



**DRAFT**

# **Plan of Management**

**BOWRAVILLE RACECOURSE**

**CROWN RESERVE 540002**

**PUBLIC RECREATION**

**Lot 75 DP 755549**

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## 1.0 KEY INFORMATION

- Plan of Management for Public Recreation, Crown Reserve 540002 Lot 75 Deposited Plan 755549
- Crown Land manager Nambucca Valley Council
- Date of Adoption
- The purpose of the Reserve

We pay our respects to the Traditional Owners the Gumbaynggirr people of the lands where we work as well as across the lands we travel through. We also acknowledge our Elders past, present and emerging.

The Reserve known as BOWRAVILLE RACECOURSE CROWN RESERVE 540002 contained in Lot 75 DP 755549 was reserved from sale for the purpose for Public Recreation published in the Government Gazette on 13 May 1887.

The Management Plan has been prepared by the Nambucca Valley Council and provides direction as to the use and management of Reserve 540002. Made up of Lot 75 DP 755549 the purpose of the reserve as preservation of Native Flora and Fauna and any future permitted use will be in line with the purpose of the reserve.

The Additional purpose of Racecourse and Recreation Facilities was added by Gazette No 407 on 18 October 20224.

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 540002 land are maintained by agreement between the Nambucca Valley Council and Bowraville Racecourse Trust and Nambucca River Jockey Club Limited at the present time.

### Purpose of the Reserve

New South Wales Government Gazette on the 19 September (9286) it is hereby notified that in pursuance To Clause 4 (3), of Schedule 8 of the *Crown Lands Act 1989*, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

- Bowraville Racecourse Trust Reserve 540002 For Public Recreation notified 13 May 1887 File Reference 08/5025.



**Aerial view of Reserve 540002**

## 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 and a population just over 20 000.

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

Council's land portfolio is comprised of land owned by Council (7.4km<sup>2</sup>) and Crown Land that has been devolved or vested in 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 BOWRAVILLE RACECOURSE CROWN RESERVE 540002 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, 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 540002 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 about 2 km to the east, as the crow flies, of the central business district of Bowraville and is bounded by Rodeo Drive to the north and east, a dirt road called Grassy Road on the west and private land to the south. It is about 8 km North East of Macksville and 13.5 km west of Nambucca Heads both distances are as the crow flies. It comprises of 1 lot which are zoned RE1 – Public Recreation.

Lot	DP	Description
75	755549	Bowraville Racecourse – Public Recreation area

### 2.3 Owner of the land

Bowraville Racecourse – Reserve 540002, Lot 75 DP 755549 is owned by the Crown and managed by Nambucca Valley Council as the Crown Land Manager under the *Crown Land Management Act 2016*.

Council is not aware of any restrictions, covenants or trusts applying to the land with the land not being subject to any conditions imposed by the owner (Section 37 of the *Local Government Act 1993*). All activities proposed in this plan of management will be assessed against with the purpose of the reserve.

Council is the owner of community land and the Crown land manager of the Crown reserves described in this PoM in accordance with the legislation and conditions imposed by the minister administering the CLM Act 2016. The use of the land described in this PoM:

- Is consistent with the purpose for which the land was dedicated or reserved.
- Has consider native title rights and interests and is consistent with the provisions of the *Commonwealth Native Title Act 1993*.
- Has considered the inchoate interests of Aboriginal people where any undetermined Aboriginal Land Claims exist.
- Has considered and is not in conflict with any interests and rights granted under the CLM Act
- Considered any interests held on title.

