



Plan of Management Community Land Mullumbimby Sports Fields

Prepared for: Byron Shire Council

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1. INTRODUCTION

A Plan of Management provides Council with an appropriate framework for the future management of public land in accordance with all relevant legislation. The Plan is community driven and provides for the community's vision for the land, including permitted uses and establishes strategies and an action plan for the implementation of the desired outcomes.

The purpose of this Plan of Management is to provide a guide for the future use, development and management of an area of land identified as Lot 22 DP 1073165, which is located in Mullumbimby, south of the township and adjacent to the Mullumbimby Recreation Grounds.

The land is known locally as the Mullumbimby Sports Fields.

1.1. Structure of this Plan of Management

This Plan of Management is in four main sections:

1. The Introduction – provides the purpose of the Plan and the details of the land for which the Plan is being developed and its general condition.
2. How Legislation Applies to the Plan – Outlines the legislative framework, the categorisation and core objectives for the land, and the current zoning of the land.
3. The Strategies and Actions for implementation – provides specific objectives, strategies and performance targets for each of the core and other objectives identified for the land.
4. Future Use and Development of the land – provides the authorised (proposed and potential) developments on the land.
5. Estimated Costs of Works.

1.2. Land covered by this Plan

This Plan of Management applies to land identified as Lot 22 DP 1073165. The land area is approximately 29 hectares and is zoned 6(a) Public Open Space and 7(b) Coastal Habitat. (Refer locality map p.3)

The land is Community Land, owned and managed by Byron Shire Council.

The land was purchased by Council in 2002 and is located to the south of the township of Mullumbimby. It is bounded by Saltwater Creek to the north, Mullumbimby Recreation Grounds and an unformed road to the west and an existing agricultural parcel used for the purpose of sugar cane production to the south.

The north-eastern boundary extends beyond the North Coast Railway Line to Saltwater Creek, while the North Coast Railway Line forms the south-eastern boundary. The north-eastern corner of land that is severed by the North Coast Railway Line contains an area of approximately 3.4 hectares, and is accessed via a narrow unformed track under a low railway bridge at Saltwater Creek.

The acquisition of the land was determined by the Section 94 Plan for Mullumbimby which identified the need for additional sporting fields. A feasibility study undertaken by Council in 2000, although referring to a much smaller portion of the actual area

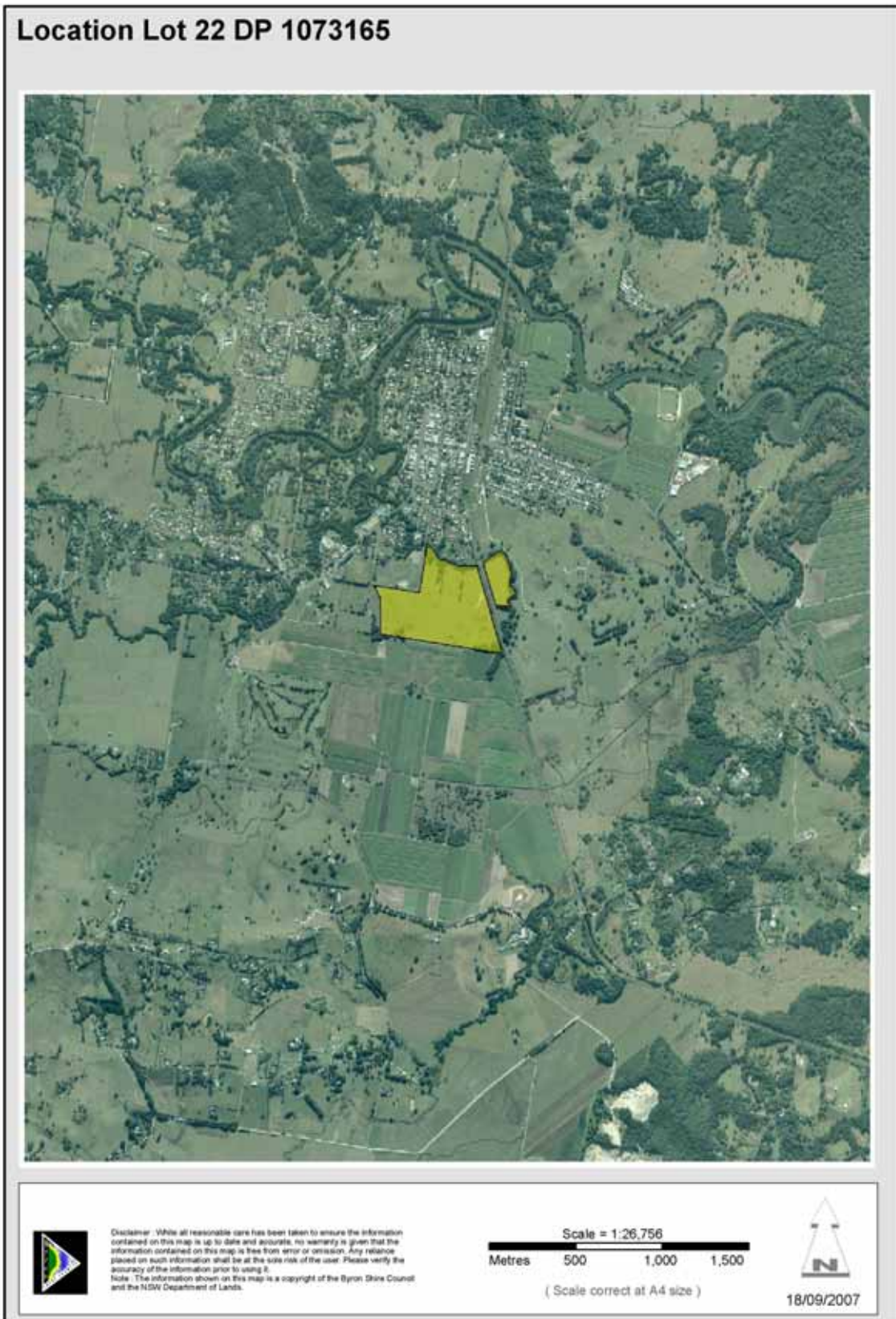
purchased (2.5 ha), supports the suitability of the land in relation to its use as sporting fields.

