

PLAN OF MANAGEMENT 2022

14 Crown Reserves

- R.86719 – STANLAN PARK, MARJORIE ST, COFFS HARBOUR
- R.87080 – MOONEE ST RESERVE, COFFS HARBOUR
- R.87486 – BADEN POWELL PARK, ELBOW ST, COFFS HARBOUR
- R.89227 – EASTERN DORRIGO COMMUNITY HALL AND SHOWGROUND
- R.91331 – EMERALD BEACH HEADLAND / FIDDAMANS CK RESERVE
- R.93479 – NORTH EMERALD BEACH HEADLAND RESERVE
- R.95587 – NOOMBA ST RESERVE, TOORMINA
- R.140004 – SUNSET RESERVE, WOOLGOOLGA
- R.140070 – RIVER STREET RESERVE, WOOLGOOLGA
- R.700046 – JARRETTS CREEK RESERVE, WOOLGOOLGA
- R.1002195 – LOWANNA ORARA WEST RESERVE
- R.1002197 – NANA GLEN RESERVE
- R.85692 – LOWANNA VILLAGE RESERVE
- R.74543 – HEARNES LAKE RESERVE





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Acknowledgement of Country

Coffs Harbour City Council acknowledges traditional custodians of the land, the Gumbaynggirr people, who have cared for this land since time immemorial. We pay our respects to their elders, past, present and emerging, and commit ourselves to a future with reconciliation and renewal at its heart.



Plan of Management 2022 – 14 Crown Reserves

December 2022: Coffs Harbour City Council. (Cover photo Eastern Dorrigo Community Hall , Ulong)

Acknowledgements: Photos and text by Council’s Plans of Management Project Manager with contributions from Council’s GIS Officer, Property Officer (Leasing and Licencing), Team Leader Biodiversity Coastal and Flooding, Senior Coast and Environment Officer, Team Leader Planning and Urban Design, Senior Environmental Project Officer and Sports Development Coordinator.

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PART A

1. CONTEXT AND BACKGROUND TO THE PLAN OF MANAGEMENT

1.1 Background

The Crown Land Management Act 2016 (CLM Act) requires local councils appointed to manage dedicated or reserved Crown land to manage such land as if it were public land under the Local Government Act 1993 (LG Act). Section 36 of the LG Act requires a Plan of Management (PoM) to be adopted by council for all land classified as 'community' land and outlines the requirements of such a PoM.

1.2 Aims and purpose of the plan

The purpose of a PoM is to provide a framework for the management of the land by Council and the types of uses that will be permitted to occur on the land once the PoM is adopted by Council.

The Coffs Harbour City Council (Council) has been appointed under Part 3, Division 3.2, Section 3.3 of the CLM Act to manage dedicated or reserved Crown land as if it were community land under the LG Act. Hereafter, this land is referred to as the 'Crown reserves' or 'reserves'.

Council has been appointed manager for more than 50 such reserves, ranging from developed sites for sporting and play, to undeveloped natural settings such as bushland, foreshores, beaches and wetlands. Immediately adjacent to some of these reserves, is the Coffs Coast Regional Park, managed by Council in partnership with the NSW National Parks and Wildlife Service (NPWS).

The Crown reserves are part of the State-wide network. They contribute to the region's biodiversity, recreation and tourism values, contributes to the network of district sporting facilities servicing a range of sports within the Local Government Area (LGA) and contribute to the character of the region. Some reserves also possess cultural heritage values. It is the aim of Council to ensure that, where appropriate, these values are identified and a dialogue is had with the indigenous community so that their rights and interests are considered in this PoM.

For Crown reserves that are classified as 'community' land and where Council has been appointed land manager, the CLM Act and the LG Act contain a range of requirements in the preparation and adoption of, a PoM.

To facilitate community input and in compliance with section 38 of the LG Act, public notice of the draft PoM must be given. Thereafter, the draft document must exhibited for a period of not less than 28 days; and public submissions received for a period not less than 42 days. In accordance with these requirements, Council placed the draft PoM on public exhibition and accepted submissions between 5 September and 27 October 2022.

2. LINKAGE TO RELEVANT COUNCIL STRATEGIES, PLANS AND POLICIES

2.1 Background

Council has developed and in many cases, formally adopted, a wide range of strategies, plans, policies and procedures. Some of these have clear timeframes over which period they are in operation while others (particularly older documents) have no clear start or end date. The documents discussed in this section (Section 2) have been included as key Council documents that relate to the use and or management of Crown reserves generally. It is standard text used in all Crown reserve PoMs prepared by Council.

The documents below will not be relevant to every PoM or every reserve covered by a PoM. However, due to the fact that they are of direct relevance to a sufficient number of reserves across the entire reserve estate, the text is retained as standard. For example, the *Vehicles on Beaches Policy 2020* may be relevant to one or more beach side reserves covered by a PoM while not being relevant to a PoM for reserves located in the CBD. Similarly, the *Coffs Harbour City Centre Masterplan 2031* is a major planning document that is directly relevant to reserves that fall within its parameters but has no relevance to reserves located in rural areas. To assist the reader to identify which Council document is relevant to this specific PoM, an asterisk (*) has been placed against those that are not relevant.

2.2 MyCoffs Community Strategic Plan

The *MyCoffs Community Strategic Plan* (CSP) is a whole-of-community Plan that sets out the long-term aspirations of the Coffs Harbour LGA community. It reflects where the community wants to be in ten years and is the key reference point for decision-making impacting Coffs Harbour during this period. The management of Crown reserves plays an integral role in implementing the CSP and in particular, the theme of 'A Place for Community' with intended outcomes such as:

- Our public places and spaces are activated through good planning and design;
- Land use planning and development protects the value and benefits provided by our natural environment; and
- Local heritage is protected and the stories behind it shared.

The CSP is the over-arching document for Council's Integrated Planning and Reporting (IP&R) framework. This framework, as required by the LG Act (Chapter 13, Part 2. s.402-406), comprises various documents that articulate the actions Council intends to take and when, resource allocation, fees and charges and it also tracks the performance of Council in achieving its stated goals and objectives. The framework is composed of the following documents:

- Delivery Program - Council's four-year plan to address the MyCoffs Community Strategic Plan (including four year budgets).
- Operational Plan - What Council will undertake in the current financial year in implementing the Delivery Program (includes detailed budgets as well as fees and charges schedules.)
- Annual and 6-Monthly Reports - How Council performed against the Delivery Program and Operational Plan.
- End of Term Reports - Prepared every four years to track progress in achieving the Community Strategic Plan.

- Resourcing Strategy - Council's Long Term Financial Plan, Asset Management Strategy and Workforce Management Plan.

The *Coffs Harbour Community and Cultural Facilities Plan 2021-2031* has been adopted by Council and is intended to provide a strategic framework to guide decision-making about community and cultural facilities over the next 10 years. The Plan will help guide Council to make decisions about providing new community or cultural facilities in the context of its current facility network, service needs and population changes. It will also help Council to collect data, allocate resources, forward plan capital works projects or identify divestment or alternative options for its current facilities.

An additional step in the strategic planning process now includes all councils in NSW preparing a Local Strategic Planning Statement (LSPS). The Coffs Harbour City Council LSPS provides a 20-year land use planning vision for the Coffs Harbour LGA. It identifies 16 Planning Priorities to be delivered in four themes to 2040.

2.3 The Community Participation and Engagement Plan

The *Coffs Harbour City Council Community Participation and Engagement Plan* reinforces the idea that the best planning outcomes are reached when communities are engaged in the planning process at the earliest opportunity. It is about the people of the Coffs Harbour LGA contributing to Council decision-making through community-led recommendations. The PoM process undertaken for these Reserve(s) encapsulates all the relevant principles of consultation outlined in the *Community Participation and Engagement Plan*, including working closely with the traditional custodians of the land, the Gumbaynggirr people.

2.4 Coffs Harbour Local Growth Management Strategy 2020

This strategy sets out the strategic direction and framework for land use and development in the Coffs Harbour LGA taking into account State, regional and local planning objectives, with a particular focus on the actions contained in the *North Coast Regional Plan 2036*.

2.5 Coffs Harbour Open Space Strategy 2010

Council is involved in the management of over 250 public reserves ranging from developed sites for sporting and play, to undeveloped natural setting such as bushlands, foreshores, beaches and wetlands. Included are extensive areas of Crown reserves managed by Council, Council owned lands and the Coffs Coast Regional Park, managed in partnership with the NSW NPWS. The *Coffs Harbour Open Space Strategy 2010* was prepared in order to guide the planning, development and management of these public spaces over the next ten years. It will be replaced by the soon to be completed *Public Realm Strategy* and the *Place and Movement Strategy*.

2.6 Disability Access Inclusion Plan

The *Disability Inclusion Action Plan 2017 – 2021* (DIAP) sets out what Council will do to enable people with a disability to have greater access to Council information, services and facilities.

The DIAP is a statement of Council's ongoing commitment to improving access and inclusion for people with a disability. It is Council's intention to take a leadership role within the Coffs Harbour area, to facilitate improvement across the four focus areas which have been nominated at a national level by people with a disability as being of primary importance in creating an inclusive community. These four areas are:

- Developing positive community attitudes and behaviours.
- Creating liveable communities.
- Supporting access to meaningful employment.
- Improving access to services through better systems and processes.

All PoMs for Crown reserves will need to take account of the DIAP when formulating management prescriptions around matters such as access to facilities and areas of employment.

2.7 Coffs Harbour Biodiversity Action Strategy 2012-2030

This strategy was prepared with contributions from multiple authors and provides the framework for the approach to managing impacts on biodiversity, through the establishment of visions and principles through to specific management actions for individual species.

2.8 Leasing and Licencing Policy for Community Organisations

Crown reserves are routinely used for a range of sporting and community purposes. Many of these activities require a licence from Council and in some cases - particularly buildings, a lease. This policy provides the framework, including matters such as pricing, under which these licences and leases are granted and managed.

2.9 Vehicles on Beaches Policy 2020

* This policy seeks to establish a framework that applies to vehicle use on Coffs Harbour Local Government Area beaches, with the aims of:

- Establishing a consistent approach to regulating beach access by vehicles on beaches;
- Protecting the coastal environment; and
- Ensuring the safety of all beach users allowing for sustainable and equitable recreational use of the beaches.

Council will regulate access to the beaches under Section 632 of the LG Act via designated access points and in accordance with the terms of the regulatory signage and this policy.

The Policy is supported by guidelines that provide restrictions on which beaches access is permitted and how users must conduct themselves on these beaches.

2.10 Coastal Zone Hazard Policy 2018

The *Coastal Hazard Zone Policy 2018*, resulted in a notation being placed on all properties within the local government area that are identified within the 100 - year Coastal Hazard Zone i.e. falls within the mapped *Coastal Hazard Zone Policy Area*, stating that any development on the lot will need to take into account the effects of coastal processes.

Council requires that residential development and commercial/tourism development to be free from the effects of coastal processes for the planning period. As such, any development application lodged in relation to land within the *Coastal Hazard Zone Policy Area* will need to be accompanied by a coast hazard assessment. Council is currently reviewing this policy and preparing a planning proposal so that the coastal hazard mapping is included as the Coastal Vulnerability Area in the *SEPP (Resilience and Hazards) 2021*.

