

DRAFT **NORTH TUNCURRY** **SPORTS AREA**

PLAN OF MANAGEMENT



Version control

Date	Comment
23 / 11 / 2021	Initial Draft (v0.2)
25 / 02 / 2022	Corrections following council officer review (v0.4)
10 / 03 / 2022	Minor amendments and update following commencement of the consolidated State Environmental Planning Policies (v0.5)
25 / 10 / 2022	Edits following native title investigation (v0.6)
28 / 07 / 2023	Edits following review by DPE-CL (v0.7)

Plan of Management Report prepared
by Lands Advisory Services Pty Ltd
PO Box 2317
Dangar NSW 2309



Email: enquiries@landsas.com.au

© Lands Advisory Services Pty Ltd 2021

Disclaimer:

Drawings, figures, analysis, forecasts and other details in this report have been prepared in good faith based on data and information supplied to Lands Advisory Services Pty Ltd by others. The data is believed to be correct at the time of publication of this report. However, it is noted that predictions, forecasts and calculations are subject to assumptions which may or may not turn out to be accurate. Lands Advisory Services Pty Ltd expressly disclaims all and any liability to any person or persons in reliance on the report and its contents in part or in whole.

Contents

Version control	2
Executive Summary	4
Part A – The site	6
1 Introduction	6
2 Legal Framework	11
3 Site description.....	14
4 Planning Instruments and Policies	16
5 The Physical Environment	25
6 The People.....	29
7 Current uses.....	31
8 Reserve Assessment	34
Part B – The Plan.....	44
9 A vision for the North Tuncurry Sports area.....	44
10 Objectives, classification and category of land.....	46
11 Development and management of the NTSA.....	49
12 Financial Sustainability	62
13 Implementation Plan	63
14 Consultation during the preparation of this Plan.....	67
15 Appendices.....	68
16 References	69
Appendix 1	71
Core Objectives for Categories of Community Land (<i>Local Government Act 1993</i>).....	71
Appendix 2	74
State Environmental Planning Policies which are relevant to the NTSA.....	74

Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. We extend our respect to Elders past and present, and to all future cultural-knowledge holders.

Executive Summary

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

The North Tuncurry Sports Area (NTSA) consists of Crown land which is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the Crown Land Management Act 2016 (CLM Act).

The NTSA is classified as community land under the Local Government Act 1993 (LG Act). MidCoast Council (Council) now manages all community land (Crown or Council-owned land), under one portfolio.

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

- Sportsground
- Park

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

A description of this land as it exists on the NTSA is provided. The current use, the built and natural assets and their condition, emerging trends, constraints and influences have been considered in this POM. Appropriate management objectives and actions, as well as an effective management structure and communication strategy for successful implementation are key outcomes provided by the POM.

In terms of the NTSA's development into the future, this POM draws on many of the concepts proposed in a Masterplan completed by the former Great Lakes Council for the NTSA in 2001¹, and a subsequent discussion paper and plan drafted in 2010². These earlier considerations by the former Council acknowledged the significance of such a sports centre as a unique attraction to the area, forming the basis for additional activities related to sport in keeping with the active living theme of the town and community, as well as providing for the needs of a growing population.

Additionally, this POM proposes changes to the management of the NTSA that are based on physical information gathered on site during the compilation of the plan, from a communication process which was initiated with the major user groups and respective members, and discussions with Council staff.

¹ *North Tuncurry Sporting Complex Master Plan* - March 23, 2001

² *Regional Sports Area Draft for Discussion Only* August 2010

The POM is presented in two principal sections being:

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

Part A – The site

1 Introduction

The NTSA is located towards the north-eastern extremity of the developed area of the town of Tuncurry on the mid north coast of NSW (see Figure 1). Tuncurry is approximately 225km northeast of Sydney and 530km south of Brisbane, and is immediately adjacent to its twin town, Forster, the larger of the two towns.



Figure 1 – Location

1.1 Brief Tuncurry history

Aboriginal people of the Worimi tribe occupied the area north of the Hunter River to the Great Lakes systems, and the Biripi people occupied the area from the Great Lakes north to the Manning River.³ Both tribes were of the *Kattang* language group⁴ comprising of a number of local groups

³ Great Lakes Council Heritage Study, May 2007: MidCoast Council: www.midcoast.nsw.gov.au.

⁴ Also spelt *Kuttung*, *Gathang*, *Gadang*, or *Gadhang*

(*nurras*) including the *Guringai*, and the *Wallamba*,⁵ which could be further sub-ordered into family groups. Each *nurra* had defined tribal areas though they are not currently known with any accuracy due to extensive detribalisation following European settlement. The *Wallamba* possibly had up to 500 members before European contact was made, and the middens around Wallis Lake area suggest that food from the land, lakes and the sea was plentiful.

Although European settlement most likely commenced in and around the current location of Tuncurry as early as the 1860s⁶, John Wright is attributed as being the first European to permanently settle there, after securing a land grant in 1875. The settlement which was originally called North Shore and then North Forster, was renamed Tuncurry in 1891, meaning "plenty of fish" in the local *Worimi* dialect. Tuncurry was proclaimed a village in 1893 and by that time was well known for its fishing, timber milling, boat building⁷ and dairying.

Hinterland settlement to the west (Failford, Nabadac and Coolongolook) initially relied on water transport through the Wallamba River and Wallis Lake to connect with coastal shipping but later road connections to Taree allowed greater association with the lower Manning River area.⁸ A fledgling tourist industry had also commenced by the end of the nineteenth century.

In 1959, a bridge linking Tuncurry with Forster was constructed across the Coolongolook River replacing the punt services which had operated since 1890. The bridge enabled a fusion of the two communities after that time and the towns were referred to as the *twin towns* created a common social and economic identity. This community has grown rapidly in recent decades, occupying the scenic precinct immediately eastwards of the confluence of three river systems - the Wallamba, which flows from the north-west, the Wallinghat, from the south-west, and the Coolongolook from the west.

On 12 May 2016, MidCoast Council was formed by NSW Government proclamation through the merger of the former Great Lakes, Greater Taree and Gloucester Shire Councils, on the Mid North Coast of New South Wales.

1.2 History of the North Tuncurry Sports area

When Tuncurry was proclaimed the land which is currently Bickford Park was on the northern boundary of the new village. The area immediately north of this site was subsequently part of a 1,400-acre reservation for plantation created in 1910.

In 1930 the plantation reservation was revoked in favour of a third extension to the Tuncurry State Forest resulting in the planting of a pine forest.

Portion 265 (see Figure 2) was surveyed in 1964 encompassing the current North Tuncurry Sports Complex and the area eastward to the South Pacific Ocean. This area was revoked from the State Forest in 1965, reserved for Future Public Requirements in 1965 and reserved for Public Recreation in 1967.

⁵ The Kabook and Watoo People of the Gringai Barrington River Gloucester, NSW; Robert Siron and Luke Russell 2018: www.hunterlivinghhistories.com/2-18/08/15/the-kabook-watoo/ The History of the Worimi People, Mick Leon. Tobwabba.com.au/worimi/index.html

⁶ Great Lakes Council Heritage Study, May 2007: MidCoast Council: www.midcoast.nsw.gov.au

⁷ Aussie Towns: Forster Tuncurry NSW - www.aussietowns.com.au/town/forster-tuncurry-nsw

⁸ Great Lakes Council Heritage Study, May 2007: MidCoast Council: www.midcoast.nsw.gov.au

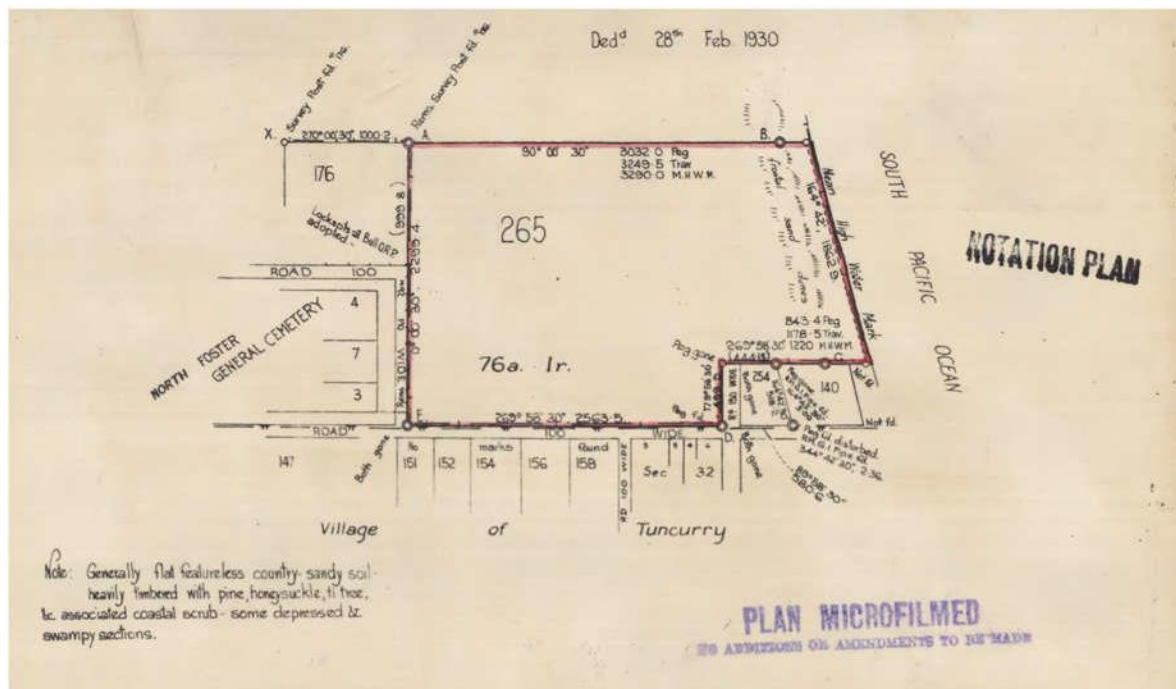


Figure 2 – Portion 265, Parish of Tuncurry, County of Gloucester

The 1967 Reserve was partly revoked in 1981 with the creation of a Special Lease for the Tuncurry Forster Leagues Club.

The current reservation for Public Recreation, R.96632 was created 4 March 1983.

Development of this Reserve as a competitive sporting venue began in the 1980's.

Back in the village, the current site for Bickford Park was first reserved in 1959 with the current reservation for Public Recreation, R.86532 being created 17 November 1967.

1.3 North Tuncurry Sports area

The NTSA is located on Crown land reserved for the purposes of Public Recreation on 17 November 1967 and 4 March 1983. Access is provided via Beach Street to the east and Pacific Parade to the south (see Figure 3 site map). Pedestrian access is available to the west from Parr Road

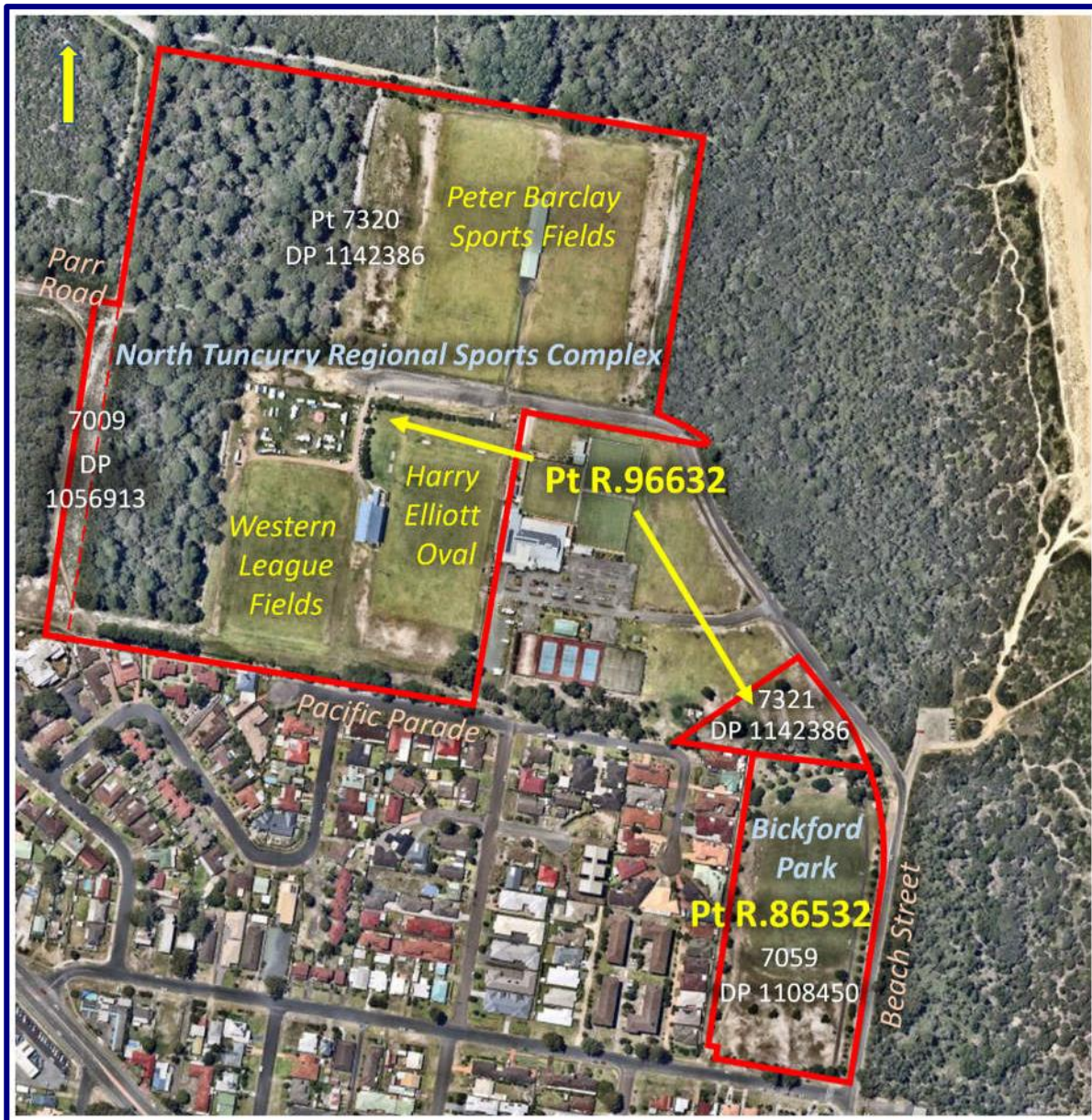


Figure 3 – Land subject to this Plan of Management - The land included in this Plan of Management is edged in red.