1.3. Condition of the Land

At the date of adoption of this plan, the land is relatively level with some camphor laurel and scattered native trees. The land has been primarily used for cattle grazing in the past, and is presently well grassed and in good condition. There are currently no buildings on the land.



LOCALITY MAP



2. HOW LEGISLATION APPLIES TO THIS PLAN

Under the legislative requirements of the Local Government Act 1993, Council is required to prepare and adopt Plans of Management for all community land.

The minimum requirements under the Act state that a plan of management must:

- Categorise the land in accordance with s.36(4) and (5)
- Contain objectives for the management of the land
- Contain performance targets
- Specify the means of achieving the objectives and performance targets
- Specify how achievement of the objectives and performance targets is to be assessed (s.36 (3)).

It is important to note that plans of management cannot override regulations or Acts. Council must comply with all relevant laws that apply to the use of the community land, in addition to the plan of management. This includes other parts of the Local Government Act 1993, the Environmental Planning and Assessment Act and planning instruments such as Local Environmental Plans (LEP).

In relation to the Byron Local Environmental Plan (LEP) 1988, the plan of management must be consistent with the permissible uses for the land detailed in the LEP.

2.1. Community land affected by threatened species

The Local Government Act was amended in 1999 to integrate the management of community land with threatened species laws. Council therefore must comply with the full range of threatened species laws.

As a result, the following information is provided in relation to the significance of the vegetation mapped under the Byron Biodiversity Conservation Strategy for Lot 22 DP 1073165. (Refer map p.6):

The HCV (high conservation value) vegetation consists of introduced Camphor Laurel Cinnamomum camphora-dominated riparian forest bordering the southern bank of Saltwater Creek, a tributary of the Brunswick River. Understorey layers are dominated by introduced species, predominantly Umbrella Tree Schefflera actinophylla, Small-leaved Privet Ligustrum sinense, Large-leaved Privet L. lucidum and Ochna Ochna serrulata.

A few native lowland rainforest tree species were recorded including Guioa Guioa semiglaucua, Yellow Pear-fruit Mischocarpus pyriformis, Hard Quandong Elaeocarpus obovatus, Pepperberry Cryptocarya obovata, Hairy Pittosporum Pittosporum revolutum, Red Kamala Mallotus philippensis and Maiden's Blush Sloanea australis.