2.11 Coffs Harbour City Centre Masterplan 2031

The City Centre Masterplan maps the future for our city centre. The Plan contains a number of strategies and projects that support key priorities previously identified through the Masterplan community consultation process.

These key priorities include a focus on revitalising the City Centre to stimulate economic activity. It is a high level visionary document that provides direction for the growth, development and design of our City Centre to 2031. It is also a 'living' document in that it sets the basic framework and directs the undertaking of other more detailed strategies and investigations at a smaller scale, in order prove and test the principles and objectives of the Masterplan.

2.12 Woolgoolga Town Centre Masterplan

Council at its Ordinary Meeting of 22 February 2018 resolved to adopt the Woolgoolga Town Centre Masterplan. This Masterplan is critical in guiding the orderly development and revitalisation of the Woolgoolga town centre. The plan presents a vision and strategic planning framework to guide growth and change in Woolgoolga's town centre for the next 20 years to 2036.

2.13 Existing Plans of Management, Policies, Plans and Strategies

In the past, Council has relied on generic plans of management for areas such as parks and sportsgrounds, other plans of management completed for specific reserves such as the Jetty Foreshores under the now repealed *Crown Lands Act 1989*, as well as other formal management instruments such as Estuary Management Plans, Masterplans etc.

While many of these instruments are now obsolete, it is likely that some content (depending on current relevance) relating to Crown reserves within these documents, will be captured and incorporated into new Crown reserve PoMs. There are many other Council policies, plans, procedures and strategies that will be relevant to one or more PoMs for Crown reserves. While it is not possible to list them all, some of these include:

- Coffs Harbour Coastal Zone Management Plan (March 2019)
- Sustainability Policy 2017
- Coffs Coast Tourism Strategic Plan 2020
- Coffs Harbour Events Strategy 2020
- Coffs Harbour Heritage Strategy 2017-2020
- Coffs Harbour City Koala Plan of Management 1999
- Floodplain Development and Management Policy 2017
- Coastal Hazard Zone Policy 2017
- Contaminated Land Policy 2017
- Vegetation Vandalism Policy 2017
- Significant Tree Policy 2017
- Guideline for the Management of Seaweed on Coffs Harbour City Council LGA Beaches*
- Coffs Coast Waste Services Strategy
- Coffs Harbour Economic Development Strategy 2017-2022
- Creative Coffs - Cultural Strategic Plan 2017-2022
- Sports Facility Plan 2016
- Jetty 4 Shores Concept Plan (2013)*

3. RELEVANT STATE & COMMONWEALTH LEGISLATION, PLANS AND STRATEGIES

3.1 Crown Land Management Act 2016

Crown land in NSW is administered within the portfolio of the Minister for Lands. Crown land may be reserved or dedicated for a public purpose under the CLM Act. The Minister may appoint a Council or non-Council (Category 1 or Category 2) Manager to care, control and manage a reserve with regard to the purpose for which the land was dedicated or reserved.

Crown land must be managed in accordance with the Principles of Crown Land Management set out in Section 1.4 of the Act. The principles of Crown land management are:

1. Environmental protection principles are observed in relation to the management and administration of Crown land.
2. The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) are conserved wherever possible.
3. Public use and enjoyment of appropriate Crown land be encouraged.
4. Where appropriate, multiple use of Crown land is encouraged.
5. Where appropriate, Crown land is used and managed in such a way that both the land and its resources are sustained in perpetuity.
6. That Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

The Minister may also make rules, known as Crown land management rules for, or with respect to the management of dedicated or reserved Crown land by Crown land managers under Section 3.15 of the Act. Importantly, the CLM Act makes it a legislative requirement that a council manager of dedicated or reserved Crown land must manage the land as if it were community land under the LG Act (s3.23). It must, as soon as practicable after it becomes the manager of the dedicated or reserved Crown land (including because of the operation of Schedule 7 of the Act), assign the land to one or more categories of community land referred to in section 36 of the LG Act.

This must be done before the adoption of a plan of management for the land in case the Minister requires the council to alter an assigned category because:

- a) The assigned category is not the most closely related to the purposes for which the land is dedicated or reserved; or
- b) The management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved (s3.23[5]).

Section 3.23(6) of the CLM Act requires that council managers adopt a PoM for any Crown reserve for which it is the appointed Crown land manager for all land that is classified as 'community' land under the LG Act. All POMs must be developed in accordance with the public exhibition requirements of the LG Act. In addition, any proposed uses, development and/or management practices must conform to the public purpose for the dedicated or reserved lands, and any particular policies of the Crown Lands Division of the Department of Planning & Environment, regarding Crown reserves that may exist at the time.

3.2 Local Government Act 1993

The LG Act (Part 2. Div1. (25)) requires councils to classify all public land as either ‘community’ land, or ‘operational’ land. Community land is defined for the purposes of the Act to be land that is set aside for community use, such as neighbourhood parks and sportsgrounds.

Development and use of this land is subject to strict controls set out in the Act. For example, community land cannot, except under very limited circumstances [S.45(4)] be sold, leased or licensed for more than 21 years and any lease greater than 5 years requires actions such as a period of public notice. In addition to these controls, the Act requires Councils to have PoMs for all ‘community’ land.

Operational land usually comprises land that serves a commercial or operational function (e.g. a depot, or pump station), or land that is being retained for commercial or strategic reasons. However, there are no hard and fast rules and sometimes ‘community’ land can also possess characteristics that ordinarily would appear to be more operational in nature. The range of controls that apply to community land do not apply to the use and management of operational land and there is no requirement under the Act for the adoption of a PoM.

The *Local Government (General) Regulation 2021* provides guidelines for the categorisation of community land. The categories reflect land use and/or describe the physical characteristics of the land such as parks, sportsgrounds and natural areas. Under section 36(1) of the LG Act, PoMs must be prepared for all community land. Plans of management:

- Are written by council in consultation with the community.
- Identify the important features of the land (e.g. natural significance, sportsground).
- Clarify how council will manage the land.
- Indicate how the land may be used or developed, such as leasing.

All PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. There are two ways in which council can develop a PoM that complies with the LG Act and CLM Act. A generic PoM that applies to more than one piece of land or a PoM that is specific to an area. However, the LG Act does not provide for the adoption of a generic PoM if any of the land is declared:

- As critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))*;
- By council to contain significant natural features (section 36C(2)); and
- By council to be of cultural significance (section 36D(2)).

Note* - The *Threatened Species Conservation Act 1995* has been repealed and replaced by the *Biodiversity Conservation Act 2016*. The Recovery Plans and Threat Abatement Plans made under the *Threatened Species Conservation Act 1995* and as referred to in S.36A and S.36B of the LG Act, no longer apply. Consequently, this generic plan of management addresses the provisions of S.36 of the LG Act, in particular the provisions of sub-sections (1), (2), (3), (4) and (5).

Table 3.2.1 below outlines the key sections of the LG Act relevant to the preparation and adoption of a Crown reserve PoM. Section 36(3) of the LG Act sets out the minimum requirements for all POMs, which must include the:

- Category of the land;
- Objectives and performance targets of the plan with respect to the land;
- Means by which the council proposes to achieve the plan’s objectives and performance targets; and
- Manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets.

Table 3.2.1: Sections of the LG Act that set the framework for PoMs

Requirement	Act section
Use and nature of community land must not change prior to the preparation of a plan of management	44
Prepare plans of management for all community land	35, 36(1)
Process for community land not owned by council	37, 39
What a plan of management for council owned land must include	36(3), (4)
A draft must be exhibited prior to adoption and may be re-exhibited if amended prior to adoption	38, 39, 40

3.3 Environmental Planning & Assessment Act 1979

Any development proposed within any reserve to which this PoM applies, may require development consent under Part 4. Low impact development or routine activities proposed by Government departments or agencies may be considered as development that is ‘permitted without consent’ or ‘exempt development’. An environmental assessment for development and/or activities that are permitted without consent may be required under Part 5 of the Act.

Any development proposed within any reserve to which this PoM applies must accord with *Coffs Harbour LEP 2013* and *Coffs Harbour DCP 2015*, unless the development and/or activity is considered to be permitted without consent or exempt development. Note: *SEPP (Transport and Infrastructure) 2021* specifies development without consent undertaken by the Crown Land Manager if the development is for the purposes of implementing a plan of management adopted for the land under the CLM Act or LG Act. It also identifies exempt development.

In summary, the development and use of Crown reserves classified as ‘community’ land must comply with all relevant SEPPS, the LEP and DCP as well as the management measures stipulated in this PoM. Of particular relevance to the management of Crown reserves in this LGA is the *SEPP (Resilience and Hazards) 2021*. The aim of this SEPP is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the [Coastal Management Act 2016](#), including the management objectives for each coastal management area by:

- a) Managing development in the coastal zone and protecting the environmental assets of the coast;

- b) Establishing a framework for land use planning to guide decision-making in the coastal zone; and
- c) Mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).

Other SEPPs that may be relevant to the management of Crown reserves within the Coffs Harbour LGA may include, but not limited to, the following:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021

3.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) regulates a range of activities relevant to the management of Crown reserves such as vegetation in rural areas and wildlife. It also defines areas of 'outstanding biodiversity value' (Part 3), as well as 'threatened species', 'threatened ecological communities' and 'key threatening processes' (Part 4).

As highlighted previously, s36A and s36B of the LG Act, while making reference to the now repealed *Threatened Species Conservation Act 1995* which the BC Act has replaced, requires a PoM be adopted specific to the reserve if it comprises of the habitat of threatened or endangered species or contains habitat defined as 'critical habitat', which under the BC Act means land that is assessed as 'areas of outstanding biodiversity value'.

3.5 Fisheries Management Act 1994

The *Fisheries Management Act 1994* and *Fisheries Management (General) Regulation 2019* may be relevant to the management of Crown reserves for a number of reasons. If the reserve is adjacent to a waterway, Part 7 'Protection of Aquatic Habitats' of the Act and Parts 13-14 of the Regulations may apply to the management of the land as it relates to foreshore and vegetation, such as mangroves (Division 4 of the Act).

For example, this part of the Act would apply if the PoM foreshadowed the installation of foreshore works or infrastructure such as a boardwalk as under Section 205 of the Act, the Minister's consent is required for any cutting, removal, damage or destruction of mangroves, seagrasses or any other prescribed marine vegetation on public land.

In the section of the LG Act that deals with the making of PoMs for community land (s36A and s36B), as well as making reference to the now repealed *Threatened Species Conservation Act 1995*, the provisions dealing with 'critical habitat', threatened species or the habitat of endangered or threatened species and ecological communities, also applies if they are so listed under the Fisheries Management Act 1994. However, unlike the BC Act, this also includes 'Recovery Plans' and 'Threat Abatement Plans' in force under the 'Threatened species conservation' (Part 7A) of the Act. As with the relevant provisions in the BC Act, if a reserve's habitats or species meet any of the pre-conditions specified above, then s36A and s36B requires that a PoM specific to the reserve be adopted, and not a generic one.

