



**Richmond
Valley
Council**



Richmond Park

Plan of Management (2022)

**Prepared by Projects and Business
Development Directorate**

June 2022

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GLOSSARY OF TERMS

CLM Act	<i>Crown Land Management Act 2016</i>
Community Land	Land that is set aside for community use, such as neighbourhood parks and sportsgrounds.
Crown Land	Land reserves that are set aside on behalf of the community for a wide range of public purposes. This land is owned by The State of New South Wales (known as Crown).
Crown Land Manager (CLM)	A Crown land manager (CLM) is responsible for the care, control and management of appointed Crown reserves on behalf of the people of NSW.
Land Category	Community land as defined by the <i>Local Government Act 1993</i> , has additional categorisations which includes natural area, sportsground, park, area of cultural significance, and general community use. Natural Areas are further categorised into bushland, wetlands, escarpment, watercourse and foreshore.
Land Classification	There are two classifications for public land as defined in the <i>Local Government Act 1993</i> . These are “community” or “operational”.
LG Act	<i>Local Government Act 1993</i>
LG Regulation	<i>Local Government (General) Regulation 2021</i>
LGA	Local Government Area
Operational Land	Land that serves a commercial or operational function (e.g. offices, works depot, car park, sewage pump station, etc), or land that is being retained for commercial or strategic reasons.
PoM	Plan of Management
RVC	Richmond Valley Council
Richmond Valley Made 2030 Community Strategic Plan	The Community Strategic Plan (CSP) sits at the top of Council’s planning framework and influences all the activities for the future of the local area. This plan identifies the community’s main priorities and aspirations for the future and has established broad strategies for achieving these goals.

	https://richmondvalley.nsw.gov.au/wp-content/uploads/2018/09/Richmond-Valley-Made-2030-Community-Strategic-Plan-Adopted-by-Council-on-27-June-2017.3.pdf
Richmond Valley Council Resourcing Strategy 2015-2025	<p>The Resourcing Strategy focuses on the resources (time, money, assets and people) to achieve the goals of the CSP. The Resourcing Strategy consists of the Long Term Financial Plan, Organisational Development Plan, and Asset Management Plan.</p> <p>https://richmondvalley.nsw.gov.au/wp-content/uploads/2018/09/220198_Resourcing_Strategy_2015-2025.pdf</p>

KEY INFORMATION

This Plan of Management (PoM) has been prepared by Richmond Valley Council to provide direction as to the use and management of 'Richmond Park' classified as 'community land' in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM outlines the current condition and use, the way the land will be used into the future and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

Crown Reserve	Dedication 540048 for Public Recreation, (Gazetted 20 February 1874) Reserve 89614 for Promotion of the Study and the Preservation of Native Flora and Fauna, (Gazetted 10 October 1975)
Land Owner	Crown
Crown Land Manager	Richmond Valley Council
Applicable Land	Lot 7021 DP 1059188, Part Lots 237 - 240 DP 755727
Land Area	60.3 ha
Interim Land Category	General Community Use & Natural Area - Wetland
Proposed Land Category	General Community Use & Natural Area - Wetland
Date of Adoption	28 June 2022



Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future.

INTRODUCTION

Richmond Park is a significant community facility located in the regional town of Casino within the Richmond Valley Council Local Government Area (LGA).

The Richmond Valley Council LGA extends from the coastline at Evans Head to the foothills of the Great Dividing Range to the west interspersed with State forests, national parks and nature reserves. The largest town is Casino centrally located between a series of other regional towns including Lismore, Ballina and Grafton (Figure 2). Richmond Valley Council LGA area includes smaller surrounding communities including Broadwater, Coraki, Evans Head, New Italy, Woodburn and Rappville with an estimated Resident Population (ERP) at 2019 was 23,465 (*source .idCommunity/Richmond Valley Council*). Richmond Valley is accessible by rail, coach, and road from a variety of cities and centres. Airports are located at Ballina, Coolangatta and Brisbane.

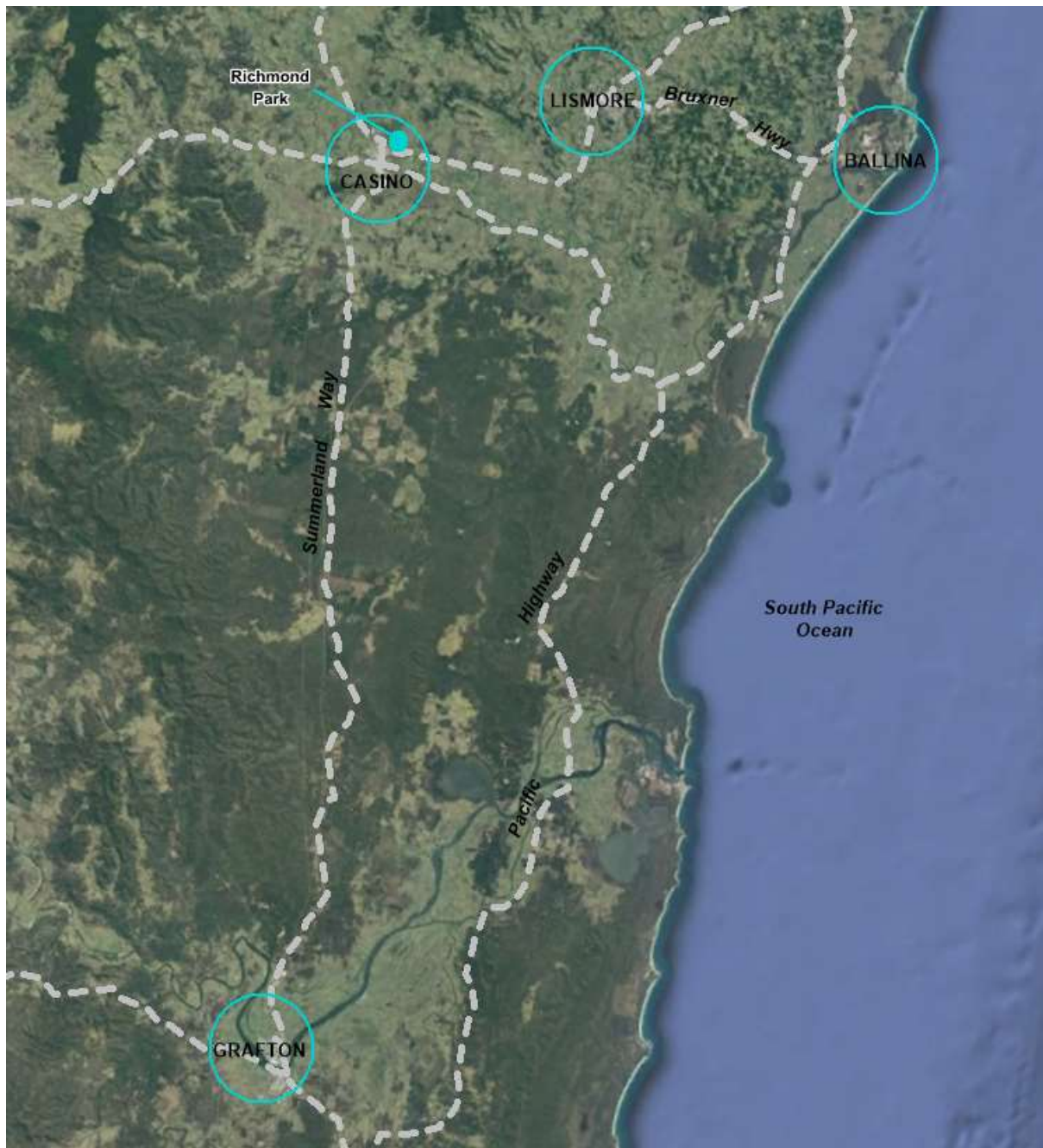


Figure 2: Site Location – Regional Context

Casino is a thriving rural township surrounding the banks of the Richmond River and relies heavily on primary industries including cattle and timber. It is central to many amazing World Heritage listed national parks collectively known as the 'Gondwana Rainforests of Australia' and is home to the people of the Bundjalung nation. Summerland Way, links Casino to South East Queensland in the North and Grafton in the South, being an alternative route to the Pacific Highway.

Richmond Park is located in the north eastern outer perimeter of the Casino township. It is bounded by Queensland Road, West Street and the Casino/Murwillumbah Railway line, (Figure 3 & 4).



Figure 3: Site location – Context of Richmond Park within Casino

European history of Richmond Park

The name 'Richmond Park' has a long historical identification to this land. The reserve name dates to references in government gazettes published in 10 December 1898. The name was not formally gazetted until 30 April 1971 by The Geographical Names Board of New South Wales.

The original part of Richmond Park being Crown Land was reserved for public recreation on 20th February 1874.

The Casino-Kyogle railway line resumed the whole southern frontage of the Richmond Park with approximately 20 acres of land in 1901. This includes the land for the public building where the railway station museum building resides.

The Legislative Assembly of Parliament published 2 July 1887, that the recreation reserve known as Richmond Park had not been vested in the Casino Municipal Council preserving this land as a state owned public reserve. This reserve was common land with number of trustees responsible for the management, and control of the reserve.

In 1907 the trustees surrendered the deeds to Richmond Park and Casino Municipal Council was appointed trustee. It was reported in Council minutes that it was not deemed necessary to issue a fresh deed and Register-Generals Department would only forward the notification of transfer if required. Richmond Park was formally vested in trustee to The Municipality of Casino published in gazette on 28 July 1950 for the management of the reserve.

Figure 5 and 6 acknowledges Councils historical contribution towards maintaining and improving Richmond Park with the recognition of the importance on this reserve to the community.