Due to its dominance by Camphor Laurel and other environmental weed species, the vegetation has no significant floristic value and does not represent

a threatened community or contain threatened plant species, as listed under the schedules of the Threatened Species Conservation (TSC) Act 1995.

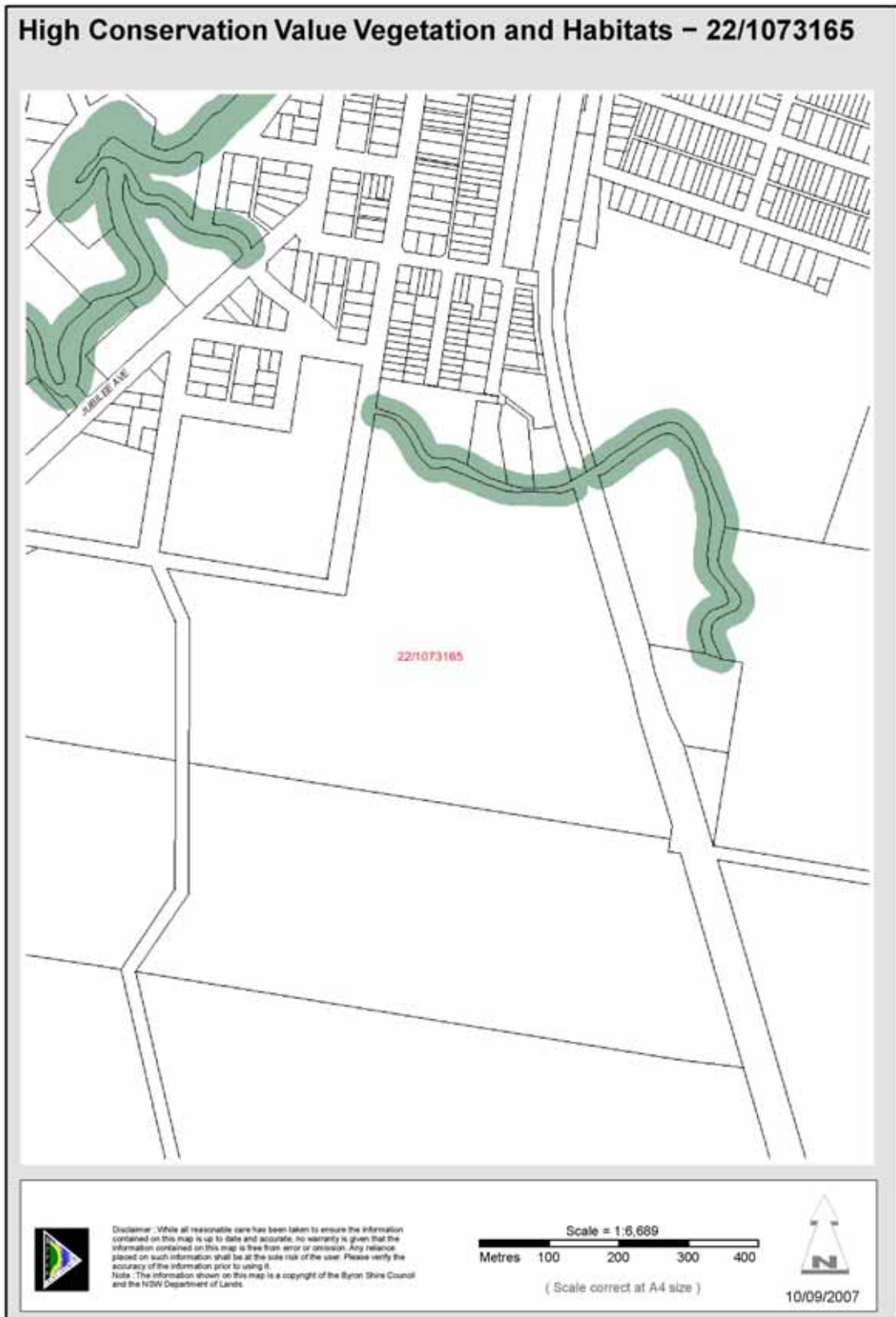
The vegetation may provide low to medium value habitat for some threatened fauna species such as the Black Bittern (Ixobrychus flavicollis), Rose-crowned Fruit-dove (Ptilinopus regina), Black Flying-fox (Pteropus alecto), Grey-headed Flying-fox (Pteropus poliocephalus) and Southern Myotis (Myotis adversus).