3.6 Marine Estate Management Act 2014

The objects of this Act are:

- a) To provide for the management of the marine estate of New South Wales consistent with the principles of ecologically sustainable development in a manner that:
 - i. promotes a biologically diverse, healthy and productive marine estate, and facilitates:
 - economic opportunities for the people of New South Wales, including opportunities for regional communities;
 - the cultural, social and recreational use of the marine estate;
 - the maintenance of ecosystem integrity; and
 - the use of the marine estate for scientific research and education.
- b) Promotes the co-ordination of the exercise, by public authorities, of functions in relation to the marine estate; and
- c) Provides for the declaration and management of a comprehensive system of marine parks and aquatic reserves.

The *Marine Estate Management Strategy* (The Strategy) is a key commitment of the NSW Government in its response to the findings of the 2012 Independent Scientific Audit of Marine Parks in NSW. It sets the overarching framework for the NSW Government to coordinate the management of the marine estate over the next decade in accordance with the objects of the Act and the NSW Government's vision for the marine estate.

The Strategy outlines how to manage threats to environmental assets, as well as to the social, cultural and economic benefits the community derives from the marine estate. It identifies evidence-based management priorities and sets policy directions to manage the marine estate as a single continuous system. A PoM for a Crown reserve(s) will be consistent with the Act and any actions outlined in the Strategy.

3.7 Native Title Act 1993 (Cth)

The *Native Title Act 1993 (Cth)* (NT Act) came into operation on 1 January 1994. Its main purpose is to recognise and protect native title. The NT Act provides for the recognition of pre-existing rights to land and waters, the doing of acts that impact on native title, and the resolution of claims for compensation.

Any activity on Crown land where native title has not been extinguished may impact on the native title rights of the traditional owners. For example:

- The issuing of a licence or lease for partial or exclusive use.
- The construction of new public facilities such as barbecues, toilet blocks, walking tracks, tennis courts, playing fields and grandstands.
- Extensions to existing buildings or facilities.
- New roads, paths or tracks.
- The installation of infrastructure such as stormwater, sewerage pipes, power lines etc.

Under the NT Act any activity that impacts on the traditional owners' native title rights is considered to be a 'Future Act'.

A future act ‘affects’ native title if it is at least partly inconsistent with its existence, enjoyment or exercise. ‘Affects’ means the act could impair, limit or extinguish native title.

Any ‘future act’ on Crown land that Council allows to be undertaken must be valid under Native Title Act 1993 (Cth) in Part 2—Native Title, Division 3—Future Acts etc. (if required) Generally, this will be under:

- Subdivision J—Reservations, leases etc.
- Subdivision K—Facilities for services to the public
- Subdivision L—Low impact future acts

On occasion “future acts” may be valid under:

- Subdivision F—Future acts: if procedures indicate an absence of native title
- Subdivision H—Management of water and airspace
- Subdivision I—Renewals and extensions etc.
- Subdivision M—Acts passing the freehold test

3.8 Native Title (NSW) Act 1994

The *Native Title (New South Wales) Act 1994*, in accordance with the Commonwealth *Native Title Act 1993*, validates any past acts, and intermediate period acts, invalidated because of the existence of native title and to confirm certain rights. It also ensures that New South Wales law is consistent with standards set by the Commonwealth *Native Title Act 1993* for future dealings affecting native title.

3.9 Aboriginal Land Rights Act 1983

The Act provides the legal framework within which the New South Wales Aboriginal Land Council or Local Aboriginal Land Council may claim “claimable” land that is owned by the Crown such as a Crown reserve. The purpose of the Act is to:

- provide land rights for Aboriginal persons in New South Wales;
- provide for representative Aboriginal Land Councils in New South Wales;
- vest land in those Councils;
- provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils and the allocation of funds to and by those Councils; and
- provide for the provision of community benefit schemes by or on behalf of those Councils.

3.10 Emergency Services Legislation

NSW Government requirements dictate that councils must account for assets supporting the NSW Rural Fire Service and NSW State Emergency Service. Councils responsibility is to supply free of charge, suitable training facilities, storage and office accommodation as per the provisions of Section 17(5) of the *State Emergency Services Act 1989*. The roles and responsibilities of Council and the SES are outlined in the Partnership Agreement between NSW State Emergency Service and Coffs Harbour City Council. In summary, the arrangement is guided by the principles of a Landlord and Tenant Agreement.

As the buildings and ancillary facilities are Council assets, Council will maintain them in good order and repair inclusive of regular, routine and required maintenance. NSW SES will assume responsibility for direct costs related to the operation of the building such as power, cleaning and pest control.

In regard to the RFS, Sections 37(3) and (4) of the *Rural Fires Act 1997* place the requirement on Council to provide facilities and accommodation to enable the fire control officer to exercise his or her functions. The terms of the Partnership Agreement between RFS and CHCC are contained in the Coffs Harbour Rural Fire District Service Agreement 2012.

In summary, the arrangement is also guided by the principles of a Landlord and Tenant Agreement. Council agrees to maintain the premises in good repair while the RFS will undertake minor repairs and maintenance including lawn and garden maintenance. A detailed list of services provided by Council is contained in Schedule 2 of the Service Agreement.

3.11 Environment Protection and Biodiversity Conservation Act 1999 (Cth)

This Act provides protection for matters which are considered to be of national environmental significance (NES). Specifically:

- World Heritage properties
- RAMSAR wetlands
- Nationally threatened species and communities
- Internationally protected migratory species
- Commonwealth areas
- Nuclear actions

The EPBC Act establishes a legislative framework to protect and conserve nationally important aspects of the environment and to conserve biodiversity. The Act is triggered only if there is a direct action (on-ground) involved, if there is an effect on an NES matter and if the impact is significant. Should the Act be triggered, all State Government approvals are firstly required before the matter is referred to the Federal Government for final approval.

It is also relevant to the management of land to which a PoM may apply through the listing of Key Threatening Processes such as:

- Predation by feral cats;
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants; and
- Injury and fatality to vertebrate marine life caused by the ingestion of, or entanglement in, harmful marine debris.

3.12 North Coast Regional Plan 2036

The *North Coast Regional Plan 2036* is the blueprint for the next two decades that reflects community and stakeholder aspirations and opportunities from leveraging the North Coast's position between two of the fastest growing population corridors in the nation. The Plan encompasses a vision, goals and actions geared towards delivering greater prosperity in the years ahead for those who live, work and visit the region. For example, it identifies areas for expansion of residential land or lands geared to generate employment.

In the course of preparing a draft PoM and depending on the nature and location of the reserve(s), the Regional Plan will be considered and where appropriate, reference made in the PoM to any relevant vision, goals or actions.

3.13 Biosecurity Act 2015

The primary object of this Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, dealing with biosecurity matter, carriers and potential carriers, and other activities that involve biosecurity matter, carriers or potential carriers.

The other objects of this Act are as follows:

- a) To promote biosecurity as a shared responsibility between government, industry and communities,
- b) To provide a framework for the timely and effective management of the following:
 - pests, diseases, contaminants and other biosecurity matter that are economically significant for primary production industries;
 - threats to terrestrial and aquatic environments arising from pests, diseases, contaminants and other biosecurity matter;
 - public health and safety risks arising from contaminants, non-indigenous animals, bees, weeds and other biosecurity matter known to contribute to human health problems; and
 - pests, diseases, contaminants and other biosecurity matter that may have an adverse effect on community activities and infrastructure.
- c) To provide a framework for risk-based decision-making in relation to biosecurity.
- d) To give effect to intergovernmental biosecurity agreements to which the State is a party.
- e) To provide the means by which biosecurity requirements in other jurisdictions can be met, so as to maintain market access for industry.

All landowners or land managers, including councils, have a general biosecurity duty under Part 3 of the Act including special provisions regarding weeds (Part 3 Section 26 – Schedule 1) that may be relevant to councils under certain circumstances.

3.14 Coastal Management Act 2016

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular to:

- a) Protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience;
- b) Support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety;
- c) Acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone;
- d) Recognise the coastal zone as a vital economic zone and to support sustainable coastal economies;
- e) Facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making;

- f) Mitigate current and future risks from coastal hazards, taking into account the effects of climate change;
- g) Recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly;
- h) Promote integrated and co-ordinated coastal planning, management and reporting;
- i) Encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events;
- j) Ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities;
- k) Support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions;
- l) Facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone; and
- m) Support the objects of the *Marine Estate Management Act 2014*.

In a manner consistent with the *Coastal Management Act (2016)* Council is currently updating its existing Estuary Management Plans and Coastal Zone Management Plans into new Coastal Management Programs (CMP). Under the Act, there is a transition period in which Councils existing plans still have effect, however Council is required to prepare new CMPs by December 2023. Council has identified a forward plan and is currently working through the CMP process by linking key estuaries together and delivering overarching CMPs for estuary clusters. The delivery plan includes the following CMPs:

- Corindi River, Pipe Clay Lake and Arrawarra Creek CMP
- Darkum Creek, Woolgoolga Lake, Willis Creek and Hearnes Lake CMP
- Moonee Creek, Coffs Creek and Boambee / Newports Creek CMP
- Bonville Pine Creek CMP
- Coffs Harbour Coastal Hazards Coastal Management Program (Open Coast)

3.15 North Coast Regional Strategic Weed Management Plan 2017-2022 & North Coast Regional Strategic Pest Animal Management Plan 2018-2023

In line with new Commonwealth biosecurity measures, NSW has reformed its weed, pest and disease legislation. Together, the *NSW Biosecurity Strategy 2013-2021* and *NSW Biosecurity Act 2015* (which replaced the *Noxious Weeds Act 1993*) provides a streamlined, clear framework for safeguarding primary industries, natural environments and communities from a range of pests, diseases and weeds. Overseen by the North Coast Local Land Services (LLS), The *North Coast Regional Strategic Weed Management Plan 2017-2022* is a direct response to this strategic and legislative reform.

Similarly, the *North Coast Regional Strategic Pest Animal Management Plan 2018-2023* outlines how Government, industry and the community can work together and share the responsibility to prevent, eradicate, contain or manage pest animals to achieve a balance in economic, environmental and social outcomes.

The plan aims to:

- Reduce the impact of pest animals on public safety, primary production and biodiversity;
- Prioritise activities and improve systems that support pest management (reporting, surveillance, etc.);
- Support implementation of the Biosecurity Act 2015;
- Clarify how land managers can meet their obligations;
- Make it easier for land managers to participate in managing biosecurity; and
- Guide development of coordinated, cooperative, tenure neutral local pest management plans.

Council has and will continue to work closely with North Coast LLS to implement invasive species control and thereby comply with the requirements of the *Biosecurity Act 2015*.

3.16 National Parks and Wildlife Act 1974

This Act is particularly relevant to the management of any historic sites within reserves (S. 30F) and the protection of Aboriginal cultural heritage (Part 6). The objects of the Act relevant to the management of Crown reserves are as follows:

- a) The conservation of nature, including, but not limited to, the conservation of:
 - i. habitat, ecosystems and ecosystem processes;
 - ii. biological diversity at the community, species and genetic levels;
 - iii. landforms of significance, including geological features and processes; and
 - iv. landscapes and natural features of significance including wilderness and wild rivers.
- b) The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:
 - i. places, objects and features of significance to Aboriginal people;
 - ii. places of social value to the people of New South Wales; and
 - iii. places of historic, architectural or scientific significance.
- c) Fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation.