Figure 4: Site location - Richmond Park

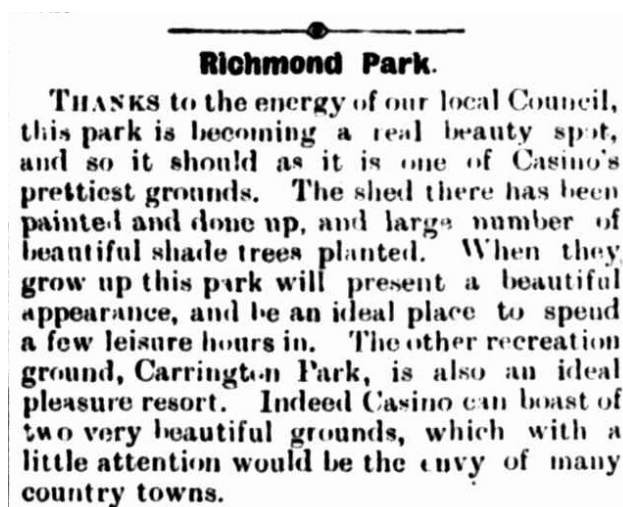


Figure 5: The Richmond River Express and Kyogle Advertiser, 10 November 1908

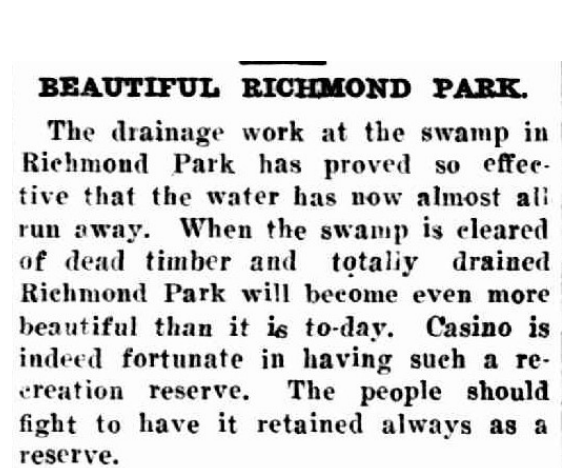


Figure 6: Casino and Kyogle Courier 3 January 1923

The Casino Municipal Council was able to collect rates for the land being under agistment for cattle and horses. The identified land was considered very low-lying heavily inundated country (mainly swamp) with a small piece of high land in a corner of two portions. The land was identified unsuitable for subdivision for urban expansion, nor a need for dairy to assist the town milk supply, *Casino and Kyogle Courier 21 January 1928*.

Works were considered for damming the lagoon in the far corner of the park to save water from being drained under the swamp drainage scheme. Richmond Park and adjoining camping reserve was proclaimed reserve for wild game in 1907.

The land forms part of larger scale North Casino drainage where 6205 acres of works undertaken during 1907-1908 at a cost of 5000 pounds expended in a sinking fund over 28 years to improve drainage of North Casino with the outfall being located at the long lagoon, Casino Temporary Common. Richmond Park joins with the main southern drain near portion 196, parish of North Casino. This was identified as a significant project at this time as it opened-up the expansion of land previously inundated by floodwaters within North Casino.

The Casino 'Links' golf course located at Richmond Park was approved by Casino Municipal Council on 7 November 1905.

The Casino Golf Club has been actively involved in the management of the reserve since the opening of the golf course. They have partnered and rallied Council for upgrades, drainage works, fencing, and construction of facility buildings. The Golf Club contributed significant funds, (at times the whole revenue) towards the construction and maintenance of the course.

Crown Lands approved under support from Casino Municipal Council an area of land to provide construction of a new golf clubhouse facilities. This area was revoked from the reserve in 1963 and further extensions acquiring additional land revoked in 1967. The Casino Golf Club was able to purchase this land as freehold title to which the current golf club restaurant, bar, and clubhouse remains.

The whole of Casino Municipality was proclaimed a bird sanctuary in 1927 to prevent people from shooting birds in parks specifically after various complaints regarding the shooting and removal of birds from Richmond Park.

Reserve 89614 for promotion of the study and the preservation of native flora and fauna was gazetted 10 October 1975 and became an addition to Richmond Park. This crown land was previously reserved for camping and water supply in 1898, revoked in September 1975. The Council of the Municipality of Casino was appointed trustee on 27 February 1987.

The Casino Municipality Council as trustees for Richmond Park applied to the National Parks and Wildlife Services in 1986 for part of the property to be proclaimed a wildlife refuge. This area was recognised as especially important as it contains seasonal freshwater swamps and meadows which offer refuge to rare and endangered birds such as the Jabiru, Japanese Snipe and Golden-headed Cisticola.

National Parks and Wildlife proclaimed via government gazette 15 January 1993 a total area of 34.63 ha to be known as "Richmond Park Wildlife Refuge". This land extends over both Crown Reserve D540048 and R89614.

The Jabiru Geneebeinga Wetlands forms part of the Richmond Park Wildlife Refuge area. This is a natural habitat providing sanctuary for native birds and other wildlife.

Richmond Park was redeveloped in 1988 in a bicentennial project which provided recreational facilities for the local community and visitors. The pond construction provided stormwater detention and treatment prior to water entering adjoining the natural wetland and additional habitat particularly for native animals and birdlife.

The Pacific Coast Railway Society utilises the Richmond Park for a mini-railway which opened in October 1993. They conduct train rides winding through the wetlands to the old

Casino Station Museum at a return trip of 3.6km. This facility is run totally by volunteers with proceeds put back into the maintenance of the railway, rent, and rates.

A greyhound-slipping track was developed on the western boundary of the golf course in 1996. This provided a dedicated area for training greyhounds which is used regularly. This area is managed and maintained by the Golf Club.

Richmond Valley Council has identified an opportunity to upgrade the wetlands to support and preserve the habitat primarily for native bird species as well as offering a viewing platform and amphitheatre. While more than 130 species of native, local and migratory birds utilise the site, over the years its condition has deteriorated with weed incursion and declining resources for maintenance. Improved habitat, wetlands and facilities could become an exciting draw card for birdwatchers and visitors who enjoy the outdoors.

Purpose of the plan of management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Richmond Valley Council is developing this PoM in accordance with the CLM Act and LG Act.

The purpose of this PoM is to:

- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*
- contribute to the council's broader strategic goals and vision as set out in Richmond Valley Made 2030 Community Strategic Plan.
- provide clarity in the future development, use and management of the community land
- provide a guide to the revitalisation and management of Richmond Park to protect and showcase the special natural and recreational assets.
- ensure consistent management that supports a unified approach to meeting the varied needs of the community into the future.

Further information about the legislative context of Crown Reserve PoMs can be found in **Appendix A3** of this document.

Process of preparing this plan of management

The CLM Act, which came into effect in 2018 requires that Councils produce a PoM for Crown Land under management of Council. Council has a responsibility to manage crown land with the same legal framework as the LG Act.

Council received direction on 15 January 2020 from Department of Planning, Industry and Environment – Crown Lands as delegate of the Minister for Water, Property and Housing the initial categorisation of Richmond Park. This included the assigned category 'General Community Use' and directed category of 'Natural Area'.

Further information can be found in **Appendix A1** for plans of categorisation.

Figure 7 illustrates the process undertaken by the council in preparing this PoM.

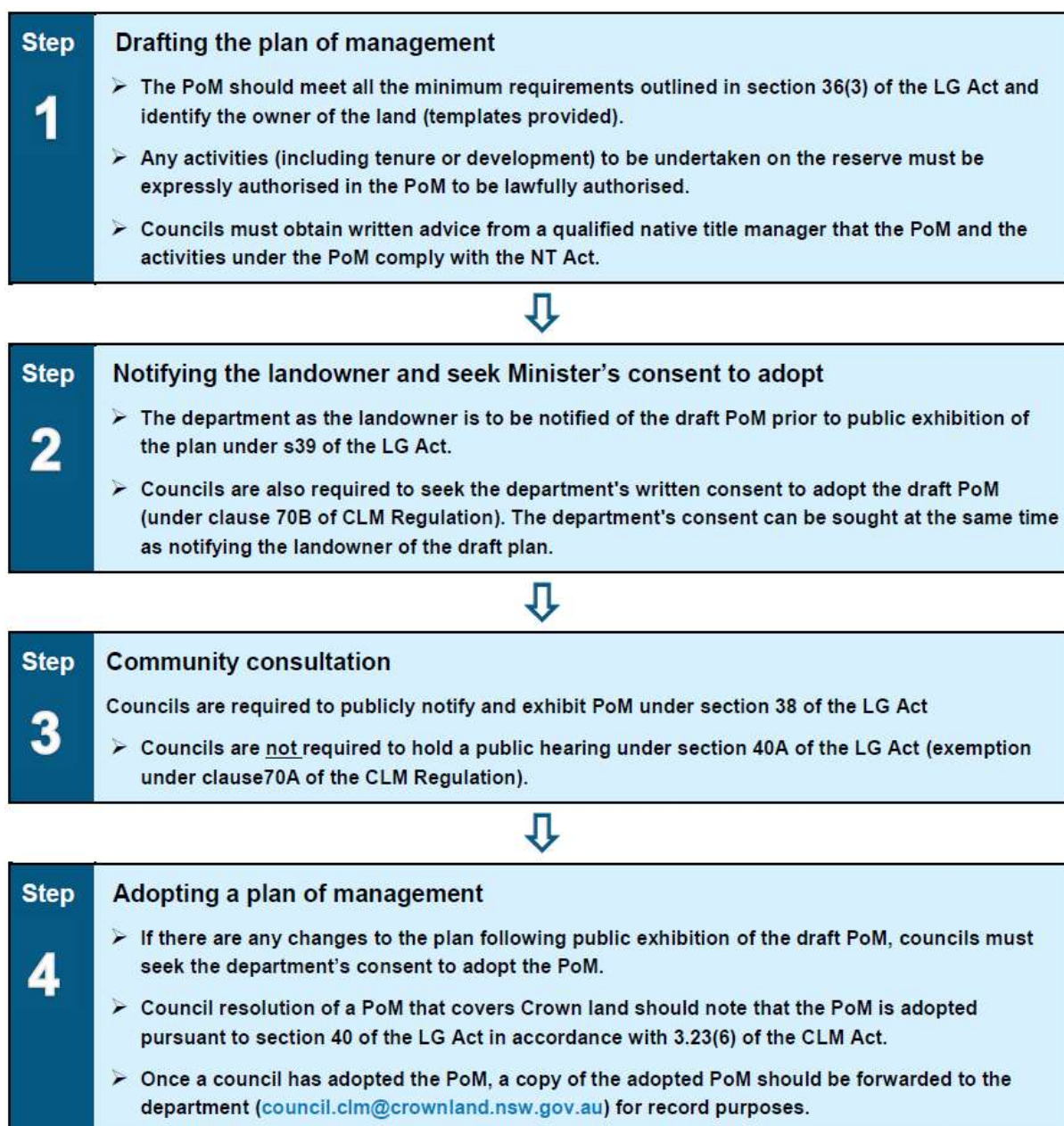


Figure 7: process for preparing a PoM for council managed Crown Reserves.