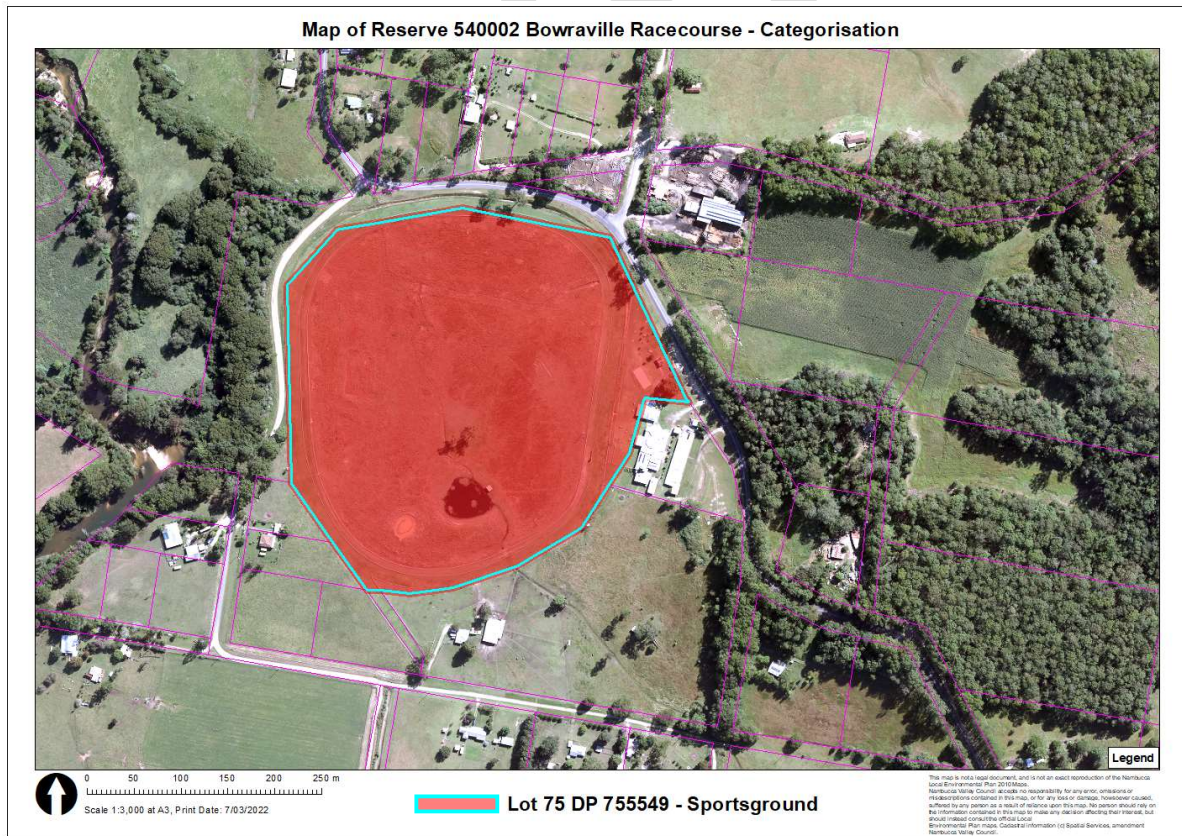
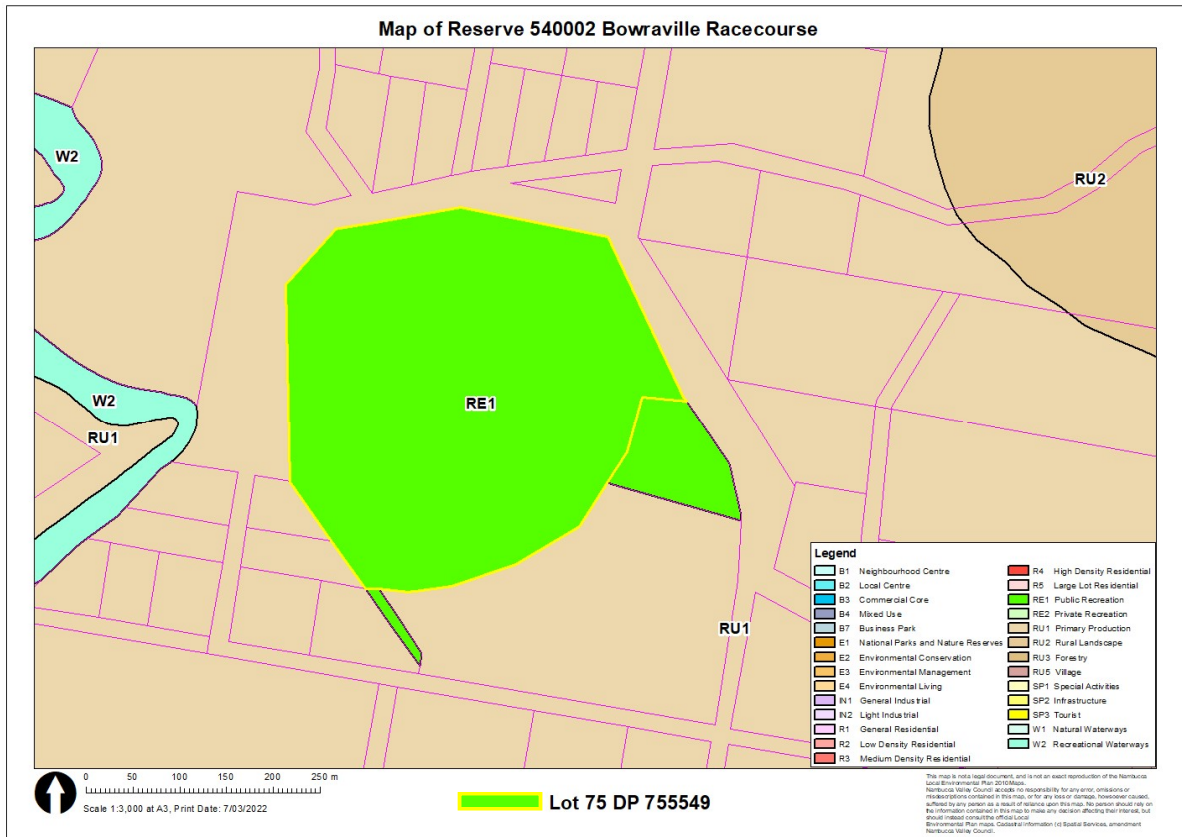
### 2.4 Zoning and Categorisation of the reserve

Bowraville Racecourse Reserve 540002 is zoned as Public Recreation and categorised as follow:

- Lot 75 DP 755549 – Sportsground

Part 4, Division 1, Clause 103 of the Local Government (General) Regulations 2005 (LG Regulations) states “Land should be categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.”

A map detailing the land zoning of Bowraville Racecourse Reserve 540002 is provided below within the Plan of Management. The land identified as RE1 is zoned as Public Recreation.





## 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 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*.

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

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

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

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

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

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

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

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

## 3.2 Crown Land Management Act 2016

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

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

## 3.3 Other relevant legislation and statutory controls

### 3.3.1 Aboriginal interests in Crown land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

### 3.3.2 Aboriginal Land Rights

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

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Housing and Infrastructure is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are a no current Aboriginal land claims on Lot 75 DP 755549, which may affect this PoM. Council has research and cannot find any current claims in development of this plan of management.