A range of popular sports are now played on the many fields which have been developed to meet the needs of the sporting fraternity and supporters of Tuncurry and the region. Subsequently, more fields and facilities have been added and works for the large grandstand on the main rugby league field commenced in 2007.

The NTSA includes the playing and training fields of the North Tuncurry Regional Sports Complex (NTRSC). This facility encompasses rugby league, rugby union, soccer, and tip football including respective grassed fields, built facilities (clubhouses, amenities, grandstand etc.) and car parking areas. The fields are largely sand-based offering good drainage and therefore minimal closures due to wet weather. The NTRSC contains the Harry Elliott Oval and the Western League Field which are the home grounds to rugby league, and the Peter Barclay Sports Complex⁹ occupying

⁹ Named after Peter Barclay who in 1986 put forward the proposal of creating a home for touch football in the Tuncurry area, with a vision that competition fees and canteen sales would be returned to the fields and amenities. Rugby union is also played there

the northern space, provide for a rugby union field and eight tip football fields.

The NTSA also includes the dog exercising and competition area within Bickford Park to the south-east, which is separated from the NTRSC, by land occupied by the Memorial Sports Club (Tuncurry Sporties Club) and Tennis Club with their respective greens, courts and parking areas. The Sports Club and Tennis Club are therefore not included in the NTSA for the purposes of this POM.

The NTSA is positioned on a system of low coastal sand dunes the majority of which have been mechanically *cut-and-filled* to create the level playing field capability. The remaining areas to the west are relatively undisturbed remnant dunes which therefore remain undeveloped off sporting fields and associated infrastructure.

This POM has been prepared in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community and the environment. It has been prepared to meet the requirements of the LG Act, as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

2 Legal Framework

2.1 Public Land

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

Under the LG Act, all public lands must be classified as either Community or Operational land. The NTSA, shown in Figure 3, has been previously classified 'Community' land, with the initial categorisation being for Sportsground and Natural Area (the NTRSC) and Park (Bickford Park).¹⁰

The purpose of the classification of Public land is to clearly delineate which land should be kept for use by the general public (Community) and which land need not be kept for that purpose (Operational). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a sportsground, hall, public park etc.,¹¹ Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold.
- cannot be leased, licensed or any other estate granted over the land for more than 21 years.
- must have a POM prepared for it.

2.2 What is a Plan of Management?

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

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

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

- category of the land.
- objectives and performance targets with respect to the land.
- means by which the council proposes to achieve the Plan's objectives and performance targets.
- manner in which the council proposes to assess the objectives and performance targets.
- condition of the land, and any buildings or other improvements on the land, as at the adoption of the Plan.

¹⁰ Assigned by Council under Section 3.23(2) of the CLM Act

¹¹ See the note to Chapter 6, Part 2 of the LG Act

- use of the land and any such buildings or improvements as at adoption.
- purposes for which the land, and any such buildings or improvements, will be allowed to be used.
- purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.
- scale and intensity of any such permitted use or development.

2.3 Types of Plans

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

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

POMs for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequently amendments to the plan may occur. This will be the first POM for the NTSA.

2.4 Relationship with Other Plans

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

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

- Andrews Reserve
- Bulahdelah Showground
- Cedar Party Creek
- Forster Foreshore
- Gloucester / Billabong
- Harrington Foreshore
- Nahiack Showground
- Part North Tuncurry Sports Complex (this POM)
- Old Bar Park
- Stroud Showground
- Taree CBD Foreshore
- Taree Regional Recreation Centre
- Wingham Foreshore
- Wingham Sporting Complex
- Wrigley Park

2.5 Categorisation and Objectives

As required by legislation for the purposes of the POM, community land is categorised as one of the following:

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

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

3 Site description

3.1 Land parcels

The NTSA includes:

- The NTRSC being:
 - Part Lot 7320 in DP 1142386¹²
 - Lot 7009 in DP 105691
- Bickford Park being
 - Lot 7059 in DP 1108450
 - Lot 7321 in DP 1142386

Refer to Figure 3 for Lot locations.

The property address of the NTSA is Beach Street Tuncurry NSW 2428.

The total planning area cover by this POM is approximately 21.2 hectares.

3.2 Ownership and Management

The NTSA is Crown land owned by the State of New South Wales.

Bickford Park is:

- part of the land subject to R.86532 for Public Recreation created 17 November 1967. 13
- part of the land subject to R.96632 for Public Recreation created 4 March 1983.¹⁴

The NTRSC is also part of the land subject to R.96632 for Public Recreation created 4 March 1983.

Council, as the Council of the Shire of Manning, was appointed trustee of R.86532 under the *Public Trust Act 1897* on 22 March 1968.

Council, as the Council of the Shire of Great Lakes, was appointed trustee of R.96632 under Section 37P of the *Crown Lands Consolidation Act 1913* on 4 March 1983.

Following various legislative changes in the management of Crown land, and changes in the areas and names of local government authorities Council is now Crown land manager of R.86532 and R.96632 for the purposes of the CLM Act.

All assets on the Crown land component of the NTSA are owned by the State of New South Wales.

Native Title

Crown land in Australia is subject to Native title under the *Native Title Act 1993* (Commonwealth). On Crown land Native title rights and interests must be considered unless:

¹² The remainder of Lot 7320 DP 1142386 is subject to the *Community Land Plan of Management*

¹³ The remainder of R.86532 is either revoked or subject to the *Community Land Plan of Management*

¹⁴ The remainder of R.96632 is either revoked or subject to the *Community Land Plan of Management*

- Native title has been extinguished; or
- Native title has been surrendered; or
- Determined by a court to no longer exist.

Some examples of acts¹⁵ which may affect Native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the issue of a lease or licence.
- the undertaking of major earthworks.

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

In relation to Lot 7321 DP 1142386 this POM restricts future acts to allow only low impact acts as described in s24LA of the *Native Title Act 1993*.¹⁶

Aboriginal Land Rights

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

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

¹⁵ An act is defined in Section 226 of the Native Title Act 1993 (Cwlth). An *act affecting native title* is defined in Section 227 of the Native title Act 1993 (Cwlth)

¹⁶ Lot 7321 DP 1142386 is subject to a Section 31 agreement under the *Native Title Act 1993* and the restriction will remain in place until this agreement is resolved.

4 Planning Instruments and Policies

4.1 Land Zoning

Under the *Great Lakes Local Environment Plan 2014* (LEP)¹⁷, the whole of the NTSA is zoned RE1 – Public Recreation (See Figure 4).

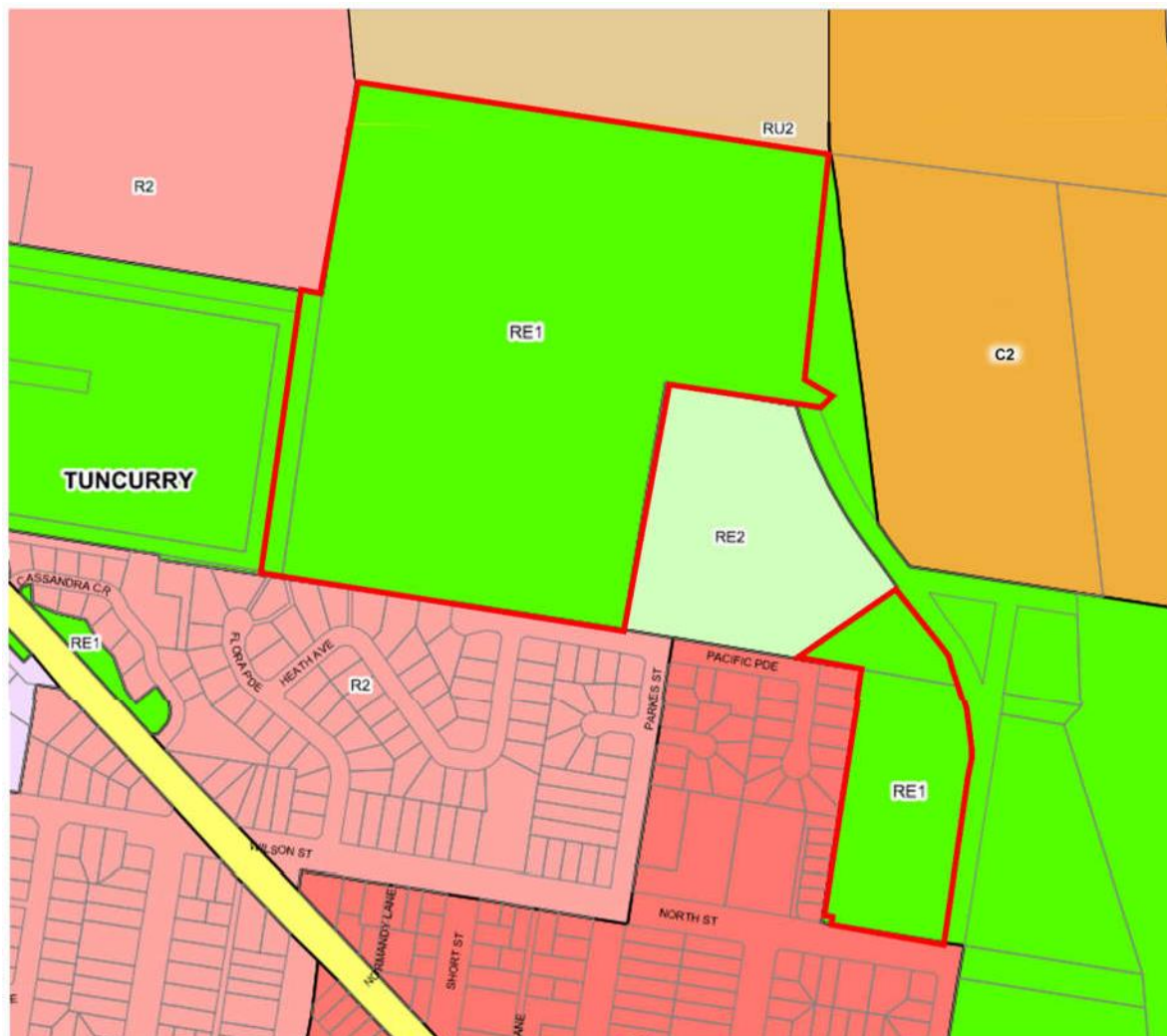


Figure 4 – Planning Zones

The NTSA is bounded along its western boundary by land zoned R2 (Low Density Residential) in the north containing the TAFE and High School, and in the south RE1 (Public Recreation) which contains the Tuncurry General Cemetery.

The land on the southern boundary is zoned R2 (Low Density Residential) and R3 (Medium Density Residential) to its east.

¹⁷ The MidCoast Council was created in 2016 from the three former Local Government Areas – Great Lakes, Greater Taree and Gloucester. At the time of the compilation of this POM, the pre-existing LEPs for each former Local Government Area, prevailed. The NTSA is located within the former Great Lakes Local Government Area so the prevailing Great Lakes LEP2014 prevails within this POM.

Land which is zoned RU2 (Rural Landscape) occurs adjacent to the NTSA's northern boundary.¹⁸

The land on the eastern boundary of the NTSA is fully zoned RE1 (Public Recreation) and parts further to the east to become land zoned C2 (Environmental Conservation).

The land between Bickford Park and the NTRSC is partially zoned RE2 (Private Recreation).

The NTSA is accessed via Beach Street from the east and Pacific Parade from the south.

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

- to enable land to be used for public open space or recreational purposes.
- to provide a range of recreational settings and activities and compatible land uses.
- to protect and enhance the natural environment for recreational purposes.
- to provide a range of educational, environmental, community and cultural uses for the benefits of the community.
- to enable access to activities and businesses located within adjacent waterways.

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

- Nil.

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

- | | |
|----------------------------------------|-----------------------------------|
| • Aquaculture | • Jetties |
| • Boat launching ramps | • Kiosks |
| • Camping grounds | • Marinas |
| • Car parks | • Markets |
| • Caravan parks | • Plant nurseries |
| • Community facilities | • Recreation areas |
| • Depots | • Recreation facilities (indoor) |
| • Eco-tourist facilities | • Recreation facilities (major) |
| • Emergency services facilities | • Recreation facilities (outdoor) |
| • Environmental facilities | • Registered clubs |
| • Environmental protection works | • Research stations |
| • Flood mitigation works | • Restaurants or cafes |
| • Function centres | • Roads |
| • Heliports | • Sewerage systems |
| • Information and education facilities | • Signage |

¹⁸ It is noted that a large residential development by Urban Growth is in the final planning stages for the land immediately north of the NTRSC, *North Tuncurry Revised Master Plan* 29 April 2015. The Masterplan proposes a perimeter road that will be fully adjacent to the northern boundary. The Masterplan: *Roberts Day*.