Change and review of plan of management

This PoM will require regular review to continue to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM may be reviewed within this period to ensure that Richmond Park is being managed in accordance with the PoM and is well maintained and provides a safe environment for public enjoyment.

Community consultation

Richmond Valley Council believes in open and accountable governance. We are passionate about the future of the region; harmonising the needs of the community, stakeholders and policy directions from State and Commonwealth governments is key to achieving balanced decision making.

Richmond Valley Council will apply the following principles for community engagement and communications.

- Partnership and respect - We seek to partner with our community and key stakeholders and will engage respectfully at all times.
- Accessibility - We will provide access to information that is both easily obtained and understood.
- Right to be informed - Our stakeholders have a right to be informed about Richmond Valley Council decisions that affect them.
- Proportionate - We will involve the community to participate in decisions in a way which is proportionate to the significance or impact of an activity on them.
- Transparency - Richmond Valley Council will make decisions in an open and transparent way and provide stakeholders with reasons for decisions, including how views have been taken into account.

This PoM was developed in conjunction with site user groups and stakeholders.

This PoM was placed on public exhibition from 13 April 2022 to 25 May 2022, in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of 4 submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the Local Government Act 1993, prior to being placed on public exhibition, the draft PoM was referred to the NSW Department of Planning and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the NSW Department of Planning and Environment – Crown Lands.

LAND DESCRIPTION

This PoM covers Richmond Park which consists of two (2) crown reserves. The Crown Reserve information is detailed in Table 1. The land is owned by the Crown and is managed by Richmond Valley Council as Crown Land Manager under the *Crown Land Management Act 2016*.

Richmond Park is located in the north eastern outer perimeter of the Casino township. It is bounded by Queensland Road, West Street and the Casino/Murwillumbah Railway line.

The reserve currently includes the following facilities: Casino Golf Course, Greyhound slipping track, Casino Mini Rail & Museum, Jabiru Geneebeinga Wetlands and Richmond Park Wildlife Refuge.

Additional information showing the reserves and the categorisation can be found in **Appendix A1**.

Table 1: information about reserves covered by this plan of management.

Reserve Number	D540048
Reserve Gazette Date	20 February 1874
Reserve purpose	Public Recreation
Land parcel/s	Lot 7021 DP 1059188
Area (Ha)	46.2 ha (approximately area only)
LEP zoning	RE1 – Public Recreation C2 – Environmental Conservation
Assigned category/categories	General Community Use / Natural Area - Wetland
Reserve Number	R89614
Reserve Gazette Date	10 October 1975
Reserve purpose	Promotion of the Study and the Preservation of Native Flora and Fauna
Land parcel/s	Part Lots 237 - 240 DP 755727
Area (Ha)	14.1 ha (approximately area only)
LEP zoning	RU1 – Primary Production C2 – Environmental Conservation
Assigned category/categories	Natural Area - Wetland

This PoM is specific to the land mentioned in Table 1. Contact the Council or refer to the Council's website for information about other public land not listed above.

Land comprising the habitat of endangered species or threatened species

Richmond Park does not contain any community land declared critical habitat of endangered species as per Section 36A LG Act.

Richmond Park does not contain any community land affected by an abatement plan as per Section 36B LG Act.

Richmond Valley Council has developed a Management Plan for the Jabiru Geneebeinga Wetlands. The Jabiru Geneebeinga Wetlands is located on Richmond Park and part of the Richmond Park Wildlife Refuge. A preliminary environmental assessment on the wetlands ponds was completed by Arbor Ecological in March 2020. The management plan supports the values and objectives of the PoM and focuses on maintaining and improving the ecological, hydrological, recreational and educational values whilst maintaining and improving the biodiversity values. The management plan includes a preliminary list of native and exotic flora and fauna species identified on the site, refer to **Appendix A6**.

Note that only a preliminary environmental assessment has been completed, there is currently a lack of comprehensive surveyed information on existing flora and fauna for the site. It is expected that additional species will be recorded following a more detailed survey of the site which may include the possibility of comprising habitat of endangered or threatened species.

Land containing significant natural features

In accordance with Section 36C of the LG Act, no historical records were able to be located identifying any formal resolution by Council to declare the site to contain a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations.

Casino Municipal Council however applied in 1986 to National Parks and Wildlife Service (NPWS) for part of Richmond Park to form part of a Wildlife Refuge. Councils application was to ensure the long-term continuity and viability as a support system for various waterfowl species.

National Parks and Wildlife proclaimed via government gazette 15 January 1993 a total area of 34.63 ha to be known as "Richmond Park Wildlife Refuge". This land extends over both Crown Reserve D540048 and R89614.

At that time of proclamation, it was recognised that the area contained seasonal freshwater swamps and meadows which offer refuge to rare and endangered birds such as the Jabiru, Japanese Snipe and Golden-headed Cisticola. It was important to conserve wildlife for scientific, educational and recreational values for the benefit of future generations.

More recent sightings of endangered birds sighted with the Wildlife Refuge include the Magpie Goose, Freckled Duck, Blue-billed Duck, Comb-crested Jacana, Curlew Sandpiper, Black Bittern, Spotted Harrier, Black Falcon, Glossy Black-cockatoo, Osprey, White-bellied Sea-eagle, Little Lorikeet, Grey-crowned Babbler or Dusky Woodswallow, all of which are scheduled under NSW legislation.

This area of the Richmond Park Wetland Refuge contains the management area known as 'Jabiru Geneebeinga Wetlands'. See **Appendix A1** for areas of Richmond Park Wildlife Refuge and the Jabiru Geneebeinga Wetlands.

The PoM has been developed with the intent to ensure the provisions of Section 36C LG Act apply.

BASIS OF MANAGEMENT

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

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

Categorisation of the land

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

The LG Act defines five categories of community land:

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

The categorisation of Richmond Park is **General Community Use**, and **Natural Area – Wetland** (See maps of areas in **Appendix A1**).

This PoM categorises the Reserve for the first time.

Guidelines for management of community land

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

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the General Community Use and Natural Area categories are set out in the relevant category sections of this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Richmond Valley Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Richmond Valley Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land and intends to permit encourage a broad range of appropriate activities, where appropriate.

Core objectives of community land

Local Government Community Land Categories

Richmond Park contains two categories of community land which have different management objectives under the LG Act. (See maps of areas in **Appendix A1**).

The golf course, miniature railway, greyhound slipping-track is categorised as general community use. General community use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as **General Community Use**, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- 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).

Richmond Park Wildlife Refuge which forms part of Richmond Park is categorised as Natural Area – Wetland. Natural areas are defined in clause 102 of the LG Regulation as land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.

The core objectives for **Natural Areas**, as outlined in Section 36E of the LG Act, are to:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
- maintain the land, or that feature or habitat, in its natural state and setting
- provide for the restoration and regeneration of the land
- 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
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

Wetlands are defined in clause 108 of the LG (General) Regulation as marshes, mangroves, backwaters, billabongs, swamps, sedge lands, wet meadows or wet heathlands that form a waterbody.

The core objectives for **Wetlands**, as outlined in Section 36K of the LG Act, are to:

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

Richmond Valley Local Environmental Plan 2012 (LEP)

The *Richmond Valley Local Environmental Plan 2012* (LEP) is a statutory instrument prepared in accordance with the *Environmental Planning and Assessment Act 1979* to set out development objectives and consent requirements. The LEP provides statutory regulations for type of development that would be permitted with consent and identifies prohibited development for each separate zone. This provides an additional layer of land use control.

Richmond Park has been zoned RE1 – Public Recreation, C2 – Environmental Conservation, and RU1 – Primary Production. The area zoned RU1 – Primary Production includes land identified as part of the declared Wildlife Refuge, future LEP amendments should consider the whole of the Wildlife Refuge to be zoned C2 – Environmental Conservation. This would align the zoning objectives to the intended reserve purpose, land use and declared area. Land Zoning maps for each area are shown in **Appendix A1**.

The objectives of the **RE1 – Public Recreation** zoning 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.

The objectives of the **C2 – Environmental Conservation** zoning are:

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

The objectives of the **RU1 – Primary Production** zoning are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.

Restrictions on management of Crown land

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

Restrictions on management of declared wildlife refuge

Part of Richmond Park was established as a Wildlife Refuge under Section 68 of the *National Parks and Wildlife Act 1976* (NPWS Act). The purpose of the land must be used for:

- preserving, conserving, propagating and studying wildlife,
- conserving and studying natural environments, and
- creating simulated natural environments.

The scheme of operation is limited due to period that this became in existence which centres on protection of existing seasonal freshwater swamps and meadows by using fencing to exclude stock.

The NPWS Act and the *Biodiversity Conservation Act 2016* provide restrictions upon the development and use of the land to ensure consistency with the terms of the wildlife refuge agreement.

This PoM considers the purpose and scheme of operation when defining the management actions for the Refuge.

Councils strategic objectives and priorities

Richmond Valley Council's operating mandate is highlighted in a 10-year Community Strategic Plan – Richmond Valley Made 2030 (CSP). This forms the strategic direction reflected on the input received from the community as part of the Community Strategic Planning processes. The CSP outlines Councils high level priorities and feeds into the associated Delivery Program and Operational Plans which guide the day to day activities for Councils staff. The Vision and Mission statements and the community priorities are highlighted below which provide further context to the relationship of Richmond Park site.

