



***Draft* Plan of Management**

Carr Confoy

Sportsground & Park

**Incorporating Eastgrove Park,
South Carr Confoy**

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Abbreviation	Terminology in full
PoM	Plan of Management
CLM	Crown Land Manager
CLMA	Crown Land Management Act, 2016
CLMRegs	Crown Land Management Regulations, 2018
DPE-Crown Land	Department of Planning and Environment - Crown Land
GMC	Goulburn Mulwaree Council
GMCLEP09	Goulburn Mulwaree Council Local Environment Plan, 2009
LGA93	Local Government Act, 1993
LGRegs	Local Government General Regulations, 2021
LGA	Local Government Area
CBD	Central Business District
CSP	Community Strategic Plan
CS	Area of Cultural Significance
NWA	Natural Area - Watercourse
PK	Park
SG	Sportsground
SEPP	State Environmental Planning Policy
SCASEPP	Sydney Catchment Authority State Environmental Planning Policy
AEP	Annual Exceedance Probability

Acknowledgement of Country

Goulburn Mulwaree Council acknowledges and pays respects to the Aboriginal Elders both past and present, as well as emerging leaders and acknowledge the Traditional Custodians of the land on which we all live.



Memorial Gate at the northwest corner of Eastgrove South

1. INTRODUCTION

This Plan of Management has been prepared by Goulburn Mulwaree Council for the public land classified as community land at Carr Confoy Park, which incorporates Crown Reserve 71713 known as Eastgrove Park, Carr Confoy South.

The Plan of Management outlines the way the land will be used and provides a framework for Council to follow in relation to express authorisation to lease and license the land.

1.1. WHY A PLAN OF MANAGEMENT

A Plan of Management (PoM) is required to be prepared for all public land that is classified as community land under *Local Government Act 1993* (LGA93).

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 [Crown Land Management Act, 2016](#) (CLMA), 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.

Two of the allotments identified in this draft PoM are Crown Land identified for the purpose of Public Recreation, with Council's appointment as Crown Land Manager (CLM) reaffirmed at the commencement of the CLMA.

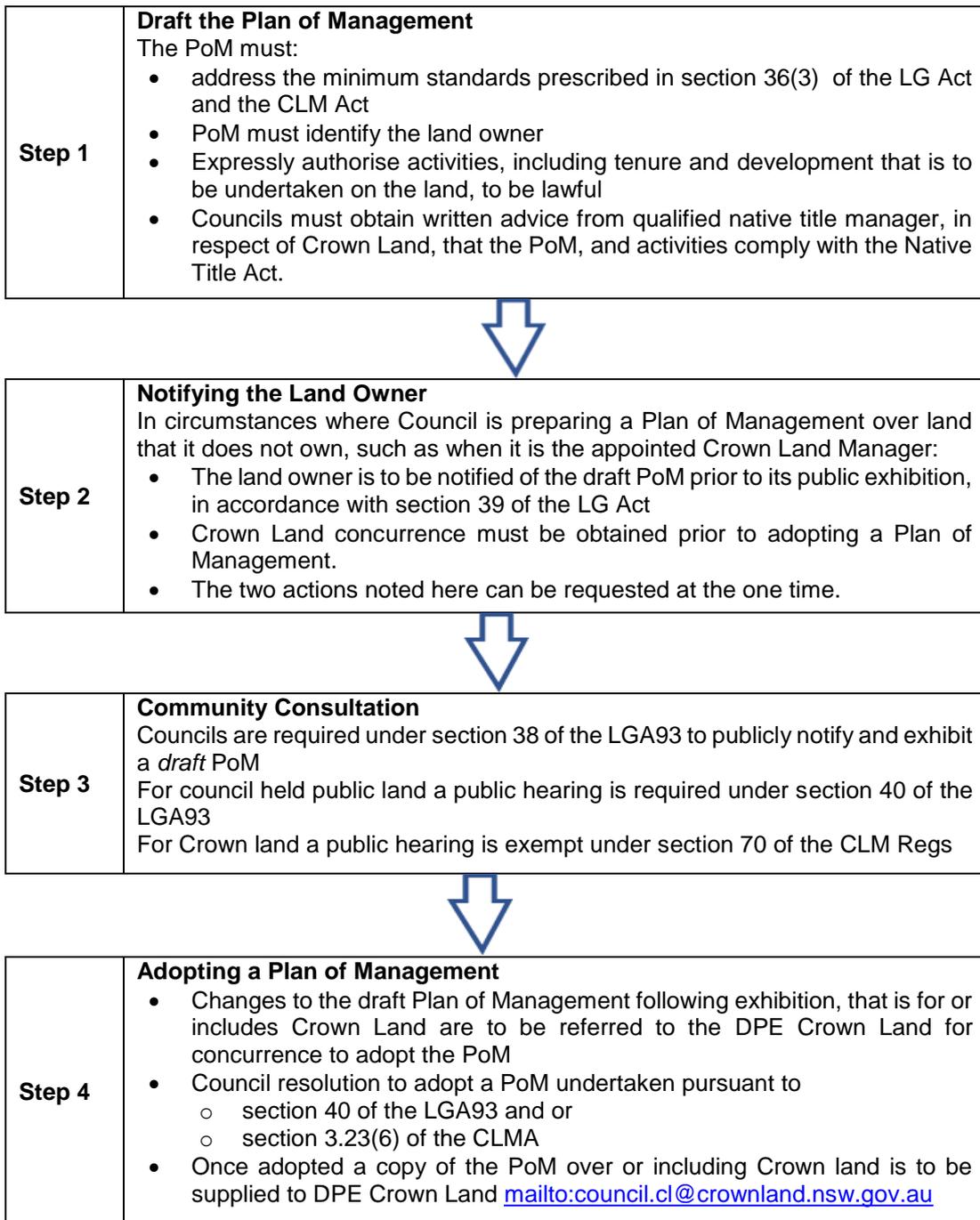
Management of the Crown reserve under the CLMA, authorises Council to manage the land as if it is 'Community Land' under the provisions of the LGA93.

PoMs provide a dynamic tool for Councils and have been widely implemented:

- Contributing to the broader strategic goals and visions as set out in the Community Strategic Plan and the *draft* Recreational Needs Strategy;
- Ensuring compliance with the LGA93 and CLMA;
- Providing clarity in the future development, use and management of all community land;
- Ensuring consistent management that supports unified approach to meeting the broad needs of the community.

Further information on the legislative context of public land can be found in Annexure A of this draft PoM.

1.2. PROCESS OF PREPARING THIS PLAN OF MANAGEMENT



1. Figure Process for preparing a PoM (Council & Crown land)

1.3. CHANGE OR REVIEW OF PLAN OF MANAGEMENT

Periodic revision of a PoM enables changing social, economic, and ecological conditions and relevant land management principals to be considered, as they arise.

Any amendments that are made to a PoM requires that document to be re-exhibited; opening the entire PoM for review. This may entail the addition of newly acquired or re-

categorised community land or it may be changes to land management strategies. These matters commonly arise as a result of community or stakeholder input. The PoM aims to be a useful resource for Council decision making and an informative document for the public and will be reviewed on a Council term basis to ensure that the land is;

- being managed in accordance with this PoM,
- being maintained satisfactorily and that the land,
- provides a safe environment for public recreation.

1.4. COMMUNITY ENGAGEMENT

For a PoM to meet community expectations it is essential to ensure that effective consultation with stakeholders and the wider community drives the PoM and in turn the community supports implementation of the strategies described in the PoM.

The initial draft PoM has been compiled with reference to;

- Statutory Guidelines; (refer Annexure A)
- Community Strategic Plan
www.goulburn.nsw.gov.au/Council/Community-Strategic-Plan
- *draft* GMC Recreational Needs Strategy;
- Corporate Objectives & Operational Plan;
www.goulburn.nsw.gov.au/Council/Integrated-Planning-Reporting#section-2
- Consultation with stakeholders.

The draft PoM has been circulated as an issues paper to stakeholders and interested persons. Input from stakeholders has been incorporated into the draft PoM which was reported to Council for authorisation to circulate to the Minister administering Crown Land, to place on public exhibition and to undertake a public hearing into the categorisation of Council community land. The purpose of the Crown reserve has been proclaimed by notification in the NSW Government Gazette and consequently, exempt from public hearing.

DPE Crown Lands in correspondence dated 11 November 2022 provided Ministers concurrence to the exhibition of the draft PoM

This draft PoM will be placed on public exhibition for a period of not less than 28 days with an additional 23 days (normally 14 days) for the receipt of written submissions. Extended over the summer/ Christmas closure period.

A public hearing scheduled for December 2022 to be conducted in Council's administration centre by an independent and qualified facilitator. The facilitator is obliged to record all comments heard and provide a complete report, which will be publicly displayed in Council's foyer for scrutiny.

All written submissions and the public hearing report will be submitted to Council to determine amendments to draft PoM or adoption. Any insoluble conflict may be referred to the Minister for Local Government for determination.

As Carr Confoy Sportsground and Park includes Crown Reserve that land is the subject of a Native Title investigation and report (refer Annexure E).

2. LAND TO WHICH THIS PLAN APPLIES

The land and improvements covered by this draft PoM are located within the Carr Confoy sportsground precinct and incorporating Eastgrove Park, South Carr Confoy.



2. Figure Site Plan - Carr Confoy Sportsground and Park incorporation Eastgrove Park, South Carr Confoy

2.1. HISTORY AND CHARACTER

2.1.1. ABORIGINAL HABITATION

“The earliest dated excavated archaeological site in the vicinity of Goulburn Mulwaree Local Government Area is Birrigai rock shelter in the northern foothills of the Australian Alps, approximately 80km south east of the study area. Radiocarbon dates obtained from charcoal in occupation deposits at this site have established that Aboriginal people have lived in this region for at least 21,000 years (Flood 1996:33- 35). Late Pleistocene occupation sites have also been identified to the east of the study area in what is now Morton National Park, at Bulee Brook 2 (18,810 ± 160 years Before Present (BP) [ANU-9375], Boot 1996:288) and Bob’s Cave (10,850 ± 300 BP [ANU-8313], Boot 1994:330). The climate during the Last Glacial Maximum (around 20,000 years ago) was cooler and drier than the present day, and average temperatures would have been up to 6 degrees Celsius lower. However, the majority of archaeologically excavated sites in the region date to within the last 3,000 to 5,000 years, when the local climate and environment would have approached modern conditions (Flood 1980:3,18). These include the open camp site of Nardoo on the eastern side of Lake George (760 ± 110 BP

[ANU1060]), and *Sassafras 1 rock shelter in Morton National Park (3770 ±150 BP [ANU-743]) (Flood 1980:249).*

According to the anthropologist Norman Tindale, two major language groups were identified within the Goulburn Mulwaree region at the time of European contact; the Gandangara (also known as the Gundungurra, Gundungari, Gurra-gunga, and Burragorang) to the north of Goulburn, and the Ngun(n)awal (also called the Ngunuwal, Ngoonawal, Wonnawal, Nungawal, Yarr, Yass tribe, Lake George, Five Islands tribe or Molonglo tribe) to the south. Tindale's 1974 map of tribal boundaries is based on the distribution of language groups, which are derived largely from linguistic evidence published from 1840 to 1956; however, the boundaries are approximate, and probably varied over time (Tindale 1974). Linguistic anthropologists have observed that word lists of the Ngunnawal and Gandangara languages are virtually identical (Koettig and Lance 1986:13). One explanation for this may be that Mathews, one of Tindale's main sources of anthropological information, did not begin working in the region until the 1890s, when Aboriginal groups and their traditional way of life had already undergone many changes (Flood 1980:27). Charles MacAlister, who grew up in the County of Argyle in the 1830s, notes that the greater communication brought by the invasion of Europeans caused a wider currency and general adoption of various words and phrases (MacAlister 1907:89).

The historian Jackson-Nakano suggested that Tindale's tribal boundaries incorporated a number of distinct Aboriginal communities with their own dialects, who were probably linked by kinship networks, common belief systems, ceremonies, and customs (Jackson-Nakano 2001:xxi-xxiii).

MacAlister recorded that there were three fairly numerous tribes in the district; the Cookmai or Mulwarrie (Mulwaree), the Tarlo, and the Burra Burra (MacAlister 1907:82). Blanket distribution lists from this period connect the 'Mulwaree tribe' with the Tarlo, Wollondilly and Lake Bathurst areas (Jackson-Nakano 2001:13).

2.1.2. ABORIGINAL AND EUROPEAN INTERACTION

The region was first visited by Europeans in 1798 when the exploratory party of John Wilson and John Price reached Towrang. In 1820 Joseph Wild travelled south of the Cookbundoon Range to find a large lake – Lake George. From hills to the north-east of Lake George Wild saw “the fires of the natives who appeared numerous” indicating the presence of Aboriginal people in the area.

Introduced diseases had a disastrous effect on the Aboriginal population. In 1845 Francis Murphy of Bungonia reported that the formerly numerous Aboriginal populations had declined to an estimated 20-100 individuals. Sadly, in 1848 the bench of Magistrates estimated that the local Aboriginal population consisted of only 25 people.

2.1.3. EUROPEAN SETTLEMENT

Exploration by Hamilton Hume, Charles Throsby, James Meehan and John Oxley in 1817-1820 made early colonists aware of the grazing potential of the nearby Southern Tablelands. During the course of the 1820s an increasing amount of land in the area was settled and market centres were established along the major lines of communication

south from Sydney. The key centre for the Southern Tablelands was Goulburn. Governor Lachlan Macquarie ratified the name in honour of Henry Goulburn, secretary of the colonies. Goulburn Plains (now North Goulburn) was marked out in 1828. The old township was built around the confluence of the Wollondilly and Mulwaree Rivers.