However, the sole basis for the mapping of this vegetation as HCV is its riparian buffer function, which gained an attribute score under the BBCS scoring protocol qualifying for HCV ranking. Any vegetation within 20 m of a river gained this score under the protocol.

It is recommended that future management of the HCV vegetation within Lot 22 include exclusion of cattle grazing to a distance of 20 m from the river (creek) bank, rapid removal of understorey weed species and dense replanting with native ground cover and tree species, together with staged poisoning of the Camphor Laurel layer and retention in-situ of dead stems. This will eventually restore the former lowland rainforest of the area, improving riparian protection and providing high value habitat for native flora and fauna, including a range of threatened species.

Further to the above the land parcel is also not considered to contain any community land which could be categorised as having “significant natural features”, or “area of cultural significance”, as specified under sections 36 (c) and (d) of the Local Government Act 1993.

HIGH CONSERVATION VALUE VEGETATION AND HABITATS



2.2. Objectives

This section of the plan of management addresses the following objectives:

- To identify community land categories;
- To establish core objectives for each of the community land categories;
- To develop a list of practical steps that will be taken to achieve the objectives;
- To develop a list of practical measures of assessment to measure the success of the strategies

2.3. The Categorisation of Community land

Section 36 of the Local Government Act 1993, states that Council must categorise community land as one or more of the following:

- *Natural area (bushland, wetland, escarpment, watercourse, foreshore, a category prescribed by the regulations)*
- *Sportsground*
- *Park*
- *Area of cultural significance*
- *General Community Use*

This plan of management categorises the community land parcel into the following:
(Refer map p.19)

- Sportsground
- General Community use

2.4. Guidelines for Categorisation

The Local Government (General) Regulation 2005 provides guidelines for each of the above categories.

Guidelines from this Regulation for categorising community land as a sportsground are set out below:

Sportsground

*Land should be categorised as a **sportsground** under section 36 (4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.*

The majority of the land parcel (approximately 20 ha) is to be categorised as sportsground in accordance with proposed active recreational uses.

General Community Use

*Land should be categorised as **general community use** under s.36 (4) of the Act if the land:*

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and*
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines for categorisation as a natural area, a sportsground, a park or an area of cultural significance.*

The community land comprising the area for the proposed community garden site (approximately 2ha) and that for the development of affordable housing, subject to gaining access, (3.4 ha) are to be categorised as general community use.

Natural Area

Land should be categorised as a natural area under section 36 (4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.

Guidelines for categorisation of land as a watercourse➔

Land that is categorised as a natural area should be further categorised as a ➔ watercourse under section 36 (5) of the Act if the land includes:

- (a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and*
- (b) associated riparian land or vegetation, including land that is protected land for the purposes of the [Rivers and Foreshores Improvement Act 1948](#) or State protected land identified in an order under section 7 of the [Native Vegetation Conservation Act 1997](#).*

A minor portion of the land parcel (approximately .5 ha) is to be categorised as a Natural Water Course.

Core Objectives for Community Land

The core objectives for community land categories outlined in the Local Government Act 1993 assist in determining the way that the land may be used and managed.

Section 36E of the Act states that the core objectives for the management of community land categorised as a natural area are:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and*
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and*
- (c) to provide for the restoration and regeneration of the land, and*
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and*
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#).*

Section 36F of the Act states that the core objectives for management of community land categorised as a sportsground are:

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

Section 36I of the Act states that the core objectives for the management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and 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*

36M of the Act states that the core objectives for management of community land categorised as a watercourse are:

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the in stream environment, particularly in relation to water quality and water flows, and*

- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and*
- (c) to restore degraded watercourses, and*
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.*

2.5. Existing Zoning of the land

The vast majority of the land is currently zoned 6(a) (Open Space), with a 30m buffer which protects the environs of Saltwater Creek, which is zoned as 7(b) (Coastal Habitat). (Refer map p.20).

The relevant LEP objectives for the 6(a) (Open Space) zone are:

- To ensure that there is adequate provision of both active and passive open space to serve the present and future recreational needs of residents and visitors;
- To identify land where existing recreation facilities for the general use of the community are provided;
- To provide opportunities to enhance the total environmental quality of the Shire of Byron.