VISION STATEMENT

A collaborative community working together to advance a resilient and robust economy which reflects a strong sense of community, successful businesses and a healthy environment.

MISSION STATEMENT

To protect and improve the quality of life for our community, and for future generations.

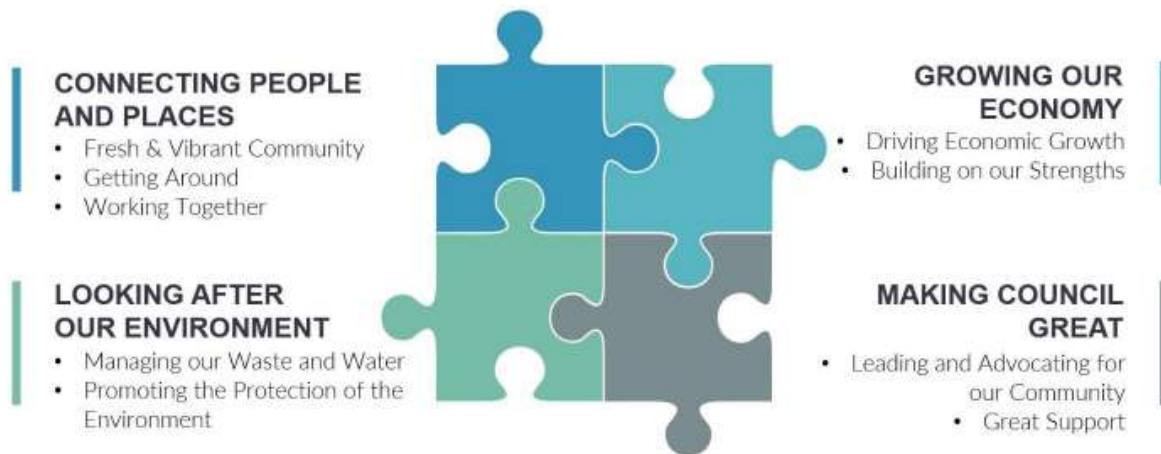


Figure 8: Community Priorities and Objectives

The CSP identifies the investment in open spaces building civic pride whilst promoting the protection of the environment. This includes providing and maintaining key amenities which service the needs of the Richmond Valley's diverse community.

The upgrade of the Jabiru Geneebeinga Wetlands is identified as a facilitated signature project within the CSP (see Figure 9). The wetlands are identified as needing renewal with the opportunity to become an important regional tourist destination within the local government area.

This PoM will provide the legislated framework for Council to facilitate the existing and future use, management and improvements to Richmond Park including any upgrades to the Jabiru Geneebeinga Wetlands.



Upgrade of the Jabiru Geneebeinga Wetlands

The Jabiru Geneebeinga Wetlands on Queensland Road Casino was developed as a bicentenary project in 1988. The wetlands are in need of renewal and Council will work with interested groups in the community to develop a plan which will enable grant funding to be sought. The opportunity exists for this precinct to become an important regional tourist destination as it also includes the Casino Golf Course and Casino Mini-rail. Richmond Dairies

is developing a project in conjunction with Southern Cross University to utilise the land they currently use for grazing to expand the Wetlands and provide improved processes for effluent management, to enhance the existing wetlands. Improved habitat, wetlands and facilities could become an exciting drawcard for birdwatchers and visitors who enjoy the outdoors.

Figure 9: Richmond Valley Made 2030, Community Strategic Plan, (CSP) p14.

EXISTING USE

Council is responsible for a broad range of public land, including land owned by Council and Crown Land under its management control. Council manages this public land through in-house delivery teams that undertake general maintenance and improvements over time.

Council operates an asset management framework to meet legislative and regulatory requirements. Council operates through an integrated planning and reporting framework which plan for funding priorities and service levels in consultation with the community while preserving local identity and ensuring a more sustainable future.

Councils Resourcing Strategy incorporates Asset Management Plans defines the day to day activities that drive strategic goals. This focuses on priorities, funding, built assets, including building, structures and public land. The current and future assets at Richmond Park are subject to this management regime.

Physical environment

The land within Richmond Park categorised as **general community use** has been built to provide a recreational golf course facility for the community. The physical terrain has been utilised and enhanced with constructed water features, pathways, and tree plantings as part of the aesthetic and sporting challenge of the course.

The land within Richmond Park categorised as **natural area – wetland** is located on the Richmond River floodplain in northeast NSW being the largest coastal floodplain on the NSW coast, forming part of the larger scale stormwater catchment for the surrounding urban developed areas. This land was redeveloped in 1988 creating storage ponds and providing habitat for wildlife refuge, particularly for koalas and birdlife. Some recreational facilities exist at the site including pathway, picnic shelters, seats and toilet facilities with the remaining wetland consisting of very low-lying heavily inundated land (mainly swamp).

The floodplain soils are classed as Vertosols (Morrand D., Senior Scientist; Land and Soil Assessment, Environment, Energy and Science; NSW Department of Planning, Industry and Environment; Pers. Comm., 03/11/20). Vertisol soils, often referred to as cracking expansive or reactive clays. These are clay soils with shrink-swell properties that exhibit strong cracking when dry. The surface is often a light clay (greater than 35% clay) and the subsoil usually ranges from a light to medium heavy clay (CSIRO 2016).

Current use of the land

The land within Richmond Park categorised as **general community use** contains the Casino Golf Course, miniature railway, and Greyhound slipping track. The Casino Golf Course has been operating on this site since 1905. The miniature railway opened in 1993 and the greyhound slipping track has been utilising this site since 1996. These business entities operate under a current licence for the use and maintenance of the facilities at a fee payable to Council.

Whilst the miniature railway land has been identified as forming part of the Richmond Park Wildlife Refuge declared area this land includes built structures and facilitates a lease which is not consistent with the core objectives of being categorised natural area. These facilities complement the natural features and wetland through providing access for the community to observe the natural features whilst mitigating disturbance caused by human intrusion.

The land within Richmond Park categorised as **natural area – wetland** contains the Jabiru Geneebeinga Wetlands redeveloped in 1988, and the declared Richmond Park Wildlife Refuge.

The adjoining land to the south is owned/managed by Australian Rail Track Corporation (ARTC) to the Old Casino Railway Station Precinct. Transport for NSW ownership extends

from the Old Casino Railway Station Precinct being the railway corridor. The Old Casino Railway Station is identified in the LEP as being declared State Heritage under the *Heritage Act 1977*. The Old Casino Railway Station connects to the mini-railway routes and forms part of the lease to Pacific Coast Railway Society Incorporated.

The Northern Rivers Rail Trail is currently in development being 130km of disused rail corridor between Casino and Murwillumbah. This corridor is being converted into a modern cycle and walking trail through the region's spectacular landscapes. The starting point of the rail trail is at the site of the Old Casino Railway Station directly adjoining southern boundary of Richmond Park.

The adjoining western land is existing developed residential land and the West Street Cemetery.

The adjoining land to the north is rural primary production and environmental protection zone. This land is currently used for stock grazing. The environmental protection zone is an extension of the landscape of the wetlands area connecting to Richmond Park.

The adjoining land to the east is Crown Land, managed by the Minister of Crown Lands.

There is an incomplete Aboriginal Land Claim over the whole of Richmond Park and adjoining Crown Land, (4522) - Casino Boolangle Local Aboriginal Land Council.

Land to the north, along Barling Street is identified in the Casino Urban Settlement Strategy for future urban land release.

Land Improvements

At the time of adoption of this PoM, there are a number of buildings and assets on the site. A comprehensive list of the existing assets, condition, photographs and respective location is provided in **Appendix A5**.

Current leases and licences

At the time of adoption of the PoM, the site is used by the following organisations under a short term licence included in Table 2 below.

Table 2: Existing Lease and Licence Holders (as at February 2022)

Type	Licensee	Term	Dates
Short Term Licence	Casino Golf Club Ltd	1 year	01.01.2022 – 31.12.2022
Short Term Licence	Casino Golf Club Slipping Track (* See Note)	1 year	01.01.2022 – 31.12.2022
Short Term Licence	Pacific Coast Railway Society Inc	1 year	01.11.2021 – 31.10.2022

Note: The Casino Golf Club Slipping track is a sublet short term licence under the primary short term licence of the Casino Golf Club, and not a separate licence.

(see **Appendix A1** for more information on the area licenced).

DEVELOPMENT AND USE

Richmond Park is particularly valuable to the community for a number of reasons. The core values which make this place important to the community are highlighted below.

Social and Economic Values



Richmond Park provides the only golfing course facilities within Casino. This facility with adjoining site generates direct employment, and the visitors to its events provide economic stimulus throughout the town. The miniature railway and the wetland attract tourism highlighting the diverse landscape as well as being a great source of pride to the community.

Sporting Values



Richmond park with adjoining land provides the opportunity for an 18-hole game of golf located on the outskirts of the township of Casino. This facility provides a stimulating mental challenge combined with a healthy walk in pleasant surroundings for residents and visitors.

Natural, Historical and Environmental Values



Richmond Park provides the opportunity for the community to experience the rich environmental biodiversity of the wetlands. This provides educational opportunities to the natural and cultural landscape. The miniature railway delivers a winding ride through the Jabiru Geneebeinga to its destination showcasing the historical heritage of the old railway buildings.

Objectives for the future development of the site is based on these values, and consistent with the core objectives of the land categorisation and zoning. These include:

- To increase attractiveness and useability of the site through higher quality facilities, amenities, and access arrangements.
- To recognise opportunities and key constraints to the development and use of the site.

These objectives apply to the site, over and above those Core Objectives that apply to land categorised as General Community Use and Natural Area – Wetlands.

Key issues

Based upon consultation with relevant stakeholders associated with the site over the past several years, there are a number of known needs and desires that have been identified. In brief these include:

- Improving golf course condition including during adverse weather events (drought, flood)
- Infrastructure maintenance, repairs or replacement.