PART B

4. LAND COVERED UNDER THIS PLAN OF MANAGEMENT

4.1 Background

This PoM relates to the Crown reserves listed below in **Table 4.1.1**.

Table 4.1.1: Land to which the Plan of Management applies

Reserve Number	Lots & DP (Applying to this PoM)	Reserve Name	Location	Gazetted Purpose and Date	Land Categorisation
86719	Lot 7032 DP 1059115 Parish Coff County Fitzroy	STANLAN PARK	Marjorie St Coffs Harbour	Public Recreation 3/5/1968	Park
87080	Lots 5-6 Section 83 DP 758258 Parish Coff County Fitzroy	MOONEE ST RESERVE	Moonee St Coffs Harbour	Public Recreation 4/2/1969	Park
87486	Lot 32 DP 717230, Lots 1-2 Section 85 DP 758258 Parish Coff County Fitzroy	BADEN POWELL PARK	Elbow St Coffs Harbour	Public Recreation 7/11/1969	Park
89227	Lot 27 DP 14361 Parish Ucombe County Fitzroy	EASTERN DORRIGO COMMUNITY HALL AND SHOWGROU ND	13 Pine Avenue Ulong	Public Recreation 28/6/1974	Park
91331	Lot 389 DP 729480, Lots 7302-7303 DP 1141995 Parish Moonee County Fitzroy	EMERALD BEACH HEADLAND/F IDDAMANS CK	Fiddaman Rd/ Signal St Emerald Beach	Public Recreation 1/12/1978	Park
93479	Lot 7301 DP 1134658 Parish Moonee County Fitzroy	NORTH EMERALD BEACH HEADLAND	Emerald Beach	Public Recreation 5/9/1980	Park
95587	Lot 7009 DP 1054087 Parish Bonville County Raleigh	NOOMBA ST RESERVE	Noomba St/ Lalaguli Dr Toormina	Public Recreation 11/9/1981	Park

140004	Lot 7019 DP 1054587 Parish Woolgoolga County Fitzroy	SUNSET RESERVE	Newman St Woolgoolga	Public Recreation 17/10/1986	Park
140070	Lot 347 DP 820686 Parish Woolgoolga County Fitzroy	RIVER STREET RESERVE	River St Woolgoolga	Public Recreation 13/12/1991	Park
700046	Lot 361 DP 823586, Lot 7035 DP 1054531, Lot 7044 DP 1113368, Lot 7043 DP 1113380, Lot 7042 DP 1113390, Lot 7066 DP 1114211 Parish Woolgoolga County Fitzroy	JARRETTS CREEK RESERVE	Ganderton/ Boundary St Woolgoolga	Public Recreation; Urban Services 19/9/1997	Park & General Community Use
1002195	Lots 7002-7003 DP 92633 Parish Comlaroi County Fitzroy	LOWANNA ORARA WEST RESERVE	Bushmans Range Rd, Orara West State Forest	Public Park 11/1/2002	Park
1002197	Lot 7003 DP 93112 Parish Bagawa County Fitzroy	NANA GLEN RESERVE	919 Orara Way Nana Glen	Public Park 11/1/2002	Park
85692	Lot 2 DP 717329, Lot 7001 DP 1052215 Parish Gundar County Fitzroy	LOWANNA VILLAGE RESERVE	4-6 Lowanna Road Lowanna	Public Recreation 11/3/1966	Park & General Community Use
74543	Lot 7011 DP 1070054 Parish Woolgoolga County Fitzroy	HEARNES LAKE RESERVE	Hearnese Lake Road, Hearnese Lake	Public Recreation 26/10/1951	Park

4.2 Classification, Categorisation and Zoning of the Land

The assigned land categories and gazetted purposes of the reserves are provided in **Table 4.1.1** above. Section 36 of the LG Act requires that land within a PoM 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

Section 36 of the LG Act also prescribes the 'core objectives' for management of community land categorised as a 'Park' and 'General Community Use'.

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

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

The core objectives for management of community land categorised as General Community Use are:

1. To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public including:
 - a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
 - b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
2. The land use objectives as outlined in the Coffs Harbour LEP are as follows:

RE1 Public Recreation:

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

R2 Low Density Residential:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

RU3 Forestry:

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses

E2 Environmental Conservation:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.



4.3 Ownership of the Land





The subject land is owned by the Crown and is managed by Council as Crown Land Manager under the CLM Act. No other restrictions, covenants or other management conditions have been identified on any of the land titles other than those outlined in sections 5.4.1-5.4.16.

5. CONDITION, USE AND FUTURE MANAGEMENT OF THE LAND AND STRUCTURES

5.1 Introduction

Section 36(3A)(a)(i)-(a)(ii) of the LG Act also requires that a PoM that is specific to a reserve, include a description of the condition of the land and any buildings or other improvements on the land and their use as of the date of adoption of the plan. In order to maintain continuity between Council's generic and specific PoMs, the assessment of any buildings located on land to which this PoM applies, was undertaken in a manner consistent with the condition categories specified in *Council's Building Asset Management Plan* (August 2019) as outlined in **Table 5.1.1** below.

Table 5.1.1: Condition categories in Council's Building Asset Management Plan

Condition	Rating	Remaining life	% of total value
 1	Very good	100%	29
 2	Good	75%	57
 3	Average	50%	11
 4	Poor	25%	2
 5	Very Poor	0%	1

Section 36(3A)(b)(i)-(b)(iii) of the LG Act also requires that a PoM that is specific to only one area of land must specify the purpose for which the land and buildings and improvements can be used, and the scale of intensity of any permitted use or development. Again, in order to improve continuity between generic and specific PoMs, Council has adopted the approach of specifying use and future development, regardless of the type of PoM.

The description of the condition of the land is focused on matters such as:

- the conservation status of the vegetation such as whether it is an Endangered Ecological Community;
- the presence of rubbish, pollution and invasive species;
- mapped estuarine macrophytes and key fish habitats;
- whether it is mapped bushfire prone land*, koala habitat, potentially contaminated land** or if the land appears on the DPIE Biodiversity Values Map V12- 2021***
- within the Flood Planning Level Area (FPL) and as per the 'Inundation Hazard 2100' study including whether the land falls within the flooding Annual Exceedance Probability (AEP) of 1% - See flood planning data below for more information.

Other factors relevant to the condition, use, management or development of a reserve may include land or water:

- that falls within a 100m buffer distance of the Solitary Islands Marine Park (in compliance with s.56 of the *Marine Estate Management Act 2014* and Part 5 of the [Environmental Planning and Assessment Act 1979](#));

- within 40m of rivers or streams of a 3rd order or greater resulting in the need for this as a buffer distance;
- within the mapping of the *SEPP (Resilience and Hazards) 2021* (which means Part 2. Div (1-5) may apply to any development) including:
 - coastal zone/coastal environment/coastal use
 - coastal wetland, coastal wetland proximity areas, littoral rainforest and littoral rainforest proximity areas
 - coastal lakes

* The Coffs Harbour LGA Bush Fire Prone Land dataset categorises vegetation communities based on structure and potential risk, and then provides a buffer.

The definition of bushfire vegetation categories is as follows:

- Vegetation Category 1 – highest risk and is represented as red on the Bush Fire Prone Land map and given a 100m buffer. This includes areas of forest, woodlands, heaths, forested wetlands and timber plantations.
- Vegetation Category 2 – lower risk and is represented as light orange on the Bush Fire Prone Land map and will be given a 30 metre buffer. This includes areas of rainforests, and managed land such as urban reserves.
- Vegetation Category 3 - medium risk and is represented as dark orange on the Bush Fire Prone Land map and given a 30 metre buffer. This includes areas of grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands. This is a new category from the previous version.

** Mapping was conducted by Rodger Dwyer and Associates Mapping Consultants of Coffs Harbour, and carried out in approximately October 2001. The potential contamination is land is classed as such on the basis of its industrial land zoning, or potentially contaminating land-use activities, or both. Land-use activities identified include, but are not limited to, railway yards, waste storage and treatment, chemical manufacture, engine works, landfill sites and service stations.

*** The DPIE Biodiversity Values Map (BV Map V12 - 2021) identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The BV Map is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. The BV Map has been prepared by DPIE under Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Flood Planning Data and Analysis

The dataset used to underpin this study is used to identify the inundation areas for the 2100 planning horizon in the Coastal Hazard Study undertaken by BMT WBM Pty Ltd (2010, updated 2019) for the Coffs Harbour LGA coastline.

This dataset represents predicted flooding extents for the Coffs Harbour LGA. The initial mapping was conducted by BMT WBM in May 2013 and will subsequently be updated as new information becomes available. It was generated using model-predicted 1% AEP flood levels and LiDAR elevation data.

Flood Planning Level (FPL) is the combination of flood level plus freeboard selected for the floodplain risk management purpose. For Coffs Harbour City Council a FPL of (1% AEP + 500mm) is used to define properties subject to council's flood policy. The dataset was primarily designed to identify flood prone land, for interpretation at a property level scale

AEP - Annual Exceedance Probability, the chance of a flood of a given size or larger occurring in any one year usually expressed as a percentage e.g. a 1% AEP has a 1% (or 1 in 100) chance of occurring in any one year.

5.2 Permitted Future Use and Management of the Land & Structures - General

Table 5.2.1 below sets out the management issues, actions to achieve the 'Core Objectives' of the land use and measures used to assess performance.

The current and permitted future use and management of the reserves, as well as those management actions relating the reserve(s) outlined in Council's IP&R framework as required by the LG Act (Chapter 13, Part 2. s.402-406) are provided in this section of the PoM (Section 5) and are thereby authorised.

In addition to the existing and future land uses outlined above, **Table 5.2.1** sets out the range of management issues, means of achieving the 'Core Objectives' of the reserve's land use and measures used to assess management performance.

This PoM authorises Council to update, modify or undertake any repairs necessary to ensure that the buildings and infrastructure on the reserve remain in acceptable condition for the ongoing use by the community. Maintenance schedules are in place and may be modified as necessary by Council at any time and subject to funding. Access to adjacent landholdings for any lawful purpose via the reserve, is also authorised.