Governor Bourke visited the old town in 1832 and owing to the repeated flooding of the area he ordered the survey of an area on higher ground to the south west. The layout of the adjacent township of Goulburn was created in 1832-33 as the administrative centre. The present city centre was surveyed in 1833. Due to a large swamp and lagoon the old and new towns were virtually separated for many years. They were eventually united by Lagoon Street.

In 1841 there were 655 people in the town and by 1845 the population had grown to 1,200. There were five stores and five inns in 1844 and by 1867 there were more than 20 hotels. Bradley's flourmill and brewery was built between 1836 and 1845 and by 1850 Goulburn had become a municipality. The growth of the municipality was reflected in the establishment of a Masonic lodge, two Oddfellow's lodges and a Mechanics Institute by 1867. By 1870 four newspapers had been established – the Herald in 1848, the Argus in 1864, the Southern Morning Herald in 1868 and the Evening Post in 1870. In addition to the hotels, Goulburn also became a major ecclesiastical centre for the Southern Tablelands. The Scots church and manse were opened in 1841. Goulburn became the centre of a Church of England bishopric in 1863 and also a Roman Catholic diocese in 1867.

In 1869 the construction of the railway severed the city connection to the Mulwaree Ponds – the water that had helped establish the town's original location. The railway line to Goulburn was officially opened by Lord and Lady Belmore in 1869 and six years later in 1875 it was extended south. Other significant infrastructure within the town included the present Post Office in Auburn Street which opened in 1881 and the Court House in 1887. The gaol, hospital, and Kenmore Mental Hospital also date to the 1880s.

Goulburn maintained a strong transport focus due to its location, infrastructure, rail connection and importance as a regional centre. The construction of the railway and yard facilities in Goulburn generated employment for many years, however the significant growth of road transport in the post war years modified the earlier railway and workshop focus. During the 1950s Goulburn developed large wool stores. Goulburn remained a large provincial centre with the infrastructure of government and churches reflected in the impressive public buildings.

The housing stock in Goulburn ranges from humble workers' cottages through to the architect designed buildings of the social elite. All eras are represented and often mixed together. The centre of the town contains the majority of the older buildings with the age of buildings reducing as newer areas were developed further from the town centre. There are also older originally outlying buildings mixed amongst the newer development giving the city an interesting character.

Outlying towns of Marulan and Bungonia were developed concurrently or a little earlier than Goulburn and contain their own character and history and contribute to the historical development and understanding of the region. Tallong, Towrang, Tarago and Lake Bathurst all have historic and heritage items dating from the convict era.

<https://www.goulburn.nsw.gov.au/Development/Environment-Heritage/Heritage#section-2>

2.2. LOCALITY

Located in the NSW Southern Tablelands, Goulburn Mulwaree Local Government Area (LGA) covers about 3,200 square kilometres with a population of 23,835 (2018).

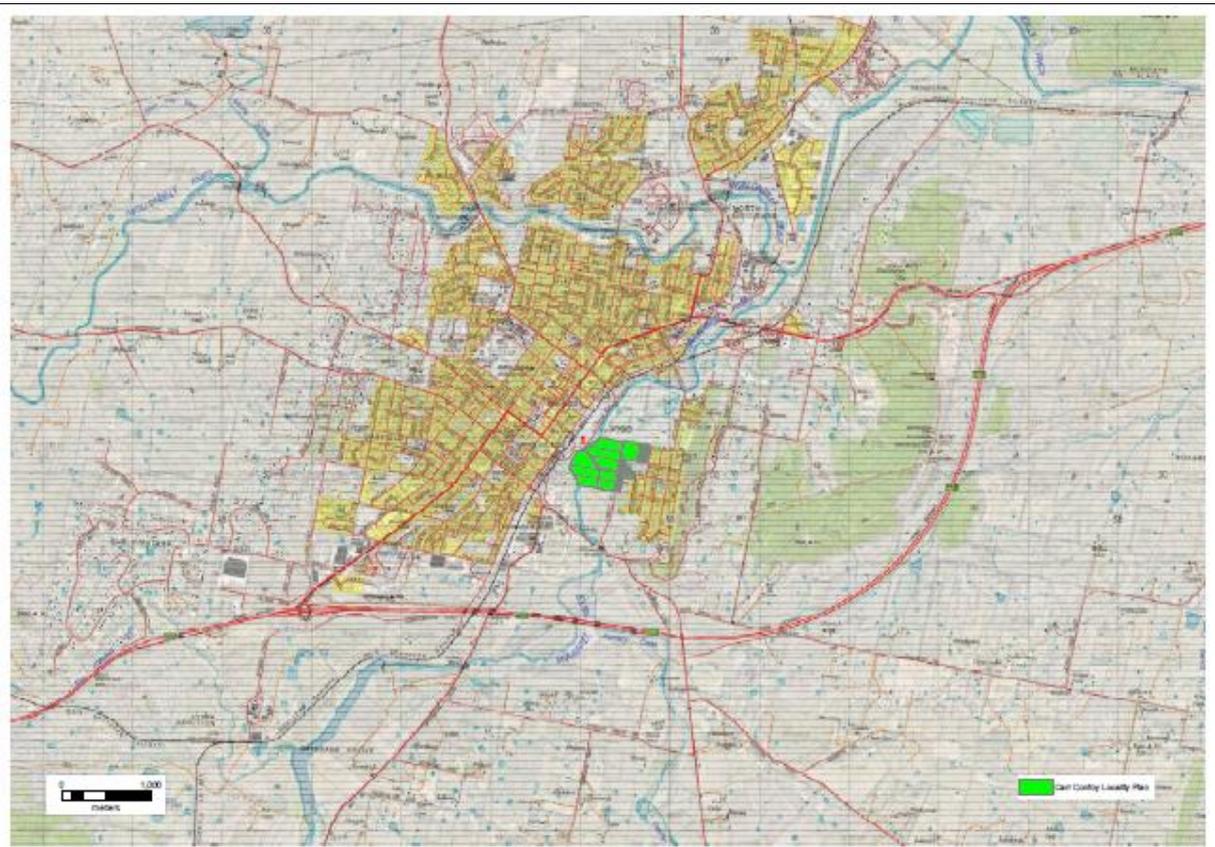
The LGA is bound to the northwest by Upper Lachlan LGA, to the northeast by Wingecarribee LGA, the east and south by the Shoalhaven River and to the south west by Queanbeyan Palerang Regional Council.

Goulburn is:

- Located on the confluence of the Wollondilly and Mulwaree Rivers, much of the area is river flood plain, resulting in outstanding agrarian productivity;
- The regional service centre for the extensive pastoral area surrounding;
- A railhead for the Main Southern line; A significant and growing industrial centre and
- A centre of extensive and significant:
 - Historical landmarks, ancient and modern;
 - Places of natural beauty and interest;
 - Broad ranging and exceptional sporting facilities.

2.3. LOCALITY PLAN

3. *Figure. Locality within Goulburn*



Carr Confoy precinct shown highlighted vivid green in the Eastgrove area of Goulburn.

2.4. SCHEDULE OF LAND

The land included in this draft PoM is shown in the following schedule. The schedule provides the addresses, legal description, land area and title holder.

Legal Description Lot Section Deposited Plan	Address	Area	Title Holder
1-3/1/979849	23 Forbes Street	98,790 m ²	GMC
1/12/979849	80 Forbes Street	34,400 m ²	GMC
1-4/6/979849	2 Charlotte Street	4,047 m ²	GMC
5/6/979849	10 Charlotte Street	1,012 m ²	GMC
6/6/979849	12 Charlotte Street	1,012 m ²	GMC
1-2 //802067	Closed roads	Approx. 3,600 m ²	GMC
1-10/7/979849	14 Charlotte Street	28,144 m ²	GMC
1-2/5/979849	51 Forbes Street	36,860 m ²	State of NSW
1//737835	22 Farm Road	90,870 m ²	GMC
2-3/2/979849			GMC
3-4/10/979849	36 Hercules Street	2,024 m ²	GMC
18/10/979849	13 Charlotte Street	1,992 m ²	GMC
11-12/10/979849	29 Charlotte Street	1,957 m ²	GMC
13-17/10/979849	19 Charlotte Street	5,058 m ²	GMC
6-9/11/979849	80 Park Road	4,229 m ²	GMC
1-20/13/979849	56 Emma Street	20,230 m ²	GMC
1//-732783	83 Park Road	981 m ²	GMC
1-2//1126784	87 Park Road	940 m ²	GMC

4. Figure Table of land comprising Carr Confoy Sportsground and Park,

2.5. STATE OF NSW LAND

As noted in the table at Table 4, the land is held by both Council and the State of NSW. State of NSW land in this instance is Crown Land, being Lots 1 and 2 in Section 5 of Deposited Plan 979849. This land is described as Eastgrove Park South, Carr Confoy Sportsground, Crown reserve R71713, reserved from sale for the purpose of public recreation, as notified in Government Gazette 26 October, 1945, with Council notified as Crown Land Manager.

A PoM must attribute categories to the Crown Reserve that reflects its notified purpose, which in this instance is public recreation.

Note: This is a Site-Specific draft PoM. Some of the parcels of land included in this draft PoM may have multiple categories with the consequence that they may also be described in generic PoMs. Generic PoMs are provided for Parks, General Community Use and Sportsgrounds.

The recommended [Categories Table](#) at Section 4 provides additional detail for each allotment including improvements, usage, the zoning under GMCLEP09 and recommended categorisation in accordance with the guidelines provided in the LGRegs.

The categorisation of community land in this draft PoM is recommendation only and subject to the input resulting from each: Public Exhibition, Public Hearing and circulation to identified stakeholders. Crown Land is exempt from public hearing as noted in Step 3 of Figure 1.

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3. CARR CONFOY SPORTSGROUND AND PARK

3.1. NAMING

John Ross Carr (1937-1982) and Ronald Confoy (1917-1972) were lifelong sportsmen. Carr was a coach and promoter of many sports in Goulburn and Confoy excelled at hockey and cycling - his cycling records still stand.

The name Carr Confoy was formalised for the sports ground park by the Geographical Names Board by Gazette notification dated 18 September, 1992.

The land is flat, low lying, with an almost imperceptible rise to the east and designated flood prone in GMCLEP09.

The range of sporting and recreational facilities available across the 30+ hectare sports ground are utilised by broad cross-section of the community and include; cricket, junior rugby, touch football, soccer, netball, evening training, both formal and informal equestrian activities, informal canine activities, passive recreational activities, social and cultural activities sponsored by Council, such as Pictures and Popcorn". A portion of the Wollondilly Walking track wends along the eastern boundary of Eastgrove South, toward Bungonia Road, linking to Goulburn Recreation Area.

Carr Confoy is bordered to the north by Goulburn Golf Course, to the east by Emma Street and to the west by Mulwaree Ponds, Blackshaw Road, and the Main Southern Railway. Carr Confoy is bisected by Park Road traversing east west, Farm Road and Forbes Street each traversing north south.

Carr Confoy is within walking distance of Goulburn CBD, via the Main Southern Railway pedestrian bridge and vehicle access is available via Blackshaw Road, Park Road and Forbes Street. Access to and around the sporting fields is excellent with adequate on and off site parking.

Increasing community demand for high standard recreation and sporting facilities has the potential to be met at this site, through development of under utilised land and provision of additional and upgraded infrastructure.

3.2. IMPROVEMENTS TO THE SITE

Located at Park Road, Goulburn, Carr Confoy Park is comprised of open playing fields with rural post and wire boundary fencing on most street frontages and an assortment of bollards and decorative fencing in select locations.



A Memorial Gate at the corner of Park and Farm Roads offers homage to fallen of WWII.

Public toilets are constructed on the eastern boundary of Eastgrove Park South, adjacent to the Forbes Street section of the Wollondilly Walking Track.

Sporting clubhouse facilities including home team ablutions, change rooms, offices, meeting rooms and snack & beverage kiosk are located in the multi-use facility built on Lots 1/802067 and 2/1/979849. This building is divided in

two with the roof extending over the paved apron to the west providing shaded seating areas for seasonal spectators.

A further ablution/change facility is constructed to the north of the clubhouse building, providing male and female toilet/ablution and change/storage rooms.

These sporting club facilities were refurbished with Council funds and State funds provided under the Building Better Communities grants program of 2018. However, despite the refurbishment the facilities remain dated, do not meet current user needs and are inadequate to meet immediate and future expectations.

Goulburn Pony Club occupies an elevated portion of land at 22 Farm Road, upon which the club has installed a metal shed club room, toilets on septic pump-out and a shipping container. Sited on adjacent land, that has not been filled, are rail cars for storage units. Other assets include boundary fencing, fencing to delineate round yard, sand arena and show arena as well as an assortment of gates and jumps. Goulburn Pony Club has installed a small cairn at the northeastern corner of its site to commemorate contributing members who have lost their lives during the currency of their membership.

A defunct well is located on Lot 1 DP737835.

Comprehensive Pictorial Asset Condition Reports are available at Annexure B.

An installation of great value to the residents of Eastgrove is the digital television broadcasting relay tower erected at the intersection of Park and Farm Roads. The site is occupied under lease. Please refer to Annexure G.

3.3. FUTURE NEEDS OF SPORT INFRASTRUCTURE STUDY 2021

3.3.1. CARR CONFOY FACILITIES

The NSW Office of Sport has undertaken a survey of some of the top 10 sports and active recreation, priority projects, in our region. Council has identified several projects and of particular interest, the following infrastructure has been identified:

Carr Confoy Sporting Fields	Resurfacing of netball courts to superior competition standard.
	New sporting pavilion, catering for male, female and non-binary genders, suitable across multiple sports, including touch football and netball.
	Upgraded lighting of netball courts to LED competition standard.
	Upgrading and expansion of lighting of playing surfaces within Carr Confoy Sporting Fields to allow for regional and state grade tournaments, including increased night competition.

Details of the upgrades proposed for netball courts, additional sealed parking, provision of storage facilities and the multiuser pavilion are included in Annexure C.