- Waste or resource management facilities
- Water recreation structures
- Water supply systems
- Wharf or boating facilities

The following activities are prohibited:

- Any developments other than those permitted with consent are prohibited on this land

4.2 State Environmental Planning Policies

The NTSA is subject to the State Environmental Planning Policies. Important amongst these in the development of the NTSA is the *State Environmental Planning Policy (Transport and Infrastructure) 2021* or the T&I SEPP.

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

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

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Resources & Energy) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*

4.3 Council Policies

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

- **Community Strategic Plan** – Council has developed *MidCoast 2030: Shared Vision, Shared Responsibility* to be the guiding document for our community. As the first Community Strategic Plan for the region, this plan plays a critical role in providing the framework which set the direction of many activities, programs and projects over the coming years.

- **Local Strategic Planning Statement** – sets out a future vision for land use planning across the region. The Statement outlines how growth and change covered in the Community Strategic Plan will be managed to maintain the high levels of liveability, environmental amenity and rural character. It also reinforces that the unique characteristics that contribute to the local identity of our towns and villages should be maintained and enhanced.
- **Engagement and Communications Strategy 2030** – developed in conjunction with the Community Strategic Plan, recognises that strong and effective communication can deliver a range of benefits, including strengthening relationships, generating support and participation and improving community awareness of programs, activities and services. This strategy provides for a greater understanding of the role and responsibilities of Council and the community in delivering the Community Strategic Plan.
- **Community Engagement Strategy 2019-2022** – the Community Engagement Strategy sets Council's commitment to engaging with the community not only to support decision making and plan for community projects, but to also build relationships and strengthen communities. The strategy acknowledges the enthusiasm of the community as being an important consideration in the management and use of community land. It provides an engagement *toolkit* for the process of community engagement.
- **MidCoast Destination Management Plan** – enables a vibrant community and grows the visitor economy through addressing both supply and demand. It acknowledges that tourism and the growth of the visitor economy is everyone's responsibility. Visitation impact on the use of community land.
- **Regional Economic Development Strategy (REDS)** – is linked with Council's Community Strategic Plan and Destination Management Plan, and provides a strategic platform for community, business and Council to work with the State Government in driving economic growth. It is an important plan that will help attract State resources to underpin economic projects and create employment in the region.
- **MidCoast Cultural Plan 2036** – the MidCoast is home to a diverse number of communities, each having their own unique story. Yet from freshwater to saltwater, bush to beach, the region also shares a strong sense of belonging, community and history. The plan emphasises identifying how the community can come together to celebrate its unique story.
- **Climate Change Strategy** – sets out the case for a range of cost-effective actions that can be implemented progressively over several years to reduce Council's carbon emissions and adapt its operations to the impacts of climate change. These actions include investing in renewable energy, becoming more energy efficient, sequestering carbon, transitioning to more sustainable transport options and reducing our waste to landfill. Climate change impacts on the use of community lands (bushfire hazard and management, sea level rise and storm surge etc). Further, in acknowledging that a state of climate emergency currently exists, Council has affirmed that urgent action is required by all levels of government to take clear steps to avert a climate crisis. Anticipated impacts from climate change include: an increase in the number of extreme hot weather days and bushfire risk; sea level rise resulting in inundation of low-lying areas, wave over-topping and accelerated coastal erosion; and an increase in the frequency of storm events, intense rain periods and flooding.¹⁹
- **MidCoast Greening Strategy** – as the region experiences growth, especially in the coastal centres, it is important to ensure that the high levels of *liveability* and renowned environmental amenity are maintained. The aim of the MidCoast Greening Strategy is to

¹⁹ *MidCoast Greening Strategy 2021*

manage and enhance the quality and extent of vegetation across our diverse landscapes.

- **MidCoast Biodiversity Framework 2021-2030** – provides directions for MidCoast Council and the community to manage the rich natural heritage found across the MidCoast Local Government Area.
- **MidCoast Pedestrian Access and Mobility Plan (updated)** – MidCoast Council is committed to developing *pedestrian* access, accessible footpaths, shared pathways, cycleways, bike facilities and community pedestrian bike and cycle systems to ensure effective links for the community.
- **MidCoast Council's Development Contribution Plans** – Collects funds for improvements to the open space network of reserves which fall under Council's jurisdiction.

Full details of Council's relevant policies and plans as listed above can be found at Council's website at: www.midcoast.nsw.gov.au/council/Plans-and-reports

4.4 Biodiversity

Under the LG Act, Council has obligations for conservation issues as determined by the *Biodiversity Conservation Act 2016*, and the *Fisheries Management Act 1994*. There are no areas of outstanding biodiversity value, biodiversity certified land or biobanking agreement land associated with the NTSA as per the *Biodiversity Conservation Act 2016*. The LEP does not contain any references to significant biodiversity issues present at the NTSA. This may be a consequence of a paucity of biodiversity investigation and knowledge rather than an absence of such features. Any proposed impacts to biodiversity values, including threatened species and ecological communities and their habitats requires proper consideration in accordance with the applying legislation.

4.5 Native Vegetation

Land zoned RE1 is covered by the State Government's native vegetation laws aimed at protecting the biodiversity values of trees and other vegetation in non-rural areas of NSW and is included within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*²⁰ and also considered within the *Biodiversity Conservation Act 2016*. Any clearing of native vegetation requires consideration and possible authorisation under these policies.

4.6 Acid Sulfate Soils

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

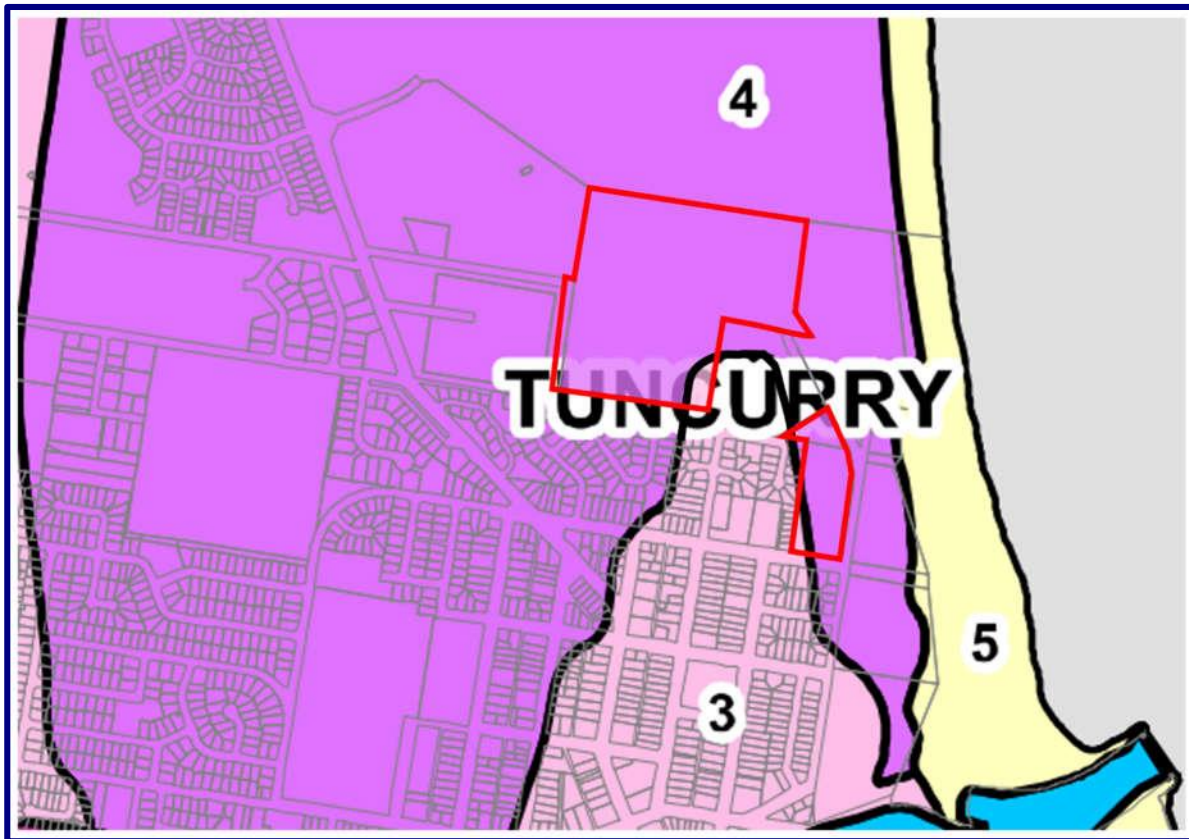
The LEP requires that consent considerations may be required for development which will disturb, expose or drain the acid sulfate accumulations which occur naturally. The accompanying map (see Figure 5) indicates that Class 4²¹ acid sulfate soil land is predicted to occupy the majority of the land area of the NTSA. Minor areas of Class 3 occur in the south-eastern corner of the Rugby League area, and the south-western section of Bickford Park.

²⁰ Part 2.3(1)(b) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

²¹ Acid Sulfate Soils Map 011.

Acid sulfate soils in a Class 4 area are likely to be found beyond 2 metres below the natural ground surface. Acid sulfate soils in a Class 3 area are likely to be found beyond 1 metre below the natural ground surface representing a slightly higher hazard to some developments.²²

Figure 5 – Acid Sulfate Soil classes on the NTSA



4.7 Flood Planning

The objectives of flood management as described in the LEP are to:

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

²² Environmental Planning Instrument - Acid Sulfate Soils | Dataset | NSW Planning Portal.

Although there exists considerable floodplain hazard²³ in the vicinity of Tuncurry (eg. from the lower Wallamba River on the western side of the township)²⁴ there is minimal flood hazard at the NTSA. A small area of land intruding into the NTSA from the southern margins of Pacific Parade is of flooding concern. Figure 6 shows this minor incursion into the NTSA's southern boundary where development implications exist due to the risk of flood.

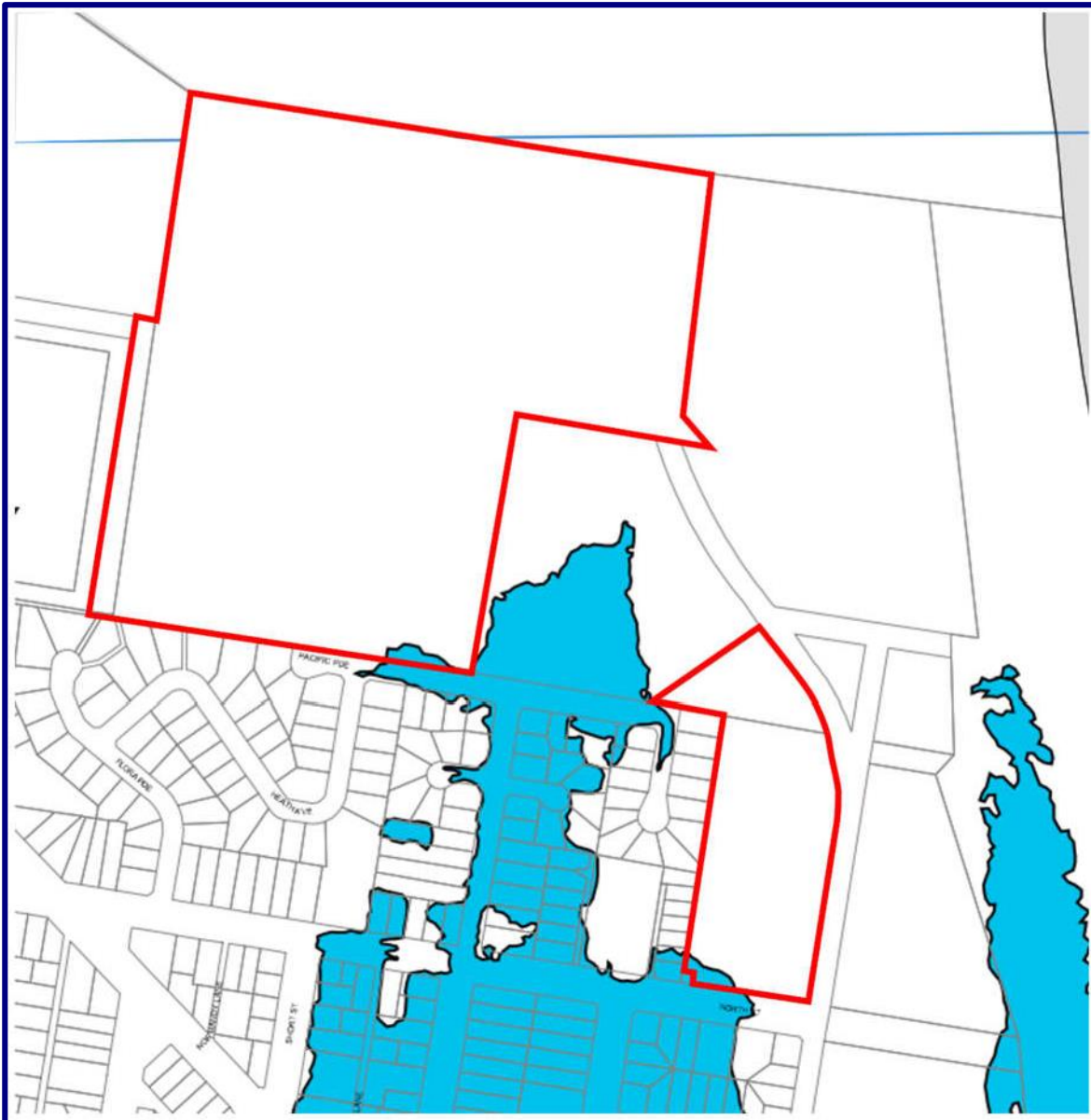


Figure 6 – Flood prone land in the NTSA

4.8 Aboriginal Significance

A search of the *NSW Government's Office of Environment and Heritage AHIMS Web Services* did not reveal that:

²³ Flooding hazard in this context refers to waters from other catchments/subcatchments such as that which results from flooding of the nearby Wallamba River. Waterlogging flooding which results from charged water tables is discussed in 5.1.