Table 5.2.1: Management issues, means of achieving core objectives and performance assessment

Management Issues	Means of Achieving Core Objectives	Assessing Performance
Maintenance of structures and infrastructure	Any repairs will be undertaken in a timely manner	Building Assessment report
Mowing/gardening	Mowing as necessary to ensure safe pedestrian use, parking and bushfire protection	Observation of suitability of mowing frequency
Vegetation management	Manage vegetation, including prescribed burning, to reduce bushfire threat, ensure pedestrian or vehicle access is unimpeded and to facilitate recreation	Regular inspections of vegetation
Road/footpath maintenance	Roads (sealed or otherwise) & footpaths are kept in a sound condition	Regular inspections
Invasive species	As far as resources permit, control of weeds and feral animals including participating in any regional control programs with other councils, LLS or the NPWS.	Weed abundance and distribution
Pedestrian access	Ensure that paths/corridors/tracks/open spaces/foreshores are kept free of debris/vegetation/rubbish or items in use by any adjacent land user	Frequency of complaints about access difficulty
Vehicle parking	Areas suitable for parking will be so marked and maintained for that purpose	Observations of parking suitability during peak use

Litter collection & illegal dumping	Regular litter collections and any illegal dumping referred for enforcement action	Frequency of reports of illegal dumping/rubbish
Public recreation and use	Any facilities to enhance public use will be maintained and measures adopted to facilitate appropriate use of the reserve	Regular inspections of facilities
Native Title rights & interests	Protection of the rights and interests of those who hold or may hold Native Title, by ensuring future acts are undertaken in accordance with the Native Title Act 1993	Future Acts that may affect Native Title reviewed by Native Title Manager
Exclude or restrict public access where applicable	Where the current use or physical status of a reserve is not conducive to public use, appropriate signage, fencing & or barriers are installed.	Incidence of access to off-limits areas
Leases, licenses & other estates including easements	Applications for leases, licenses or other estates consistent with the Core Objectives of the category of the land are granted. Council may also request of the Minister that an easement be created over the land	Numbers of applications granted & rejected

This PoM authorises Environmental Protection Works (EPW) to be undertaken in Coastal Wetland and Littoral Rainforest Areas (as defined by clause 10 of the State Environmental Planning Policy – Coastal Management 2018) by Public Authorities under Part 5 of the EP&A Act. Environmental Protection Works (EPW) and factors relevant to EPWs include:

- those works that would meet the definition in the LEP, that is: “environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works”;
- those typically undertaken by public authorities on an as needs basis as part of their general environmental management works;
- consideration for any vegetation removal in the Coastal Wetland and Littoral Rainforest Area (which may form part of EPW), in that it may trigger a Biodiversity Development Assessment Report (BDAR) under the *Biodiversity Conservation Act 2016* (this does not include marine vegetation protected under the *Fisheries Management Act 1994*).
- any other works not including EPW in the Coastal Wetland and Littoral Rainforest Area would be deemed Designated Development under the EP&A Act.

The following activities meet the definition of EPW:

Revegetation works, weed control, dune rehabilitation, bush regeneration, erosion control* and bank protection and stabilisation*.

For those items marked with an asterisk (*), the primary intent of the works must be other than for coastal protection. For example, the works may be intended to protect the health of a

waterway by preventing erosion and sedimentation, to re-establish riparian vegetation and/or improve its growth and retention, to provide fish habitat, etc.

5.3 Permitted Future Development of the Land - General

The reserve(s) listed in the following sections (5.4.1 – 5.4.16) may be developed and managed to enable the land to be used for public open space and recreation purposes; provide a range of recreational settings, activities and compatible land uses; and to protect and enhance the natural environment for recreation purposes consistent with the intent of the gazetted purpose of the reserve(s), previous and current use and the 'Core Objectives' of the land use of the reserve(s) as outlined in s.36I of the LG Act.

Consequently, this PoM authorises, within the requirements of relevant legislation, future development of the land for the purpose of effecting:

- Alterations, additions and improvements to the existing land, buildings and infrastructure to provide improved facilities for the uses permitted by this PoM including alterations, additions or improvements to enhance recreational uses, passive and active recreation, educational, cultural, leisure, health; and social activities; and
- Alterations to internal roads and car park layouts to improve access and parking associated with future use and development; and
- Rationalisation of any facilities to improve effectiveness and utilisation for multiple user groups; and
- Commercial opportunities.

Future development may include:

- Extension(s), renovations and improvements to the existing buildings pursuant to relevant legislation, SEPPs, and Council's Planning instruments and policies;
- Upgrades to the existing public facilities to accommodate appropriate community use; and
- Development of infrastructure to meet the needs of the community as identified in:
 - a) MyCoffs Community Strategic Plan;
 - b) Delivery Program or Operational Plan;
 - c) Coffs Harbour Community and Cultural Facilities Plan 2021-2031
 - d) Any Masterplan that applies to the land; and
 - e) Public Realm Strategy (draft at time of writing).

This PoM also permits the rationalisation of any buildings and facilities under lease and or licence agreements as long as all proposed works obtain written and/or development approval from Council. Where it is proposed to construct or establish a 'public work' on the reserve(s) and where native title is not extinguished, prior to approval Council will notify and give an opportunity to the relevant representative Aboriginal/Torres Strait Islander body, registered native title claimants or registered native title bodies corporate as the case may be, in relation to the land or waters covered by the proposed work as required under the *Native Title Act 1993*.

Council may also request of the Minister that an easement be created over the land if at any stage there is an ongoing need to access the reserve(s) as necessary to undertake the works referred to in s.191A of the LG Act and in compliance with s.5.50 of the CLM Act.

No future act (within the meaning of the *Native Title Act 1993*) is permitted on the following lands:

- Jarretts Creek Reserve (R.700046).
- Lowanna Orara West Reserve (R.1002195).
- Nana Glen Reserve (R.1002197)

Unless:

- a) the lands become excluded land for the purposes of the Crown Land Management Act 2016, or
- b) the act is a tenure which satisfies the requirements of Section 24HA (Management of Water and Airspace) of the Native Title Act 1993, or
- c) the act is a facility which satisfies the requirements of Section 24KA of the Native Title Act 1993, or
- d) the act is a low impact act and satisfies the requirements of Section 24LA of the Native Title Act 1993.

Any act authorised under Section 24LA of the Native Title Act 1993 will terminate, after an approved determination of native title is made in relation to the land or waters, if the determination is that native title exists.

5.4 Condition, Use, Future Development and Management of the Land and Structures – Reserve Specific

5.4.1 Stanlan Park Reserve

Sited on the western side of the Pacific Highway bordering Coffs Creek, Stanlan Park, otherwise known as the Marjorie Street reserve on the Crown Land Managers Portal, is comprised of open space adjacent to the road (**Figure 5.4.2**) transitioning to dense riparian vegetation along Coffs Creek. There are no facilities located on the reserve.

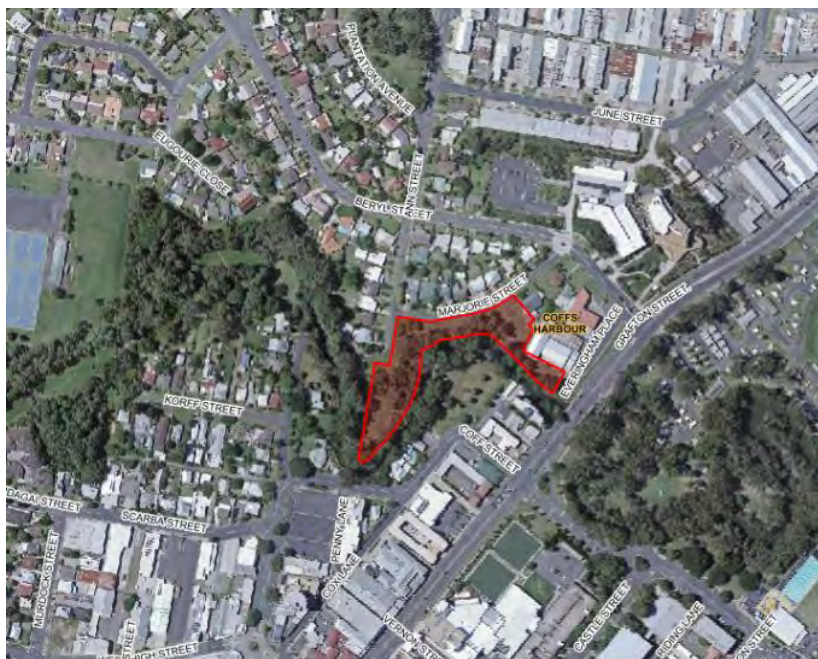


Figure 5.4.1: Aerial image Stanlan Park reserve R86719



Figure 5.4.2: Street view Stanlan Park reserve

The land possesses a range of natural values and attributes with the most significant of these being:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area
- Koala Habitat - Primary
- Acid Sulfate Soil (ASS) - Class 4 and Class 5
- Biodiversity Values Map V12 – 2021
- 100m buffer SIMP
- 40m river buffer
- Inundation Hazard 2100 – ‘Almost Certain’ for parts of the reserve adjacent to Coffs Creek
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area

Current management of the reserve is limited to vegetation/weed management and is included on Council’s slashing/mowing schedule of up to every 2 weeks, depending on season.

A Title Search revealed the following:

1. Notification in government gazette dated 6-8-1976 fol3356-3357. Easement for pipeline 5 metres wide and variable affecting the part of the land above described shown as proposed easement 5 metres wide and variable for pipeline in CP 4940.3050.
2. Notification in government gazette dated 6-8-1976 fol 3356-3357. Easement for access variable width affecting the part of the land above described shown as proposed easement variable width for access in cp 4940.3050. easement now vested in Coffs Harbour City Council vide Gov.Gaz. dated 10-2-1995 fol817.

5.4.2 Moonee Street Reserve

The reserve is comprised of open space at the end of the cul-de-sac with direct access to Coffs Creek through an open understory of native vegetation. There are no facilities located on the reserve.



Figure 5.4.3: Aerial image Moonee Street reserve R87080



Figure 5.4.4: Street view Moonee Street reserve

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area
- Koala Habitat - Primary
- ASS – Class 4
- Biodiversity Values Map V12 – 2021
- 100m buffer SIMP
- 40m river buffer
- Inundation Hazard 2100 – ‘Almost Certain’ for parts of the reserve adjacent to Coffs Creek
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area

Current management of the reserve is limited to vegetation/weed management and is included on Council’s slashing/mowing schedule of up to every 2 weeks, depending on season.



Figure 5.4.5: Coffs Creek at Moonee Street reserve

A Title search revealed no encumbrances applicable to the land.

5.4.3 Baden Powell Park Reserve

Baden Powell Park is bordered by Coffs Creek to the north and west and is accessed via Coff Street. It is comprised of open space, a picnic table and limited areas of landscaping. Current management of the reserve is limited to vegetation/weed management and garden bed maintenance. It is included on Council’s mowing schedule of up to every 2 weeks, depending on season.



Figure 5.4.6: Aerial image Baden Powell Park reserve R87486



Figure 5.4.7: Street view Baden Powell Park reserve

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area
- Koala Habitat - Primary
- ASS - Class 4 and Class 5
- Biodiversity Values Map V12 – 2021

- 100m buffer SIMP
- 40m river buffer
- Inundation Hazard 2100 – ‘Unlikely’
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area

A Title Search revealed the following:

1. Notification in Government Gazette dated 05/06/1987 fol. 2801 easement for electricity purposes 4.4 metre(s) wide affecting the part of the land above.

5.4.4 Eastern Dorrigo Community Hall and Showground

The small village of Ulong, located in the far west of the LGA, is served with the showground, community hall, playground and public toilets and shower that are located on the reserve.

A Venue Management Committee (which is a Section 355 Committee, being formed under s.355 of the LG Act) is responsible for the care, control and management of the venue. Such responsibilities include but are not limited to, taking bookings, collection of fees, paying accounts, administration, contract cleaning, undergoing maintenance, maintaining an asset register and reviewing the Facility Business Plan. At the time of writing, the work of this committee is expected to continue into the future.



Figure 5.4.8: Aerial image Eastern Dorrigo Community Hall and Showground R89227

Council maintains the playground and open space. Contractors are employed to mow on a regular basis and the playground is on Council's quarterly safety inspection schedule. The Venue Management Committee manages camping on the reserve and the use of the sportsground.