- Improve irrigation, water storage, flow capacity.
- Provide a stable outlet for wastewater from Richmond Dairies
- Improved processes for stormwater management (pollution and high nutrients)
- pond siltation and shallowing
- exotic weed infestation
- abundance Broad-leaved Paperbark

Development and Use

The use of community land is subject to the regulatory provisions of the *Environmental Planning and Assessment Act 1979* and any relevant environmental planning instruments and planning policies that may apply to the land.

Any land use or development on community land must be permissible on the land as development permitted with or without consent, complying development or exempt development.

The land identified as **general community use** is authorised for the use of the land associated with the operations of a golf course, miniature railway and greyhound slipping track. Improvements associated with the existing infrastructure and facilities are authorised subject to relevant legislation regarding development and consent requirements.

The exclusive occupation of the land and associated facilities by the Casino Golf Club, and miniature railway are through a valid executed lease agreement.

The land identified as **natural areas – wetlands** authorises the use of the lands for

- biodiversity conservation
- protection of wetland values
- management of wetland
- restoration and rehabilitation
- community access and education.

Future development of this site is to be determined in a future Master Plan which incorporates an environmental ecological study providing the foundation of future protection of the site to meet the core objectives of the reserve.

Permissible uses / future uses

General Community Use

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 3. The facilities on community land may change over time, reflecting the needs of the community.

Table 3: Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use	Development to facilitate uses
Providing a location for, and supporting, the gathering of groups for a range of social, sporting, cultural or recreational purposes.	<p>Development for the purposes of social, community, cultural and recreational activities, such as sporting or social events.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • Development for the purpose of conducting

Purpose/Use	Development to facilitate uses
<p>Providing multi-purpose buildings (for example, administration buildings and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities Commercial uses associated with sports Facilities or miniature railway facilities casual or informal recreation meetings (including for social, sporting, recreational, educational or cultural purposes) functions, performances (film and stage), concerts, including all musical genres exhibitions, fairs, parades and markets workshops leisure or training classes educational centres, information and resource centres entertainment facilities water storage and irrigation facilities 	<p>and facilitating organised sport (both amateur and professional) of the golfing course,</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, sporting, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, amphitheatre, refreshment kiosk (but not restaurants). water-saving initiatives such as irrigation energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council locational, directional and regulatory signage.

Natural Area – Wetland

The future development and use of the site is initially required to undertake an environmental assessment providing detailed information to the biodiversity values of the site. This information will be key to feeding into a proposed master plan developed with the community and relevant stakeholders for the site. The masterplan is a dynamic long-term community plan that identifies, priorities, and set goals and targets based upon analysis, recommendations, proposals based up the facility land use and core objectives. The Master Plan is to incorporate the legislative requirements, and core objectives of the community land as outlined within this PoM.

The general types of uses which may occur on community land categorised as Natural Area – Wetland, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4: Permissible use and development of community land categorised as Natural Area – Wetland by council or the community.

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Preservation of the council's natural heritage including the identified endangered ecological communities 	<ul style="list-style-type: none"> Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, amphitheatre. Low-impact walking trails and boardwalks.

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Preservation of biological diversity and habitat • Providing a location for relaxation and passive informal recreation • Environmental and scientific study • Regenerative works requiring ecological restoration activities associated with protection of flora and fauna 	<ul style="list-style-type: none"> • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Energy-saving initiatives such as solar lights and solar panels • Bridges, observation platforms, jetties • Work sheds or storage sheds required in connection with the maintenance of the land • Information and educational facilities • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage

Action plan

This section provides an ongoing management framework for the implementation of this PoM. This framework is identified through the "action plan", which includes the requirements of the LG Act.

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

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 5 sets out these requirements for community land categorised as General Community Use.

Table 6 sets out these requirements for community land categorised as Natural Area – Wetland.

Table 5: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Management of user group leases and licences	User groups activities occur within the context of site user agreements with Council providing long term management	Council will ensure that use of the site is conducted in accordance with appropriate user agreements	Management of user group leases and licences

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Impact of reserve on the neighbouring natural areas.	To manage facility so as to maintain the ecological values of surrounding natural areas.	Identify sensitive natural areas adjacent to the reserve. Determine management requirements and development constraints for the protection of those natural areas. Implement necessary management practices and development constraints.	Number of sites where environmental requirements determined. Percentage of environmental requirements implemented. Key environmental indicators for natural areas.
Fire management	To minimise impact of fires on adjoining residential properties and enable access for firefighting personnel.	Minimise the fire risk to private properties adjacent to natural areas by maintaining fire trails/fire breaks (the extent as specified by RFS) where a fire hazard has been identified.	Vegetation and green waste is managed by lessee in accordance with Council and RFS bushfire requirements.
Invasive noxious or exotic flora and fauna	To minimise the spread of exotic vegetation.	Identify and control noxious or exotic flora and fauna in natural areas.	Noxious or exotic flora and fauna are controlled.
Vandalism and security.	Identify opportunities in partnership with lessee to reduce vandalism of the Reserve	Review existing facilities to identify opportunities to increase security.	Number of vandalism incidents reported.

Table 6: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area – Wetland.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Ecological understanding of the wetland site.	Ensure the site is managed ensuring the ecological values of the natural areas.	Undertake ecological assessment of the site. Where high value environments are identified, appropriate mechanisms are put in place to protect and enhance these environments	Environmental assessment is undertaken prior to use of natural areas in accordance with relevant legislation. Environmental management plans are in place for recognised areas of high environmental value.
Provide framework for the future of Richmond Park Wildlife Refuge.	Develop Master Plan for the Richmond Park Wildlife Refuge. Master Plan to develop pathway to: Identify area of facility improvements for maintenance repairs or replacement. Consider future expansion of the wetlands area. Improve water storage and flow capacity. Improve process for stormwater management.	Involve all stakeholders and the general community in the planning processes for developing a Master Plan.	Master Plan has been adopted for implementation consistent with the community legislative requirements.
Regional and Government Partnerships	Develop community and regional partnerships to aid in the management of the Wildlife Refuge. Identify funding opportunities for biodiversity improvements of the wetlands.	Identify funding opportunities thorough partnerships with other government authorities and grant applications. Undertake feasibility study and provide for funding through Corporate Planning process.	Funding is obtained for delivery of items identified in the Master Plan.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Participation of community user groups.	<p>User groups activities occur within the context of site user agreements with Council.</p> <p>To increase community participation in conservation and restoration.</p> <p>To undertake effective community education campaigns and workshops.</p>	<p>Council will ensure that use of the site is conducted in accordance with appropriate user agreements</p> <p>Council, in conjunction with respective user groups and relevant legislation, will determine the appropriate user agreements to be utilised.</p> <p>Council environmental education team.</p>	<p>Regular site users are captured within a user agreement, either with Council or another identified site user under subsequent agreements</p> <p>Legislative requirements are met.</p> <p>Number of people attending workshops and environmental events organised by Council.</p>
The potential for Aboriginal heritage sites to be located on lands which have been previously unsurveyed.	Investigate prior to disturbance of natural ground surface.	Undertake archaeological surveys as required.	Number of archaeological surveys carried out prior to development.
Poor water quality from the urban areas.	Improved water quality.	Continued development and implementation of programs such as water quality monitoring, the wastewater strategy, and stormwater plans.	<p>Improved water quality and health of wetlands.</p> <p>Number of fines and notices issued under the Protection of the Environment Operations Act 1997.</p>
Invasive noxious or exotic flora and fauna	To minimise the spread of exotic vegetation.	Identify and control noxious or exotic flora and fauna in natural areas in partnership with Rous County Council.	Noxious or exotic flora and fauna are controlled.
Vandalism, arson and the illegal dumping of rubbish.	Discourage illegal activity by use of signage and fines.	Provide community land infrastructure which, by design, minimises the potential for loss due to vandalism or theft.	Overall reduction in vandalism and theft expenditure due to higher quality, vandal resistant materials and fixtures specified and funded for new replacement infrastructure works.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Promote community awareness by education concerning the impacts of such events.	Allocation of resources and funding through the corporate planning process.	Number of fines allocated.	Promote community awareness by education concerning the impacts of such events.

Express authorisation of leases and licences and other estates

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

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

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

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

Leases and licences authorised by the plan of management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*.
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*.
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- Council invites tenders for any lease or license for terms exceeding 5 years to a body that is not a non-profit organisation in accordance with section 55 *Local Government Act 1993*.

This PoM authorises Council to enter into the most appropriate management arrangement to facilitate the long-term use and improvement of Richmond Park which support facility improvements for a community benefit over community land.

Tables in the relevant category sections of this PoM further identify the purposes for which leases and licences may be issued over the reserves identified in this PoM.

Short-term licences

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

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions

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

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

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

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see **Appendix A3** for more information).