²⁴ see www.planningportal.nsw.gov.au/spatialviewer.

- aboriginal sites are recorded in or near the NTSA.
- aboriginal places have been declared in or the NTSA.

The NTSA does not contain any items listed in the LEP as being of known aboriginal archaeological sites, nor places of indigenous heritage significance.

Any construction undertaken by Council will need to meet the cultural heritage requirements of the *National Parks and Wildlife Act 1974*. As such, proposed disturbance or modification of the undeveloped areas of the NTSA may require a site-specific assessment of Aboriginal cultural features or values.

4.9 Heritage Significance

The objectives of heritage designations in the LEP are:

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

The LEP indicates that there are no items of heritage significant present at the NTSA, nor is the NTSA positioned in a Heritage Conservation Area.

4.10 Bush Fire Planning

The NTSA has land which is designated Bushfire prone. Bushfire prone is defined as an area of land that can support a bush fire or is likely to be subject to bush fire attack, as designated on a bush fire prone land map.²⁵

The NSW Governments Planning portal²⁶ indicates a range of bushfire hazard rankings at the NTSA, as:

Vegetation Category 1 - considered to be the highest risk for bush fire and will be given a 100m buffer. This vegetation category has the highest combustibility and likelihood of forming fully developed fires including heavy ember production.²⁷ (This corresponds with the bulk of the currently uncleared area of the NTSA.)

Vegetation Category 2 - considered to be a lower bush fire risk than Category 1 and Category 3 but higher than the excluded areas and will be given a 30-metre buffer. This vegetation category has lower combustibility and/or limited potential fire size due to the vegetation area shape and size, land geography and management practices.

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

Bushfire prone land on the NTSA is shown in Figure 7.

²⁵ Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*

²⁶ www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot

²⁷ Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*

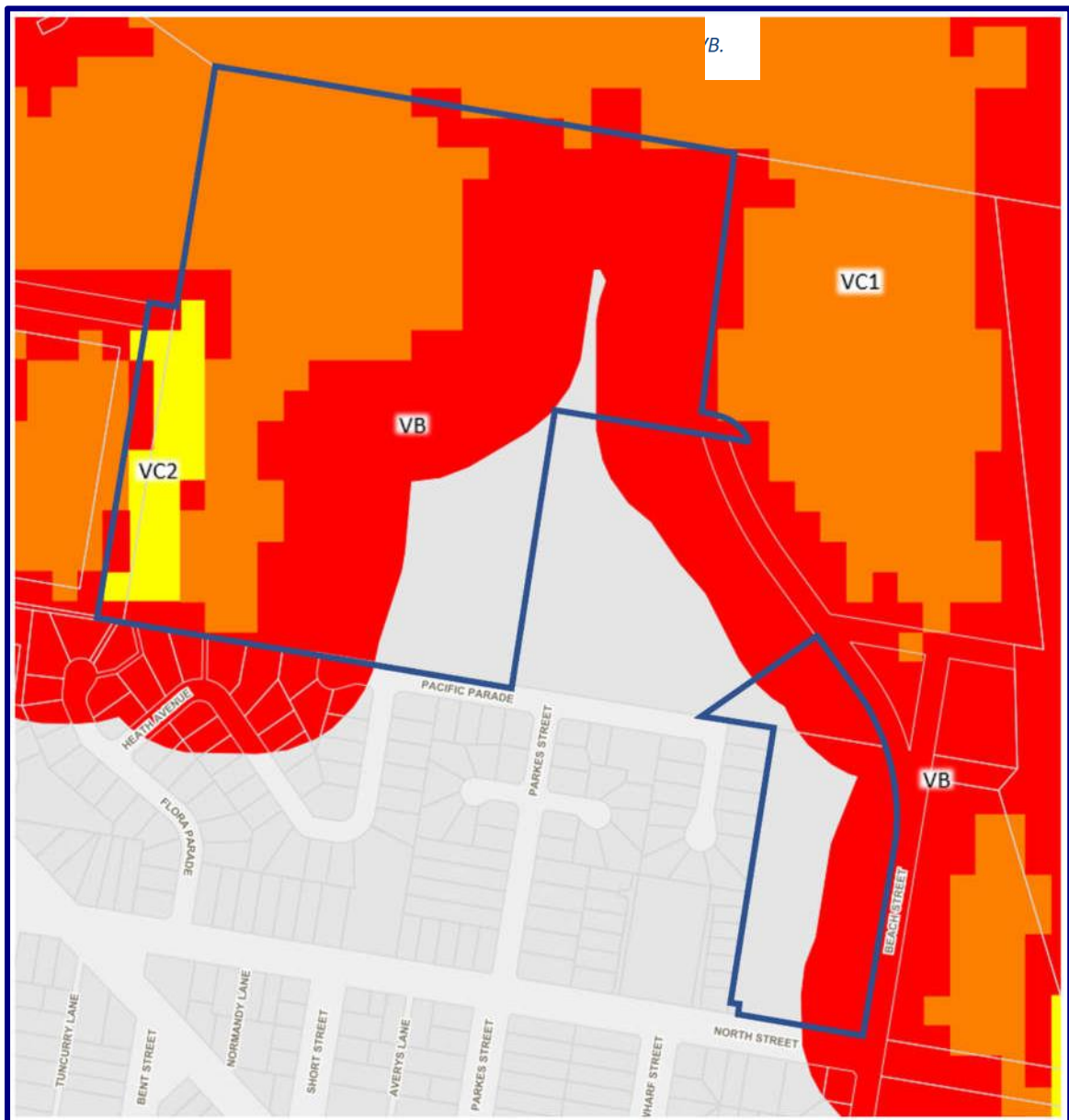


Figure 7 – Bushfire prone land
Vegetation Category 1 VC1; Vegetation Category 2 VC2; Vegetation Buffer VB

4.11 Operating Approvals

The NTSA has no operating approvals issued under the LG Act.

A five-year lease of part of the NTRSC (Pt Lot 7320 DP 1142386) to Forster Tuncurry Rugby Union for the purpose of Community Sporting Activities is currently being progressed.

5 The Physical Environment

5.1 Topography, Hydrology & Drainage

The present coastline topography including where the NTSA is located, has formed since the end of the last Ice Age and mainly over the last 6,500 years. Sea levels rose from 120 m below present values, to 1 – 2 m above present values, around 6,500 years ago. Between 6,500 and 3,000 years ago, sea levels fell to around their present level and have remained fairly stable ever since. Pleistocene²⁸ and Holocene²⁹ barriers were created by aeolian³⁰ sand deposits along the coastline to create the morphology of the coastal zone now seen at Tuncurry,³¹ being a low, vegetated, parallel sand dune system. This system is reasonably intact on the undeveloped western vegetated sections of the NTSA.

Minimal lateral surface drainage occurs on the landscape where the NTSA is located, as no gullies, creeks, or installed drains exist there. Evidence suggests that similar land immediately north of the NTSA is subject to periodic groundwater flooding.³² Infiltration rates are high into the sandy soils (see 5.3) and no distinct surface drainage paths have developed among the dunes of this landscape, which are shaped by wind rather than water. Accordingly, all rain that falls is either lost to evapotranspiration processes or drains vertically through the upper soil layer into the aquifer which is recharged accordingly. Lateral groundwater flow towards the ocean also occurs slowly, and probably also to the Wallamba River to the west. In practical terms however, seasonal aquifer flooding does not appear to represent significant constraints to the utility of the playing fields and facilities at NTSA. In fact, drainage is reported to be quite rapid, and the aquifer serves well in terms of (licenced) access to this resource for watering purposes across its playing surfaces.

The current physical geography of the NTSA is in the main, representative of the landscape described above, then modified in the creation of relatively flat areas on which the individual sporting fields and its required infrastructure have been created (see 5.2). However, there still exists a small range in elevations between the various fields and other developments. For instance, the lowest points on the NTSA are about 3.4m above sea level (ASL) at the rugby league fields; 5m ASL at the rugby union field; 6m ASL at the designated car park to the west of the league fields; and 7m ASL generally across the range of the touch football areas. The small, intact, vegetated dune system to the west, reaches 8.5m ASL at its peak. Bickford Park is generally 4.8 – 5.8m ASL.

5.2 Land clearing and modification

The survey report of 1964 for Portion 265 which encompasses the current NTSA (see Figure 2) describes the original native vegetation on the terrain as:

“Flat featureless country, sandy soils heavily timbered with pine, honeysuckle, ti-tree, and associated coastal scrub (with) some depressed and swampy sections.”

The development of the grounds of the NTSA required clearing of the majority of the original native vegetation, and the physiography has also been altered to make way for the sporting fields and accompanying facilities. This has mainly occurred through *cut-and-fill* operations by removing the high points, filling the low points and creating level playing surfaces. Excess fill has been well used

²⁸ 1.6 million years ago, to Holocene.

²⁹ 10,000 years BP to present

³⁰ Wind deposited

³¹ Great Lakes Coastal Hazard Study 3001829 Revision No. 2 SMEC.

³² North Tuncurry Development Project – Modelling and Design of Flood Alleviation scheme for Groundwater Flooding. SMEC

to create elevated pads on which the main built infrastructure (building etc.) has been positioned. It is likely that the land of the NTSA, prior to the development of the sporting fields, was modified for the purposes of the establishment of the Tuncurry prison farm and pine plantation and subjected to mineral sands mining.

The original native vegetation at the NTSA would most likely have comprised coastal sands dry sclerophyll forest dominated by blackbutt (*Eucalyptus pilularis*), with some minor occurrences of swamp mahogany (*Eucalyptus robusta*) swamp sclerophyll forest in relict dune swales in the west. Grading towards the east and the ocean, coastal heath and scrub dominated by coast banksia (*Banksia integrifolia*) and coastal teatree (*Leptospermum laevigatum*) would have existed as it still does to the north and east of the NTSA boundary. There may have been some occurrences of littoral rainforest in the sheltered hind-dunes in the east. Littoral rainforest is a listed threatened ecological community in NSW and Australia.³³

The only natural vegetation which now exists on the NTSA occurs on the western sections of undeveloped land (see Figure 8). In the main, these occur as a range of native tree and understory species, including eucalypts, wattles and tea trees. The establishment of mature exotic pines in the tree mix (also reported in the 1964 survey plan), has regenerated from the historically significant Tuncurry Afforestation Camp³⁴ and its extension by reservation to the south to include the NTSA area (see 1.2). These residual mature pine and pine wildlings remain after the pine plantation was affected by a series of wildfires and abandonment, which permitted the recovery of natural vegetation types.



Figure 8 - Vegetation - Undeveloped section of the NTSA

Shows a mix of introduced species (eg. exotic pine, [left], as well as eucalypts [middle] and Banksias [right] and a mixed understory of shrubs, ferns and groundcover).

³³ It is noted that the 1964 survey to create Portion 265, Parish of Tuncurry County of Gloucester (see Figure 2) described the land as “Generally flat featureless country – sandy soil, heavily timbered with pine, honeysuckle, ti-tree, & associated coastal scrub – some depressed & swampy sections”. A 1911 survey of the land further north (Crown plan 1523-3070) described as “Sandy soil. Dense scrub of Moorland growth.”

³⁴ The afforestation camp was the first in New South Wales; prisoners carried out tree planting and established the State’s first pine plantation. The prison camp was built in 1913 and abolished in 1938.

Weed species which are evident on the NTSA include lantana (*Lantana camara*), coastal morning glory (*Ipomoea cairica*), cape ivy (*Delairea odorata*), bitou bush (*Chrysanthemoides monilifera* sp. *rotundata*), asparagus fern (*Asparagus aethiopicus*) and the exotic pines (*Pinus radiata*).

5.3 Threatened Species

The land on and in the vicinity of the NTSA contains records of a number of threatened plant and animal species. *BioNet*³⁵, shows a record of a koala within the NTSA land and there are known to be records of the following threatened species within close proximity: Tuncurry midge orchid; magenta lilly pilly; brush-tailed phascogale; squirrel glider; eastern pygmy-possum; eastern false pipistrelle; eastern blossom-bat; little bentwing-bat; eastern bentwing-bat; eastern freetail-bat; greater broadnosed-bat; grey-headed flying-fox; eastern osprey; little lorikeet; masked owl; and powerful owl.

5.4 Soils and Geology

Soils associated with this landscape are described as ranging from *Aeric Podosols*³⁶ (Podzols), *Aquic Podosols* (Humus Podzols), and *Tenosols* (Siliceous Sands).³⁷ Essentially this means a range of related soils of minimal profile development with depth. They have permanently high water-tables and show localised seasonal waterlogging in the lower topographies, are well drained in elevated positions, of poor nutritional status and sandy in nature reflecting their geology of Holocene quartz sand sheets across beach ridges and low dunes as described previously. There is also a high predisposition to the release of acid sulfate materials from more heavily textured materials at depth, where they are exposed during construction eg. drains, pipelines etc.

A typical soil profile (in its undisturbed form) on the NTSA is:

- 0-25cm: black sandy loam moderately structured, plentiful roots, field pH 5.5. Sudden change to....
- 25-1000cm: Dark greyish yellow loamy sand to sand, structureless, field pH 6.5
- >1000cm: Silty clay to clay, greyish/yellow, possibly waterlogged, acid sulfate reactive.