Figure 5.4.10: Reserve playground



Figure 5.4.9: Reserve campground sign



Figure 5.4.11: Street view Eastern Dorrigo Community Hall, public toilets and showground

The land possesses a range of mapped attributes including:

- Bushfire Prone Land - Category 3
- 40m river buffer

Examples of the types of uses that are planned for the reserve and which this PoM authorises include initiatives that encourages;

- informal and formal recreational use;
- additional campers or improvements to camping capacity;
- festivals, markets, sporting fixtures and concerts; and
- education, economic activity, emergency management use, essential services, community convenience etc

A Title search revealed no encumbrances applicable to the land.

5.4.5 Emerald Beach Headland/Fiddamans Creek Reserve

This reserve is comprised of three separate parcels (Lots), with the main area of interest from a public use perspective being the northern area of the headland as shown below in figures 5.4.14 and 5.4.16. The Signal street parcel consists of open space (**figure 5.4.17**) while the parcel that follows Fiddamans Creek (**figure 5.4.15**) is located behind the private dwellings on Fiddamans Road.



Figure 5.4.12: Aerial view Emerald Beach headland and Fiddamans Creek reserve R91331



Figure 5.4.13: Fiddamans Creek parcel

The only major infrastructure on the reserve is the staircase on the headland parcel that is maintained by the NSW National Parks and Wildlife Service (NPWS) which has also advised Council that it intends to seek approval to add this land parcel (Lot 7303) to the adjoining Moonee Beach Nature Reserve. The NPWS has also advised that it intends to upgrade this staircase and the walking track.

The Emerald Beach foreshore area is also undergoing a master planning process. Although the Crown reserves are at the periphery of this work, any outcomes resulting from this process may be applied to the reserves.



Figure 5.4.14: Emerald Beach Headland



Figure 5.4.15: Signal Street parcel

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area

- ASS - Class 2 (Fiddamans Ck parcel) and Class 5 ASS (headland and Signal St)
- Endangered Ecological Community (EEC) - Swamp Sclerophyll Forest (western end of Fiddamans Ck parcel) and Themeda Grassland (Headland parcel)
- General Erosion Risk Study 2100 – ‘Medium’ (headland parcel) and ‘Extreme’ (Fiddamans Ck parcel)
- Beach Erosion Hazard Study 2100 - ‘Rare’
- Bushfire Prone Land - Category 1 (western edge Fiddamans Ck Parcel)
- Inundation Hazard 2100 - ‘almost certain’ (some parts of the Headland and Fiddamans Ck Parcel)
- Flooding - Flood Planning Level (FPL) area

None of the land is actively managed by Council as residents mow the land immediately behind their houses along Fiddamans Ck and the NPWS manages the headland parcel. A water main is also located under the Fiddamans Ck land parcel, but routine access is not required.

A Title search revealed no encumbrances applicable to the land.

5.4.6 North Emerald Beach Headland Reserve

Located on the headland at the far north of Emerald Beach, public access to the reserve is restricted by the fact that the adjacent land, with the only access track, is privately owned. The only other access is via walking the length of Emerald Beach. The reserve is sandwiched between the Coffs Coast Regional Park to the south and Moonee Beach Nature Refuge to the north. The NPWS has advised Council that it intends to seek approval to add this land parcel to the adjoining Moonee Beach Nature Reserve.

Given the restricted access and limited public use there is no active management by Council although there may be future measures such as invasive species control in co-operation with the NPWS.

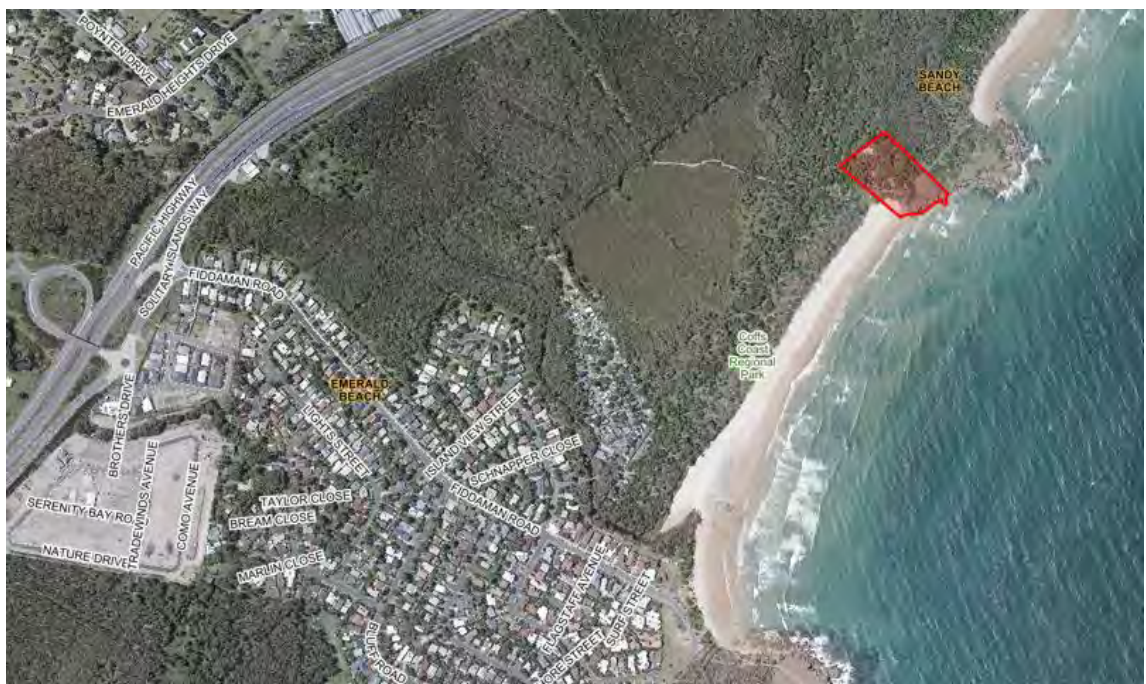


Figure 5.4.16: Aerial view North Emerald Beach reserve R93479

The land possesses a range of mapped attributes including:

- ASS - Class 5
- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area, Coastal Wetlands Proximity Area and Littoral Rainforest Area
- Bushfire Prone Land – Category 1 and 2
- EEC - Littoral Rainforest and Themeda Grassland
- Biodiversity Values Map V12 – 2021
- 100m buffer SIMP
- 40m river buffer
- Beach Erosion Hazard Study 2100 - ‘Almost Certain’
- General Erosion Risk Study 2100 - ‘Extreme’ for the lower laying portion of the reserve

A Title search revealed no encumbrances applicable to the land.

5.4.7 Noomba Street Reserve

Known as the Noomba Street reserve the land is located adjacent to both Noomba St and Laguli Drive at Toormina. It comprises both open space adjacent to the street with dense vegetation in the centre and towards the rear of the reserve which backs onto private property. There are no facilities or infrastructure on the reserve.

Current management of the reserve includes vegetation/weed management and it is included on Council’s slashing/mowing schedule of up to every 2 weeks, depending on season.



Figure 5.4.17: Aerial view Noomba Street reserve R95587



Figure 5.4.18: Street view Noomba Street reserve

The land possesses a range of mapped attributes including:

- ASS – Class 5
- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area

Current management of the reserve includes vegetation/weed management and it is included on Council's slashing/mowing schedule of up to every 2 weeks, depending on season.

A Title search revealed no encumbrances applicable to the land.

5.4.8 Sunset Reserve

Bounded by Woolgoolga Creek and its tributaries and the Sunset Caravan Park, this reserve provides access to the creek and open space for the residents and guests of the caravan park, who are the main users of the reserve.

Over the years, the reserve has been encroached upon with structures associated with the caravan park. As a result, a licence agreement (RN 620406) now exists between the Sunset Caravan Park Pty Ltd and the Crown Lands Division of the Department of Planning & Environment to remove the structures encroaching on the reserve, any rehabilitation works and maintenance such as weed control and mowing, at which point it will return to community use.



Figure 5.4.19: Aerial view Sunset reserve R140004



Figure 5.4.20: Eastern view between Woolgoolga Creek and caravan park



Figure 5.4.21: Northern boundary Woolgoolga Creek



Figure 5.4.22: Eastern boundary



Figure 5.4.23: Northern side of reserve view south between tidal tributary and caravan park

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area and Wetland Proximity Area
- ASS - Class 3
- EEC - Subtropical Coastal Floodplain Forest and over-cleared Paperbark Swamp Forest
- Bushfire Prone Land - Category 1 & 2
- Inundation Hazard 2100 – ‘Almost Certain’
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area
- 100m buffer SIMP
- 40m river buffer
- Koala Habitat – Secondary
- Key Fish Habitats - Coastal Lagoons/Lakes and Water

Current management of the reserve includes vegetation/weed management and it is included on Council’s slashing/mowing schedule of up to every 2 weeks, depending on season.

A Title Search revealed the following:

Notification in Government Gazette dated 6-1-1995 fol.32 easement for sewer pipeline as set out in memorandum e931212 affecting the part of the land above described shown as proposed easement for sewerage rising main 5 wide and variable in DP647690. Easement now vested in Coffs Harbour City Council see Gov. Gaz. 13-01-1995 Fols. 354 – 355.

5.4.9 River Street Woolgoolga

Directly opposite the Guru Nanak Sikh Temple on River Street, the land is comprised of a Dry Sclerophyll Forest vegetation community and some open space. The only infrastructure on the land is a footpath used for access to the adjacent residential areas.



Figure 5.4.24: Aerial view River St Woolgoolga reserve R140070

Current management of the reserve includes footpath maintenance, vegetation/weed management and it is included on Council's slashing/mowing schedule of up to every 2 weeks, depending on season.



Figure 5.4.25: Street view River St Woolgoolga reserve

The land possesses a range of mapped attributes including:

- ASS – Class 5
- Bushfire Prone Land – Category 1

A Title search revealed no encumbrances applicable to the land.

5.4.10 Jarretts Creek Reserve

This reserve consists of a number of land parcels of varying shapes and sizes and surrounds much of the northern side of Woolgoolga's town centre (**Figure 5.4.26**). It consists of a mixture of public open space and native vegetation (**Figure 5.4.27**) as well as infrastructure in the case of the Woolgoolga RFS building (**Figure 5.4.28**) below.

The *Coffs Harbour City Council Building Condition Assessment Report and Maintenance Schedule – March 2019* undertaken by civil engineering consultants GHD, rates the condition of the structures on the reserve in accordance with the categories outlined in **Table 5.1.1** and rates the overall condition of the RFS shed as Category 2 'Good'.