### 3.3.3 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.

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.

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the *Commonwealth Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

### 3.3.4 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 1983* 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 1993* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act 1983*.

### 3.3.5 Biodiversity Conservation Act 2016

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

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

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

The NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act 2016* in 2017. These plans have not been preserved by any savings and transitional arrangement under the *Biodiversity Conservation Act 2016* or LG Act, meaning pre-existing plans have no legal effect.

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

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

### 3.3.6 Environmental Planning and Assessment Act 1979

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

The objectives of the zone are:

- to enable land to be used for public open space and recreational purposes
- to provide a range of recreational settings and activities and compatible land uses
- to protect and enhance the natural environment for recreational purposes; and

- to encourage the development of public open spaces in a way that addresses the community's diverse recreational needs.

### 3.3.7 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)

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

### 3.3.8 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 2016*
- *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

## 3.4 Reclassification

Section 3.21 of the *Crown Land Management Act 2016* states that dedicated or reserved Crown land may be classified and managed as if it were public (community or operational) land within the meaning of the *Local Government Act 1993*.

Section 3.23(2) the *Crown Land Management Act 2016* requires that Crown land is to be categorised consistent with the *Local Government Act 1993*. The categories applied must be aligned to the purpose of the Crown reserve.

Plans of Management and reporting Requirements relating to reporting and plans of management for Crown land will generally be as provided by the *Local Government Act 1993* rather than the *Crown Land Management Act 2016*. Dealings with Crown land once a Plan of Management has been approved by Council, all dealings with Crown reserves are managed under the *Local Government Act 1993*. Uses of Crown land Uses of Council managed Crown reserves are dealt with in Sections 2.12, 2.13 and 3.23 of the *Crown Land Management Act 2016*.

From time to time certain parcels of land may be identified as incorrect alignment with current land use, Council will request the following amendments:

Acquisition of land required for proposed road realignment – being part of Lot 75 DP 755549

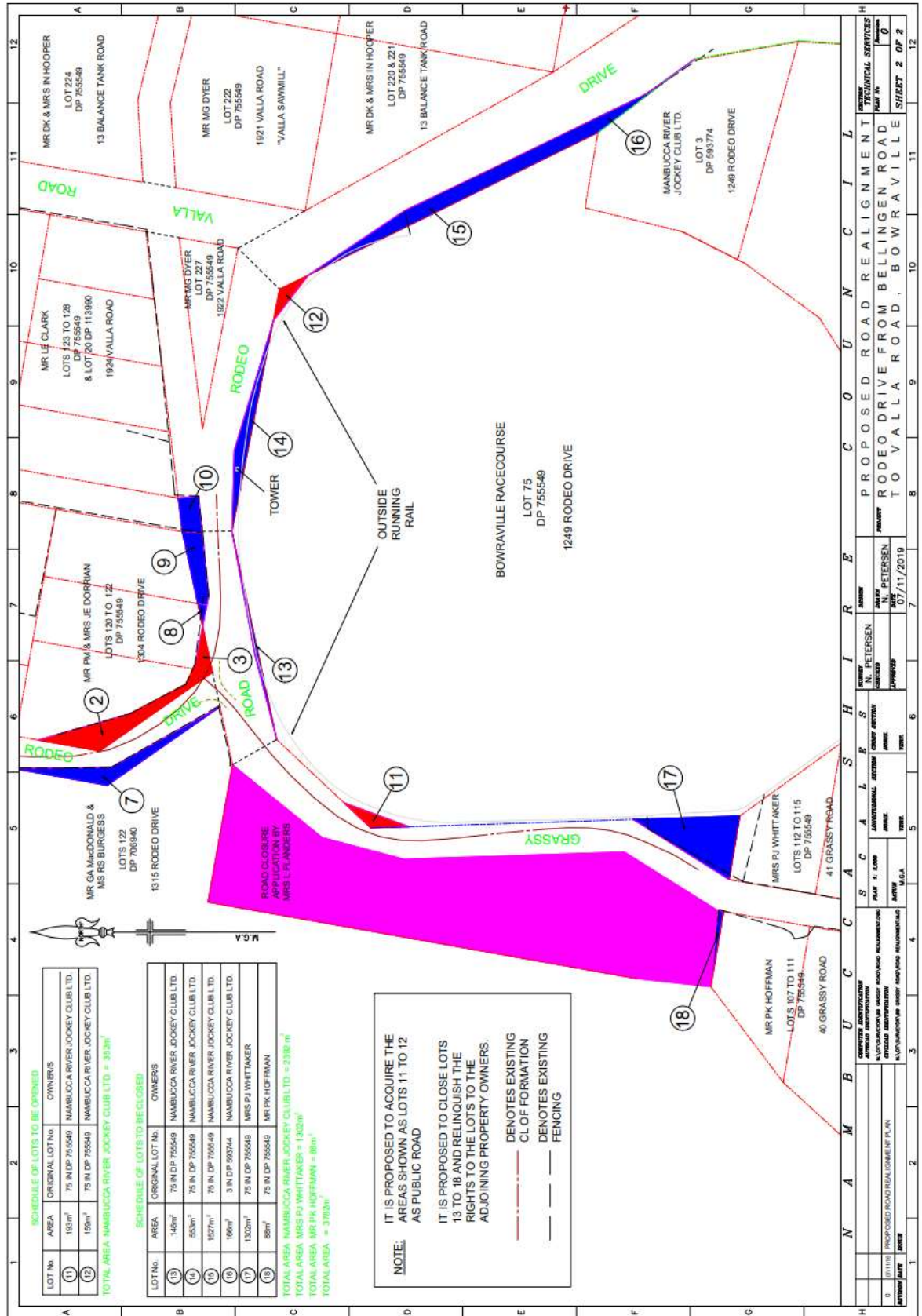
The details for the proposed acquisition of land required for road are:

Area required for road (see Lots 11 & 12 shown as RED on attached sketch)	352 m <sup>2</sup>
Area of road Reserve currently fenced into this property (see Lots 13 - 16 shown as BLUE on attached sketch)	2392 m <sup>2</sup>
Net area to be closed due to encroachments on Road	2040 m <sup>2</sup>

This will be a lengthy process and will be undertaken by the Nambucca Valley Council and will run parallel with this Plan of Management going ahead.

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.

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SCHEDULE OF LOTS TO BE OPENED		
LOT No.	AREA	ORIGINAL LOT No. / OWNERS
11	159m <sup>2</sup>	75 IN DP 755549 NAMBUCCA RIVER JOCKEY CLUB LTD.
12	159m <sup>2</sup>	75 IN DP 755549 NAMBUCCA RIVER JOCKEY CLUB LTD.
TOTAL AREA NAMBUCCA RIVER JOCKEY CLUB LTD = 318m <sup>2</sup>		
SCHEDULE OF LOTS TO BE CLOSED		
LOT No.	AREA	ORIGINAL LOT No. / OWNERS
13	146m <sup>2</sup>	75 IN DP 755549 NAMBUCCA RIVER JOCKEY CLUB LTD.
14	553m <sup>2</sup>	75 IN DP 755549 NAMBUCCA RIVER JOCKEY CLUB LTD.
15	1527m <sup>2</sup>	75 IN DP 755549 NAMBUCCA RIVER JOCKEY CLUB LTD.
16	169m <sup>2</sup>	3 IN DP 593744 NAMBUCCA RIVER JOCKEY CLUB LTD.
17	1302m <sup>2</sup>	75 IN DP 755549 MRS PJ WHITTAKER
18	88m <sup>2</sup>	75 IN DP 755549 MR PK HOFFMAN
TOTAL AREA NAMBUCCA RIVER JOCKEY CLUB LTD = 2387 m <sup>2</sup>		
TOTAL AREA MRS PJ WHITTAKER = 1302m <sup>2</sup>		
TOTAL AREA MR PK HOFFMAN = 88m <sup>2</sup>		

**NOTE:**  
 IT IS PROPOSED TO ACQUIRE THE AREAS SHOWN AS LOTS 11 TO 12 AS PUBLIC ROAD  
 IT IS PROPOSED TO CLOSE LOTS 13 TO 18 AND RELINQUISH THE RIGHTS TO THE LOTS TO THE ADJOINING PROPERTY OWNERS.  
 --- DENOTES EXISTING CL OF FORMATION  
 --- DENOTES EXISTING FENCING

OWNER'S IDENTIFICATION	PREPARED BY	DATE	SCALE	STATUS	REVISIONS
NAMBUCCA RIVER JOCKEY CLUB LTD	N. PETERSEN	07/11/2019	1:1000	PROPOSED ROAD REALIGNMENT	0
MRS PJ WHITTAKER	N. PETERSEN	07/11/2019	1:1000	PROPOSED ROAD REALIGNMENT	0
MR PK HOFFMAN	N. PETERSEN	07/11/2019	1:1000	PROPOSED ROAD REALIGNMENT	0

### 3.5 Review of this Plan

The use and management of the Bowraville Racecourse Reserve 540002 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 is recommended to take place within 5 years of adoption of this plan but it can also take longer.

### 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 groups and committees of management.

When developing Plans of Management, Council must abide by the *Local Government Act 1993* which requires Council to:

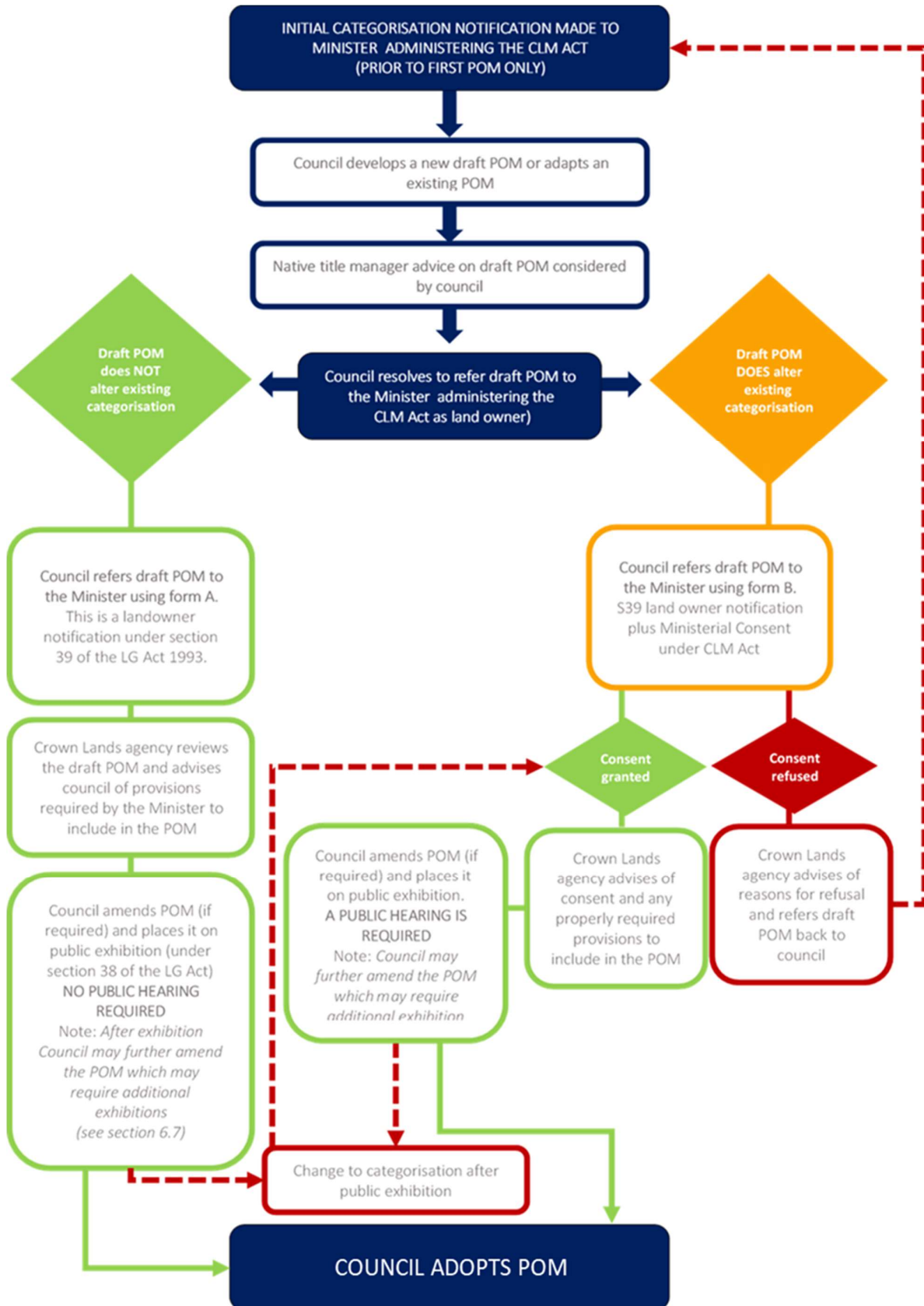
- Forward a copy of the draft plan to the owner of land if not owned by Council.
- Crown Land agency review document.
- Council amend draft Plan of Management if required.
- Place the Plan of Management on public exhibition for no less than 28 days.
- Allow no less than 42 days after the date the draft 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 Land Management Act 2016* as owner of the land.
- Council is required to submit the draft Plan of Management to NSW Department of Planning, Housing & Infrastructure 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 Land Management Act 2016* 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 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 Land Management Act 2016* and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed.

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### Process of preparing this plan of management



## **4.0 LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES**

The land covered by this document is Lot 75 DP 755549 known as Crown Reserve 540002 does not comprise the habitat of endangered species and/or threatened species.

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## 5.0 LAND CONTAINING SIGNIFICANT NATURAL FEATURES

Bowraville Racecourse Reserve 540002 Lot 75 DP 755549 does not comprise land containing significant natural features however the committee take great pride in maintaining the grounds to protected natural environments for physical activity and visual pleasure. Looking out over the racecourse gives visual relief from urban development.

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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.

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

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

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

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

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

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

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

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

Bowraville Racecourse Reserve 540002 Lot 75 DP 755549 does not comprise land containing Aboriginal significant natural features, although there are 2 identified sites near to the premises.

**6.2 Non-indigenous Significance**

Bowraville Racecourse Reserve 540002 Lot 75 DP 755549 does not comprise land containing Non-Aboriginal significant natural features.

**6.3 Extracts from Government Gazettes**

9286

OFFICIAL NOTICES

19 September 2008

**GRAFTON OFFICE**

**76 Victoria Street (Locked Bag 10), Grafton NSW 2460**

**Phone: (02) 6640 3400 Fax: (02) 6642 5375**

**ASSIGNMENT OF CORPORATE NAME OF RESERVE TRUST**

PURSUANT to Claus 4 (3), of Schedule 8 of the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

**SCHEDULE 1**

<i>Column 1</i>	<i>Column 2</i>
Bowraville Racecourse Trust	Reserve No. 540002 For: Public Recreation Notified: 13 May 1887 File Reference: 08/5025

[NSWGG-2024-407-9]