Figure 9 shows the soil profile which has been exposed on an old Holocene dune in the western undeveloped section of the NTSA.

³⁵ NSW *BioNet* is the repository for biodiversity data products managed by the Department of Planning and Environment. www.bionet.nsw.gov.au.

³⁶ Australian Soil Classification System, Isbell R.

³⁷ eSPADE: www.environment.nsw.gov.au/eSpade2WebApp.



Figure 9 – Soil Profile - exposed dune

The Soil Profile exposed on a low dune, western (undeveloped) section of the NTSA. Sandy texture, inherently infertile and well drained in elevated dune systems, poorly drained in lower topographies.

6 The People

Tuncurry is typical of most NSW coastal towns in that for most of the year it remains relatively quiet and bulges with visitors during holiday periods. The people who reside in Tuncurry enjoy the social and natural values the area has to offer. These values create a lifestyle which reflects a diverse range of activities - fishing, beaches, rivers and lakes, surfing swimming and history. The natural values of the nearby lake systems, the national parks, camping opportunities and vistas, are well known and appreciated by residents, and increasingly so by visitors. Importantly, opportunities for sporting activities, are facilitated by the beckoning climate, and the facilities already present in this growing community.

Users of the NTSA regularly travel from within the Mid Coast region and beyond for the playing of competitive sport. However, the spatial spread which incorporates Tuncurry and Forster townships plus many smaller settlements nearby³⁸, defined by the common postcode (2428)³⁹, provides a reasonable demographic sample from which to draw some relevant trends from the latest available (2016) census data⁴⁰, and which impact on current and future use of the NTSA.

The post code area has a total population of 24,009 residents with:

- 5.1% Aboriginal and Torres Strait Islander people (NSW 2.9%)
- 9.3%⁴¹ born overseas (NSW 27.6%)
- Age group 0-14 years – 13.6% (NSW 18.8%)
- Age group 15-29 years – 11.3% (NSW 20.3%)
- Age group 30-44 years – 12.8% (NSW 20.8%)
- Age group 45-59 years – 18.5% (NSW 19.1%)
- Age group 60-74 years – 27.2% (NSW 14.3%)
- Age group 75+ years – 17.3% (NSW 6.9%)
- Median Age 56 (NSW 37.6)

Population growth for the MidCoast Local Government Area is forecast to grow 1.2% per annum over the next fifteen years (to 2036).⁴² This growth is expected to be more rapid in or near the region's coastal towns and villages. Most population growth is likely to continue to occur in people over 60 years old, and those seeking "sea change" or "tree change" from the Sydney Basin or Central Coast, making the MidCoast population one of the oldest in NSW.⁴³

For the Tuncurry area, the proportion of the population within the age group greater than 60 years is twice the state average and therefore strongly reflects the trend for a proportionally large aging population. Key to the future management of all community land, including the NTSA, and in addition to provision of sporting facilities to match the general growth in population, will be the requirement to

³⁸ Includes Blueys Beach, Smiths Lake, Boomerang Beach, Booti Booti, Charlotte Bay, Coomba Park and more.

³⁹ Refers to the land area bound by the coastline in the east; the Wallinghat River in the south-west; the Wallamba River in the north-west; and the Coolongolook River in the west.

⁴⁰ 2016 Census QuickStats: 2428, NSW (abs.gov.au).

⁴¹ Whole of MidCoast Council area

⁴² www.midcoast.nsw.gov.au/Community/Community-Statistics

⁴³ *Local Strategic Planning Statement*: Mid Coast Council (September 2020)

consider the new and emerging social and recreational needs of an ageing population.

It is also noted that 18.9% of people in the Tuncurry area complete voluntary work through an organisation or a group. This trend augers well for the future of the sporting bodies in the community such as those which utilise the NTSA. Volunteers are likely to be sourced from both the younger sport playing community, and importantly, the large maturing population component (greater than 60 years) in the form of coaches, trainers, organisers and administrators.

7 Current uses

The NTRSC is used for a number of competitive club-based sports including:

- Forster Tuncurry Rugby League, seniors and juniors, known as *the Hawks*, in the Group 3 Country Rugby League competition. The sport caters for seniors (102 registered players in 2021), juniors (295) for both men's, and women's competitions. Group 3 Rugby League advises there appears a large scope for expansion of rugby league. The Group 3 along with NSW Rugby League hold representative matches on the Harry Elliott facility.
- Forster Tuncurry Rugby Union, known as *the Dolphins*, in the Mid North Coast Zone Country Rugby Union. In addition to competition matches, the Club also holds gala days such as Golden Oldies. There were 31 registered male players for the 2021 season, and women's teams have been fielded in the past. There will be an attempt to reestablish the women's competition, as well as a junior's Friday night competition for the 2022 season and beyond.
- Forster Tuncurry Touch Football administers two social competitions per year and provides training grounds for local representative teams competing in regional or state competitions. In 2019, the NTSA hosted the Northern Eagles junior touch football championships when the playing fields at Taree were deemed unsuitable for play due to the drought.
- Great Lakes Football (soccer) gala weekend, the Vikings Challenge, is held by the *Great Lakes Vikings* in March each year and uses all sporting fields at the complex.



Figure 10 – Forster Tuncurry Rugby Union - (Photos authorised by Forster-Tuncurry Rugby Union)



Figure 11 – Hawks Rugby League - (Photos authorised by Forster-Tuncurry Rugby League)



Figure 12 – Forster-Tuncurry Touch Football - (Photos authorised by Forster-Tuncurry Touch Association)

The NTRSC is also used for:

- organised sports functions by schools and colleges, especially the Peter Barclay fields.
- cycling and walking with track/pathway running through the middle of the NTRSC (east to west) providing opportunity for passive recreation, as well as a link to some nearby schools and residential areas to the west and south.
- concerts, music festivals, fairs and other special events are also regularly held on the NTRSC on approval from Council.

Additional uses for the NTSA include:

- Bickford Park (in conjunction with the Beach Street Reserve) providing open access for dog agility exercises, and general passive dog/owner activities including dog discipline.
- Although the main sporting ground areas are not generally available to casual users⁴⁴, visitors and nearby residents can access other sections of the NTSA for casual recreation and relaxation through walking, running and general exercise.
- It is noted that new residential developments proposed for North Tuncurry (eg. that planned immediately north of the NTSA's⁴⁵) is expected to intensify usage of the NTSA.



Figure 13 – Bickford Park - Dog Park

⁴⁴ Gates to main playing surfaces on the NTRSC are normally locked during times where they are not used for competition

⁴⁵ North Tuncurry Revised Masterplan 29 April 2015: *Roberts Day*

8 Reserve Assessment

8.1 Assessment of Infrastructure

The assets within the NTSA include the major sporting infrastructure of the NTRSC and the dog-off-leash area of Bickford Park. Figures 14-20 show many of the assets on the NTRSC being:

- A 633-seat grandstand positioned between Harry Elliott Oval and the western league field, with change rooms; showers; public toilets; team benches; kitchen and kiosk / servery. The first stage was constructed prior to 2007, and extensions and redevelopment have occurred over several stages from 2008 to the current.



Figure 14 – Assets at the North Tuncurry Regional Sports Complex – Harry Elliott Oval
(Clockwise from top LHS): Harry Elliott Oval grandstand; rear of grandstand facilities overlooking western league field; main league field; western league field; fencing and benches western league field; grandstand; stage opening plaque 1 March 2008; and benches.

- Two sporting club buildings, positioned on raised pads between the eastern and western rugby union fields at Peter Barclay Sports Field, providing change rooms; showers; toilets; awnings and benches.
- Two rugby league fields, two rugby union fields and eight touch football fields⁴⁶, are all well turfed.
- Security fences have been erected around the main playing field areas (Harry Elliott Oval and western league field) and the Peter Barclay Sports field containing the rugby and touch football fields.

⁴⁶ Touch football also occasionally use the Western League field.



Figure 15 – Assets at the North Tuncurry Regional Sports Complex - Peter Barclay Sports Fields
Rugby union and touch football buildings/amenities (left); awning area and benches overlooking main (eastern) rugby field.

- Flood lights installed on all playing fields allowing for night activities such as training, although some limitations for competitive night fixtures exist on several grounds.



Figure 16 – Lighting at the North Tuncurry Regional Sports Complex
Lighting installed at rugby field (Peter Barclay Sports Fields) (left); main league field (Harry Elliott Oval) and between eastern and western rugby union fields.

- Access tracks to the various fields vary from sealed to all weather gravel. A partially completed car park exists to the north of the western league field.
- A cycleway/path with round pine post barrier runs from the east to the western Reserve boundary (and beyond) at the NTRSC providing a link between the NTSA and schools and residential areas to the south and west.



Figure 17 – Harry Elliott Oval - pedestrian and vehicular access

- The playing services at the NTSA are partially serviced by a series of underground bores, pumps and underground pipes. This system uses recycled, treated wastewater which provides consistent watering of the fields even during drought or when groundwater resources are depleted.⁴⁷

The western section of the Sports Complex (between the current sports grounds and the western boundary) remains undeveloped, is undulating and carries a mix of native and introduced plant species.



Figure 18 – Assets at the North Tuncurry Regional Sports Complex
(Clockwise from top LHS): Signage Peter Barclay Sports Fields, North Tuncurry Sports Complex; Harry Elliott Oval; main league field (Harry Elliott); canteen and servery area under the grandstand at the Harry Elliott Oval.

⁴⁷ The scheme is part of the *National Water Security Plan for Cities and Towns Program* and the *Urban Sustainability Program* supplying recycled water to the fields at the North Tuncurry Sports Complex, the Tuncurry Cemetery, the Tuncurry Golf Course, the South Street fields, the Tuncurry Education Campus, and the Sporties entrance area.



Figure 19 – Assets at the North Tuncurry Regional Sports Complex – Peter Barclay Sports Fields
Steel fencing (left); wire mesh fence, boundary NW corner; sealed bike track and walkway adjacent to access road.



Figure 20 – Assets at Bickford Park
(Clockwise from top LHS): signage; timber benches and shelter; landscaping; signage; access track parallel with Beach Street and visions of dog exercise/training infrastructure and facilities.

Bickford Park, incorporating Beach Street Reserve (with the assistance of the local Lions Club) has been developed for casual access, focused on recreational opportunities for dogs and owners. Infrastructure assets (see Figure 20) include:

- timber open area seating benches and two covered shelters
- a good range of dog exercise devices including jumps, barriers, tubes etc., and drinking fountains
- sectioned steel off-leash enclosures
- a well fenced boundary

- small areas have been landscaped.

The northern section of the land included in this POM as Bickford Park is mainly cleared with occasional tree clumps, and largely undeveloped, currently providing an opportunity for passive recreation and exercise by residents and visitors and as a walking access between Bickford Park and the main sporting fields to the north and west.

Table 1 provides a listing of the NTSA's assets, each with an indicative condition rating (1-5) which guides maintenance requirements.⁴⁸

Table 1 - Condition of Land and Buildings, North Tuncurry Sports Complex and Bickford Park – the NTSA

Asset	Cond	Asset	Cond	Asset	Cond
Harry Elliott Oval and Western League Fields					
Harry Elliott Oval	1	Fence Field #2	2	4 x Floodlights	1
Western League Field	2	Fence Perimeter Steel	2	Power Box	3
Bench North	1	Bench Seat	2	Power Box (gate)	3
2 x Tiered Benches	1	Timber Bench	1	Grandstand	3
2 x Taps	2	Name Sign	1	Car Park (west)	5
Pump Shed	2	Ticket Booth Shelter	2	Unsealed access track	3
Footpath	2	Fence Perimeter Wire	2	Score Board main oval	3
Fence Goals	3	Fence Field #2	2	Canteen / galley / servery	2
North Tuncurry Sports Complex - open area					
North Tuncurry Sports Complex Sign	2	Main (sealed) access road to Sports Complex and main fields	3	All signage	2
Sealed bikeway/walking track (east-west)	2	Round pine posts / barriers	2	Taps	3
Peter Barclay Sports Field					
Peter Barclay – Rugby Union Fields (2)	1	8 x Floodlights Union Fields	1	Sealed access track to Rugby Clubhouse	3
2 sets x Goals - Rugby	2	8 x Floodlights Touch	2	Pump 2 Touch Fields	2
Western Touch Fields	2	Tap Touch	2	Pump 1 Touch Fields	2
Bench Touch Field	2	Bollard Run	2	Building - Rugby Union	3

⁴⁸ This table draws on Council's Assets Register.

Asset	Cond	Asset	Cond	Asset	Cond
Fence Perimeter Wire	1	Pump Shed	2	Building – Touch	3
Fence Perimeter Steel	1	Name Sign	1	Water Tank	3
Bickford Park (Beach Street Reserve)					
Bickford Park and Beach Street reserve signs	1	Steel fences dog areas (off-leash)	1	Small covered sitting area and benches (North)	2
Tap	2	Dog watering troughs	2	Bench – timber (North)	3
Colorbond boundary fence (west) – private	2	Trial courses, jumps etc.	3	Landscaping/raised garden beds	2
Covered timber seats and benches area	1	Unsealed access track west (from southern gate)	3	Sealed track parallel Beach Street	2
Steel boundary fences	1				

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

8.2 Assessment of Management needs

Essential maintenance requirements are prioritised for the major investments, being the major Grandstand and facility at Harry Elliott Oval, and the two sporting club facilities on the Peter Barclay Sports Field. Otherwise, fencing, signage, most of the outdoor seating, and the tiered benches (seats) and other minor infrastructure, is mainly in very good or good order. Maintenance work of the main access road is a current issue (particularly towards the edging) although the cycleway/walkway (east to west) is in good condition. Power and water supply infrastructure requires special maintenance consideration. The car park (north of the west league field) is incomplete and if it is to be included in the same position in the future development of the NTSA, significant work is required to ensure its all-weather serviceability.