3.3.2. DROUGHT RESILIENCE FOR SPORTS GROUNDS

In an active response to climate change Council has embraced the Southern Highlands Water Reuse Scheme. Following is an extract from the Tender for Flood Study and Water Reuse, being run by Council:

Council is looking to bolster water resilience within the community it serves through the development and implementation of the Southern Highlands Water Reuse Infrastructure Scheme (SHWRIS). This scheme will provide drought resilience to playing fields and community recreation spaces through the use of high quality treated water for the purpose of irrigation. This will reduce demand on the potable water network and increase water security, ensuring the Goulburn community enjoys world class facilities and parks all year round.

The physical and mental health benefits associated with green recreational spaces within the urban environment are widely documented and a key element in the liveability of a city, town or community. The spaces not only promote wellbeing of a population, but aid in the visual amenity of a community, the control and treatment of stormwater, the health of waterways, the provision of habitat for native fauna and flora, improved biodiversity among many other benefits.

The inland location of Goulburn means it is susceptible to seasonal periods of hot dry weather with little rainfall during summer and cold frosty conditions during winter. Combined large seasonal climatic variations together with prolonged periods of drought means that maintaining community recreational and green space places a large demand for water for irrigation purposes. This irrigation water is currently sourced from the potable water network. Goulburn Racecourse and Cookbundoon Sportsgrounds are at present, the only recreation areas, recipients of recycled water.

Irrigation Works Proposed

The works to provide Highlands Water Reuse Infrastructure Scheme to the sports grounds will include:

- Earthworks and clearing;
- Fencing;
- Irrigation signage;
- Irrigation water storage tanks including foundation design and site preparation works;
- Pipework serving tanks;
- Irrigation pump station and pipe network;
- Electrical design;
- Acceptance, testing and commissioning.

Irrigation Sites Proposed

The following sites are included in the proposal for work required for construction of recycled water irrigation:

- North Park
- Carr Confoy Sports Fields and Park including Eastgrove South

- Victoria Park
- Hudson Oval
- Cookbundoon, potentially.

All identified sites are shown in figure 6 following:



5. Figure Proposed Irrigation Sites utilising Southern Highlands Water Reuse Infrastructure Scheme

Contract let and works are well advanced at time of writing this draft PoM.

ABBREVIATED TERMINOLOGY

Following is an extract, from the Table of Contents, of the terminology abbreviations, specific to the land in this Plan of Management, used in the schedule of Recommended Categories in Section 4 following and colours applied to categorisation plans.

COLOUR	TERM	ABBREV	DEFINITION
Violet	Natural Area Watercourse	NWA	Riparian zone of the Mulwaree Ponds (river).
Yellow	Park	Pk	Community land identified for passive recreation.
Orange	Sportsground	SG	Community land identified for active recreation.
Olive hatched	Area of Cultural Significance	CS	Community land identified as having cultural significance to our Aboriginal communities.
		SEPP	State Environmental Planning Policy
		SCASEPP	Sydney Catchment Authority State Environmental Planning Policy

4. RECOMMENDED CATEGORIES

Legal Description	Category	Use	Zoning	Attributes
1/1/979849	SG, NWA CS	Cricket, shade shelter, playing field, adjoins Mulwaree Ponds	RE1 Public Recreation	Environmentally sensitive, Flood prone all, Public reserve, Terrestrial biodiversity, Sydney drinking water catchment SEPP (SCASEPP)
2/1/979849	SG, PK NWA, CS	Cricket, part club house, facilities, car parking. Playing field, Mulwaree Ponds	RE1 Public Recreation	Environmentally sensitive, Flood prone all, Bush fire part, Public reserve, Terrestrial biodiversity, Unsewered, SCASEPP
3/1/979849	SG, PK, CS	Playing field, parking, driveway.	RE1 Public Recreation	Flood prone all, Bush fire part, Public reserve, SCASEPP
1//802067	SG, PK, CS	Car parks, club house, public facilities, driveway, children's playground, unimproved paddock.	RE1 Public Recreation	Flood prone all, Bush fire part, Public reserve, SCASEPP
2/802067	SG, NWA, CS	Farm Road	RE1 Public Recreation	Flood prone all, Bush fire all, Public reserve, Unsewered, SCASEPP
2/2/979849 3/2/979849 1//737835	SG NWA, CS	Pony Club clubhouse, storage, parking, adjoins Mulwaree Ponds	RE1 Public Recreation	Environmentally sensitive, Flood prone all, Bush fire part, Public reserve, Terrestrial biodiversity, Unsewered, SCASEPP
1/12/979849	SG, CS	Netball courts, seating	RE1 Public Recreation	Flood prone all, Public reserve, SCASEPP
1/13/979849 2/13/979849 3/13/979849 4/13/979849 5/13/979849 6/13/979849 7/13/979849 8/13/979849 9/13/979849 10/13/979849 11/13/979849 12/13/979849 13/13/979849 14/13/979849	SG, CS	Rural boundary fence encloses Section 13. Northern boundary of Section 13 is tree lined. Unimproved grass paddock.	RE1 Public Recreation	Flood prone all, Public reserve , Unsewered, SCASEPP Flood prone all, Public reserve, SCASEPP

Legal Description	Category	Use	Zoning	Attributes
15/13/979849				Flood prone all, Public reserve, Unsewered, SCASEPP
16/13/979849				
17/13/979849				
18/13/979849				
19/13/979849				
20/13/979849				
6/11/ 979849	SG, CS	Open field	RE1 Public Recreation	Flood prone all, Public reserve, SCASEPP
7/11/ 979849				Flood prone all, Public reserve, Unsewered, SCASEPP
8/11/ 979849				
9/11/ 979849				
1/6/979849	SG, CS	Water tank, driveway and loading zone at netball courts	RE1 Public Recreation	Flood prone all, Public reserve, Unsewered, SCASEPP
2/6/979849		Driveway serving club-house & car park		
3/6/979849				
4/6/979849				
5/6/979849				
6/6/979849				
1/5/979849	SG, CS	Playing fields	RE1 Public Recreation	Flood prone all, Bush fire all, Public reserve, Unsewered, SCASEPP, CLM
2/5/979849				
1//1126784	PK, CS	Enclosed dog off leash park	RU2 Rural Landscape	Flood prone all, 100Ha minimum, SCASEPP
2//1126784				
1//794554				
3/10/979849	SG, CS	Mown parkland	RU2 Rural Landscape	Flood prone all, 100Ha minimum, SCASEPP,
4/10/979849				
1/7/979849	SG, CS	Enclosed informal equestrian paddock	RE1 Public Recreation	Flood prone all, Bush fire part, Public reserve, Unsewered, SCASEPP
2/7/979849				
3/7/979849				
4/7/979849				
5/7/979849				
6/7/979849				

Legal Description	Category	Use	Zoning	Attributes
7/7/979849				
8/7/979849				
9/7/979849				
10/7/979849				
1/732783	SG, CS		RU2 Rural Landscape	Flood prone all, 100Ha minimum, Unsewered, SCASEPP
11/10/979849	SG, CS		RU2 Rural Landscape	Flood prone all, 100Ha minimum, SCASEPP
12/10/979849				
13/10/979849				
14/10/979849				
15/10/979849				
16/10/979849				
17/10/979849				
18/10/979849				

Please Note: The narrow strip of land adjoining the western boundary of Lot 2/802067 and southern boundary of Lot 3 Section 2 of Deposited Plan 979849 is the unformed production of Glenelg Street. This section of road is unlikely to be formed due to regular inundation.

4.2. CATEGORISATION PLAN AREA OF CULTURAL SIGNIFICANCE



7. .Figure Categorisation Plan – Area of Cultural Significance shown hatched.

4.3. PLAN OF FLOOD ZONE IMPACTING CARR CONFOY PRECINCT

The 2022 GMC Flood Study identifies all of Carr Confoy precinct as impacted by 1% (1 in 100 year event). Please see Section 9.3 for details of the Flood Study.



8. Figure Flood Zone shown by black hatching

5. MANAGEMENT STRATEGIES

5.1. STATUTORY GUIDELINES

The [Crown Land Management Act, 2016](#) provides for the management of Crown land as if it is Council community land under the Community Land provisions of the [Local Government Act 1993](#). However, the categorisation must take into account the purpose for which the land was dedicated or reserved.

The LGA93 Part 2 Division 2: Use and Management of Community Land prescribes the core objectives for each of the categories of Community Land in Section 36E through to 36N. An extract of the Community Land provisions of the LG Act 1993 is available at Annexure A.

5.2. CORPORATE OBJECTIVES

Goulburn Mulwaree Council in conjunction with Upper Lachlan Shire Council and Yass Valley Council prepared The 'Tablelands Regional Community Strategic Plan 2016-2036' (CSP).

Community Strategic Plan – Vision

To build and maintain sustainable communities while retaining the region's natural beauty.

The Community Strategic Plan (CSP) identifies the aspirations of the community through a clear set of strategic priorities that achieve the region's vision for the future.

Strategic Pillars

Environment	We appreciate our range of rural landscapes and habitats, and act as custodians of the natural environment for future generations.
Economy	We have a strong regional economy experiencing sustainable growth, which provides for a diverse range of employment opportunities.
Community	We are a network of vibrant, inclusive and diverse communities that value our co-operative spirit an, self-sufficiency and rural lifestyle.
Infrastructure	Our community is well serviced and connected to built, social and communications infrastructure.
Civic Leadership	Our leaders operate ethically and implement good governance. We empower our residents with the tools to participate actively in the development of our communities.

Integrated Planning and Reporting

The Regional Strategic Community Plan forms the basis for Council's Delivery Program addressing the term 2022 to 2026 objectives, and each year the Operational Plan addresses the budget attributable to achieving the annual actions to meet the medium and long term goals, as identified by the community.

Following is an extract from the newly adopted Community Strategic Plan 2022 – 2026 addressing community expectations for the management, conservation and protection of the assets on the land addressed in this Plan of Management.

Strategy	Outcomes
Acknowledge and embed local Aboriginal culture and stories within our community.	Consultation with the Aboriginal community to better understand opportunities to embed Aboriginal culture and stories.
Events to celebrate the identity of our towns, our heritage and our culture.	Attract sports and adventure tourism opportunities and support the development of vibrant cultural and heritage events to grow the year-round visitor economy.
Develop compelling public spaces and experiences for the community across the region.	Public areas, parks, open space, and facilities meet the community's recreational, social and cultural needs.
Identify opportunities to bid for regional, state and national events that deliver economic outcomes for the community.	Increase of sports tourism, cultural and heritage events delivered for the community.
Protect and enhance the existing natural environment, including flora and fauna native to the region.	Action all complaints regarding illegal clearing and pollution incidents.
	Enhance community understanding on the value of the native environment.
	Opportunities for regenerative sites are sought.
Council to investigate and adopt environmentally sustainable practices across the organisation.	Promote environmentally sustainable practices, throughout Council's operations e.g. waste minimisation and sustainable purchasing.
Plan for and maintain climate resilient community facilities that cater to community needs in changing conditions.	Plan for new essential facilities to remain operational during most weather conditions for emergency and disaster responses.
Upgrade community facilities to improve service provision and accessibility.	Maintain and upgrade community facilities to expand participation in sporting, social and cultural activities and/or events throughout the LGA.
Green spaces are planned for and preserved to balance development and liveability.	Development and review of Plans of Management for Crown Reserves managed by Council and community land owned by Council.
	All public reserves maintained to an appropriate standard.

9. Figure Extract GMC Community Strategic Plan 2022 – 2026

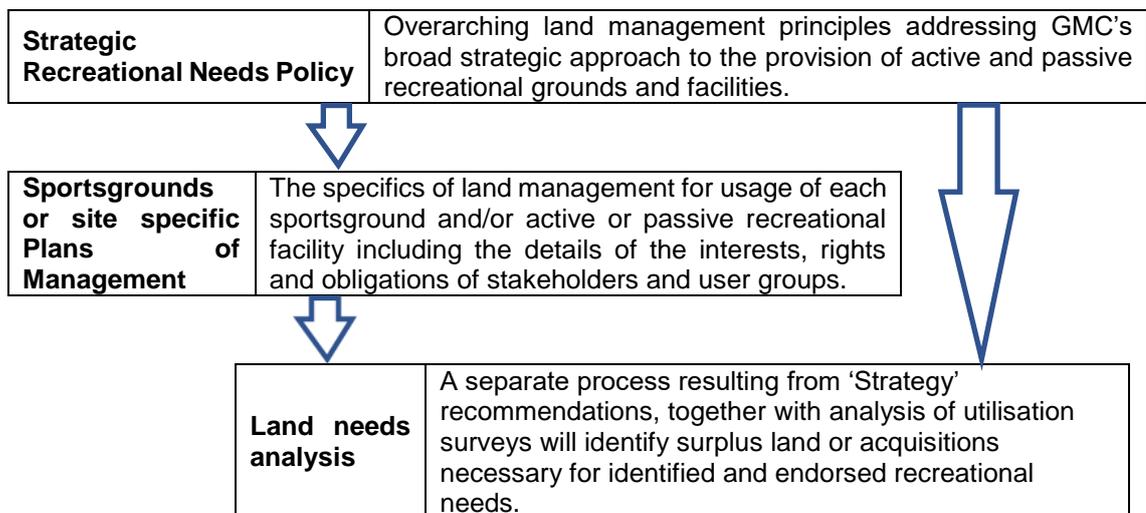
Additional Strategic Plans

A range of state and local strategic documents have been produced, influencing or directing the strategies to achieve sustainable land management practices:

- South East Tablelands Regional Plan 2036;
- Tablelands Regional Economic Development Strategy 2018-2022;
- Draft Local Strategic Planning Statement June 2020;
- Climate Change Assessment and Adaptation Report March 2020; and
- Draft Social Sustainability Strategy and Action Plan 2019.