NSW Government Gazette

18 October 2024

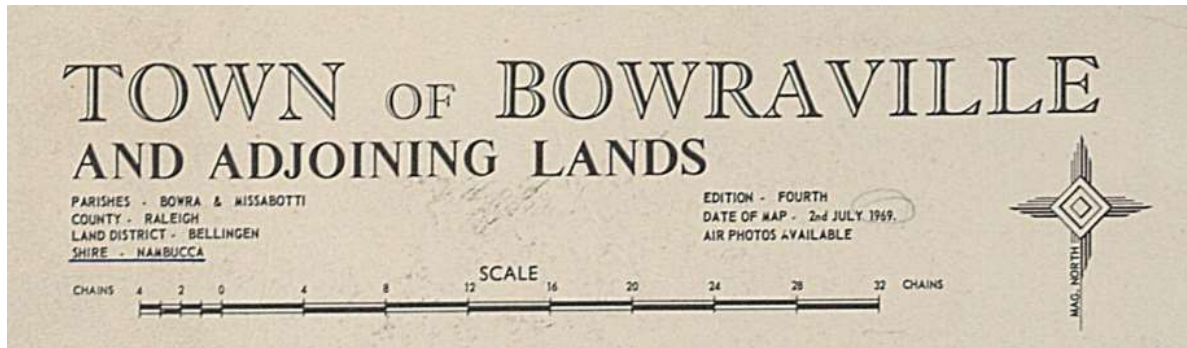
**CROWN LAND MANAGEMENT ACT 2016  
AUTHORISATION OF USE FOR ADDITIONAL PURPOSE UNDER S 2.14**

Pursuant to section 2.14 of the Crown Land Management Act 2016, the Crown land specified in Column 2 of the following Schedule is authorised to be used for the additional purpose(s) specified opposite in Column 1 of the Schedule.

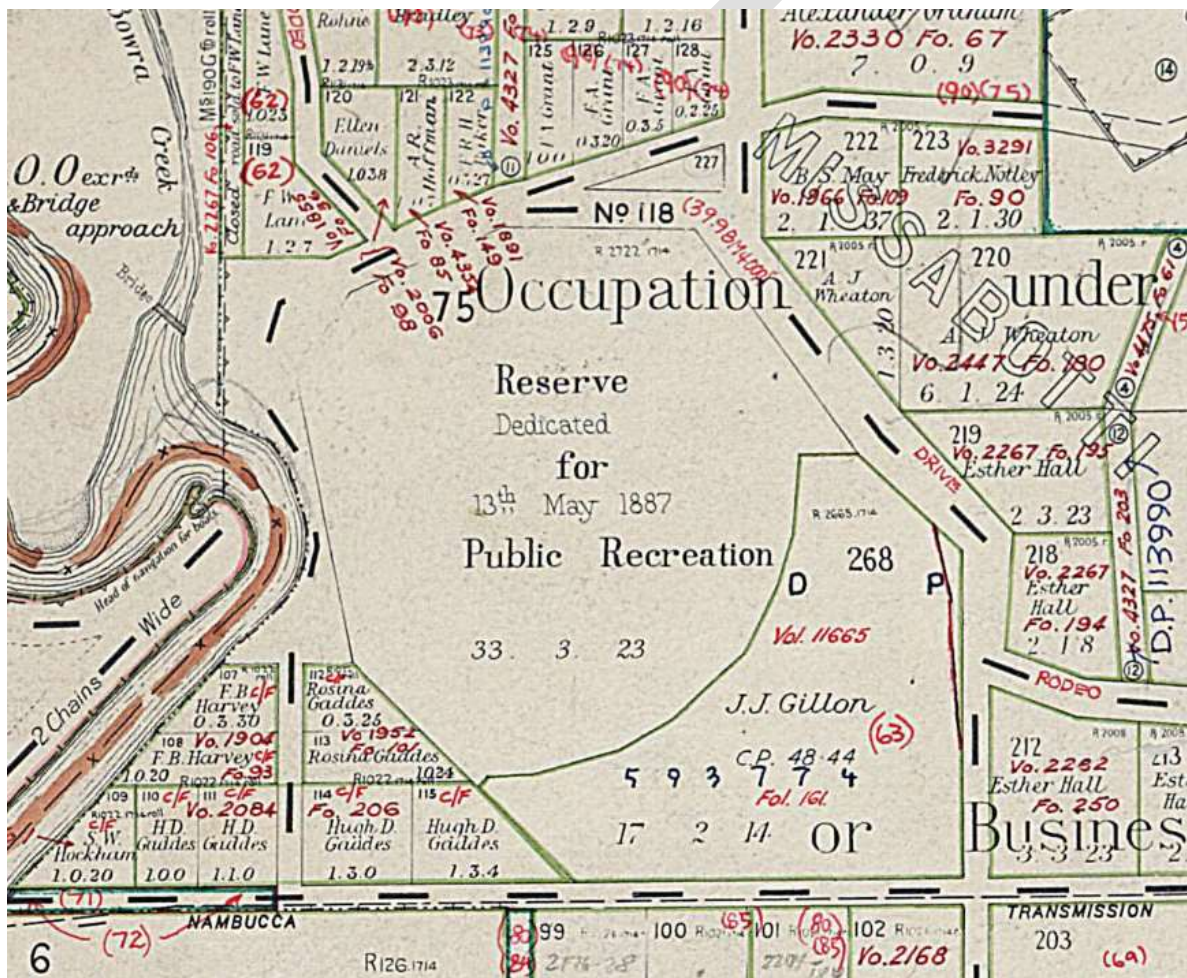
The Hon. Stephen Kamper MP  
Minister for Lands and Property

<b>Column 1</b>	<b>Schedule Column 2</b>
Racecourse And Recreation Facilities	Dedication No. 540002 Public Purpose: Public Recreation Notified: 13-May-1887 File Reference: R540002/PURP001/001