Routine management of the grounds at the NTSA involves the usual tasks of mowing, slashing, gardening, replanting and fence maintenance. Council has an initial responsibility for this work however a significant volunteer workforce has also been assisting with both the establishment and maintenance infrastructure (eg. rugby club facility), and the recreational facilities at Bickford Park where local service groups (eg. local Lions Club) have made a significant contribution to the current presentation.

Led by Council, continued development of the NTSA, particularly of the NTRSC, will require some significant new works. This development is essential to meet the needs of a growing population who support, play and assist in the administration of major sporting activities at Tuncurry and Forster.

New developments will adhere to the general plans previously proposed by Council⁴⁹, within the boundaries of this POM.

New developments will initially include:

- Significant addition of playing fields for both existing and new sports.
- Additional field lighting, power and watering infrastructure.
- Additions to car parking areas particularly along the western boundary, on north of Bickford Park.
- Extension of roadway through current car parking area to link with residential areas to the south-west.
- Possible additional amenities building/clubhouse.
- New amenities block on southern section of Bickford Park.
- Additional pathways linking major facilities and providing for walkthrough.
- Much of the new development will require clearing, shaping and management of the currently undeveloped western section of the sports complex.
- Landscaping, beautification including shade creation, and extra seating as required.
- Although outside the northern boundary of NTSA, a new road linking Beach Street will provide access to the Peter Barclay sporting fields, and egress to/access from new residential developments to the north of NTSA.

8.3 Community consultation and future use options

During the development of this POM, the principal user organisations were informed of its intent and were invited to respond to a series of questions aimed at procuring their future requirements for the NTSA.⁵⁰

Responses were received from:

- Forster Tuncurry Rugby League
- Group Three Rugby League
- Forster Tuncurry Rugby Union
- Great Lakes College
- NSW Department of Education

⁴⁹ *North Tuncurry Masterplan 2001, and North Tuncurry Regional Sports Area Plan 2010.*

⁵⁰ The survey was undertaken using the online platform Survey Monkey (www.surveymonkey.com). This tool allows for an automated response from users which enables statistical analysis. Note that Landsas generally uses face to face consultation with invited participants as a basis for harnessing feedback and ideas, prior to drafting a POM. However, concerns and rules for the Covid pandemic which existed at the time of compilation, did not permit a workable approach to direct consultation.

- Forster Tuncurry Touch Football Association

The survey/consultation process posed a series of questions, including:

- Which facilities at the North Tuncurry Sports Area does your organisation use most often?
- Rank the following facilities at the Rugby League Fields (Harry Elliott Oval and Western League Field).
- Rank the following facilities at the Peter Barclay Sports Field.
- Rank the following facilities at Bickford Park.
- Describe additional improvements that your organisation considers most important at Harry Elliott Oval/Western League Field – if any.
- Describe additional improvements that your organisation considers most important at Peter Barclay Sports Field – if any.
- Describe additional improvements that your organisation considers most important at Bickford Park – if any.
- Describe additional improvements that your organisation considers most important at North Tuncurry Sports Complex that you've not described previously – if any.
- To ensure continued benefits to the community at North Tuncurry Sports Complex, describe what your organisation considers to be the issues that must be addressed, that you've not described previously – if any.

All responses and suggestions received, have been considered within this POM. Full responses to the survey appear in **Appendix 3**.

Harry Elliot Oval and the Western Rugby League Field

The rugby League facilities were rated (out of 5) by users as follows:

Facility	Rating ⁵¹		Facility	Rating	
Field conditions	3.43	Good	Kiosk outlets / catering	3.14	OK
Grandstand	3.86	Good	Parking and access	2.43	Poor
Other seating	3.43	Good	Fencing and security	3.57	Good
Amenities	3.29	OK			

Requested facilities and upgrades included:

- Western field and mini field
 - Lighting

⁵¹ Ratings are based on the following: V Poor (1.0 -1.8), Poor (1.8-2.6), OK (2.6-3.4), Good (3.4-4.2), V Good (4.2-5.0).

- Fencing
- Covered seating
- Extensions to canteen
- Parking
- Small kiosk at north end of field

Peter Barclay Sports Fields

The rugby union and touch football facilities were rated (out of 5) by users as follows:

Facility	Rating		Facility	Rating	
Field conditions	3.50	Good	Parking and access	2.83	OK
Seating	2.16	Poor	Fencing and security	4.33	V Good
Amenities	3.16	OK			

Requested facilities and upgrades included:

- Turf and fix up undulation of the rugby union field
- Better lighting
- Small grandstand or extra covered seating
- Full sized touch fields

Bickford Park

The Bickford Park facilities were rated (out of 5) by users as follows:

Facility	Rating		Facility	Rating	
Park conditions	3.25	OK	Parking and access	2.5	Poor
Dog exercise area	3.75	Good	Fencing and security	4.0	Good
Amenities	1.5	V Poor	Seating	2.5	Poor

Ease of use of the NTRSC

The key indicators for the use of the NTRSC were rated (out of 5) by users as follows:

Indicator	Rating		Indicator	Rating	
Availability of use of fields	3.14	OK	Facility maintenance	2.71	OK
Cost of use	3.14	OK	Cleanliness	3.28	OK

Ease of booking facilities	3.28	OK	Consultation	2.33	Poor
----------------------------	------	----	--------------	------	------

Requested changes included:

- Gate that allows open (pedestrian only) access when the fields aren't used for competition sports to allow casual kids games
- The charge for use of lights appears to be greater than the cost of the lighting
- Consider reduced costs for no-for-profit single use groups
- Better walkway from college to the NTRSC.

Part B – The Plan

9 A vision for the North Tuncurry Sports area

A series of planning statements developed by Council have particular relevance to the management of its community lands, such as those which occur on the NTSA. Council's own vision for the management of the MidCoast Local Government Area is:

“We deliver benefits for our community in a way that adds value and builds trust”

The statement reflects Council's commitment to provide the appropriate level of services to the community, with a strong implication that this will occur through the sound management of all assets for which Council has responsibility.

Council's Community Strategic Plan (CSP),⁵² its first community strategic plan, developed from an extensive consultation process following the formation of the Council (May 2016), outlines how working with the community will make this a reality. The community vision developed in this process is:

“... to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value”

The CSP includes five key values, for which a range of strategies are also provided:

- unique, diverse and culturally rich communities
- a connected community
- the environment
- a thriving and growing economy
- strong leadership and shared vision.

Additionally, Council's Local Strategic Planning Statement (LSPS)⁵³ sets out a future vision for land use planning across the MidCoast that are based on key values in the CSP. The LSPS highlights a need to:

- **enhance liveability** – people love where they live, feel safe and have a passion for retaining and enhancing local character, whilst seeking better access to services and facilities.
- **protect the natural environment** – protecting our natural environment is important as it has strong links to liveability, tourism and economic growth.
- **increase economic opportunities** – supporting local businesses and job creation are a high priority with the community.

⁵² *MidCoast 2030: Shared Vision, Shared Responsibility 2018-2030*: MidCoast Council (April 2018).

⁵³ *Local Strategic Planning Statement*: MidCoast Council (September 2020).

- **empower the community to shape its future** – the community seeks improved information and involvement in decision making and long-term planning.

Further, Council's Regional Economic Development Strategy (REDS)⁵⁴ guides the development of the economic priorities, identifying three regional strengths which are built upon in the LSPS:

- land and water assets
- infrastructure and location
- lifestyle and amenity.

The vision of the REDS is that the MidCoast Local Government Area will:

“... have sustainable economic growth, founded on the Region's natural assets, amenity and location, while offering a healthy lifestyle and community connection”

In summary, the main theme which recurs with some emphasis within Council's various planning statements is that a significant proportion of the delivery of key services to the community, will arise from the strategic development and management of community lands, such as those which occur on the NTSA. The provision of appropriate sporting venues with facilities, and areas for passive recreation, will provide critical health, economic opportunity and lifestyle fulfilment for the people of the Forster-Tuncurry area and beyond.

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

“Providing great sporting and recreational opportunities now and in the future, for the people of the Forster – Tuncurry area and beyond”

⁵⁴ MidCoast Regional Economic Development Strategy 2018-2022 MidCoast Council.

10 Objectives, classification and category of land

The NTSA is classified as Community Land under the LG Act as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

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

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

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

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) and the derived management directions and planning principles presented above, land at the NTSA should be categorised (see Figure 21) as:

- Sportsground
- Park

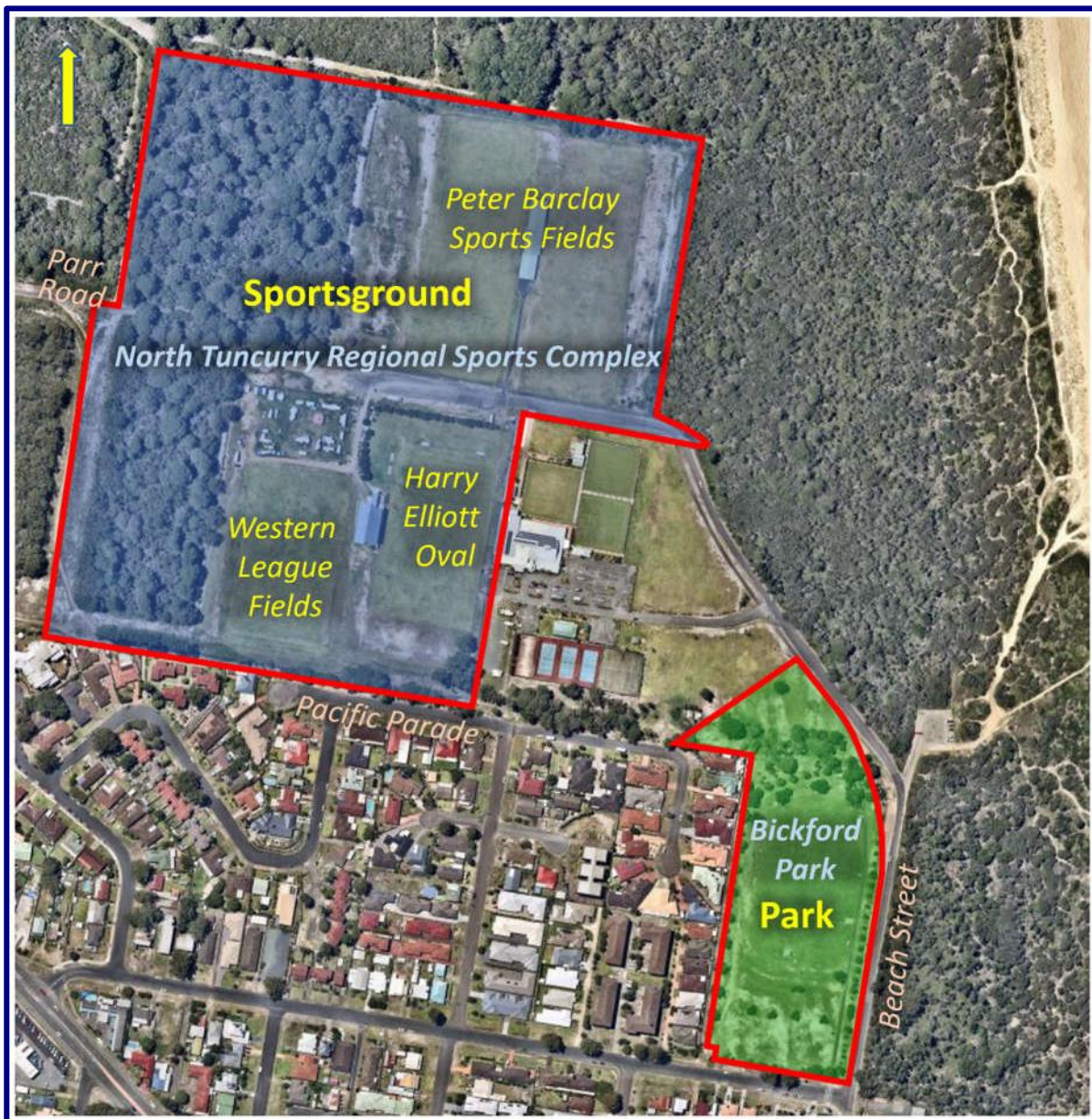


Figure 21 – Land Categories

10.1 Sportsground

The core objectives for the management of land categorised as **Sportsground** are:

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

Description and Location

The area categorised as Sportsground within this POM is that section of the NTSA where the organised competitive sporting activities are conducted, now and into the future. This includes the field sports – rugby league, rugby union, touch football and soccer, which occupy the NTRSC. The category Sportsground also includes all the infrastructure and spaces which provide immediate services to the playing of sport – the grandstand, club houses, field lighting, buffer areas, bench seating, fencing, and access roads and tracks. This POM determines that the Sportsground land

also encompasses the adjoining undeveloped land between the current fields and the western boundary, consistent with the extension of sporting facilities into these areas within the next decade.

Management Objective

The area identified as Sportsground will be managed to maintain the current level of use by the established user groups such as Forster Tuncurry Rugby League, Forster Tuncurry Rugby Union Forster Tuncurry Touch Football, visiting schools and casual users including those that support these sports, but also those that seek non-organised sport related recreation.

Future objectives for the management of the NTRSC areas will consider and implement expansion of facilities, as proposed in the 2001 Masterplan⁵⁵, which will enable improvements to current sporting activities, as well as meet the needs of new and emerging sports. This will include the addition of newly developed areas for playing cricket, soccer and hockey, sourced from those areas currently undeveloped at the NTSA - the area between the current sporting western league field, the touch football fields and the western boundary.