Works on this portion of land which would be permissible without development consent include:

- Landscaping, general park maintenance, bushfire hazard reduction, bush regeneration/ restoration.

The following land uses, activities and development on this portion of land would be permissible, subject to development consent:

- Agriculture (other than animal establishments), childcare centres, cycleways, drainage, environmental facilities, markets, primitive camping grounds, recreation areas, restaurants, roads, recreation vehicle areas, showgrounds, carparking, festival areas and utility installations.

It should be noted that Affordable Housing is not permissible in the current zone. If this is the desired outcome for this portion of land, it could be achieved with a rezoning application to amend the LEP.

The relevant LEP objectives for the 7(b) (Coastal Habitat) zone are:

- To identify coastal habitats (being wetlands, heath, sedge, marshland, rainforest types, sclerophyll forest and the like) of local significance.
- To identify and preserve estuaries and other significant coastal habitat areas, wetlands and allow them to continue to function as feeding and breeding areas for wildlife, shellfish and fish;

- To prohibit development within the zone that is likely to have a detrimental effect on the habitat or landscape qualities or the flood mitigation function of significant coastal habitat areas, including wetlands;
- To enable development of public works and environmental facilities where such development would not have a significant detrimental effect on the habitat or landscape qualities of the wetland and other significant coastal habitat areas, and
- To enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

The following land uses, activities and development on this portion of land would be permissible, subject to development consent:

- Agriculture (other than animal establishments), building of levees, bushfire hazard reduction, clearing of land, environmental facilities, drains, home industries, oyster farming, primitive camping grounds, roads, utility installations.

2.6. Granting a lease or licence on Community Land

A lease, licence or other estate may be granted, in accordance with an express authorisation by this plan of management, providing the lease, licence or other estate is for a purpose prescribed in s. 46 of the Local Government Act 1993. The purpose must be consistent with core objectives for the category of the community land.

The Local Government Act 1993 allows Council to grant leases or licences over all or part of community land. The use of land under a lease or licence must be compatible with the Local Environmental Plan or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of a lease should reflect the interests of Council and the public and ensure proper management and maintenance.

The following conditions must be met when granting a lease or licence over community land:

- The lease, licence or other estate must not be granted for a period (including any period for which the lease could be renewed by the exercise of an option) exceeding 21 years;
- A lease, licence or other estate may be granted only by tender in accordance with s.46A of the Local Government Act 1993 (as amended) and cannot exceed a term of 5 years (including any period for which the lease could be renewed by the exercise of an option), unless it satisfies the requirements as scheduled in s.47, or is otherwise granted to a non – profit organisation.
- The Plan of Management must expressly authorise a lease or licence.

Council must:

- Give public notice of the proposal;
- Exhibit notice of the proposal on the land to which the proposal relates;

- Give notice of the proposal to such persons who appear to own or occupy land adjoining community land; and
- Give notice of the proposal to any other person (owner or occupier of land in the vicinity of the community land), if in the opinion of the Council the subject to the proposal is likely to form the primary focus of the person's enjoyment of community land.

3. STRATEGIES AND ACTION PLAN

3.1. Actions Table

The Actions Table provided within this section outlines the direction for the management and development of the parcel of land identified in this draft plan of management and has the following aims:

- To formulate objectives;
- To ensure consistency with the core objectives of the Sportsground and General Community Use categories of the land;
- To develop performance targets that will define the way that Council will achieve it's objectives;
- To provide actions (or means of achievement), which is the way that Council will achieve it's targets;
- To provide performance measures for each action; and

Within this action plan, each has been given a priority, which can be linked to the following time frame:

High – commenced within the next 2 years

Medium – commenced in 2 – 5 years

Low – commenced after 5 years

Any developments included in this Action Table require authorisation within this Plan of Management.