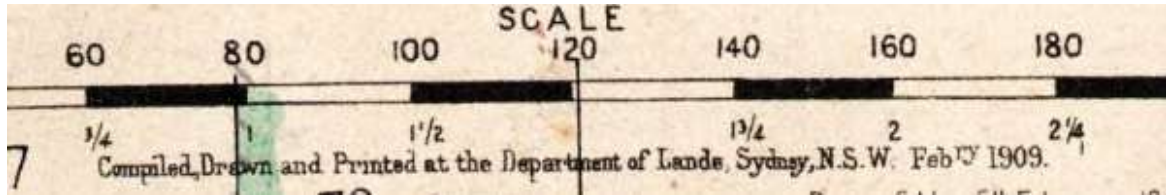
6.4 Historical Map



4th Edition



2 July 1969



February 1909

## 7.0 DEVELOPMENT AND USE

### 7.1 Overview

Bowraville is a town on the Mid North Coast of NSW with Bowraville Racecourse Reserve 540002 situated to the east of the town centre and are about 2 km by road from the town centre. To the west, about 200 m, of the racecourse runs the Nambucca River but not abutting the lot.

Bowraville Racecourse Reserve 540002 caters for many local community and tourism activities having 4 different races per year. The Racecourse is a valued regional recreation facility for the Nambucca Valley Council area. This Reserve consists of only 1 lot and the adjoining lot is owned by the Nambucca River Jockey Club Ltd, Lot 3 DP 593774, that is in charge of the maintenance and licence that covers the reserve.

Nambucca Valley Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land set out in Table X1
- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.
- Lot 75 DP 755549 classified as General Community - Sportsground Clause 103 Table X1

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The management of community land is governed by the categorisation of the land, its purpose and the core objectives of the relevant category of community land, see above. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2005. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Sportsground Area category is set out in Table X1 below.



**Table X1. Guidelines and Core Objectives for Community Land Category**

Guidelines – from the Local Government (General) Regulation 2005	Core objectives – from the Local Government Act 1993
<p><b>Clause 103 – Sportsgrounds:</b> Land used primarily for active recreation involving organised sports or playing outdoor games.</p>	<p><b>Category Sportsground (Section 36F):</b></p> <ul style="list-style-type: none"> <li>• to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games</li> <li>• to ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>



**View of Clubhouse**



**View from Clubhouse**



**Shed & Holding pen**



**Fence going to be replaced**

## **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 540002 is in overall good condition with all of the built facilities fit for purpose and the maintenance and upkeep the responsibility of the Nambucca River Jockey Club Ltd

The trees and grass are thriving and in good condition and grass cover the park. The amenities building, concrete pathways and shelters are in good condition.

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

Bowraville Racecourse is currently used for horse racing four times a year, which includes a clubhouse and other buildings as well as picnic tables, race track, finish line and holding pen. Locals and visitors enjoy all the spoils on race days. The buildings for the recreation and amenities block are situated on Lot 3 DP 593774 which belong to the Nambucca River Jockey Club Ltd.

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

Permitted use for the reserve is for a race course including but not limited to this use. Future use of the Reserve would be in line with what the Racing New South Wales rules are and what they allow the Nambucca River Jockey Club Ltd to do.

The infrastructure will be continuously improved to suit the ongoing use of the reserve for racing and access to 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, concrete steps paths, car parking surfaces, public amenities and any improvements with the race track.

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

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 Department of Industry – Crown Lands granted a Trust Lease to Nambucca River Jockey Club Ltd on 9 September 2013 over Lots 75 DP 755549 for 10 years till 08 September 2023 to enable them to use this Reserve as a racecourse.

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

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

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

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

### 7.6.1 Leases and licences authorised by the plan of management

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

**Table X2. Express authorisation for leases, licences and other estates on reserves listed in this plan of management.**

Community land covered	Maximum term	Purpose for which tenure may be granted
<b>Leases</b>		
Park/Sportsground	–	– café/kiosk areas, including seating and tables – management of court facilities – hire or sale of recreational equipment
<b>Licences</b>		
Park/Sportsground	–	– outdoor café/kiosk seating and tables – management of court or similar facilities – hire or sale of recreational equipment
<b>Other estates</b>		
All community land and buildings		This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

### 7.6.2 Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address

- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

### **7.6.3 Native title and Aboriginal land rights considerations in relation to leases, licences and other estates**

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983* (ALR Act).

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act

## **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** (CM9 – 11208/2021) to this Plan of Management.

## 8.0 PLAN OF MANAGEMENT ADMINISTRATION AND MANAGEMENT

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

Part of Council's role, prioritised by our community and the local government charter, is to provide safe and functional infrastructure for future development, use and management of community land and ensure consistent management that supports a unified approach to meeting the varied needs of the community. 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 the leasing, licensing or granting of any other estate over the park, and any buildings on the park for any community purpose as determined by Council that meets the reserve purpose. The leasing and licencing in the park for recreation, racecourse and recreation facilities or, preservation of Flora and Fauna will be considered by Council as part of this Plan of Management before approval is granted. These include, but again are not limited to:

- environmental protection works (including bank stabilisation activities)
- emergency works for projects funded through Natural Disaster Assistance funds or similar
- maintenance and improvements to existing facilities, infrastructure and protection works
- maintenance and improvements to existing picnic tables, shelters, BBQs, benches, garden beds, landscaping, footpaths, carpark, amenities building and the racecourse.

### 8.1 Permitted use strategic objectives

The objectives of the zone are community land used for recreational purpose:

- 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.