Each of these documents identifies environmental, economic, social and or cultural outcomes for the Region and our Local Government Area in particular. Adopted documents are available on Goulburn Mulwaree Councils web page for reference. [www.http://www.goulburn.nsw.gov.au/Home](http://www.goulburn.nsw.gov.au/Home)

A Strategic Recreational Needs Policy was circulated for community input in 2019, however the policy was not adopted. The Recreational Needs policy addresses the entire recreational sector, while plans of management are provided to address the stakeholder and wider community expectations of a specific site or category of community land such as Sportsgrounds. Both the strategic policy and plan of management drive the requirement to undertake surveys and needs analysis to achieve satisfactory outcomes.



10. Figure Strategic Plan overarches Plan of Management

The Council is currently reviewing all endorsed and draft policies. The Strategic Recreational Needs Policy is to be reactivated for community consultation and Council endorsement.

5.3. COMPILING MANAGEMENT STRATEGIES

Table in Section 6 Management Strategies, following, is a compilation of the issues raised in the documentation identified and discussed through this section and lists community cited management issues to fulfil:

- one or more objective/s;
- performance target/s;
- means of achieving the objective/s; and
- the manner in which the objective/s are assessed.

These Management Strategies have been presented to user groups by circulating an issues paper and more broadly offered for community consultation through public exhibition and inviting submissions.

While the community Strategic Plan has identified wide ranging community expectations, consultation, exhibition and the public hearing brought into focus specific matters and expectations.

Part of the land in Section 11 DP979849 is privately owned and landlocked within the Community Land. This Plan of Management expressly authorises the construction of a public road under S10 of the *NSW Roads Act, 1993* over community land, being Lot 1 in Deposited Plan 802067 at the location, defined by blue shading, in the following plan, in accordance with Clause 47F of the LGA93,:



11. Figure Plan - Land identified for prospective public road

6. TABLE OF MANAGEMENT STRATEGIES

SCHEDULE OF LAND MANAGEMENT STRATEGIES			
Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
<p>Access:</p> <ul style="list-style-type: none"> • Disabled; • Pedestrian; • Vehicular; • Cycles, Skateboards, Roller blades, Roller Skates, and the like 	<p>Where practical, provide access for people of all abilities to and within all areas.</p> <p>Provide defined paths and tracks for pedestrian access</p> <p>Allow an access network for pedestrians and cyclists.</p> <p>Maximise user safety and prevent conflicts.</p> <p>Allow for pathways to contribute to the landscape character.</p> <p>Allow general vehicular access to parking areas.</p> <p>Allow for entry to playing surfaces of authorised vehicles for maintenance and emergency service.</p> <p>Allow vehicular access for private vehicles where/when appropriate.</p> <p>Minimise conflict between skateboarders, roller bladers, roller skaters, snake boarders, etc. and pedestrians.</p>	<p>Appropriate design for pavements, facilities, structures and parking to comply with Australian Standard.</p> <p>Appropriate design, siting and construction of access way in accordance with Council's Codes, Policies and Regulations.</p> <p>Clear identification of path usage via signs and contrast pavement.</p> <p>Provision of shared facility where safe and appropriate.</p> <p>Segregation of cyclists and pedestrians where appropriate.</p> <p>Use of regulatory signs.</p> <p>Use of traffic control devices such as barriers and bollards.</p> <p>Restrict cycles, skateboards, roller blades, roller skates, snake boards to designated cycle ways and skating areas using regulatory signs and pavement identification.</p>	<p>Number of comments reports or incidents of:</p> <ul style="list-style-type: none"> • ease of access, • provision of access ways, • inappropriate use, • accidents and comments of user conflicts, • illegal or unauthorised vehicular entry, • pedestrian conflicts or ordinance investigations,
<p>Animals:</p> <ul style="list-style-type: none"> • Native Fauna • Domestic • Stock • Feral 	<p>Protection of native and endangered species and their habitats and control of introduced species in accordance with the <i>National Parks & Wildlife Act</i>, and other relevant Legislation.</p> <p>Prohibit the entry of stock outside of authorised events or within designated areas.</p>	<p>Use of regulatory signs.</p> <p>Community education and involvement in monitoring.</p> <p>Permitted under licence</p> <p>Pest management practices.</p>	<p>Complaints about:</p> <ul style="list-style-type: none"> • Off-leash dogs (in on-leash areas, attacks and waste), • Unsupervised stock onsite not relating to an approved event, • Feral animal numbers, • Damage to playing surfaces, by feral animals.

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
	Ban and/or impound all animals that are not under the full control of owner /handler. Removal or cull of feral animals identified as in breeding numbers.		
Alcohol: Consumption Possession.	Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or licenced or identified areas.	Use of regulatory signs and enforcement. Stipulated in lease or licence agreements	Number of complaints and investigations.
Anti-Social Behaviour	Minimise and manage anti-social behaviour on grounds and within facilities.	Encourage community involvement and surveillance. Implement community health measures. Appropriate design and lighting of common areas. Implement use of CCTV as necessary.	Number of: <ul style="list-style-type: none"> • Comments received; • Vandalism attacks; • Investigations and/ or prosecutions.
Buskers/Bands	Allow the entry of buskers/bands as approved by Council and/ or as part of authorised community initiated events.	Enter into appropriate licence agreements. contingent on: <ul style="list-style-type: none"> • Notified purpose of Crown reserve • Land Use Zoning; • Categorisation of Land. 	Number of <ul style="list-style-type: none"> • Community feedback comments; • Unauthorised buskers/bands.
Facilities and Amenities	Provide safe, clean, convenient and hygienic public toilet facilities for persons of all abilities.	Provision of access & facilities for all abilities. Application of relevant Building Codes, Policies and Regulations. Appropriate levels of cleaning and maintenance. Provision of security lighting. Regulated hours of use.	Number of: <ul style="list-style-type: none"> • Maintenance inspections per annum; • Comments about the adequacy of the building/s for efficient operation, maintenance, storage and fulfilling community needs; • Number of reported incidents of user conflict/vandalism.
Flood Mitigation	Minimise erosion of land and destruction of built assets.	Clearing trash, debris and weeds from natural watercourse.	Comments about flooding Comments about state of watercourse Inspection of water course

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
		Elevate structures above identified flood extremes	
Hours of Usage	Allow for the management of usage times for regular/allocated sport and special events, user groups and individuals.	Issue of appropriate authorisation by Council.	Number of: <ul style="list-style-type: none"> • Reported breaches of Council approval; • Unauthorised events or large groups' activities.
Improvements: <ul style="list-style-type: none"> • Buildings • Fencing • Sports infrastructure 	Allow for the construction of appropriate buildings on the site in accordance with identified community needs; Allow buildings ancillary to the operation of the categorised land. Allow for appropriate multi-purpose use of grounds and facilities. Maintain a flexible approach to building and site usage.	Appropriate design, siting and layout in accordance with community needs and GMC's plans, policies and guidelines. Development consent where necessary. Appropriate levels of cleaning and maintenance. Provision of night game lighting and security lighting. Regulated hours of use.	Number of: <ul style="list-style-type: none"> • un-met community use needs per year; • complaints about maintenance and hygiene; • Maintenance inspections per annum; • Comments about the adequacy of the building/s for efficient operation, community needs, maintenance and storage; • Reported incidents of user conflict/vandalism. • Regular inspection of structures to identify maintenance requirements; • works/ maintenance activities undertaken in accordance with Operational Plan
Informal Recreation e.g. running walking, ball games.	Allow activities which are suitable within Sportsground and Parks	Self-regulation.	<ul style="list-style-type: none"> • Community feedback about activity.
Littering and rubbish dumping	Prohibit: <ul style="list-style-type: none"> • Littering; • rubbish dumping 	Provision of suitable and accessible litter bins. Education, signage and penalties.	Complaints and evidence of litter and rubbish dumping.
Outdoor Performance Area	Allow for the provision of outdoor performances and performance	Regulation by Council.	Number of:

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
	space where appropriate with minimal impact on regular or seasonal sporting allocation and neighbouring home owners.	Provision of facility in appropriate locations.	<ul style="list-style-type: none"> • Comments received about public acceptance of the outdoor performances; • Bookings per annum.
Outdoor seating, concession/s: Refreshment kiosks (food shops and mobile refreshment facilities).	Allow the licensing of outdoor seating concessions, refreshment kiosks (food shops), and mobile refreshment facilities (e.g. ice cream, donut, coffee vans).	Enter into appropriate Licence Agreement, contingent on: <ul style="list-style-type: none"> • Land Use Zoning; • Categorisation of Land • Notified purpose of Crown reserve. 	Number of: <ul style="list-style-type: none"> • Licences issued; • Incidents of non-compliance with the terms & conditions of approval and/or Licence.
Outdoor Furniture	Allow for the provision of adequate furniture, such as tables, seats, bins, and barbeques, etc. at suitable locations. Create a comfortable setting for users, both aesthetically and functionally. Allow the installation and use of gas or electric barbeques. Allow the use of portable barbeques, with the exception of wood fire barbeques.	Complement and be consistent with the local theme. Appropriate design, siting, use of materials and erection of furniture. Design, locate and maintain permanently installed barbeques. Provision of an adequate number of barbeques. Use of regulatory signs. Compliance with relevant Development Control Plan.	Number of: <ul style="list-style-type: none"> • Complaints about suitability of location and style; • Incidents of non-compliance with relevant Council Codes, Policies and Regulations; • Reported failures; • Reported accidents; • Comments about community satisfaction or opportunity to provide input.
Parking and Traffic	Allow adequate safe and convenient parking and traffic flow. Prohibit unauthorised vehicle access to sports fields and parkland.	Appropriate layout, design, location and construction of designated parking areas. Provision of emergency and disabled spaces. Identification of pedestrian access-ways. Use of regulatory signs.	Number of: <ul style="list-style-type: none"> • Comments about adequacy of parking; • Vehicle/ pedestrian incidents; • Comments about parking impacts. • Emergency and disabled spaces provided, Evidence or reports of prohibited vehicular access.

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
Playground equipment	Allow for play equipment that is safe, stimulating and satisfying.	Regular budget to ensure that equipment meets prevailing minimum safety standards.	Number of: <ul style="list-style-type: none"> • Comments identifying dis/satisfaction; • Reported incidents of vandalism or damage to play equipment. Regular safety inspection & standards reviews.
Public Art	Allow for public artwork in appropriate settings. Engage with community members involved in identified art project/s to identify, commission and erect artworks.	Co-ordination by Council’s Gallery and Museum staff. Planning compliance.	Number of <ul style="list-style-type: none"> • comments about public acceptance; • Reported incidents of vandalism & damage to art installations.
Public Road	Allow land identified at Figure 11 to be used for construction of public road, under S10 of the <i>NSW Roads Act, 1993</i> .	In accordance with development consent and to statutory standards.	Public road open.
Reconciliation	Acknowledge Aboriginal community connection to the land at Carr Confoy.	Consult with Aboriginal Elders and community to determine appropriate siting, design, materials and presentation of signage that acknowledges, highlights and educates about Aboriginal society, history and culture. Liaise with DPE on notified purpose of Crown Reserve, as necessary.	Installation of agreed material. Community interest and feedback.
Security	Allow a secure public environment within the grounds, buildings and facilities.	Appropriate design, siting and materials. Appropriate fencing and lighting. Community education. Use of regulatory signs. Liaison with Police. Installation of security systems. Appointment of security patrols.	Numbers of: <ul style="list-style-type: none"> • Community comments in relation to security; • Incident reports; • Ordinance investigations and prosecutions; • Public liability claims against Council.

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
Shade/Shelter Structures	<p>Allow structures that will provide shade and shelter for users where appropriate.</p> <p>Allow integration of the structures harmoniously, e.g. aesthetically and functionally, with the character of the Sportsground and Park.</p>	<p>Appropriate design, location and erection of shade structures, in accordance with Development Control Plans.</p> <p>Development consent where necessary</p>	<p>Number of comments:</p> <ul style="list-style-type: none"> • Addressing provision of shade in public areas; • Effectiveness of shade structures in all weather conditions. • Appearance of the structures.
Signage	<p>Allow suitable information regulatory, identification interpretative and directional signs relating to the use and history of the area.</p> <p>Allow the installation of directional signage to various parts of the sporting precinct.</p> <p>Ensure street signage is accurate and adequate</p> <p>Regulate advertising signs.</p>	<p>Appropriate design and siting of signs in accordance with Relevant Development Control Plans</p> <p>Development Consent where necessary.</p>	<p>Number of:</p> <ul style="list-style-type: none"> • User comments. • Ordinance/regulation investigations and prosecutions.
Storage	<p>Allow for the provision of suitable and sufficient storage.</p>	<p>Appropriate layout, design and location.</p> <p>Installation of appropriate facility for purpose.</p>	<p>Number of comments received about inadequate storage facilities.</p>
Trees and other vegetation.	<p>Allow for the planting of screening trees.</p> <p>Allow for the planting of endemic vegetation species to support biodiversity of Natural Areas.</p> <p>Prohibit removal of endemic species from Natural Areas.</p> <p>Prohibit removal of any standing or fallen timber from Natural Areas.</p>	<p>Refer to Environment and Biodiversity Officer to recommend species to support endemic biodiversity of locality.</p> <p>Encourage volunteer/s to assist in managing and maintaining Natural Area.</p> <p>Signage when necessary</p>	<p>Successful growth of plantings.</p> <p>Evidence or complaints of removal of endemic vegetation species or collection/ removal of firewood.</p>
Utility and telecommunications and broadcasting services.	<p>Allow for the installation of all services as required for site usage and benefit of wider community.</p>	<p>Approval by appropriate Statutory/ Regulatory Authorities including compliance with the relevant Council</p>	<p>All facilities are adequately serviced, identified and located.</p>

SCHEDULE OF LAND MANAGEMENT STRATEGIES

Management Issue	Objectives & Performance Targets	Means of Achievement	Manner of Assessment
	Minimise the visual and environmental impact of communications equipment on site.	codes, policies and regulations, development consent where necessary Construction and installation of necessary services. Liaise with DPE on notified purpose of Crown Reserve, as necessary. Registration of appropriate easements. Grant of lease or licence as necessary.	Number of objections received from service authorities about the location and quality of services. Number of site utility service installations constructed. Number of community comments about the degree of visual & environmental impact.
Water Access	Discourage swimming due to overland drainage and presence of submerged obstacles.	Signage.	Sightings and or comments about sightings of swimmers or watercraft.
Weeds Management	Eradicate or control invasive weed species from all areas of the PoM	Encourage land management volunteers e.g. Bush care group/s, sports club user groups etc. Seek grant funding available for identified weeds control.	Groomed, safe, even and healthy playing fields. Diminution of weed species. Resurgence of endemic species in Natural Areas and Parks. Increased habitat and food source for native fauna.