APPENDICES

Appendix A1 – Maps



Figure A1-1: Richmond Park



Figure A1-2: Crown Reserve Details



Figure A1-3: Land Categorisation – ‘General Community Use’ and ‘Natural Area’ – ‘Wetland’



Figure A1-4: Existing Infrastructure and land improvements location



Figure A1-5: Richmond Park Wildlife Refuge

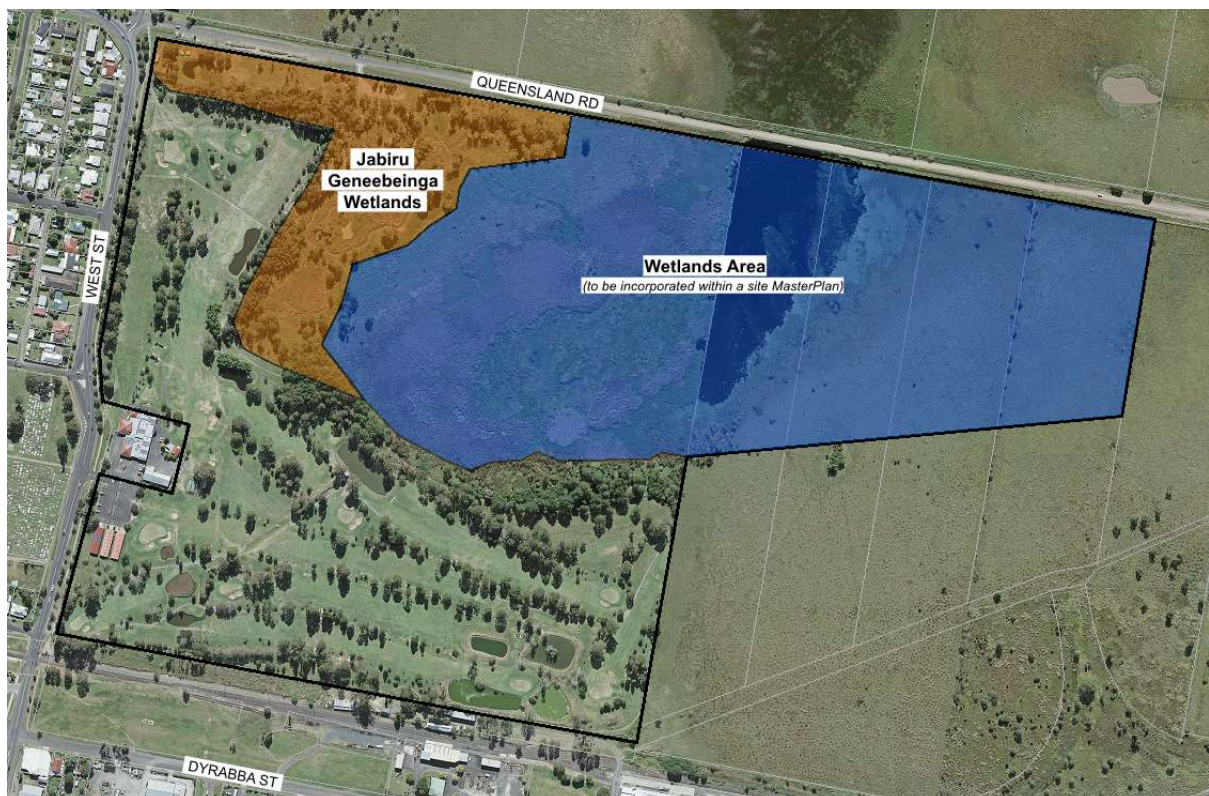


Figure A1-6: Management Area - Jabiru Geneebeinga Wetlands and Natural Wetlands.



Figure A1-7: Short Term Licence – Casino Golf Club / Greyhound slipping track



Figure A1-8: Short Term Licence – Pacific Coast Railway Society Inc for the Casino Miniature Railway