ACTION TABLE

	Objective	Performance Target	Means of Achievement (Actions)	Priority	Performance Measure
1.	<p>Use of the Land To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <p>a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</p>	Provide an area of approximately 5 acres (2 ha) for the development of a community garden within the area identified in the plan.	Develop in conjunction with the Mullumbimby Community Garden Steering Committee a community garden on the Mullumbimby sports fields' site.	High	Community garden completed and operating.
2.	<p>Bushfire Management To provide effective bushfire risk management at the Mullumbimby sports fields.</p>	To manage the risk of bushfires at the Mullumbimby sports fields where appropriate.	Develop bushfire mitigation strategies in liaison with the local Bush Fire Management Committee where appropriate.	High	Bushfire mitigation strategies developed and maintained where appropriate.
3.	<p>Community Garden- Car parking and amenities To Provide adequate parking and amenities for users of the community garden</p>	Provision of access to parking and amenities for the users of the community garden	Construct or identify parking areas and amenities for the community garden	High	Adequate parking and amenities provided.
4.	<p>Leases/Licences Promote appropriate use and management of the land.</p>	Negotiate appropriate leases and licences in accordance with the Local Government Act 1993 and Regulations.	<p>Leases and licences to be approved by Council and in accordance with the core objectives of the land.</p> <p>a) Issue a peppercorn lease of the area defined in the proposed land use map on page 18 of this document to the Mullumbimby</p>	High	Lease or licence signed.

	Objective	Performance Target	Means of Achievement (Actions)	Priority	Performance Measure
			<p>Community Garden Steering Committee for a maximum period of 5 years.</p> <p>b) Issue licenses to individual members of the community for the use of the community garden for periods not exceeding 2 years. Terms of the lease are to be in accordance with Council's Template lease. Fees to be in accordance with Council's adopted fees and charges.</p> <p>c) Leases and licenses to be approved by Council for the agistment of land awaiting development for approved purposes</p>	<p>High</p> <p>Med</p>	<p>Lease or licence signed.</p> <p>Lease or licence signed.</p>
5.	<p>Development of the Sports Fields To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.</p>	To create an appropriate local sportsground that caters for a number of different sporting opportunities reflective of identified needs.	Develop the Mullumbimby sports fields in conjunction with the local community.	Med	Mullumbimby sportsgrounds developed and in use.
6.	<p>Use of Sports Fields Encourage the use of the Mullumbimby sports fields by all members of the community, and improve access and use of them for those members who are restricted due to age, limited mobility and other physical or social barriers.</p>	Aim to achieve the objectives of the Disability Discrimination Act 1992, and Council's Disability Action Plan when constructing new facilities.	All new facilities to be accessible to all members of the community.	Med	Improved access by all members of the community.
7.	<p>Community Needs To provide sports fields which are adaptable to change,</p>	To provide sports fields in Mullumbimby for a number of	Provide a sports fields for identified community needs and occasional community events,	Med	Adaptable and multi-use areas developed and

	Objective	Performance Target	Means of Achievement (Actions)	Priority	Performance Measure
	and can be used for multiple sports and is able to be used on a year round basis.	sporting pursuits which have different peak seasons and which allow for occasional community events and other activities.	together with areas catering for informal leisure opportunities such as BBQ/picnic areas, open areas for informal ball games so as to alleviate the pressure on formal sporting areas, play equipment, seating, etc.		provided.
8.	Environmental Management – Landscaping To ensure that activities are managed having regard to any adverse impact on nearby residences.	To protect adjacent dwellings from undue noise, lighting and visual impact from sportsgrounds uses.	Where appropriate, provide landscaping, reasonable use curfews and ensure all lighting complies with the relevant Australian Standard.	Med	Actions taken to minimise impacts.
9.	Parking To provide adequate parking for users of the sports fields.	Provide adequate parking for the users of the sports fields, including disabled parking and bicycle parking, in accordance with RTA and Council guidelines.	Construct or identify parking bays and parking areas at the sports fields.	Med	Adequate parking areas provided for users.
10.	Community Safety To provide sports fields which are safe and secure and for the use of all members of the community.	To provide measures to enhance the safety and security of users and visitors.	Provide adequate security lighting, signage, access and surveillance / public sight line measures.	Med	Safety measures implemented.
11.	Environmental Management To minimise adverse environmental effects of the Mullumbimby sports fields on adjacent land uses, water bodies and areas of significant habitat.	To manage the development and use of sports fields so as to minimise the impact on adjacent land uses, water bodies and areas of significant habitat.	<ul style="list-style-type: none"> Develop appropriate management practices and plans considering adjacent land uses, water bodies and areas of significant habitat. Undertake preliminary threatened species-ecological community 	Med	Management practices and plans developed.