**Table X3. Permissible use and development of community land categorised as Sportsground by council**

<b>Sportsground</b>	
<p><b>Purpose/Use</b></p> <ul style="list-style-type: none"> <li>• Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities</li> <li>• Organised and unstructured recreation activities</li> <li>• Community events and gatherings</li> <li>• Commercial uses associated with sports facilities</li> </ul>	<p><b>Development to facilitate uses</b></p> <p>Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example:</p> <ul style="list-style-type: none"> <li>• Sports field (cricket, football, track and field athletics, baseball, softball)</li> <li>• Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)</li> <li>• Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities)</li> <li>• Professional rooms for hire</li> <li>• Change room/locker areas</li> </ul>

	<ul style="list-style-type: none"> <li>• Shower/toilet facilities</li> <li>• Kiosk/café uses</li> <li>• Car parking and loading areas</li> <li>• Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>• Shade structures</li> <li>• Storage ancillary to recreational uses, community events or gatherings, and public meetings</li> <li>• Facilities for sports training, e.g. batting cages, tennis walls</li> <li>• Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas</li> <li>• Café/kiosk facilities</li> <li>• Heritage and cultural interpretation, e.g. signs</li> <li>• Equipment sales/hire areas</li> <li>• Meeting rooms/staff areas</li> <li>• Compatible, small scale commercial uses, e.g. sports tuition</li> <li>• Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>- relate to approved uses/activities</li> <li>- are discreet and temporary</li> <li>- are approved by the council</li> </ul> </li> <li>• Water saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> </ul>
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### 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, in this case to the Nambucca River Jockey Club Ltd the provisions of this management plan continue to apply.

### 8.1.2 Management Issues

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

## 8.2 Action Plan

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

- the objectives and performance targets of the plan with respect to the land
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.



**Table X4. Objectives and performance targets, means of achieving them and assessing achievement**

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<b>Equity of access</b>	Ensure access to and within sportsground to people with disabilities	Design wheelchair friendly paths.	Currently there is no wheelchair access.
<b>Use and recreation</b>	<p>To enhance opportunities for a balanced organised and unstructured recreational use of reserve and general community use land.</p> <p>To optimise public access to all areas of reserve and general community use land.</p> <p>Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.</p> <p>To increase community participation in natural area conservation and restoration.</p>	<p>Maintain and increment the range of organised and informal/unstructured activities on the community land as well as the reserve.</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of this reserve.</p> <p>Provide amenities to increase use and enjoyment of reserve including toilets, change rooms facilities.</p> <p>Undertake accessibility audit of facilities to identify compliance.</p> <p>Undertake effective community education campaigns and workshops with respect to natural areas.</p>	<p>Increased local use of community land and reserve.</p> <p>Increased appreciation of natural areas.</p> <p>Number of people responding and giving feedback to this PoM.</p>

### 8.3 Administration

Administrative issues have an important influence on the way in which the land is managed and in this case the Nambucca River Jockey Club Ltd are following all legislations pertaining to this reserve and also guide by the New South Wales Racing Authority.

#### 8.3.1 Staff Resources

Nambucca River Jockey Club Ltd 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 1979*.

### **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 considered, 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 considered, 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 endeavour 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 drafting 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 users of the land will be required to take out Public Liability insurance for a sum of not less than \$20m.

### **8.3.12 Commercial Activities**

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

### **8.3.13 Emergencies**

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

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

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

### **8.3.15 Undeveloped Land**

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

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

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

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

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

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

## **8.4 Management guidelines**

Based on legislative and corporate goals, community needs and expectations the following management guidelines have been identified. The Guidelines apply to all areas and categories of the Bowraville Racecourse Reserve 540002 Plan of Management unless otherwise identified.

### **8.4.1 Alcohol**

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

#### 8.4.2 Companion Animals

Dogs are not permitted on any area:

- set aside for the playing of organised games, or
- within 10 meters of a children's playing apparatus, or
- within 10 meters of cooking or eating facilities Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas.

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

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

#### 8.4.3 Parking

The car parking area provides limited access to the Bowraville Racecourse.

Existing car parking areas will be maintained to safety standards.

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

#### 8.4.4 Buildings and amenities

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

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

#### 8.4.5 Infrastructure

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

#### 8.4.6 General Maintenance

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

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

#### **8.4.7 Access**

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of General Community Use, to services for public recreation. All amenities, parking areas, concrete paths, picnic shelters and tables, BBQ's and other structures shall also meet the categorization as a Sports Ground for public recreation and Preservation of Native flora and fauna.

#### **8.4.8 Development Activities**

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

#### **8.4.9 Pollution Control**

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

#### **8.4.10 Public Safety**

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

#### **8.4.11 Neighbours**

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

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

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

Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's trees and street gardens maintenance and removal of trees and street gardens on public land managed by council

#### **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.

## REVISION

<b>RESPONSIBLE OFFICER:</b>		Property Officer			
<b>REVIEWED BY:</b>		Nambucca Valley Council			
<b>DATE ADOPTED:</b>					
<b>ADOPTED BY:</b>		Nambucca Valley Council			
<b>RESOLUTION NO:</b>					
<b>REVIEW DUE DATE:</b>					
<b>DOCUMENT NO:</b>		40652/2023			
<b>REVISION NUMBER:</b>					
<b>NATIVE TITLE ASSESSMENT DOCUMENT NO:</b>		11208/2021			
<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>