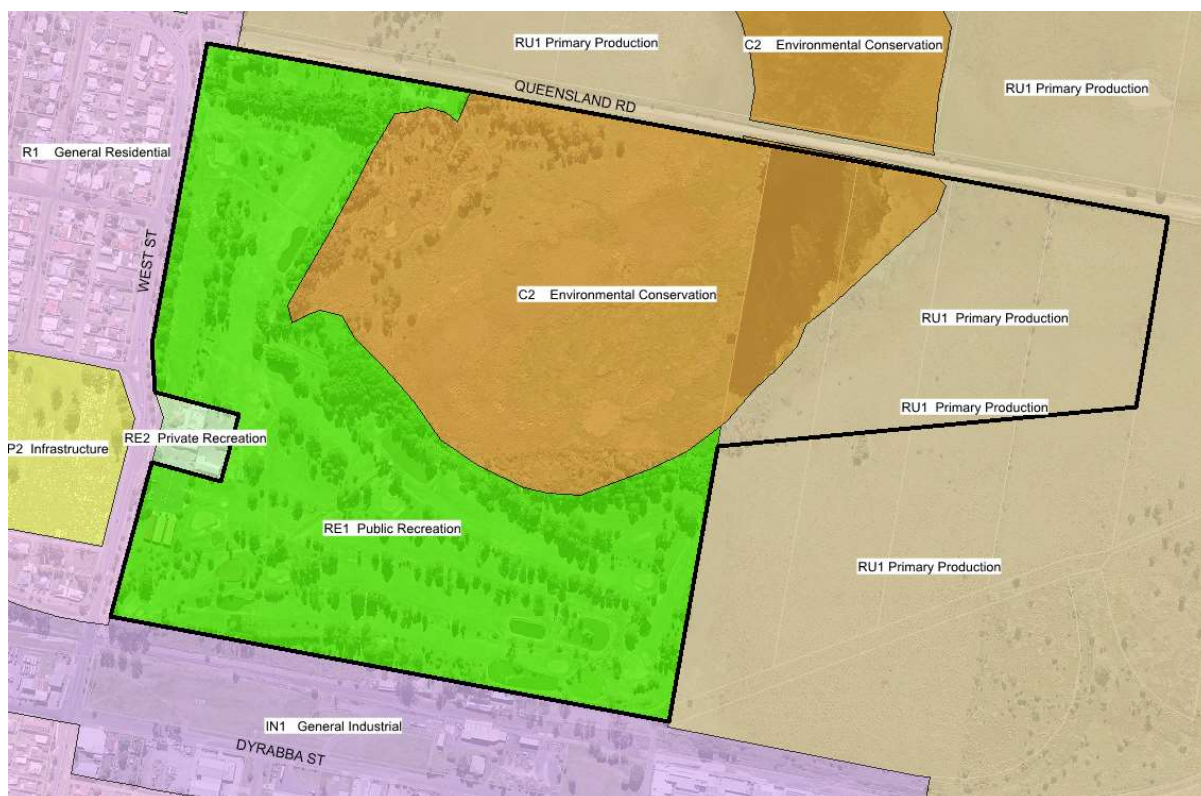


Figure A1-9: Land Zoning – Richmond Valley Local Environmental Plan 2012



Figure A1-10: Heritage – Richmond Valley Local Environmental Plan 2012

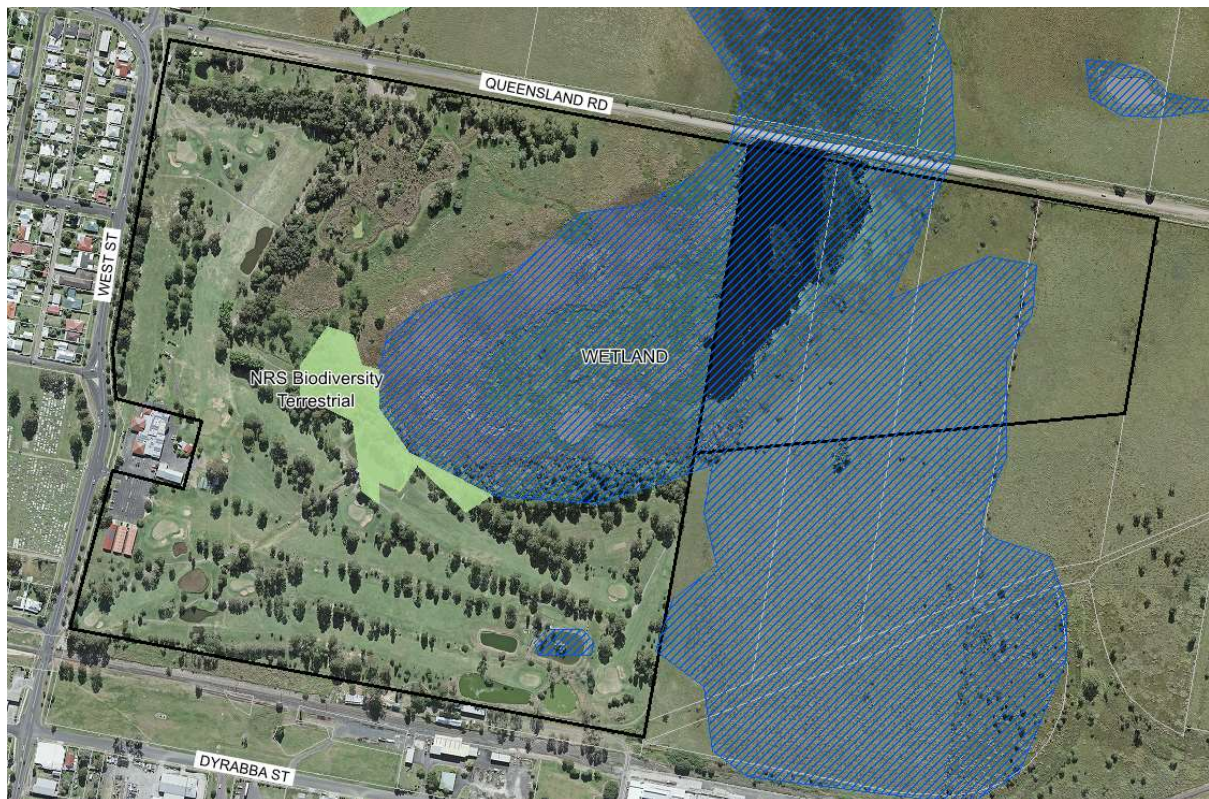


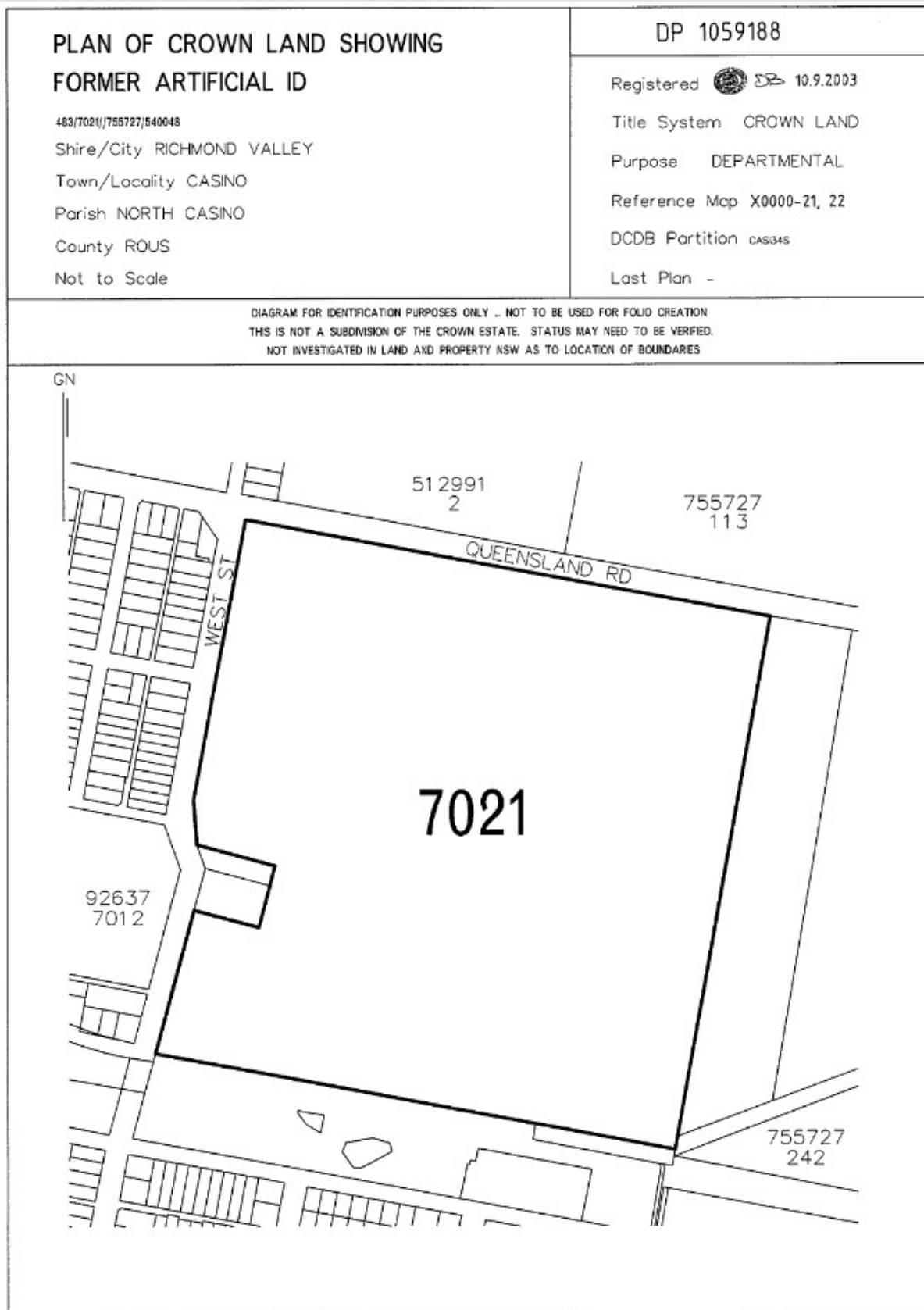
Figure A1-11: Natural Resource – Richmond Valley Local Environmental Plan 2012



Figure A1-12: Bushfire Prone Land 2015

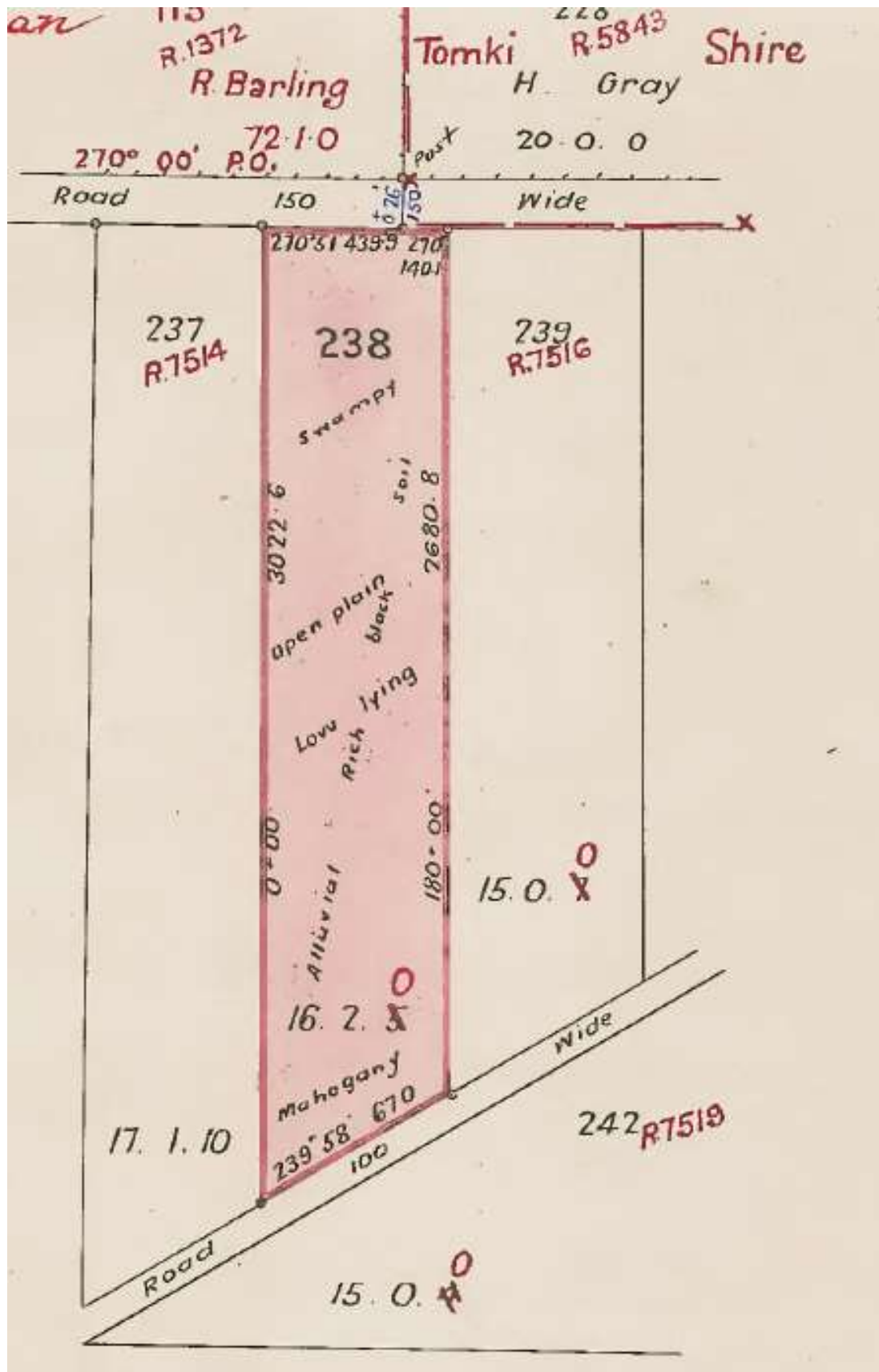
Appendix A2 – Deposited and Portion Plans

DP1059188



[illegible]

Certificate of Title of Portion 238 (CP7515-1759)



Hand-drawn map of a land parcel in Tomki Shire, showing sections 238, 239, 240, 241, and 242. Section 239 is highlighted in pink and contains a swampy area, open plain, and black soil. The map includes dimensions, bearings, and area calculations for various boundaries and features.

Top Section:

- R. 1372 R. Barling 72.1.0
- H. Gray Tomki Shire 20.0.0

Left Section (238):

- 238 ✓ R.7515

Central Section (239):

- 239
- Swampy
- open plain black soil
- 270° 0' 600
- 2680.8
- 2333.9
- 180° 00'
- 15.0.0
- timbered with mahogany
- 239° 58' 693.1
- 100

Right Section (240):

- 240 ✓ R.7517
- 15.0.0

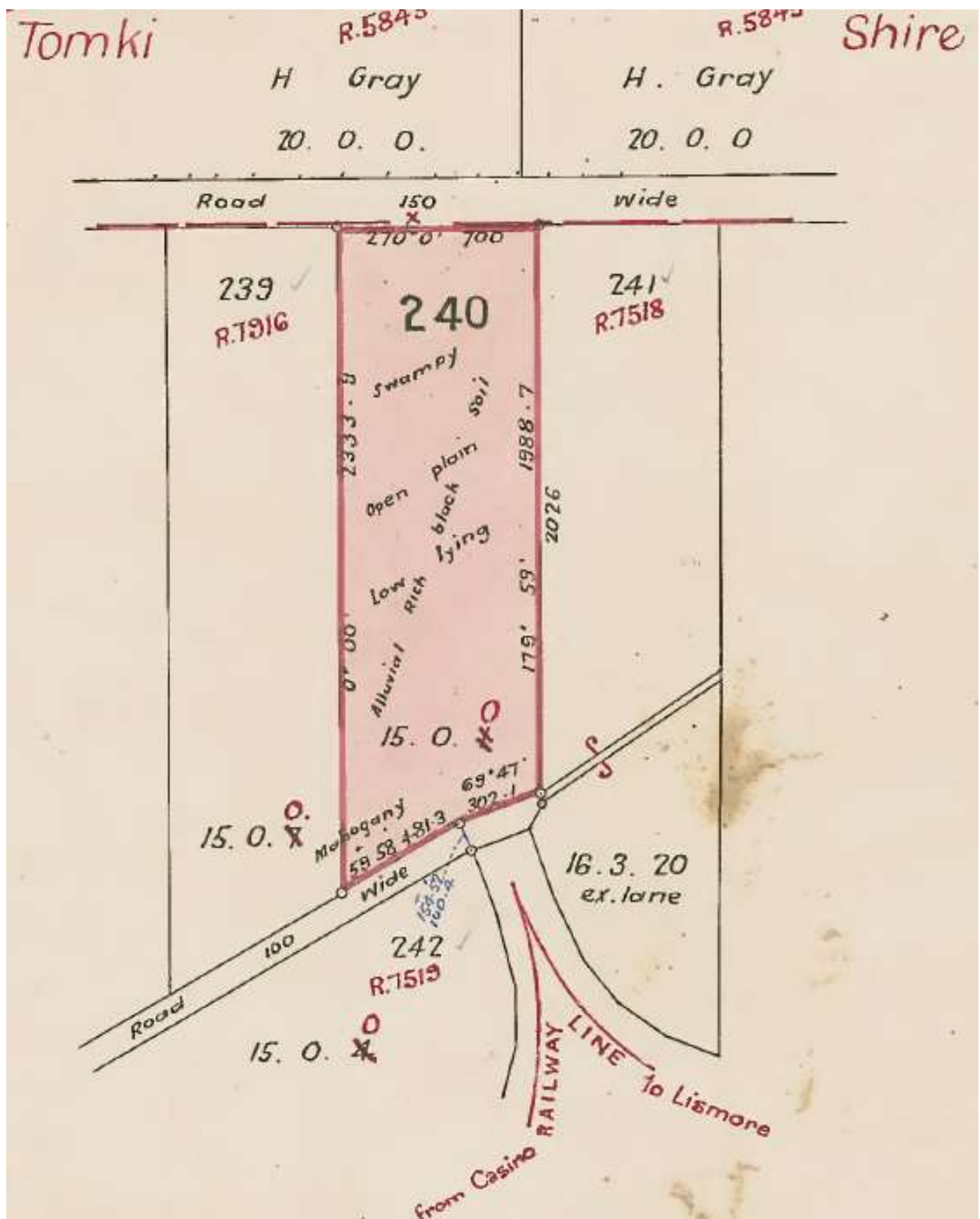
Bottom Section (242):