7. SPORTSGROUND

7.1. CATEGORISING LAND AS SPORTSGROUND

Section 103 of *the LGRegs* - Guidelines for categorisation of land as a sportsground:-

Land should be categorised as a sportsground under Section 36(4) of *the LGA93* if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

7.2. CROWN LAND IN CARR CONFOY

Eastgrove Park South Carr Confoy is Crown Land under the [Crown Land Management Act, 2016](#)

Reserved from sale, the land identified as the whole of Lots 1 & 2 Section 5 Deposited Plan 979849, Parish of Towrang, County Argyle in the Local Government Area of Goulburn Mulwaree, and known as Eastgrove Park South Carr Confoy was proclaimed reserve 71713 by notification in the NSW Government Gazette of 26 October 1945, for the purpose public recreation, with Goulburn Mulwaree Council appointed the reserve manager. The status remains current.



12. Figure Crown Reserve Eastgrove Park South, comprised in Carr Confoy Sportsground and Park

Sourced from DPIE Crown Portal

draft Plan of Management Carr Confoy Sportsground & Park

Council submitted notification in accordance with NSW Government guidelines on 1 July, 2019 to advise The Minister administering the CLMA (the Minister), who retains oversight of Crown reserves, that R71713 Eastgrove Park South Carr Confoy is to be categorised as Sportsground. The notification was accepted, with no direction to assign another category in the response from DPE-Crown Land dated 17 February 2020.

7.3. LAND AT CARR CONFOY CATEGORISED AS SPORTSGROUND

Please refer to Recommended Categories Schedule and Categorisation Plan in Section 4 of this draft PoM. The Categorisation Plan shows Sportsground highlighted in orange.

Land at Eastgrove Park South Carr Confoy being Crown Land, the categorisation must reflect the purpose for which the land has been reserved and notified in the NSW Government Gazette.

7.4. CORE OBJECTIVES OF SPORTSGROUND

Section 36F of the *LG Act 1993* provides that the core objectives for management of community land categorised as Sportsground are:

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

Guidelines on categorisation of Community Land are available in Annexure A.

7.5. PERMISSIBLE USES AND DEVELOPMENT - SPORTSGROUND

GENERAL – SPORTSGROUND	
USES & ACTIVITIES	DEVELOPMENTS
<ul style="list-style-type: none"> ▪ Organised and unstructured recreation and sporting activities ▪ Community events and gatherings ▪ Group recreational use, such as picnics and private celebrations ▪ Festivals, parades, markets, fairs, exhibitions and similar events and gatherings ▪ Filming and photographic projects ▪ Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes. ▪ Casual or informal recreation ▪ Meetings (including for social, recreational, educational or cultural purposes) ▪ Concerts, including all musical genres ▪ Performances (including film and stage) ▪ Leisure or training classes ▪ Entertainment facilities 	<ul style="list-style-type: none"> ▪ Development of outdoor and indoor facilities to facilitate the permissible uses and activities. ▪ Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas ▪ Change room/locker areas ▪ Shower/toilet facilities ▪ Car parking and loading areas ▪ Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) ▪ Café or refreshment areas (kiosks/restaurants) including external seating ▪ Shade structures ▪ Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings ▪ Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas ▪ Heritage and cultural interpretation, e.g. signs ▪ Equipment sales/hire areas ▪ Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas ▪ Lighting, paved areas, hard and soft landscaped 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 ▪ Water-saving initiatives such as stormwater harvesting, rain gardens and swales ▪ Energy-saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage

GENERAL – SPORTSGROUND	
USES & ACTIVITIES	DEVELOPMENTS
	<ul style="list-style-type: none"> ▪

SPORTSGROUND SPECIFIC PERMISSIBLE USES AND DEVELOPMENTS	
PURPOSE/USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> ▪ Active and passive recreational and sporting activities compatible with the nature of the land and any relevant facilities ▪ Commercial uses associated with sports facilities ▪ Public road 	<ul style="list-style-type: none"> ▪ Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> ▪ Sports field (cricket, football, track and field athletics, baseball, softball) ▪ Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.) ▪ Cycle tracks and velodrome ▪ Swimming pool/aquatic centre and associated parking ▪ Professional rooms associated with the reserve purposes for hire ▪ Facilities for sports training ▪ Compatible, small scale commercial uses, e.g. sports tuition and health, sports physiotherapy ▪ Gymnasiums, exercise classes and activities ▪ Construction of public road to provide unfettered access to privately owned land and to enhance access to community land

8. PARK

8.1. CATEGORISING COMMUNITY LAND AS PARK

Section 103 of the *LGRegs* - Guidelines for categorisation of land as a Park:-

Land should be categorised as a park in accordance with Section 36(4) of the LGA93, if the land is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational, and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

8.2. LAND AT CARR CONFOY CATEGORISED AS PARK

Please refer to Recommended Categories and Categorisation Plan in Section 4 of this draft PoM which highlights the Park in yellow.

8.3. THE CORE OBJECTIVES FOR PARK

Section 36G of the LGA93 provides the core objectives for Community Land classified as Park are:

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

8.4. PERMISSIBLE USES AND DEVELOPMENT – PARK

GENERAL –, PARK,	
USES & ACTIVITIES	DEVELOPMENTS
<ul style="list-style-type: none">• Organised and unstructured recreation and sporting activities• Community events and gatherings• Group recreational use, such as picnics and private celebrations• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings• Filming and photographic projects• Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.• Casual or informal recreation	<ul style="list-style-type: none">▪ Development of outdoor and indoor facilities to facilitate the permissible uses and activities.▪ Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas▪ Change room/locker areas▪ Shower/toilet facilities▪ Car parking and loading areas▪ Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)▪ Café or refreshment areas (kiosks/restaurants) including external seating▪ Shade structures▪ Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings▪ Provision of amenities to facilitate use and enjoyment of the community land including

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GENERAL – PARK,	
USES & ACTIVITIES	DEVELOPMENTS
<ul style="list-style-type: none"> • Meetings (including for social, recreational, educational or cultural purposes) ▪ Concerts, including all musical genres ▪ Performances (including film and stage) ▪ Leisure or training classes ▪ Entertainment facilities 	<ul style="list-style-type: none"> seating, change rooms, toilets, storage, first aid areas ▪ Heritage and cultural interpretation, e.g. signs ▪ Equipment sales/hire areas ▪ Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas ▪ Lighting, paved areas, hard and soft landscaped 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 ▪ Water-saving initiatives such as stormwater harvesting, rain gardens and swales ▪ Energy-saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage

ADDITIONAL SPECIFIC CATEGORY PERMISSIBLE PURPOSES, USES AND DEVELOPMENTS - PARK	
PURPOSE/USE	DEVELOPMENT TO FACILITATE USES
<ul style="list-style-type: none"> ▪ Active and passive recreation including children's play and cycling ▪ Eating and drinking in a relaxed setting ▪ Publicly accessible ancillary areas, such as toilets ▪ Dog leash-free areas ▪ Low-intensity commercial activities (for example recreational equipment hire) ▪ Busking ▪ Public address (speeches) ▪ Community gardening ▪ Public road 	<ul style="list-style-type: none"> ▪ Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts, multi-purpose courts, ▪ Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment, ▪ Definition or delineation of areas for use, e.g: fencing. ▪ Construction of public road to provide unfettered access to privately owned land and to enhance access to community land

9. NATURAL AREA

Land should be categorised as a natural area Section 36(4) of the LGA93 if the land possesses a significant geological or geomorphological feature, landform, representative system or other natural feature or attribute that suggests further categorisation as bushland, wetland, escarpment, watercourse or foreshore.

9.1. LAND CATEGORISED AS NATURAL AREA WATERCOURSE

Please refer to Recommended Categories Schedule and Categorisation Plan in [Section 4](#).

9.2. THE CORE OBJECTIVES FOR NATURAL AREA

Section 36E of the LG Act 1993 prescribes the core objectives for management of community land categorised as a natural area as:

- (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*.

The Mulwaree Ponds form the western boundary of Carr Confoy and in meets with the Guidelines for Watercourse

The core objectives for management of community land categorised as a Natural Area Watercourse under Section 36M of the *LG Act 1993* are to:

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

Riparian vegetation protects river banks and provides excellent habitat.

9.3. WATER COURSE – MULWAREE PONDS

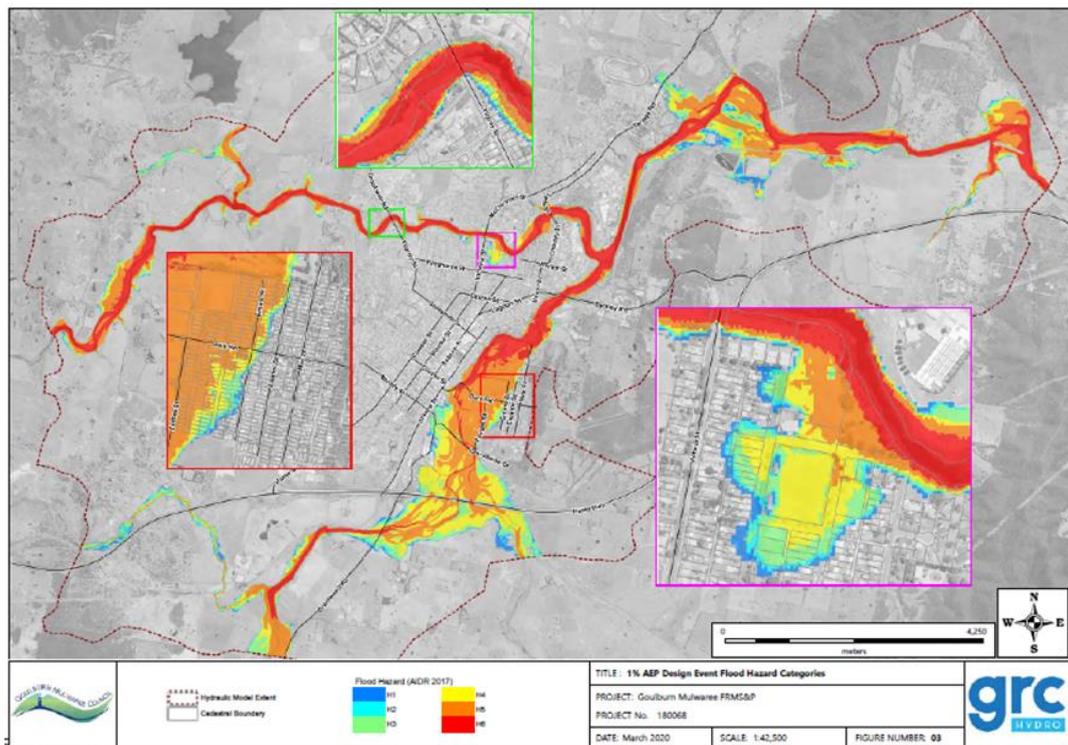
Carr Confoy is bound by the Mulwaree Ponds to the west.

NSW Fisheries Management Act, 1994 defines key fish habitat as including:

“Any area that is occupied, or periodically or occasionally occupied, by fish or marine vegetation (or both), and includes any biotic or abiotic component.”

Figure 10 following is extracted from the Goulburn Flood Risk Management Study and Plan undertaken by GRC Hydro, showing the extent of 1% (1 in 100 year event). Note that such a flood event is envisaged to inundate Carr Confoy.

While the full extent of the identified flood area is Riparian Zone, the land under grassed playing field is primarily categorised sportsground. However, the Plan of Categorisation, at figure 6, identifies the extent of the Riparian Zone by black hatching. The riparian zone immediately adjacent to the permanent watercourse is highlighted violet denoting Natural Area Watercourse.



13. Figure Extract of the 2022 Goulburn Flood Risk Management Study

Goulburn Flood Risk Management Study and Plan, adopted August 2022 and associated new Development Control Plan Chapter 3.8 Flood Affected Lands which commenced on Friday 23 September, 2022 is available at <https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-7> and reveals that the entire Carr Confoy precinct is in the 1% AEP Zone. A 1% AEP means there is a 1% chance in any given year of the event occurring.

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9.4. VEGETATION

The strip of land adjoining the Mulwaree River reveals severely degraded vegetation area with a strip planting of native trees, comprised of mostly River She Oak (*Casuarina cunninghamiana*) and Ribbon Gums (*Eucalyptus viminalis*), with some Wattles (*Acacia spp*). Additional tree plantings include Ribbon Gums and Cabbage Gums (*Eucalyptus amplifolia*) adjacent to the Park Road and the Mulwaree River crossing and additionally one Snow Gum (*Eucalyptus pauciflora*) and one Black Sally Gum (*Eucalyptus*) to the east and adjacent to Park Road.

The understorey/groundcover throughout is almost entirely dominated by exotic weedy species, including Phalaris (*Phalaris aquatica*), Yorkshire Fog (*Holcus lanatus*), Cock's Foot (*Dactylis glomerata*), Hemlock (*Conium maculatum*), Curled Dock (*Rumex crispus*) and Cleavers (*Galium aparine*). Aside from a thin fringe of Common Reed (*Phragmites australis*) along the banks of the river, essentially no naturally occurring vegetation is present on the site.