Where present, environmental values will require management in accordance with policy and legislation. No works are to occur without obtaining the required approvals under all applying biodiversity and environmental legislation which may require appropriate creation of environmental impact offsets.⁵⁶

10.2 Park

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

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

Description and Location

The area categorised as Park occupies Bickford Park (incorporating Beach Street Reserve) and includes the connected triangular shaped area (separate Lot) immediately to its north. Although the Park area remains detached from the North Tuncurry Sports Complex area of main sporting activity (separated by the Tuncurry Sporties Club) it is an important thoroughfare for pedestrians from the village via Beach Street and Pacific Parade to the main sporting areas.

Management Objective

The management priority is to maintain and promote the use of the Park land principally for dog care, exercise and training, as well as casual recreational access and use. This will require maintenance of existing infrastructure and routine management of grounds and gardens, and an improvement in amenities and aesthetics (gardens, landscaping) in the southern sections of the park land beyond the existing dog enclosures, to attract greater passive recreational activity and use. New

⁵⁵ *North Tuncurry Sporting Complex Master Plan* - March 23, 2001.

⁵⁶ This is likely to require targeted investigations of the presence of threatened flora and fauna species and the appropriate assessments and consideration of relevant statutory instruments.

opportunities may arise in the use of the park land in accordance with the core objective of improvement and promotion of other core objectives.

Where present, environmental values will require management in accordance with policy and legislation. No works are to occur without obtaining the required approvals under all applying biodiversity and environmental legislation which may require appropriate creation of environmental impact offsets.⁵⁷

11 Development and management of the NTSA

11.1 NTSA management

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

Council intends to:

- Create opportunities for community consultation and participation in the planning and development as required.
- Consider and attempt to balance the need for community recreation facilities with the impact development that such sites will have on local residents.
- Provide an efficient method and process for approval of all agreed improvements and developments which meet the needs of a growing community.
- Consider access to recreational facilities for all users.
- Ensure all formal use of the NTSA is authorised through appropriate documentation.
- Allow casual informal use consistent with Council's policies and procedures.
- Consider how use of the site can provide funding for the maintenance of facilities for the NTSA.
- Recognise that the ongoing viability of the NTSA is dependent on the ongoing viability of the NTSA users.
- Facilitate a system whereby enquiries and complaints from the public can be efficiently and promptly dealt with.⁵⁸

Council will issue leases and licences as described in Section 11.3

Management Structure

Council manages the NTSA directly.

⁵⁷ This is likely to require targeted investigations of the presence of threatened flora and fauna species and the appropriate assessments and consideration of relevant statutory instruments.

⁵⁸ Complaints in relation to the NTSA will be addressed consistent with Council's established complaints management process. (see *Report and Request*: www.midcoast.nsw.gov.au).

11.2 Permitted uses and activities at the NTSA

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

Permissible Uses

Table 2 lists the permissible uses on the land, across all categories considered in this POM, subject to Council assessment, approvals and booking/hire systems, with their scale and intensity.

Table 2 - Permissible Uses

Use	Scale	Intensity
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Alternate energy technology	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure and/or Development Application conditions for a specific event
Business Operations associated with public recreation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Café, Canteen or Kiosk	Limited to the physical constraints of the facility	Operating hours of the establishment subject to Tenure or hire agreement
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Children's programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Community events (fundraising/charity events, special events)	Limited to the hours the facility is booked Agreement via tenure or hire agreement	7 days a week, 8.00am – 10.00pm
Community Services associated with public recreation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure
Dog training and exercise	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week

Use	Scale	Intensity
Drainage and irrigation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Education Services associated with sport and recreation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Filming and photography (commercial, amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure
Fitness and wellbeing programs	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Maintenance buildings and infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Markets	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Marquees, tents, stages and jumping castles	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure
Mobile food vendors	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Organised playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Outdoor film screening	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Passive recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, sunrise – 10.00pm
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Personal training	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Playing of a musical instrument, or singing, for fee or reward	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Private events (i.e., weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement
Public performance or	Limited to the physical constraints of the facility and/or to the requirements of the	Operating hours subject to Tenure or Hire

Use	Scale	Intensity
education	activity	Agreement
Public utility infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week
School sport and recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	Monday – Friday 7.00am – 4.00pm subject to Tenure or Hire Agreement
Shade structures	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Sponsorship signage (temporary)	As per section 11.12	24 hours a day, 7 days a week
Storage facilities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Temporary structures (i.e., marquees, tents, stages)	Limited to the physical constraints of the facility	Temporary structures (no pegs, weighted only)
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement

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

In relation to Lot 7321 DP 1142386 this POM restricts future acts to allow only low impact acts as described in s24LA of the *Native Title Act 1993*.⁵⁹

⁵⁹ Lot 7321 DP 1142386 is subject to a Section 31 agreement under the *Native Title Act 1993* and the restriction will remain in place until this agreement is resolved.

11.3 Leases, licences and other estates

For this section, please see the Explanation of Terms⁶⁰ set out below.

Council may allow use of community land by a casual user for any permissible use (see Section 11.2). However, Council may require a form of authorisation for a permissible use to be undertaken.

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

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

The LG Act provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land.

Tenures may be held by:

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

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

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

Leases

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

⁶⁰ Explanation of Terms

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

Leases issued by Council will require:

- That subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council, and consistent with Section 47C of the LG Act.
- Responsibilities for maintenance of the facility will be as indicated in the lease.
- All leases will be negotiated in a manner that provides quality outcomes to the community.

Licences

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

Hire Agreements

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

Purposes for which Tenures may be issued

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

This POM authorises a tenure to be issued:

- for any permissible use in Table 2.
- for purposes consistent with the NTSA's:
- categorisation (see Section 10.1), and
- zoning (see Section 4.1) under Section 46 of the LG Act, and
- reserve purpose of Public Recreation as required under the CLM Act.

However, the CLM Act allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLM Act. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently being:⁶¹

- | | |
|-----------------------------------------------|--------------------------|
| a. access through a reserve | m. grazing |
| b. advertising | n. hiring of equipment |
| c. camping using a tent, caravan or otherwise | o. holiday accommodation |
| d. catering | p. markets |
| e. community, training or education | q. meetings |

⁶¹ *Crown Land Management Regulation Section 31.*

- | | |
|----------------------------------------------------------------------------------|----------------------------------------------------|
| f. emergency occupation | r. military exercises |
| g. entertainment | s. mooring of boats to wharves or other structures |
| h. environmental protection conservation or restoration or environmental studies | t. sales |
| i. equestrian events | u. shows |
| j. exhibitions | v. site investigations |
| k. filming (as defined in the LG Act) | w. sporting and organised recreational activities |
| l. functions | x. stabling of horses |
| | y. storage. |

This POM expressly authorises⁶² the following tenures:

- a. A licence to the Forster Tuncurry Rugby League Club for the playing of games and events and use of facilities at Harry Elliott Oval and Western League Fields.
- b. A licence to Forster Tuncurry Rugby Union for the playing of games and events and use of facilities at Peter Barclay Sports Field.
- c. A lease to Forster Tuncurry Rugby Union for the purpose of Community Sporting Activities
- d. A licence to the Forster Tuncurry Rugby Touch Football Association for playing of games and events and use of facilities at Peter Barclay Sports Field.
- e. A licence to the NSW Department of Education for school sporting activities.
- f. A lease / licence to Forster Tuncurry Rugby League Club or to the commercial operator for use of the canteen and store area at the Harry Elliott Oval.
- g. A licence to Forster Tuncurry Dog Club for the holding of shows and sporting events at Bickford Park.

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

- A purpose prescribed by Section 36I as a core objective of the categorisation of the land and subject to being consistent with the NTSA purpose; or
- For the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to Public Recreation.

A tenure or hire agreement on Crown land may impact native title rights and interests. Apart from the tenure/hire agreements authorised above⁶³, which are valid acts under Section 24JA of the *Native Title Act 1993*, any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the CLM Act unless native title is extinguished. For Crown land which is not *excluded land* this will require

⁶² Express Authorisation in Section 46 (1)(b) of the LG Act permits tenures to be granted in accordance with and subject to such provisions of a Plan of Management.

⁶³ This does not include Business Operations, Commercial Premises, Advertising (Business) or Storage (Business).

written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Council at any time in the future, reserves the right to prohibit the taking or consumption of alcohol on the NTSA. This will be indicated by conspicuously displayed signs in accordance with Section 632 and Section 670 of the *Local Government Act, 1993* (as amended).

Direction of Funds

Income produced from the NTSA will be distributed to manage community land in a fashion directed by Council.

11.4 Other approvals

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

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

11.5 Allocation

The NTSA will continue to be used by a variety of user groups and individuals for purposes previously noted. Council will endeavor to generate greater utilisation of the NTSA for community purpose and other activities consistent with the NTSA's purpose, particularly as new and varying sports access the NTSA.

11.6 Fees

Council applies fees for the use of Council reserves.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc., are detailed in Council's Fees and Charges Policy on Council's website.⁶⁴ Council's fee structure is reviewed on an annual basis.

⁶⁴ See: *2021-2022 Fees and Charges*, MidCoast Council.

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

11.7 Communication in the management of the NTSA

Communication between Council, Holders, Hirers and Casual users is important to the success of this POM. Council will establish and maintain clear lines of communication with Tenure holders and across all Reserve users, especially relating to the operations of and responsibilities within (proposed) tenure operations.

This will include:

- regular meetings between Council, Tenure Holders and regular hirers, and
- the establishment of the clear understanding that the NTSA will be occupied on the basis of formal agreement.

Communication will also occur through the appropriate management structure of a Council Advisory Committee.

11.9 Development at the NTSA

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

Council approval is required prior to any development or improvement made to community land.⁶⁵

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.⁶⁶

To facilitate the establishment of the new and restored infrastructure, Council may issue tenders to design and establish new sporting fields, additional car parks, access roads, land development and landscaping, and installation of associated and required facilities at the NTSA. Note that existing Council plans⁶⁷ will guide the new developments which will occur mainly in the western undeveloped sections of the Sports Complex components of the NTSA.

Council will also:

- consider how use of the site can provide funding for the maintenance of the facilities at the NTSA to reduce costs to Council and employ human services as required.
- issue leases and licences for appropriate activities at the NTSA, as described in Section 11.3.
- create opportunities for community consultation and participation in the planning and development at the NTSA as required.

⁶⁵ Section 2.74 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the *Local Government Act 1993* (see Appendix 2).

⁶⁶ The term approval refers to approval as Crown land manager of the land rather than consent under the *Environmental Planning and Assessment Act 1979*.

⁶⁷ North Tuncurry Sports Complex Masterplan 23 March 2001, and Regional Sports Area Forster Tuncurry Crown Harbour Project (draft) August 2010.

Native Title

Where it is proposed to construct or establish a public work⁶⁸ on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*.

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

11.10 Development of new and improvement of existing facilities

It is proposed to install new and improved facilities (see Figure 23) including the following:

- preparation of currently vegetated and undulating landscapes involving clearing, levelling (western sections of NTRSC).
- additional sporting fields for existing and new sports to the northwest and west of the site.

⁶⁸ A public work is defined as:

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

(i) a building, or other structure (including a memorial), that is a fixture; or

(ii) a road, railway or bridge; or

(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or

(iii) a well, or bore, for obtaining water; or

(iv) any major earthworks; or

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

Major earthworks are defined as:

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

- extension of Parr Road through to Beach Street along the main access road running east-west to allow vehicle access as well as pedestrians from urban areas, schools etc., west of the NTSA.



Figure 22 – New Works

- possible additional clubhouse/amenities (above pedestrian path) to cater for increased usage.
- possible additional car parks and new access roads along the northern half of the western boundary, linking with the proposed Urban Growth future North Tuncurry development.
- additional formalised parking area at off-leash area of Bickford Park.
- upgrade of the existing car park and access at League Field complex.
- spectator seating around rugby union fields and new fields.

- field fencing, where required.
- additional field watering infrastructure, landscaping etc.
- access gate on northern boundary to allow access from new residential development and road, planned immediately adjacent (see Masterplan new urban growth North Tuncurry).
- lighting for night games at Western League Field and the western side of Rugby field at Peter Barclay Sports Field.
- extra seating (sheltered) at Western League Field.
- raised spectator mounds at the northern and southern end of existing League fields.
- an amenities block at the southern section of Bickford Park, with accompanying pathways etc.
- Appropriate establishment of new vegetation (trees, shrubs) into available passive areas to increase aesthetics and environmental quality, shade etc

Council approval is required prior to any development or improvement made to Community Land.

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

11.11 Maintenance of facilities

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

Council will:

- conduct essential repairs and maintenance to all facilities.
- maintain the structures and open spaces on the NTSA.
- oversee lease maintenance responsibilities of tenure holders.
- monitor the condition of structures on the NTSA and ensure effective maintenance procedures are in place through tenure conditions.
- prepare a safety audit of the site and repair or replace any areas that may impact on public safety.
- ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the NTSA where required.
- ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish.
- council officers to continue monitoring for issues of compliance and general site amenity.
- maintain existing drainage systems across the NTSA to minimise impact of local flooding and waterlogging.
- improve consistency for evenness of surface of rugby union playing field.

- complete turfing of eastern side of eastern rugby field.

11.12 Signage

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

Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of a reserve such the North Tuncurry Sports Area. All signs must:

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

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

Where a sign requires development consent⁶⁹, Council must approve as owner the lodging of a Development Application prior to assessment by Council in accordance with Schedule 5 Assessment Criteria of the I&E SEPP.