- 242 R.7519
- 15.0.0

Other Features:

- Road
- Wide
- 16.2.3
- 15.0.0

Certificate of Title of Portion 240 (CP7517-1759)



Appendix A3 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes to **assess its performance** with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

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

Land is to be categorised as one or more of the following:

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

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

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

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for

example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land

- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

Richmond Valley Made 2030 – Community Strategic Plan

Being Councils overarching guiding strategic document over the next 10 years. This CSP provides the vision for the local government area. This plan targets increased community satisfaction and the availability of recreation and sporting facilities. The upgrade of the Jabiru Geneebeinga Wetlands is recognised as a facilitated signature project.

Richmond Valley Council Local Strategic Planning Statement – 2020 Vision

Council's 20-year vision for town planning priorities and strategic direction to address planning and development issues of importance to a vibrant and sustainable future. The LSPS has a number of priority areas and actions directly associated with delivery of local infrastructure; provision of clean and well-maintained public recreational and sporting facilities; promotion of active and healthy lifestyle; work in partnership with stakeholders to improve the environment; and investigate opportunities to expand nature-based and cultural tourism experiences.

Destination Management Plan 2021-2025 Richmond Valley Council developed a tourism strategy which highlights the need for tourism and events activities – particularly within the Casino area. This Plan highlights the need for the Jabiru Geneebeinga Wetlands needing attention which potentially impacts upon tourism in the Richmond Valley.



Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

This Act includes additional requirements for the land identified as a Wildlife Refuge.

Threatened Species Conservation Act 1995

This has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this document.

Biodiversity Conservation Act 2016

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

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

This Act covers the requirements for Wildlife Refuge agreements and the responsibility upon Council for the management of this land subject to the proclaimed area.

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

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed

on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

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

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

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

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

This policy deal with development is 'exempt', meaning that no approval is required from Council under the Environmental Planning and Assessment Act 1979 (EPA Act). 'Complying' development is a fast track process for straightforward development proposals.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

This policy simplifies the NSW planning system by consolidating, updating and repealing provisions in five former agriculture-themed SEPPs. It supports NSW's agricultural sector focusing on primary production with appropriate levels of assessments for areas within sensitive locations.

Other relevant legislation, policies and plans

Aboriginal Land Rights Act 1983

Biodiversity Conservation Act 2016

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Environmental Planning and Assessment Act 1979

Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

Fisheries Management Act 1994

Greyhound Racing Act 2017

Heritage Act 1977

Local Land Services Act 2013

Operations Act 1997

Pesticides Act 1999
Protection of the Environment Operations Act 1997
Retail Leases Act 1994
Rural Fires Act 1997
Soil Conservation Act 1938
Telecommunications Act 1997 (Cth)
Water Management Act 2000
NSW Invasive Species Plan 2018-2021
National Local Government Biodiversity Strategy
NSW Biodiversity Strategy
Australian Natural Heritage Charter

Appendix A4 – Aboriginal interests in Crown land

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

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

Native Title

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

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

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

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

Aboriginal Land Rights

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

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

At the time of preparing this plan of management, there is an incomplete Aboriginal Land Claim over the whole of Richmond Park and adjoining Crown Land, (4522) - Casino Boolangle Local Aboriginal Land Council. Council has considered the claim(s) in development of this plan of management.

Appendix A5 – List of existing assets

The Richmond Park existing infrastructure, land improvements and assets are identified and shown in Figure A5:1. The plan corresponds with the assets identified in Table A5:1 are identified in the subsequent plan by asset number (#).



Figure A5:1 - Existing Assets Locations

Table A5:1 Existing infrastructure assets/land improvements for each reserve, including condition, and additional details.

#	Description	Condition	Reserve	Comments
1	Mini Railway Building	3	General Community Use	Weatherboard cladding with metal roofing.
2	Entrance fencing	2 - 3.5	General Community Use & Natural Area (Wetland)	Timber post & rail fencing (2) located at the entrance to the mini rail shows some signs of wear & tear. The balance of the entrance/front fencing (3.5) consists of post & rail with 4 strand barb wire, and timber posts.
3	Signage	2	General Community Use	Timber post and sign (2) constructed of timber.

#	Description	Condition	Reserve	Comments
4	Toilet Block	2.5 - 3	General Community Use	Stone and weatherboard cladding structural shell (3), basin broken and need of repair. Metal roofing (2.5) Septic waste water treatment system (3) connected to the toilet facilities consists of concrete underground chamber.
5	Parking Area	2.5	Natural Area (Wetland)	Carparking area (2.5) is unsealed pavement with gravel surface.
6	Shelter, Seats & footbridge	2.5	General Community Use	Shelter structures (2.5) constructed of timber posts, metal roofing on concrete slab. Pedestrian footbridge (2.5) constructed of timber planks and handrails.
7	Tables & seats.	2.5	Natural Area (Wetland)	Timber seating (2.5) constructed on concrete slab.
8	Viewing Platform	2.5	Natural Area (Wetland)	Viewing Platform (2.5) consists of 2.54m x 2.8m CCA desk with 1mH handrails. A 3.1m ramp of timber construction adjoins the viewing platform.
9	Viewing Platform	2-4	Natural Area (Wetland)	The earthworks (2) being a 3m high mound constructed for the observation platform. The viewing platform (4) is constructed of timber deck with metal roof. Surrounding retaining walls (4) and associated landscaping is constructed of timber CCA log walls and is in poor condition.
10	Garden Bed – Retaining Wall	1	General Community Use	Gardens, retaining wall, structures located at each hole on the golf course.
11	Carpark	1.5	General Community Use	Bitumen sealed car park servicing the golf course
12	Storage Golf Cart Sheds	1	General Community Use	3 x large storage shed utilised for storage of golf carts. Constructed of colourbond walls and roofing.
13	Golf & Cricket practice nets	3	General Community Use	Golf and cricket practice nets, constructed with chain wire, gal steel mesh and fabric netting.

#	Description	Condition	Reserve	Comments
14	Pathways	1.5	General Community Use	Pathways between and linking each golf holes are constructed of majority gravel 90%, and a small number being asphalt 10%. These have been constructed to assist players to navigate the course.
15	Foot bridge & Water Pump Station	3.5	General Community Use	Concrete bridge over stormwater drainage connecting to entrance of the dam. Bridge foundation affected by stormwater causing slipping. Water pump station constructed of brick walls and metal roofing. Brickwork showing signs of deterioration with foundation compromised from soil erosion.
16	Mini-Railway	1.5	General Community Use & Natural Area (Wetland)	Railway track length of 1.8km dual gauge, annually engineered to ensure compliance and safety. Min-Railway assets under ownership of Pacific Coast Railway Society Inc encumbered by loan to Richmond Valley Council
17	Greyhound slipping track	3	General Community Use	Fenced strip of grass enclosed in 1.8m chain wire fence, 1 barb wire. Starting box of metal construction, at total length of 340m.
18	Boundary Fencing	2.5	General Community Use	Boundary fencing consists of timber posts with 4 strand barb wire, showing signs of wear and tear. A 1.8m timber post and wire mesh fence is constructed for protection of the mini rail.
19	Boundary Fencing	3	Natural Area (Wetland)	Boundary fencing consists of timber posts with 4 strand barb wire, showing signs of wear and tear, contained within the swamp, affected by flood waters.
20	Artificial wetland/stormwater treatment basins	N/A Non-depreciating asset.	Natural Area (Wetland)	Major earthmoving works to construct artificial wetlands as stormwater treatment basins.

Condition rating is based on 1-5 scale. 1 representing assets in near new condition and 5 representing those that have failed or are on the verge of failure. These ratings were assessed as part of asset re-valuation purposes inspected and condition rated in January 2020. It is noted that no structural and detailed examination of any infrastructure have been completed and assessment is visual only.



#1 - Mini railway building



#2 - Post & Rail Fencing



#2 - Boundary Fencing



#3 – Signage



#4 - Toilet Block



#5 – Parking Area



#6 – Shelter & Seats



#6 Footbridge



#6 Footbridge



#7 Seating



#8 – Viewing Platform



#9 - Viewing Platform – Landscaping



#9 - Viewing Platform



#10 Garden Bed – Retaining Wall



#10 Garden Bed – Retaining Wall



#11 – Carpark



#12 - Storage Golf Cart Sheds



#12 - Storage Golf Cart Sheds



#13 - Golf & Cricket practice nets



#14 - Pathways



#14 - Pathways



#14 - Pathways



#14 - Pathways



#14 - Pathways



#15 - Foot bridge & Water Pump Station



#16 – Mini Railway



#16 – Mini Railway



#17 – Greyhound Slipping Track



#18 – Boundary Fencing



#20 – Artifical stormwater treatment wetland ponds.

Appendix A6 – Management Plan Jabiru Geneebeinga Wetlands.