For a full report on the flora evident in the Natural Area Watercourse, Carr Confoy, refer to Natural Areas Biodiversity Condition Report at Annexure D.

9.5. FAUNA

While the trees evident on Carr Confoy identify as potential breeding habitat for arboreal fauna, few fauna species were recorded on the days of the site inspections.

While the relatively dense groundcover beneath the trees and in proximity of the river may provide potential habitat for a range of reptile species, none were sighted. However, on the day of inspection one frog species was identified by its call, being an Eastern Common Froglet (*Crinia signifera*).

For a full report on the fauna of the Natural Area WA Carr Confoy, refer to Natural Areas Biodiversity Condition Report at Annexure D.

9.6. PERMISSIBLE USES AND DEVELOPMENT – NATURAL AREA

GENERAL –, NATURAL AREA ,	
USES & ACTIVITIES	DEVELOPMENTS
<ul style="list-style-type: none"> ▪ Passive recreation ▪ Bush care 	<ul style="list-style-type: none"> ▪ walkways, ▪ pathways, ▪ bridges, ▪ causeways, ▪ observation platforms, ▪ signs ▪ Any building i.e. shed or kiosk is temporary and must be removed at the completion of agreed term and the land restored to its original condition.

10. AREA OF CULTURAL SIGNIFICANCE

Land should be categorised as an Area of Cultural Significance Section 36(5) of the LGA93, if the land possesses features or reference to Aboriginal or European historical, cultural, or social values.

10.1. THE CORE OBJECTIVES FOR CULTURAL SIGNIFICANCE

Section 36H of the LGA93 prescribes the core objectives for management of community land categorised as an area of Cultural Significance are:

To retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

Conservation methods may include any or all of the following:

- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
- (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
- (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
- (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

Conservation to land includes a reference to any buildings erected on the land.

10.2. LAND CATEGORISED AS AREA OF CULTURAL SIGNIFICANCE

The land of Carr Confoy Sportsground is considered by the local Aboriginal People as Area of Cultural Significance. The land formerly accommodated Aboriginal Corroboree, with encampments in the hills to the east and its proximity to Lansdowne Park to the south, which is known for the Aboriginal 'cemetery'.

Members of the Aboriginal community have agreed that use of the land as sportsground is respectful and offers significant community benefit. An acknowledgement of Aboriginal cultural significance, to inform, educate and evidence connection will best serve the wider community.

As the flood plains at Eastgrove provided the People of the First Nations a place to meet and celebrate it is essential to identify that the area continues to have Cultural Significance. Consequently, the Categorisation Plan shows Brown Hatching to remark that Cultural Significance.

Please refer to Recommended Categories and Categorisation Plan in section 4 of this draft PoM. The Categorisation Plan shows brown cross hatching over the entire area to remark the Cultural Significance of the area.

Mapping and pictorial references to Aboriginal community connection with the land is referenced in Annexure F.

10.3. PERMISSIBLE PURPOSES, AUTHORISED USES AND DEVELOPMENT – AREA OF CULTURAL SIGNIFICANCE

As the Area of Cultural Significance is a blanket categorisation over all areas of Carr Confoy the permissible uses for Sportsground, Park and Natural Area Watercourse prevail in those areas so categorised. Please refer to Figure 6 Categorisation Plan.

10.4. REGULATIONS SPECIFIC TO AREAS OF ABORIGINAL CULTURAL SIGNIFICANCE

Section 112 of the LGA Regulations provides the following instructions Consultation concerning categorisation of land as an area of cultural significance

Council when considering whether land is an area of Aboriginal significance in accordance with the LGA must give notice of that consideration to Aboriginal people traditionally associated with the area in which the land is situated.

Such notice must be addressed in writing to the following interested parties:

- the Local Aboriginal Land Council for the area concerned,
- New South Wales Native Title Services Limited (ACN 098 971 209),
- the Registrar appointed under the Aboriginal Land Rights Act 1983,
- the Secretary of the Department of Premier and Cabinet,
- the Secretary of the Department of Planning and Environment.

Further such notice is to be published and posted:

- on Councils website;
- in any other manner that the council considers necessary to bring it to the attention of Aboriginal people traditionally associated with the area in which the land is situated, and
- by placing a written notice on the land in a position where the notice is visible to any person on adjacent public land.

The notice must state that

- submissions may be made to the Council by any Aboriginal person traditionally associated with the area in which the community land is situated, and
- submissions will be received by Council for a period of not less than 28 days after the date on which the notice is given,

Council must not make a final determination on that matter unless the council has considered any submissions by Aboriginal people traditionally associated with the area in which the community land is situated.

11. EXPRESS AUTHORISATION TO LEASE, LICENCE AND GRANT OTHER ESTATES

The LGA93 requires that any lease, licence or other estates over community land must be expressly authorised by a PoM and provides a guideline on the types of purposes for which tenure may be granted by category of land.

Lease

A lease is a contract between a landowner and another entity, granting that entity a right to occupy an area for a specified period of time. For example, a preschool is likely to require exclusive occupation of the premises for safety of its charges.

Subleases are only allowable for the same purpose as the original lease, except for a handful of exceptions listed in Section 26, LGRegs.

Rent for leases of community land and facilities is negotiated from the statutory minimum and user ability to pay.

Licences

A licence provides a clear way of identifying a permitted activity on community land. Licences may be granted to formally recognise and endorse shared use — for example, an outdoor seating area adjoining a kiosk may be used by the kiosk patrons at some periods, but not all the time. Licences are commonly used for sports facilities such as club houses.

Other Estates

The term 'other estates' includes other interests, charges, rights or titles in relation to the land (an example is easements). The CLMA therefore requires that where a council is performing ongoing works on Crown land it must ask the minister responsible for the CLMA to create an easement for access. The minister must grant the easement if satisfied that it is appropriate to do so.

Granting a Lease or Licence

The council may grant a lease, licence or other estate over community land to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

Section 46A of the LGA93 specifies the use of tenders for prospective tenancies for terms exceeding 5 years and make tenders optional for shorter lease terms, except for non-profit organisations. Please refer to **Annexure A** for details.

New and renewal leases or licences and user agreements shall be considered by GMC for Council and Crown Land in Carr Confoy, provided that the intended use:

- is consistent with the core objectives for the category of the land;
- is consistent with the proclaimed purpose of the Crown reserve;
- is permissible under the zoning;
- is in the best interests of the community as a whole,
- enables, wherever possible, shared use of community land

- the lease, licence or other estate is for a permitted purpose listed in the LGA93 or the LGRegs.
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate of Crown land can be validated by the provisions of the *Native Title Act 1993*;
- That the Crown land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LGA93 or the *LGRegs*;
- 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;

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

For a schedule of leases and licences or other occupancy agreements on Carr Confoy Sportsground and Park please refer to **Annexure G**.

Lease or Licence?

The main difference between a lease and licence is that a licence does not permit the sole, or exclusive use of the identified area.

Leases and licences also vary widely in scope and duration. For example, a sporting club may have a licence over a clubhouse for a season (a few months), while a lease over a showground may be for a term of up to 21 years. However, under Section 47(5) of the LGA93, a council may make an application for consent from the Minister for Local Government for a lease term of up to 30 years maximum.

Short-Term Licences

There are specific limitations on short-term licenses under Section 116 of the LGRegs.

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.

Fees for short-term and casual bookings are charged in accordance with Council's adopted Fees & Charges.

11.1. NATIVE TITLE AND ABORIGINAL LAND RIGHTS

When planning to grant a lease or licence over Crown Land, Council must comply with the requirements of the Commonwealth *Native Title Act 1993* and consider any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

The CLMA requires native title managers to provide written advice to the Council Crown land manager when the Council Manager intends to perform one of the following functions in relation to the Crown land it manages or owns:

- grant leases, licences, permits, forestry rights, easements or rights of way;
- mortgage the land or allow it to be mortgaged;

- impose, require or agree to (or remove or release, or agree to remove or release) covenants, conditions or other restrictions on use in connection with dealings involving the land, or
- approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to above.

Native Title rights must be assumed to remain in existence if the relevant land is not 'excluded land' under the CLMA, because native title rights have not been:

- extinguished by Native Title Tribunal Determination under the *Native Title Act 1993* (Cwlth); or
- surrendered through an Indigenous Land Use Agreement (ILUA); or
- protected under section 24FA of the *Native Title Act 1993*; or
- compulsorily acquired; and
- a native title certificate has not been issued under the CLMA.

11.2. FUTURE ACTS

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the *Native Title Act 1993*. Granting a lease or licence over Crown land may be a future act.

Certain types of future acts can be validated under the *Native Title Act 1993*. Where future acts are undertaken, native title claimants and holders are entitled to specific procedural and substantive rights. Consequently, the written advice of a native title manager is required. The advice must state that the act complies with the NT Act 93 and any necessary procedural requirements must be fulfilled prior to the act taking place.

11.3. TENURES ON SPORTSGROUNDS

SPORTSGROUND	
TENURE	PURPOSE FOR WHICH TENURE MAY BE GRANTED
LEASE	<ul style="list-style-type: none"> ▪ kiosk, café, restaurant and refreshment purposes including seating and tables ▪ management of tracks and training areas, court or field and other facilities associated with the reserve purposes ▪ sporting uses developed/operated by a private operator ▪ commercial retail uses associated with the facility (e.g. sale or hire of sports goods) ▪ hire or sale of recreational equipment
LICENCE	<ul style="list-style-type: none"> ▪ Indoor and outdoor kiosk, café, restaurant and refreshment purposes including seating and tables ▪ management of tracks and training areas, court or field and other facilities associated with the reserve purposes ▪ hire or sale of recreational equipment
SHORT-TERM LICENCE	<ul style="list-style-type: none"> ▪ sporting fixtures and events ▪ sports and fitness training and classes ▪ broadcasting or filming of sporting fixtures ▪ ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)

	<ul style="list-style-type: none"> ▪ uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, “guest’ events for juniors; gala days; club meetings) ▪ Shows and exhibitions ▪ Community events
OTHER ESTATES	<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>

11.4. TENURES ON PARK

PARK	
TENURE	PURPOSE FOR WHICH TENURE MAY BE GRANTED
LEASE	<ul style="list-style-type: none"> ▪ café/kiosk areas, including seating and tables ▪ hire or sale of recreational equipment
LICENCE	<ul style="list-style-type: none"> ▪ outdoor café/kiosk seating and tables ▪ hire or sale of recreational equipment
SHORT-TERM LICENCE	<ul style="list-style-type: none"> ▪ community events and festivals ▪ playing a musical instrument, or singing for fee or reward ▪ picnics and private celebrations such as weddings and family gatherings ▪ filming, including for cinema/television ▪ conducting a commercial photography session ▪ public performances ▪ engaging in an appropriate trade or business ▪ delivering a public address ▪ community events ▪ fairs, markets, auctions and similar activities
OTHER ESTATES	<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>

11.5. TENURES ON NATURAL AREA

NATURAL AREA - WATERCOURSE	
TENURE	PURPOSE FOR WHICH TENURE MAY BE GRANTED
LEASE	<ul style="list-style-type: none"> ▪ Information kiosk ▪ Refreshments kiosk ▪ Works or storage shed for work related to the land ▪ Any temporary structure for a filming project ▪ signs
LICENCE	<ul style="list-style-type: none"> ▪ Information kiosk ▪ Refreshments kiosk ▪ Works or storage shed for work related to the land ▪ Any temporary structure for a filming project
SHORT-TERM LICENCE	<ul style="list-style-type: none"> ▪ community events and festivals, ▪ playing a musical instrument, or singing for fee or reward, ▪ picnics and private celebrations such as weddings and family gatherings, ▪ filming, including for cinema/television, ▪ conducting a commercial photography session, ▪ public performances, ▪ engaging in an appropriate trade or business, ▪ delivering a public address, ▪ community events, ▪ fairs, markets, auctions and similar activities.
NATURAL AREA - WATERCOURSE	
TENURE	PURPOSE FOR WHICH TENURE MAY BE GRANTED
OTHER ESTATES	<p>This PoM allows the council to grant an estate over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>

However in all instances in respect of Natural Area the land must be restored to the condition, as at the time, the tenure was granted, by the lessee.

11.7. EXPRESS AUTHORISATION – SPORTSGROUND AND PARK

The express authorisation and granting of leases licences and other estates over the community land in this Plan of Management, categorised as Sportsground and Park ensures that the core objectives are being addressed and fulfilled.