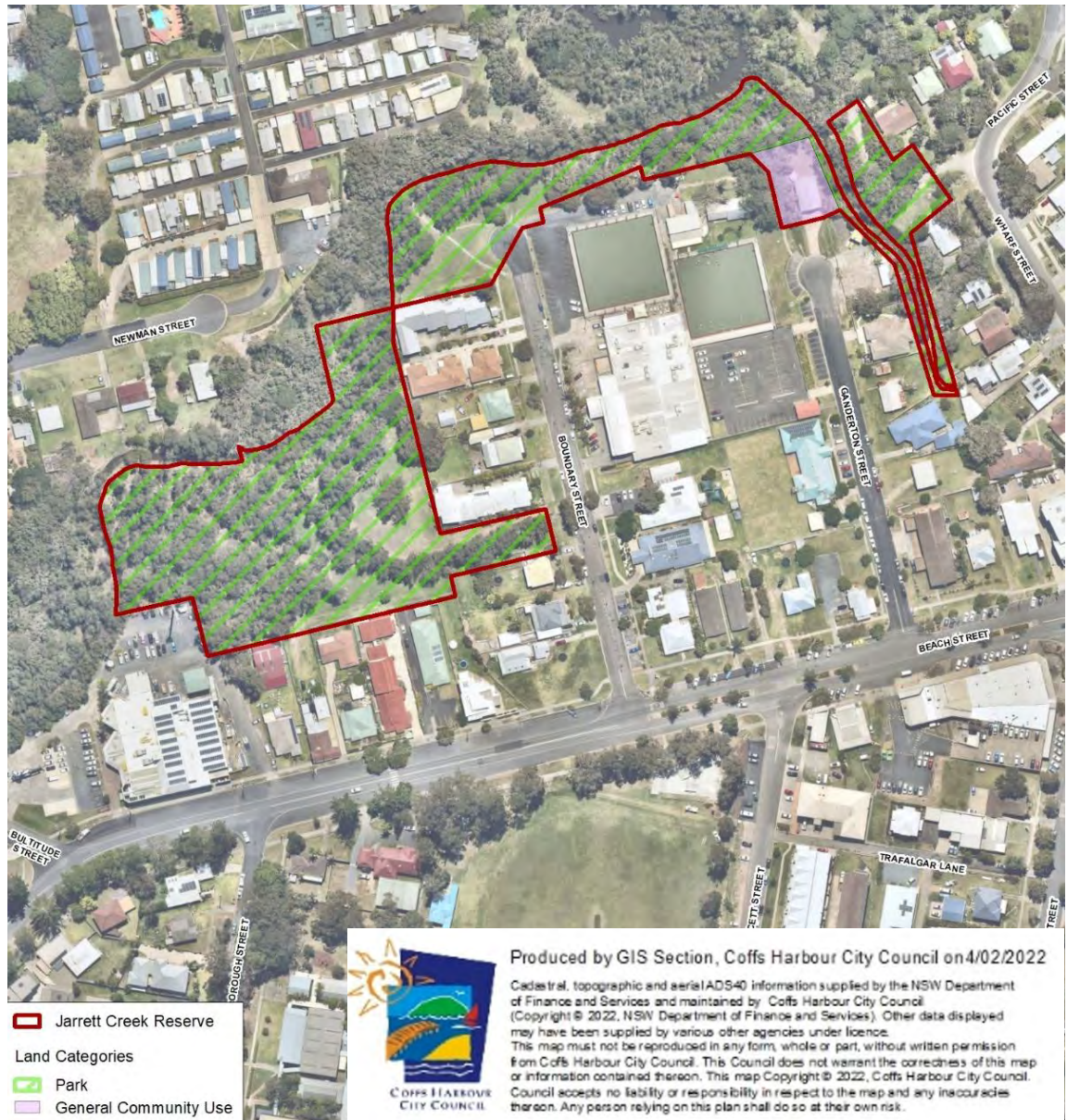


Figure 5.4.26: Aerial view and categorisation - Jarrett's Creek reserve R700046

The 2013 Partnership Agreement between NSW State Emergency Service and Coffs Harbour City Council and Coffs Harbour Rural Fire District Service Agreement 2012 are discussed in more detail in section 3.10. Under the current arrangements, because the buildings and ancillary infrastructure such as fencing and water tanks are Council assets, Council will maintain them in good order and repair, inclusive of regular, routine and required maintenance. NSW RFS will assume responsibility for direct costs related to the operation of the buildings such as power, cleaning and pest control. Lawn mowing is also the responsibility of the RFS.

There are no significant changes to management proposed for the reserve at the time this PoM was prepared. However, Council commits to facilitate any future variations in management that the RFS may require, and this PoM authorises any form of works necessary to improve the utility of the land or structures for emergency services use.



Figure 5.4.27: Boundary St view north



Figure 5.4.28: Woolgoolga RFS station on Ganderton Street

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area
- ASS - Class 3
- EEC - Subtropical Coastal Floodplain Forest and over-cleared Paperbark Swamp Forest
- Bushfire Prone Land - Category 1
- Inundation Hazard 2100 – ‘Almost Certain’
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area
- 100m buffer SIMP
- Koala Habitat – Secondary

Current management of the reserve includes vegetation/weed management and it is included on Council’s slashing/mowing schedule of up to every 2 weeks, depending on season. The reserve also forms the Woolgoolga base for the RFS with the shed housing firefighting equipment.

A Title Search revealed the following:

Lot 7043 - Notification in Government Gazette dated 06-01-1995 fol.32. Easement for sewerage rising main 5 wide and variable affecting part of the land above described shown so burdened in DP647690. Easement now vested in Coffs Harbour City Council Vide Gov. Gaz dated 13-01-1995 fol354 and 355.

LOT 7042 - Notification in Government Gazette dated 6-1-1995 fol.32. Easement for sewerage rising main 5 wide and variable affecting the part shown so burdened in DP 647690 easement now vested in Coffs Harbour City Council see Gov. Gaz. dated 13-01-1995 fols. 354-355.

LOT 7035 - Notification in Government Gazette dated 06-01-1995 fol.32. Easement for sewerage rising main 5 wide and variable affecting part of the land above described shown so burdened in DP647690. Easement now vested in Coffs Harbour City Council Vide Gov. Gaz dated 13-01-1995 fols.354 and 355.

5.4.11 Lowanna Orara West Reserve

This reserve is in a reasonably isolated location covered in wet sclerophyll forest and is surrounded by the Orara West State Forest west of Lowanna village. There are no facilities or infrastructure located on the reserve other than burial sites, having once been a cemetery.



Figure 5.4.29: Aerial view Lowanna Orara West reserve R1002195

The area was first surveyed by Thomas H Loxton on 31 January 1906. In November 1911 the land was declared as the Lowanna Cemetery. The cemetery covered an area of 12.7 acres and contained at least eight sections. It officially closed by the Coffs Harbour City Council on 19 March 1990, by Order Number 30803.

Despite being heavily overgrown and with physical evidence of most burials being very difficult to find, it is still of local significance as the former cemetery for Lowanna. It provides a record of the early development of the village and surrounding districts. The former Lowanna Cemetery forms a group with other early cemeteries and pioneer gravesites within the Coffs Harbour Local Government Area. These sites are some of the earliest surviving built remains of the pioneering community, and are a reminder of the hardships of pioneer settlement.



Figure 5.4.30: Access track off Bushmans Range Road



Figure 5.4.31: Grave on side of access track

The land is mapped Class 1 Bushfire Prone Land. Future management may include vegetation management/forestry activities or actions such as fencing or works in relation to rehabilitating grave sites and or any investigations in relation to the location of burials.

A Title search revealed no encumbrances applicable to the land.

5.4.12 Lowanna Village Reserve

Flanked by the Little Nymboida River, the Lowanna Village Reserve is primarily used by the RFS which has its shed located on the land as well as a small playground, picnic table and recently upgraded public toilets. A tennis court that is now in a state of disrepair is also on the reserve.



Figure 5.4.32: Aerial view Lowanna village reserve R85692



Figure 5.4.32A: Aerial view Lowanna village reserve R85692 showing categorisation

Current management of the reserve includes vegetation/weed management and regular slashing/mowing is undertaken by contractors. Future actions may include upgrades to the playground and or re-development of the old tennis court into new sporting or recreational facilities. The reserve forms the Lowanna base for the RFS with the shed housing its firefighting equipment. The land is mapped Category 2 and 3 Bushfire Prone Land.



Figure 5.4.33: Street view of reserve



Figure 5.4.34: RFS shed and public toilets

The *Coffs Harbour City Council Building Condition Assessment Report and Maintenance Schedule – March 2019* undertaken by civil engineering consultants GHD, rates the condition of the structures on the reserve in accordance with the categories outlined in **Table 5.1.1** and rates the overall condition of the RFS shed as Category 2 'Good'. The toilets have been replaced since the GHD assessment was undertaken but would be classified as Category 1 'Very Good'.

The 2013 Partnership Agreement between NSW State Emergency Service and Coffs Harbour City Council and Coffs Harbour Rural Fire District Service Agreement 2012 are discussed in more detail in section 3.10. Under the current arrangements, because the buildings and ancillary

infrastructure such as fencing and water tanks are Council assets, Council will maintain them in good order and repair, inclusive of regular, routine and required maintenance. NSW RFS will assume responsibility for direct costs related to the operation of the buildings such as power, cleaning and pest control. Lawn mowing is also the responsibility of the RFS.

There are no significant changes to management proposed for the reserve at the time this PoM was prepared. However, Council commits to facilitate any future variations in management that the RFS may require, and this PoM authorises any form of works necessary to improve the utility of the land or structures for emergency services use.



Figure 5.4.35: Playground & picnic table



Figure 5.4.36: Tennis court in disrepair

A Title search revealed no encumbrances applicable to the land.

5.4.13 Hearnese Lake Reserve

Immediately north of Hearnese Lake and extending to the southern end of Woolgoolga Back Beach, this reserve is densely vegetated (**Figure 5.4.37**). Access is restricted to one track at the far southern edge of the reserve which exits into an informal parking area (**Figure 5.4.38**) which then provides direct access to Hearnese Lake Beach/Flat Top Rock and Woolgoolga Back Beach. The western boundary of the reserve is set against private landholdings further restricting access.

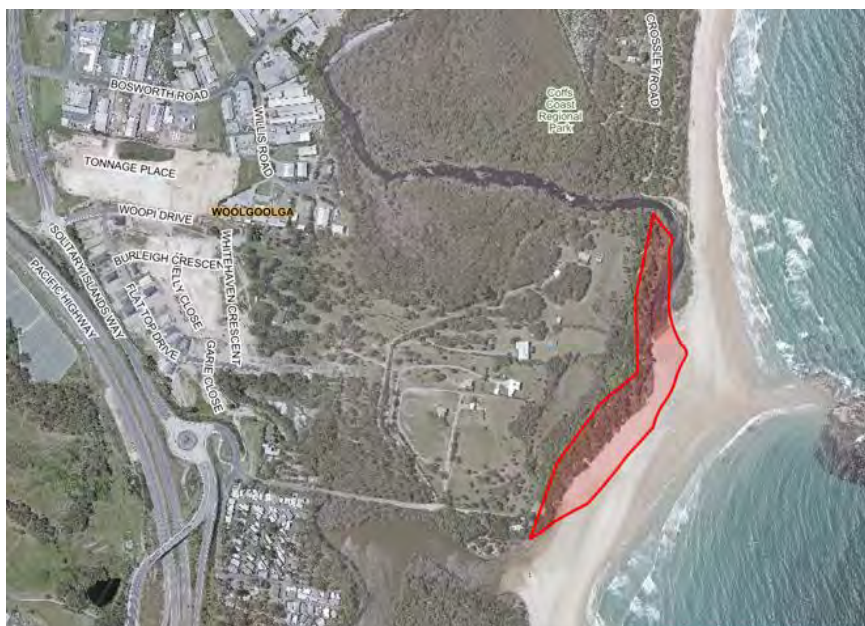


Figure 5.4.37: Aerial view Hearnese Lake reserve R74543



Figure 5.4.38: Southern end of the reserve at the end of the access track

There is currently no active Council management of the reserve. Future management may include invasive species control, vegetation management and or measures to manage public access.