	Objective	Performance Target	Means of Achievement (Actions)	Priority	Performance Measure
			<p>assessments as early as possible in the process to avoid unnecessary delays and modifications</p> <ul style="list-style-type: none"> • ensure additional threatened species-ecological community assessments are undertaken where suitable habitat is identified • consider the preparation of a Vegetation Management Plan 		
12.	<p>Flood and Drainage Management To provide effective flood and drainage management for the Mullumbimby sports fields.</p>	<p>To manage the development and use of sports fields so as to minimise the impact of flooding or adversely affect flood flow.</p>	<p>Protect or improve existing drainage channels and avoid placement of structures or earthworks that may adversely affect flood flow.</p>	Med	<p>Flood and drainage compatible development takes place.</p>

	Objective	Performance Target	Means of Achievement (Actions)	Priority	Performance Measure
13.	Maintenance To maintain all aspects of the sports fields to ensure they are clean, safe and appropriate for their use.	Develop comprehensive maintenance schedules.	Maintenance schedules to include: - Rubbish Removal, - Weed removal; - Vegetation management; - Removal of graffiti;	Med	Maintenance completed according to schedule
		Regular safety audits undertaken at the fields.	Strategies developed to address safety risks identified in audit.	Med	Audits conducted regularly, safety improved.
		Maintain a range of recreational facilities at the Mullumbimby sports fields.	Establish a system of reporting, monitoring and recording the condition of facilities, structures and equipment.	Med	All facilities in good condition and well maintained.
14.	Use of the Land 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).	Provide for the development of affordable housing, within the area of community land identified in the plan subject to gaining access to that portion of the land. The housing must be owned by Council in accordance with the Act. (S.46 (1) (b) (iv) and s.117 (1) (a) of the Local Government (General) Regulation 2005.	Develop in conjunction with the relevant Government and community authorities <i>"the development of the community land for a residential purpose in relation to housing owned by the Council."</i>	Med	Housing developed.
15.	Signage To install appropriate signage to encourage and control appropriate use of the sports fields.	To ensure all users of the sports fields are aware of its preferred patterns and types of use.	Install/update/maintain appropriate signage.	Low	Signage installed and maintained.

4. FUTURE USE AND DEVELOPMENT OF THE LAND

In accordance with the s.36 (3A) (b) of the Local Government Act 1993 a plan of management must expressly authorise any proposed or potential developments on community land. The following authorisation is provided in general terms only, and any specific works will require some level of further detail and investigation.

The following table details the developments that this draft plan of management expressly authorises for the Mullumbimby Sports Fields. (Refer map p .18)

Building or location	Purpose / Use	Authorised scale of development
Mullumbimby Sports Fields	Sporting, Community & Recreation purposes.	Development authorised for embellishments on sportsgrounds, including, but not limited to: <ul style="list-style-type: none"> - Sports fields (football – all codes, athletics, netball, hockey, tennis) - Drainage & irrigation; - Picnic Facilities; - Playground Equipment; - Lighting; - Walkway / cycleways; - Minor earthworks; - Landscaping; - Fencing; - Signage; - Sporting goalposts; and - Spectator seating.
Proposed amenities blocks/pavilions/ community buildings	Sporting, Community & Recreation purposes.	Development authorised for the construction of new amenities/pavilions/ community buildings where required.
Whole of the Mullumbimby Sporting Fields	Sporting, Community & Recreation purposes.	Easements are authorised over the land for the purpose of providing pipes, conduit or other connections under the surface of the ground. This is limited to easements that connect premises on the Fields to an existing water, sewer, drainage or electricity facility of Council or other public utility provided that it is situated on the land.
Proposed development of land categorised as General Community Use	Community purposes	Development authorised for embellishments on land categorised as General Community Use: <ul style="list-style-type: none"> - Community garden - The development of the land for a residential purpose in relation to housing owned by the Council, in accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005.

5. ESTIMATED COSTS OF WORKS

There are no estimates of costs for the authorised developments as they are not specific works, but rather an overview of the type and range of works authorised for the type of community land covered by this Plan of Management.



PROPOSED LAND USE

**Proposed Land Use Lot 22 DP 1073165
Mullumbimby Sports Fields**



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Byron Shire



Date 12/06/08

LAND CATEGORIES

**Land Categories Lot 22 DP 1073165
Mullumbimby Sports Fields**



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LEP ZONES