LEASES AND LICENSES TO SPORTING ASSOCIATIONS & INCORPORATIONS		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
<p>Encourage, promote and facilitate recreational pursuits and social activities in the community involving organised and informal sporting activities and games.</p> <p>Ensure such activities are managed to eliminate any adverse impact on nearby residences.</p> <p>Provide community facilities to the satisfaction of the community.</p> <p>Provide parking as an ancillary use.</p>	<p>Enter into lease agreements at community based rent or fee scale set in prevailing Schedule of Fees and Charges</p> <p>Permit subleases or hire arrangements in order to achieve intended uses, targets and objectives for the facilities.</p> <p>Number of comments in relation to equitable access to the sporting associations.</p>	<p>Number of comments from nearby residences in relation to any adverse impact on their living environment in relation to the use of the playing fields.</p> <p>Number of comments in relation to the quality of the playing surface and the condition of facilities</p>
ANNUAL SPORTING ALLOCATIONS		
<p>GMC Sport Council arranges allocation of sporting facilities to ground users on a seasonal basis.</p>		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
<p>Encourage, promote and facilitate recreational pursuits and social activities in the community involving organised and informal sporting activities and games.</p>	<p>Ensure periodic licence agreements are granted to responsible sporting associations to occupy sites for the running of training and sporting competitions for the benefit of the community.</p>	<p>Number of comments in relation to equitable access to the sporting association.</p> <p>Number of comments from nearby residences in relation to any adverse impact on their living environment.</p> <p>To eliminate or manage any adverse impact on nearby residences.</p> <p>Provide community facilities to the satisfaction of the community.</p> <p>Allow subleases or hire arrangements in order to achieve intended uses, targets and objectives in</p>

		the area. the use of the playing fields Number of comments in relation to the quality of the playing surface and the condition of facilities
COMMUNITY FAIRS Community gatherings such as 'Pictures and Popcorn', festivals, circuses, fairs and like events are a significant aspect of Goulburn's leisure activities. Council traditionally supports these types of events through making various sites available for use through short term licence or hire agreements.		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Provide large outdoor venues for festivals, fairs and community based picnics to encourage, promote and facilitate recreational pursuits and social activities. Ensure such activities are managed to minimise adverse impact on nearby residences and the sportsground playing field.	Licence access to sportsgrounds as large outdoor venues with as little disruption as possible to allocated sporting groups, Development consent where necessary, Enter into appropriate short term licence/hire agreements.	Number of incidents of non-compliance with consent conditions. Licence agreements are finalised. Number of comments from nearby residences in relation to any adverse impact on their living environment.
REFRESHMENT KIOSKS		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Allow the licensing of mobile or fixed outdoor concessions, kiosks or cafes as approved by Council. Permissible on area defined in lease or licence agreement. Avoid conflict with casual vendors and canteen operations.	Council approval, Lease or licence in place. Lease or license holders take precedence over casual street vendors.	Managing and reporting incidence of noncompliance with terms of lease or licence. Control number of lease or licences issued.
BROADCAST RELAY TOWER		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Allow ground lease for installation of relay tower to serve low lying area of Eastgrove and surrounds access to reliable television reception.	Lease to suitable provider with all liability for installation, service, safety maintenance and restoration of site, upon termination of lease.	Number of comments from residents receiving from relay tower.
GRANTING OF OTHER ESTATES THIS PLAN OF MANAGEMENT EXPRESSLY AUTHORISES THE GRANTING OF OTHER ESTATES AS OUTLINED. In order to facilitate surrounding development, Council has		

traditionally made its land available for drainage purposes. In this respect Council has set the following intended use/target strategies/objectives, means of achievement and manners of assessment.		
DRAINAGE OPPORTUNITIES		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Provision of drainage over Sportsgrounds and Park for surrounding properties. To minimise the financial burden on ratepayers in the provision and maintenance of sportsgrounds.	Granting of easements to drain water where appropriate. Current market valuations for compensation payable.	Registration of easements to drain water. Receipt of compensation as determined.

11.8. EXPRESS AUTHORISATION – NATURAL AREA - WATERCOURSE

The express authorisation and granting of leases, licences and other estates over the community land in this Plan of Management, categorised as Natural Area is to ensure the land is protected, potentially enhanced and to ensure that the core objectives are being addressed and fulfilled.

LEASES AND LICENCES FOR - NATURAL AREA - WATERCOURSE		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Protection of ecological biodiversity, Preserve or improve water quality & flow, Preserve riparian embankments, Promote community education. Discourage use of watercourse at this location for recreational pursuits.	Grant conditional short term licence that permit land use without the erection of permanent structures. Enter into Licence agreements for access to undertake riparian zone identified weed and or waste management. Permit occupancy agreements that coincide with item 11.3, for contiguous land. Use of signage to discourage entry to watercourse.	Limited number of Licenses, Number of licence breaches, Interval inspection of condition of riparian zone. Evidence of weeds & waste management and embankment condition. Number of comments or sightings of watercourse usage.
GRANTING OF OTHER ESTATES - NATURAL AREA - WATERCOURSE		
EASEMENT FOR DRAINAGE		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
Provision of drainage over Natural Area Watercourse for surrounding properties. To minimise the financial burden on ratepayers in riparian zone care.	Granting of easements to drain water where appropriate. Current market valuations for compensation payable.	Registration of easements to drain water. Receipt of compensation as determined.

11.9. EXPRESS AUTHORISATION - AREA OF CULTURAL SIGNIFICANCE

The express authorisation and granting of leases licences and other estates over the community land in this Plan of Management, categorised as Area of Cultural Significance ensures that the core objectives are being addressed and fulfilled.

LEASES AND LICENCES FOR – AREA OF CULTURAL SIGNIFICANCE		
OBJECTIVES	MEANS OF ACHIEVEMENT	MANNER OF ASSESSMENT
<p>Create context of the cultural significance. Introduction of new material that will reinforce the cultural significance of the land. Preservation of the land, as open space used for recreational purposes.</p>	<p>Acknowledgement of Aboriginal Peoples use of the land. Installation of culturally relevant interpretive and educational material. Consultation with local Aboriginal groups to develop suitable permanent exhibition matter. All of the land in this PoM is identified as flood prone. Crown land in this PoM is proclaimed for purpose of public recreation. Council community land in this PoM is primarily classified as Sportsground.</p>	<p>Successful installation of Interpretive material. Evaluation of comments received. Continued use of Carr Confoy Sportsground and Park including Eastgrove South Carr Confoy for large community gatherings, regular and irregular sporting events.</p>

12. FUTURE MANAGEMENT

This draft PoM has been prepared after consultation with a range of stakeholders both within Council and across the wider community, to collate the social values and management issues for guidance in the management of Council's community land.

The land included in this site-specific draft PoM has been identified as having the following Classifications, assigned in accordance with the guidelines of the LGA93 and LGRegs and due consideration to the purpose of the Crown Reserve.

Categorising community land, open community consultation, exhibition of the draft PoM and making the PoM available upon adoption by Council, provides a basis for Council to engage with the community to:

- make clear Council's obligation to stakeholders;
- encourage ongoing planning discussions to ensure that this and plans of management generally, continue to address best land management practices;
- provide opportunities for visitors to this site and members of our community to actively participate in ensuring ongoing utility, preservation, and significance of these community resources.

Future management of community land must balance recognition of the social, natural and cultural heritage of these assets in Goulburn Mulwaree local government area with response to contemporary social requirements. Management and planning principals for community land must offer sufficient flexibility to consider and embrace the concepts and values that reflect or accommodate changing: circumstances; social values as well as land management practices.

PoMs are dynamic documents with the consequence that this PoM will be subject to review at 8 yearly intervals, to ensure the objectives and strategies reflect both legislated and community expectations and so Council may continue to meet its obligations.

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A. LEGISLATIVE REQUIREMENTS

1.1. LOCAL GOVERNMENT ACT 1993 COMMUNITY LAND PROVISIONS

The minimum requirements for a Plan of Management under [Local Government Act 1993](#) are that the plan must:

- categorise the land in accordance with s.36(4) and 36(5);
- contain objectives for the management of the land;
- contain performance targets
- specify the means of achieving the objectives and performance targets;
- specify how the achievement of the objectives and performance targets is to be assessed (s.36(3));
- describe the condition of the land as at the date of the adoption of the plan of management;
- describe any buildings on the sites as at the date of adoption of the plan of management;
- describe the usage of all land and buildings covered in the plan of management as at the date of adoption;
- state the use for which the land will be allowed to be used, the scale and intensity of that use (s.36(3A)).
- Plans of management should not be inconsistent with any environmental planning instrument, applying to the land covered under a Plan of Management.

1.2. GENERAL DESCRIPTION - CATEGORIES OF COMMUNITY LAND

Section 36(4) of the Local Government Act, 1993 state: all community land must be categorised as one or more of the following:

- A Natural Area (NA);
- A Sportsground (SG);
- A Park (PK);
- An Area of Cultural Significance (CS): and
- General Community Use (GC).
- Section 36(5) of the Act states: land that is to be categorised as Natural Area is to be further categorised as one or more of the following:-
 - Bushland (BU);
 - Wetland (WE);
 - Escarpment (ES);
 - Watercourse (WA);
 - Foreshore (FO); and/or a category prescribed by Sections 10 to 19 of the Local Government (General) Regulations, 2005.

Council has or will prepare/d generic plans of management for sportsgrounds, parks, and general community use areas and is in the process of drafting site specific plans of management for natural areas, areas of cultural significance and other sites as appropriate, including Crown land classified as Community Land and managed by Council in accordance with the Crown Land Management Act, 2016.

1.3. REGULATION GUIDELINES

The Local Government (General) Regulation 2005 under the LGA93 Part 4 Community Land, Division 1, Section 36(4) and 36(5) establishes clear guidelines for the categorisation of Community Land which are summarised as:

1.3.1. NATURAL AREA

Land should be categorised as a natural area if the land possesses a significant geological or geomorphological feature, landform, representative system or other natural feature or attribute that suggests further categorisation as bushland, wetland, escarpment, watercourse or foreshore.

Land impacted by any of the following Legislation must be categorised as natural area.

- *Threatened Species Conservation Act 1995*
- *Fisheries Management Act 1994*

1.3.2. BUSHLAND

Natural area should be further categorised as bushland if the land contains primarily native vegetation and that vegetation that represents or is the remainder of the natural vegetation of the land;

Such land includes bushland whether undisturbed, moderately disturbed or highly disturbed with a mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter) and regardless of exotic or weed species, may be revegetated or rehabilitated.

1.3.3. WETLAND

Natural area should be further categorised as wetland if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedge-lands, wet meadows or wet heathlands that form a water-body that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.

1.3.4. ESCARPMENT

Natural area should be further categorised as an escarpment if the land includes such features as a long cliff-like ridge or rock or the land includes significant or unusual geological, geomorphological or scenic qualities.

1.3.5. WATERCOURSE

Natural area should be further categorised as a watercourse if the land includes any stream of water, whether perennial or intermittent, flowing in a natural modified or 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 the associated riparian land or vegetation, including land that is protected land for the purposes of:

- *Rivers and Foreshores Improvement Act 1948*; or
- *Native Vegetation Conservation Act 1997*;

being State protected land identified in an order under section 7.

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1.3.6. FORESHORE

Natural area should be further categorised as foreshore if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

1.3.7. 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.

1.3.8. PARK

Land should be categorised as a park if the land is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

1.3.9. AREA OF CULTURAL SIGNIFICANCE

Land should be categorised as an area of cultural significance if the land is an area of Aboriginal significance because the land has been declared so under the *National Parks and Wildlife Act 1974*; or is significant to Aboriginal people in terms of their traditional or contemporary social, spiritual or cultural values.

Further, land should be categorised as an area of cultural significance by virtue of visual or sensory appeal or landmark/s of technical qualities such as architectural excellence, or an area of archaeological significance containing evidence of past human activity whether intact or ruined;

1.3.10. GENERAL COMMUNITY USE

Land should be categorised as general community use if the land 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 does not satisfy the guidelines for categorisation as natural area, sportsground, park or area of cultural significance.

1.3.11. AUTHORISATION TO LEASE, LICENCE AND GRANT OTHER ESTATES

Following are excerpts from the *Local Government Act 1993* specifically addressing leases, licences and other estates over community land:

46A MEANS OF GRANTING LEASES, LICENCES AND OTHER ESTATES

- A plan of management is to specify the purposes for which a lease, licence or other estate may be granted only by tender.
- A lease or licence for a term exceeding 5 years may be granted only by tender, unless it is granted to a non-profit organisation.

47 LEASES, LICENCES AND OTHER ESTATES IN RESPECT OF COMMUNITY LAND—TERMS GREATER THAN 5 YEARS

Should council seek to grant a lease in excess of 5 years over community land under a Plan of Management it must:

- give public notice of the proposal (including on the council's website), and
- exhibit notice of the proposal on the land to which the proposal relates, and
- notify adjoining land owners and occupants, and
- notify any other owner or occupier of land in the vicinity of the community land, if the proposal may interrupt the person's enjoyment of the community land.
- Public notice of the proposal must include:
 - identify the community land concerned,
 - the purpose for which the land will be used under the proposed lease,
 - the term of the proposed lease, (including details of options for renewal)
 - the name of the proposed lessee (if known)
- an invitation, open for no less than 28 days to submit in writing, to the council, concerns arising from the proposed lease.
- Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- The council must consider all submissions.
- The council must not grant the lease, licence or other estate except with the Minister's consent, if—
 - a person makes a submission by way of objection to the proposal, or
 - a lease term (including any option for renewal) exceeds 21 years.
- An application for Minister's consent, must include:
 - a copy of the plan of management for the land,
 - details of all objections received, a statement setting out, each objection, the council's decision and the reasons for its decision,
 - a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate,
 - a copy of the public notice of the proposal,

- a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate,
- if the application relates to a lease or licence for a period (including any period renewal option/s) exceeding 21 years, a statement outlining the circumstances that justify the period of the lease or licence.
- a statement setting out the manner and the extent to which the public interest needs are to be met, would be positively and adversely affected, by the granting of the proposed lease, licence or other estate.

The Minister is directed on the requirement to approve or deny the granting of the lease licence or other estate, with reference to the Minister for Planning and is accountable to any person seeking the reason for Ministers considered decision.

47A LEASES, LICENCES AND OTHER ESTATES IN RESPECT OF COMMUNITY LAND—TERMS OF 5 YEARS OR LESS

This section provides that leases of up to 5 years, including any options for renewal are subject to the same prescriptions for public notification and reference for Ministers consent, in the event of a submission on the basis of an objection to the proposed lease.

47AA SPECIAL PROVISIONS FOR LEASES, LICENCES AND OTHER ESTATES GRANTED FOR FILMING PROJECTS

A council that proposes to grant a lease, licence or other estate in respect of community land under section 47A in order to allow a filming project to be carried out on community land—

- that is critical habitat (as defined in section 36A(1)), or
- that is directly affected by a recovery plan or threat abatement plan, as referred to in section 36B(2), or
- that is declared to be an area of cultural significance under section 36D(1) because of the presence on the land of any item that the council considers to be of Aboriginal significance,

must, in addition to complying with section 47A, notify or advertise the proposal in the manner prescribed by the regulations for the purposes of this section.

a council that is of the opinion that a filming project proposed will have a minor impact on the environment or public amenity may seek submissions for not less than 7 days..