The land possesses a range of mapped attributes including:

- SEPP (Resilience and Hazards) 2021 - Coastal Zone/ Coastal Use/ Coastal Environment Area, Coastal Wetland Proximity Area, Littoral Rainforest and Littoral Rainforest Proximity Area
- ASS - Class 1, 2 & 5
- EEC – Littoral Rainforest and Swamp Sclerophyll Forest
- Bushfire Prone Land - Category 1, 2 and 3
- Key Fish Habitats
- Inundation Hazard 2100 – ‘Almost Certain’ with ‘Rare’ and ‘Unlikely’ ratings covering more minor areas of the land
- Flooding – 1 % AEP Flood Extents and Flood Planning Level (FPL) area
- 100m buffer SIMP
- Koala Habitat – Secondary
- Biodiversity Values Map V12 – 2021
- 100m buffer SIMP
- 40m river buffer
- Beach Erosion Hazard Study 2100 - ‘Almost Certain’
- General Erosion Risk Study 2100 - ‘Medium’ for the lower laying portion of the reserve and ‘Low’ elsewhere

A Title search revealed no encumbrances applicable to the land.

5.4.14 Nana Glen Reserve

This reserve is located just outside the village of Nana Glen (**Figures 5.4.39 & 5.4.40**) below, and has been used in the past as a cemetery although the physical evidence of this is scant with one grave marker remaining (**Figure 5.4.41**) and a number of what are likely to be burials as indicated by the earth having subsided.

The cemetery was a paddock which was dedicated as a public cemetery in 1924, following the closure of the first Nana Glen Cemetery. It was used intermittently and only eight burials are known to have taken place. The first burial is thought to be of Horace Shepherd (age 21), who died 16 June 1924. The other suspected burials are of four babies aged between stillborn and two months old, one elderly male and one elderly female.

The land has also previously been used for stock agistment by adjacent landholders although this is currently not occurring. The reserve is not generally utilised for any purpose by the general public and there are no facilities or infrastructure located on the land. It is rated as Category 3 Bushfire Prone Land.



Figure 5.4.39: Aerial view Nana Glen reserve R1002197

Current management of the reserve includes vegetation/weed management and it is included on Council's slashing/mowing schedule. Future management may include actions such as fencing or works in relation to rehabilitating grave sites and or any investigations in relation to the location of burials.



Figure 5.4.40: Street view Nana Glen reserve



Figure 5.4.41: Only known remaining grave marker

A Title search revealed no encumbrances applicable to the land.

6. LEASES, LICENCES AND OTHER ESTATES

6.1 Legislative Requirements

Local Government Act 1993

Sections 45-47AA of the LG Act establishes the restrictions and requirements on Council in relation to the granting of new leases, licences and other estates for 'community' land.

These may only be granted if:

- The plan of management expressly authorises the lease etc;
- The purpose of the lease etc is consistent with the core objectives for the category of land on which it is issued; and
- The lease is for a purpose consistent with Section 46 of the LG Act, such as the provision of public utilities, public roads and carrying out of activities that are appropriate to the current and future needs of the local community and of the wider public in relation to public recreation.

Section 46-46A of the LG Act requires that tenders must be called for all leases of 'community' land over five years, unless the lease is to be granted to a non-profit organisation, and that leases not be granted for more than 21 years. Section 47 of the LG Act sets out the requirements where Council proposes to lease 'community' land for a period greater than 5 years including:

- Public notification;
- Consideration of submissions; and
- Consultation with the Minister if a submission is by way of objection.

Section 47A of the LG Act establishes the requirements where Council proposes to lease 'community' land for a period less than five years. Clause 117 of the *Local Government (General) Regulation (LGR) 2021* exempts certain uses from the requirements of Section 47A where no permanent structures are erected. Exempt uses include:

- Public performance (theatre, musical and the like);
- Playing a musical instrument or singing for reward;
- Engaging in a trade or business;
- Playing of any lawful game or sport;
- Delivering a public address;
- Commercial photographic sessions;
- Picnics and private celebrations (including weddings and the like); and
- Filming.

Section 116.(1)(A-H) of the LGR 2021 also lists a range of uses that are 'prescribed as a purpose' in respect of which a council may grant a licence to use community land on a short-term, casual basis. These uses duplicate those specified in S.117 (dot points above) but also includes the agistment of stock. Section 47C of the LG Act prohibits the sub-lease of 'community' land unless it is notified under Section 47 or permissible in accordance with Clause 119 of the LGR 2021. Clause 119 permits the sub-lease of refreshment kiosks, and allows dances and private parties for a sporting club.

Section 68 of the LG Act specifies a range of activities where approvals are required to be obtained from Council. These are often in addition, or ancillary to, standard development application (DA) requirements and are known as 'section 68 approvals'.

Section 68 approvals required for activities on 'community land' include:

- Engage in trade or business;
- Direct or procure a theatrical, musical or other entertainment for the public;
- Construct a temporary enclosure for the purpose of entertainment;
- For fee or reward, play a musical instrument or sing;
- Set up, operate or use a loudspeaker or sound amplifying device; and
- Deliver a public address or hold a religious service or public.

A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval within the precinct area is guilty of an offence under the LG Act. Penalties apply for the offence.

Crown Lands Management Act 2016

Council as the Crown land manager of the reserve(s) can also issue a short-term licence under s2.20 of the CLM Act over these reserve(s). Purposes for which Council can issue a short-term licence include:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) mooring of boats to wharves or other structures,
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

A short-term licence may be granted subject to conditions specified by Council for a period up to a maximum of 12 months. The licence ceases to have effect when the term after it is granted expires, or is revoked sooner by Council. A short-term licence is also subject to the conditions prescribed by the CLM Act including any penalty that may be prescribed for failure to comply with the conditions of the short-term licence.

6.2 Future Leases, Licences and Other Estates

This PoM authorises Council to grant new licences for the 'prescribed purposes' outlined in Section 116.(1)(A-H) of the LGR 2021, s.68 of the LG Act and for the purposes outlined above in s2.20 of the CLM Act, including the use of a reserve for the placement of bee hives.

Leases, licences or any other estates for community land covered under this PoM may also be granted for purposes which are identified or consistent with, but not limited to, those examples in **Table 6.1**.

Other community, recreational and auxiliary uses as well as purposes of a commercial nature which assists the ongoing financial feasibility of the lessee to contribute to the public's amenity, safety, convenience and enjoyment of the 'community' land, may also be granted a lease, licence or other estate. However, any proposed use must not be inconsistent with the Core Objectives of the category of the land (as per S.36 of the LG Act) and are subject to relevant legislation and the approval of Council. All fees and charges will be levied in accordance with Council's adopted Fees and Charges at the time.

Table 6.1: Examples of purposes for which long-term leases, licences or other estate may be granted consistent with the reserve purpose and subject to Native Title Manager Advice

Type of Arrangement Authorised	Facilities covered	Purposes for which long-term leasing, licensing and other estates may be granted
Lease	Community buildings, facilities and land	Any lease proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses may include: <ul style="list-style-type: none"> ▪ café/kiosk areas ▪ child care or vacation care ▪ educational purposes including education classes, workshops or galleries ▪ health or medical practitioners associated with the relevant facility (e.g. Nutrition, physiotherapy) ▪ markets ▪ recreational purposes, including fitness classes; dance classes and games ▪ sporting uses developed/operated by a private operator ▪ Emergency services
Licence	Community buildings, facilities, land and water	Any licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses including:

		<ul style="list-style-type: none"> ▪ cultural purposes, including concerts, dramatic productions, temporary artistic installations and galleries ▪ educational purposes, including museums, education classes, workshops ▪ kiosk/café and refreshment purposes ▪ recreational purposes, including fitness classes, dance classes, Yoga, surfing schools etc ▪ social purposes (including child care, vacation care)
Other Estates	Community buildings, facilities and land	<p>This PoM allows Council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the <i>Local Government Act 1993</i>.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of the premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.</p>

6.3 Management Agreements

Land and/or facility management agreements generally relate to the management of Council land and facilities by individuals and businesses on behalf of Council but may also include Crown land where Council is the appointed land manager. Management agreements are a legally binding commitment between Council and the third party and are considered to be an ‘estate’ for the purposes of the LG Act and so are bound by any provisions relevant to the grant of an estate. Land management agreements may include:

- co-management agreements with local Landcare and/or traditional owner groups;
- land management (native vegetation) focused incentive funding (e.g. Crown Reserves Improvement Fund; Local Land Services; Green Corp; etc);
- government/conservation based training initiatives; and
- covenants in support of carbon credits under various state and national schemes.

Facility management agreements may include:

- co-management agreements with sports clubs and/or community groups;
- contractual arrangements to manage specific facilities (sports centres, holiday parks, etc); and
- “fee for service” agreements to maintain facilities and/or public amenities.

This PoM authorises Council as the Crown land manager of the reserve(s) to enter into a land and/or facility management agreement with a third party, subject to:

- Consistency with the principles of Crown land management under the objects of the CLM Act
- Compliance with the relevant provisions of the LG Act including S.46, S.47 and S.47A and in relation to any request for tender that may be made (S.55 of the LG Act);
- Consistency with the reserve purpose and the public’s use and enjoyment of the reserve;
- Consideration of native title and the rights and interests of the traditional owners of the land;
- Consideration of the impact of the agreement on future land use options for the reserve; and

- Funding required for ongoing maintenance responsibilities under the agreement.

6.4 Native Title Considerations

Any tenure or use agreement on Crown land may impact native title rights and interests and must be granted in accordance with the future act provisions of the *Native Title Act 1993* and Part 8 of the *Crown Land Management Act 2016*, unless native title is extinguished.

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

6.5 Leases, Licences and Other Estates at the Time of Adoption

As discussed in section 5.4.9 a licence agreement (RN 620406) now exists between the Sunset Caravan Park Pty Ltd and the Crown Lands Division of the Department of Planning and Environment.

There were no other leases, licenses or grant of estate for the land covered by this PoM at the time of adoption.



7. NATIVE TITLE MANAGER'S ADVICE

Written advice from a qualified native title manager has been received for the land covered by this PoM.

The following also appears on the Register as being affected by an Aboriginal Land Claim in pursuant to sections 36 or 37 of the *Aboriginal Land Rights Act 1983*:

- Lot 32 DP 717230 – Baden Powell Park
- Lot 7009 DP 1054087 – Noomba Street Reserve
- Lot 7019 DP 1054587 – Sunset Reserve
- Lot 361 DP 823586 & Lot 7044 DP 1113368 – Jarretts Creek Reserve



8. PLAN REVIEW AND AMENDMENT

This PoM will require periodic review in order to align with community values and changing community needs, and to reflect changes in Council priorities. The performance of this PoM will also be assessed on a regular basis to ensure the land and buildings are well maintained and provide a safe environment for the public.

Strategic reviews of this PoM will occur at 5 and 10 year intervals. The community will have an opportunity to participate in reviews of this PoM as part of the planning process as required by legislation and Council policies.