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

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

Proposed Signage

Council will ensure the following signage is on the NTSA:

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

⁶⁹ Development consent is not required if the sign is to be erected for the purposes of implementing this PoM.

12 Financial Sustainability

Income may be sourced from the following:

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

In order to address the outstanding and future maintenance requirements at the NTSA, and permit any required new developments as proposed in this POM, it is important that all income which is generated from the NTSA be returned to the NTSA, and that this should be clearly demonstrated in Council's financial statements. Ensuring appropriate rental and fees for formal use of the site will assist in the maintenance of specialised infrastructure.

13 Implementation Plan

Table 3 sets out a number of actions which enable the identified Management Strategies and Performance Targets within the NTSA. These actions are the means of achieving the objectives of the POM. A clear indication of how the completion of the aims will be assessed is also provided in the table under Performance Evaluation.

Table 3 - Implementation Table

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
Sportsground			
To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.	A. Complete all proposed new works in accordance with required approvals.	<p>To allow for the expansion of playing fields and car parking and other infrastructure:</p> <ol style="list-style-type: none"> 1. Subject to environmental legislative requirements, clear and level currently vegetated lands in the western sections of the NTRSC. 2. Construct additional sporting fields to the northwest and west of the site including new field watering infrastructure, landscaping etc. 3. Extend Parr Road through to Beach Street. 4. Consider additional clubhouse/amenities in the NTRSC. 5. Consider additional car parks and new access roads along the northern half of the western boundary if the proposed North Tuncurry development proceeds. 6. Complete existing car park at League Field complex. 7. Install required bench seating at Western League Field, and Rugby Union field. 8. Improve field fencing where required. 9. Install new access gate on northern boundary if the proposed North Tuncurry development proceeds. 10. Install effective lighting for night games at Western League Field. 11. Complete installation of improved lighting on western side of Rugby field. 12. Add extra spectator seating (sheltered) at Western League Field, and around rugby fields. 13. Install raised spectator mounds at the northern and southern end of existing League fields. 	<ul style="list-style-type: none"> • Increase in usage by local and regional user groups. • Increased usage by way of special events, gala days and representative sporting fixtures. • Increased cash flow/profit attributed to more users. • Feedback from user groups/sporting bodies to Council is positive. • Works program met within budget. • Improved parking opportunities during peak usage events. • Improved access to NTRSC.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
	B. Continue to manage and maintain existing assets with approvals as required, to appropriate standards.	<ol style="list-style-type: none"> 1. Complete required maintenance to surfaces of access tracks, roadways. 2. Top dress and re-establish playing field turf as required. 3. Maintain key items of service infrastructure – lighting, power, water supply (including reused water supply). 4. Address drainage issue on wetter parts of the playing surfaces using appropriately designed drainage systems. 5. Continue to effectively administer seasonal park occupation. 6. Maintain outside items of main built infrastructure – clubhouses, grandstand, seating, ticket box, paths etc. 7. Maintain internal items of tenured clubhouses. 8. Improve consistency for evenness of surface of rugby union playing field. 9. Complete turfing of eastern side of eastern rugby field. 	<ul style="list-style-type: none"> • All assets are managed in accordance with prescribed Council standards, community expectations and legislative requirements. • Sportsground categorised area orderly, neat, well maintained. • Efficient and timely issuing of consents as required. • Increased involvement of users/community in maintenance and management. • Maintenance program met within budget, timely.
	C. Manage the land for improved and appropriate outcomes.	<ol style="list-style-type: none"> 1. Implement a tree audit for essential tree maintenance for safety reasons. 2. Manage playing field surfaces and surrounds with regular mowing and groundcover care. 3. No clearing of any native vegetation unless authorised under the B&C SEPP. 4. Manage Bushfire Hazard in accordance with local Bushfire Management Plan eg. buffers from Vegetation Categories 1 and 2 bushfire hazard areas. 5. Ensure implementation of an effective program to eradicate invasive plant species (e.g., lantana), to enhance native species and habitat values, where present. 6. Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the NTSA, where required. 7. Ensure regular collection of rubbish. 8. Erect signage in accordance with Schedule 5 I&E SEPP and approved by Council. 9. Improve visual amenity and environmental quality by establishment of appropriate trees into passive areas. 	<ul style="list-style-type: none"> • Improved environmental management outcomes relating to clearing of native species, no chemical spills/misuses and weed control. • Bushfire management strategies implemented in accordance with Bushfire Management Plan, and hazard reduction areas maintained. • Playing surfaces well maintained in accordance with use agreements. • Efficient and non-obtrusive signage. • Aesthetic and environmental qualities improved through strategic establishment of trees and shrubs.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
	D. Monitoring and Compliance.	<ol style="list-style-type: none"> 1. Continue to monitor the condition of structures on the NTSA area and ensure effective maintenance procedures are in place through tenure conditions. 2. Prepare a safety audit of the site and repair or replace any facilities/areas that may impact on public safety. 3. Council officers to continue monitoring for issues of compliance and general site amenity. 4. Maintain compliance activities against illegal dumping of rubbish. 5. Establish appropriate tenure and hiring arrangements for existing and new hirers, at recommended/appropriate rent and hire fees. 6. Ensure that the requirements of any tenure or hire agreement are met. 	<ul style="list-style-type: none"> • Audit processes for safety and asset condition in place. • Tenures are well managed and in public interest. • No confusion or inefficiencies regarding use and occupation exist. • No illegal use and abuse of facilities.
	E. Capitalise on good relationships with sporting bodies/user groups and stimulate others towards greater use of the Sportsground area.	<ol style="list-style-type: none"> 1. Encourage a positive relationship with and between all tenured users through the establishment of clear expectations and communications. 2. Where necessary, develop guidelines to clarify and strengthen the requirement for users to maintain orderly and tidy surrounds at all times. 3. Attract new activities and sports by promoting the facility through Council papers and media. 4. Implement proposed management structure and communications strategy. 5. Encourage community groups to assist with maintenance, particularly through appropriate signage. 6. Review Council's Lease Policy to ensure equitable cost distribution between various Reserve tenure holders and Council. 7. Consider an approach that would permit casual use of some of the playing fields by amending current fence and gate configuration, to allow non- motorised access. 	<ul style="list-style-type: none"> • Clear communication between all users and Council. • Use guidelines developed and in use successfully. • New users in place. • Community, particularly the aged and disabled, enjoying access for casual use of all facilities.
To ensure that such activities are managed having regard to any adverse impact on nearby residences.	F. Build and maintain good rapport with neighbourhood.	<ol style="list-style-type: none"> 1. Collate and assess all complaints from neighbours concerning traffic, noise from events, crowd behavior etc. and respond accordingly. 2. Council to communicate with residential areas immediately close by, on a need-basis, especially regarding major events. 	<ul style="list-style-type: none"> • Numbers of positive responses and nil complaints from sporting bodies and residents.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
Park			
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and	A. Ensure the management of the Park category land allows for ready access by people and visual connectivity to open space.	<ol style="list-style-type: none"> 1. Ensure appropriate slashing/mowing of all grounds in the Park area. 2. Erect signage in accordance with Schedule 5 I&E SEPP and approved by Council. 3. Construct formalised parking area at off-leash area of Bickford Park. 4. Internal fencing is maintained to allow size of dog differentiation. 	<ul style="list-style-type: none"> • Park area managed in accordance with stipulated legislative requirements. • Signage is clear and not obtrusive. • Park is well used by a range of user groups. • Council staff monitor implementation of plans regularly.
To provide for passive recreational activities or pastimes and for the casual playing of games, and	B. Maintain the amenity and quality of the existing Park settings and facilities.	<ol style="list-style-type: none"> 1. No clearing of any native vegetation unless authorised under the B&C SEPP. 2. Manage Bushfire Hazard in accordance with local Bushfire Management Plan e.g., buffers for Vegetation Categories 1 and 2 bushfire hazard areas. 3. Ensure appropriate slashing/mowing (three times per year, subject to negotiation). 4. Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Sportsground area, where required. 5. Ensure regular collection of rubbish. 6. Manage invasive plant species (e.g., lantana), to enhance native species and habitat values, where present. 7. Improve visual amenity and environmental quality by establishment of appropriate trees into passive areas. 	<ul style="list-style-type: none"> • Facilities, grounds and surrounds well maintained in accordance with prescribed standard. • Park users comment favorably, no negative reports. • Rubbish removed. • Aesthetic and environmental qualities improved through strategic establishment of trees and shrubs.
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	C. Upgrade and improve the existing park infrastructure.	<ol style="list-style-type: none"> 1. Consider reconfiguration of tree gardening and landscaping including tree establishment in southern sections of Park, beyond current dog area enclosures. 2. Construct formalised parking area at off-leash area of Bickford Park. 3. Construction of an amenities block at the southern section of Bickford Park, with accompanying pathways etc. 	<ul style="list-style-type: none"> • Park is landscaped, attractive and well maintained. • New amenities block is constructed and in operation. • Parking is constructed and utilised.

14 Consultation during the preparation of this Plan

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

Section 38 of the LG Act requires that:

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

During the development of this POM, the principal user organisations were informed of its intent and were invited to respond to a series of questions aimed at procuring their future requirements for the area (see Section 8.3).

15 Appendices

1. Core Objectives for Categories of Community Land
2. Relevant State Environmental Planning Policies

16 References

Australian Bureau of Statistics, 2016 Census Quickstats 2428: (2016):

www.quickstats.censusdata.abs.gov.au/census_services/

Commonwealth Government, Native title Act 1993,

www.legislation.gov.au/Browse/Results/ByTitle/Acts/InForce/Na/0/0/principal

Crown Land Management Act 2016: www.industry.nsw.gov.au/lands/what-we-do/legislation-policies/the-crown-land-management-act-2016

Crown Land Management Regulation S.31:

<https://www.legislation.nsw.gov.au/#/view/regulation/2018/88>

Department of Local Government (2000): Practice Note No. 1, Public Land Management, Amended May 2000.

Environmental Planning Instrument - Acid Sulfate Soils

[Environmental Planning Instrument - Acid Sulfate Soils | Dataset | NSW Planning Portal](#)

eSPADE: www.environment.nsw.gov.au/eSpade2WebApp

Great Lakes Council Heritage Study, May 2007: MidCoast Council:

www.midcoast.nsw.gov.au

Isbell R.F (1996): Australian Soil Classification, Revised edition: *CSIRO Pub.*

Local Government Act, 1993: Amended by the Local Government

(Community Land Amendment) Act 1998. NSW Government:

<http://www.legislation.nsw.gov.au/>

Local Strategic Planning Statement: MidCoast Council (September 2020)

MidCoast 2030: Shared Vision, Shared Responsibility 2018-2030: MidCoast Council (April 2018).

North Tuncurry Masterplan 2001, and North Tuncurry Regional Sports Area Plan 2010

Statement of Management Intent Darawank Nature Reserve: OEH NSW NPWS

The Kabook and Watoo People of the Gringai Barrington River Gloucester, NSW; Robert Siron and Luke Russell 2018: www.hunterlivinghstories.com/2-18/08/15/the-kabook-watoo/

The History of the Worimi People, Mick Leon. Tobwabba.com.au/worimi/index.html

Great Lakes Council Heritage Study, May 2007: MidCoast Council:

www.midcoast.nsw.gov.au

Aussie Towns: Forster Tuncurry NSW - www.aussietowns.com.au/town/forster-tuncurry-nsw

Great Lakes Council Heritage Study, May 2007: MidCoast Council:

www.midcoast.nsw.gov.au

North Tuncurry Revised Masterplan 20 April 2015 prepared for Council: *Roberts Day.*

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

Acid Sulfate Soils Map 011

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

Great Lakes Coastal Hazard Study 3001829 Revision No. 2 SMEC

North Tuncurry Development Project – Modelling and Design of Flood Alleviation scheme for Groundwater Flooding. SMEC

Appendix 1

Core Objectives for Categories of Community Land (*Local Government Act 1993*)

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

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

- a. to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- b. to maintain the land, or that feature or habitat, in its natural state and setting, and
- c. to provide for the restoration and regeneration of the land, and
- d. to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- e. to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

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

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

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

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

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

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

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

1. The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

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

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

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

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

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

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

- a. to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- b. to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- c. to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- d. to restore degraded bushland, and

- e. to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- f. to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- g. to protect bushland as a natural stabiliser of the soil surface.

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 2

State Environmental Planning Policies which are relevant to the NTSA

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

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

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

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

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

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

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

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) commenced in New South Wales on 1 March 2022 consolidating 3 earlier SEPPs focused on employment and advertising. The R&H SEPP focuses on:

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

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

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

State Environmental Planning Policy (Industry and Employment) 2021

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

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) commenced in New South Wales on 1 March 2022 consolidating 11 earlier SEPPs focused on biodiversity and conservation. The B&C SEPP focuses on:

- Vegetation in non-rural areas containing planning rules and controls relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes.
- Koala habitat protection:

- across NSW core rural zones of RU1, RU2 and RU3 except within the Greater Sydney and Central Coast areas, and
 - within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3.
- Environmental planning and assessment along the Murray River.
 - Bushland in urban areas containing provisions protect and preserve bushland within public open space zones and reservations.
 - Prohibition of canal estate development.
 - Water quality objectives in the Sydney drinking water catchment.
 - Protect the environment of the Hawkesbury–Nepean River system.
 - Management and improvement of environmental outcomes for Sydney Harbour and its tributaries.
 - Management and promotion of integrated catchment management policies along the Georges River and its tributaries.
 - Protection, conservation and management of the Willandra Lakes Region World Heritage Property.

