIPTION OF AMENDMENTS</b>	<b>AUTHOR / EDITOR</b>	<b>REVIEW / SIGN OFF</b>	<b>MINUTE NO (IF RELEVANT)</b>