47B LEASE OR LICENCE IN RESPECT OF NATURAL AREA

A lease, licence or other estate must not be granted, in respect of community land categorised as a natural area—

- to authorise the erection or use of a building or structure that is not a building or structure of a kind prescribed by this section or the regulations, or
- to authorise the erection or use of a building or structure that is not for a purpose prescribed by the LG Act or the regulations.
- A lease, licence or instrument granting any other estate is void to the extent that its provisions are inconsistent with this S47B of the LG Act.
- 'Erection' of a building or structure includes rebuilding or replacement of a building or structure.
- The following buildings and structures are prescribed for the purposes of subsection:
 - walkways, pathways, bridges, causeways, observation platforms and signs.
- The following purposes are prescribed:
 - information kiosks, refreshment kiosks, but not restaurants, work sheds or storage sheds required in connection with the maintenance of the land and toilets or rest rooms.
- A lease, licence or other estate may be granted, in respect of community land categorised as a natural area, to authorise the erection or use of any building or structure necessary to enable a filming project to be carried out, subject to the conditions prescribed by S47B subsection (7) of the LGA and the regulations.
- It is a condition of any lease, licence or other estate referred to in subsection that any building or structure so erected must be temporary in nature, and that as soon as practicable after the termination of the lease:
 - any building or structure erected must be removed, the land must be made good, restored as nearly as possible to the condition that it was in at the time the lease, was granted, at the expense of the person to whom the lease, licence or other estate was granted.

47C SUBLEASE OF COMMUNITY LAND

In addition to any restrictions created by the lease, community land that is the subject of a lease cannot be sublet for a purpose other than:

- the purpose for which, as notified under section 47(2), the land was to be used under the lease, or a purpose prescribed by the regulations.

A lease is void to the extent that its provisions are inconsistent with this section.

47D OCCUPATION OF COMMUNITY LAND OTHERWISE THAN BY LEASE OR LICENCE

The exclusive occupation or exclusive use by any person of community land otherwise than in accordance with—

- a lease, licence or estate to which section 47 or 47A applies, or a sublease or other title directly or indirectly derived from the holder of such a lease, licence or estate, is prohibited.

This section does not apply to:

- the occupation or use of part of the site of a senior citizens' centre or home or community care facility by a duly appointed manager of the centre, or the

occupation or use of community land by persons, and in circumstances, prescribed by the regulations.

47E DEVELOPMENT OF COMMUNITY LAND

No power of a council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the council, if:

- the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or
- the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or
- the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or
- the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.
- The following buildings are exempt:
 - toilet facilities, small refreshment kiosks, shelters for persons from the sun and weather, picnic facilities, structures (other than accommodations for spectators) required for the playing of games or sports, playground structures, work sheds or storage sheds, buildings of a kind prescribed by the regulations.

47F DEDICATION OF COMMUNITY LAND AS PUBLIC ROAD

Community land may not be dedicated as a public road under section 10 of the Roads Act 1993 unless—

- the road is necessary to facilitate enjoyment of the area of community land on which the road is to be constructed or of any facility on that land, and
- the council has considered means of access other than public road access to facilitate that enjoyment, and
- there is a plan of management applying only to the land concerned and provision of the public road is expressly authorised in the plan of management.

The above does not apply where:

- a dedication of land for the purpose of widening an existing public road, or
- a dedication of land for the purpose of other roadworks of a minor character, authorised by the plan of management applying to the land, in respect of existing roads, or
- a dedication of land for the purpose of a road that is the subject of an order under Division 1 of Part 5 of the Roads Act 1993.

1.4. CROWN LAND MANAGEMENT ACT 2016

S3.23 of the CLM2016 provides for the management of Crown land as if it is Council community land under the Community Land provisions of the [Local Government Act 1993](#).

Council must, as soon as practicable after it becomes the manager of the dedicated or reserved Crown land, assign the land to one or more categories of community land referred to in section 36 of the Local Government Act 1993.

[Item 2 above](#) provides a summary of the Community Land Categorisation from the *Local Government Act 1993* and the guidelines for categorising community land

1.4.1. ADOPTION OF PLANS OF MANAGEMENT

Crown Land Management Act provides that Plans of Management for Crown land are to be prepared and adopted in accordance with the categorisation of land that the Minister administering the Crown Land Management Act has recommended to Council. The Minister's assigned categorisation refers to the purpose for which the land was dedicated or reserved using the categories discussed in Item 1.2 above. The categorisation is always subject to the provisions of the [Crown Land Management Act, 2016](#).

Should the draft first plan of management results in the land being categorised precisely as assigned by the Minister, Council must give public notice of it as required by section 38 of the *Local Government Act, 1993*,

If the land requires an amended or additional categorisation in the draft first Plan of Management, Council must apply to the Minister for concurrence. Amended or additional categories may result in the Crown Land having additional purposes, than for which the reserve or dedication was initially proclaimed. Once Ministers concurrence is granted Council then proceeds to with public notification of the categories applied the land, per S38 of the *Local Government Act, 1993*.

1.4.2. ALTERATION OF LAND CATEGORISATION

The categorisation of land by a plan of management cannot be altered by a further plan of management unless the Minister has given written consent. The Minister cannot give written consent to the alteration of the categorisation of land if the alteration is likely to materially harm the use of the land for any of the purposes for which the land was dedicated or reserved.

A written consent given by the Minister to alter the categorisation of land operates as if the Minister had authorised the land to be used for additional purposes under section 2.14 of the CLM Act that correspond to the purposes for which community land of that category can be used.

An additional purpose does not cease to be an authorised purpose for which the land is dedicated or reserved if the appointed council manager ceases to be the Crown land manager of the land.

While Council manage Crown land as if it were public land under the LG Act, the land must still be managed in accordance with the notified purpose of the reserve or dedicated land and cannot be used for an activity incompatible with its purpose – for

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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.

1.4.3. 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.

1.4.4. OCCUPANCY AGREEMENTS - CROWN LAND

Section 2.20 and Section 3.17 of the CLM Act also permits Crown land managers to grant a short-term licence over dedicated or reserved Crown land for any prescribed purpose, as set out in Clause 31 of the Crown Land Management Regulation 2018. Short-term licences are authorised under Section 2.20 and Section 3.17 of the CLM Act for the following purposes:

- access through a reserve
- advertising
- camping using a tent, caravan or otherwise
- catering
- community, training or education
- emergency occupation
- entertainment
- environmental protection, conservation or restoration or environmental studies
- equestrian events
- exhibitions
- filming (as defined in the LG Act)
- functions
- grazing
- hiring of equipment
- holiday accommodation
- markets
- meetings
- military exercises
- mooring of boats to wharves or other structures
- sales
- shows
- site investigations
- sporting and organised recreational activities
- stabling of horses
- storage

In addition to any other condition to which a short-term licence granted under section 2.20 of the CLM Act is subject, the condition that the relationship of landlord and tenant is not created between the parties.

The period of one year is prescribed as the maximum term for which a short-term licence may be granted under section 2.20 of the CLM Act (including any further term available under an option or holding over provision).

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1.4.5. CROWN LAND MANAGEMENT COMPLIANCE

Council management of Crown reserves will:

- align with the reserve purposes and additional elements including include conditional attachments to appointment instruments, or compliance requirements with specific or general rules published in NSW Government Gazette;
- comply with any Crown land regulations that are made;
- Where no conditions are attached to a Crown land manager appointment, only one Crown land management rule applies, being:
 - s.3.15 of the CLM Act Granting leases and licences for communication infrastructure-related purposes on Crown land; Crown land managers cannot, under any act (including the Local Government Act 1993), grant any lease or licence authorising:
- the installation or construction of communication infrastructure on Crown land
- the placement of communication infrastructure on Crown land
- the use of communication infrastructure that is located on Crown land
- access to communication infrastructure that is located on Crown land.

However, the rule does not prevent the holder of a holding granted by the Minister administering the Crown Land Management Act 2016 subletting of communication infrastructure, located on Crown land, in accordance with the conditions of a holding granted by the Minister.

1.4.6. NATIVE TITLE MANAGER ADVICE REQUIREMENTS

- Council as the Crown Land Manager cannot do any of the following unless it first obtains the written advice of a native title manager, that it complies with any applicable provisions of the native title legislation:
 - grant leases, licences, permits, forestry rights, easements or rights of way over the land,
 - mortgage the land or allow it to be mortgaged,
 - impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land,
 - approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in in the above points.
- However, the written advice of a native title manager is not required for the sale or other disposal of the land.

A Native Title Managers report was commissioned for the purposes of this Plan of Management and can be viewed in **Annexure E**

1.5. 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) 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, 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.

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.

BIODIVERSITY CONSERVATION ACT, 2016

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

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

DPE'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 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.

1.6. COMMONWEALTH LEGISLATION

NATIVE TITLE ACT 1993

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).

The 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.

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.

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.

1.7. STATE ENVIRONMENTAL PLANNING POLICIES

- State Environmental Planning Policy (Infrastructure) 2007 lists development allowed with consent or without consent on community land.
- State Environmental Planning Policy (Sydney Drinking Water Catchment) aims to protect quality of surface water and the ecosystems that depend on it and requires that any development is to have a neutral or beneficial effect on water quality.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 addresses clearing of native vegetation in urban areas and land zoned for public recreation (among other zones).

1.8. OTHER RELEVANT LEGISLATION, POLICIES AND PLANS

Biosecurity Act 2015

Companion Animals Act 1998

Disability Discrimination Act 1992

Local Land Services Act 2013

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Soil Conservation Act 1938

Water Management Act 2000

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

Australian Natural Heritage Charter

- B. PICTORIAL ASSET CONDITION REPORTS
 - 1. CARR CONFOY SPORTSGROUND - NORTH OF PARK ROAD
 - 1.1. KEY PLAN - SECTION A – NORTH OF PARK ROAD

6-December-2021

Carr-Confoy Park



14. Figure – Key Map - Asset location - Carr Confoy, north of Park Road.

1.2. PICTORIAL ASSET CONDITION REPORT - SECTION A

MAP REF	DESCRIPTION	CONDITION	PHOTO
CARR CONFOY FIELDS			
A.1	Cricket Nets: Organised cricket training and informal use.	Good	
A.2	Cricket Wicket – A: Competition cricket	New	
A.3	Cricket Wicket – C: Competition cricket	New	
A.4	Cricket Wicket – B: Competition cricket	New	
A.5	Cricket Wicket – D: Competition cricket	New	

MAP REF	DESCRIPTION	CONDITION	PHOTO
CARR CONFOY FIELDS			
A.6	Shelter A: Field C.	Good	
A.7	Shelter B: Field A.	Good	
A.8	Perimeter Fencing: Combination of: Rural wire fencing; copper-log fencing; bollards - recycled plastics.	Good	
A.9	Bore: Used to supplement irrigation system.	To be retired pending installation of Re-use Scheme	
A.10	Water Fill Station:	Good	

MAP REF	DESCRIPTION	CONDITION	PHOTO
CARR CONFOY FIELDS			
A.11	Bin Cage: Storage of waste bins.	Good	
A.12	Car park A: Sealed car park. 80 car spaces; one accessible car space.	Good	
A.13	Car Park B: Un-sealed car park	Fair	
A.14	Field Lighting & towers: 6 halogen light towers; Lux level too low for higher level competition; Two stanchions sited within cricket field of play.	Poor to fair. Planned upgrade for competition play.	
A.15	Playground: Young children's playground ; Shade-sail protection.	Satisfactory: Consultation to determine upgrade. Proposal for children's adventure playground.	
A.16	Clubhouse Building: Used predominately by touch. Provides: Canteen; Store room; Internal toilets; Common room; Office; Control room/ office at rear facing netball courts. Awning to the western side.	Poor to Fair: Dated; Inadequate for user needs; Upgrade with grant assistance being sought.	

MAP REF	DESCRIPTION	CONDITION	PHOTO
CARR CONFOY FIELDS			
A.17	<p>Water Tank/ Pump Area: Provides irrigation to Competition cricket pitches only. Comprised of: Links to bore. 200,000 litre tank Tanks shed Pumps and control unit for irrigation. Second controller located near Shelter A.</p>	<p>Poor: Pumps at end of life; To be decommissioned pending installation of Re-use Scheme.</p>	
A.18	<p>Second Building: Mainly used by netball. Contains the following: Male/female public toilets Disabled toilet Two change rooms Canteen Awning on the eastern side of the building.</p>	<p>Poor to Fair: Dated; Inadequate for club user needs; Change rooms not functional, used for storage only. Upgrade with grant assistance being sought, together with Item A16.</p>	
A.19	<p>Grass playing surface: Mixed grass species.</p>	<p>Fair - Good</p>	
A.20	<p>Netball Courts Nine marked asphalt courts with fixed posts.</p>	<p>Poor to Fair: Cracked surface with weeds erupting asphalt. Upgrade with grant assistance being sought.</p>	

MAP REF	DESCRIPTION	CONDITION	PHOTO
CARR CONFOY FIELDS			
A.21	Netball Court Lighting: Four halogen light poles.	Poor: Low light does not cover all courts Upgrade through grant being sought.	
A.22	Grassed netball courts: Six junior netball courts.	Fair - good:	
A.23	Unformed Grassed Area: not irrigated not conditioned for sporting use.	Poor: Often overgrown; Sport grade surface to be considered following installation of Re-use Scheme	
A.24	Seating Various seating around netball courts	Fair – good Open air seating; Prone to weathering & vandalism.	

2. CONDITION REPORT EASTGROVE SOUTH - CARR CONFOY SPORTSGROUND

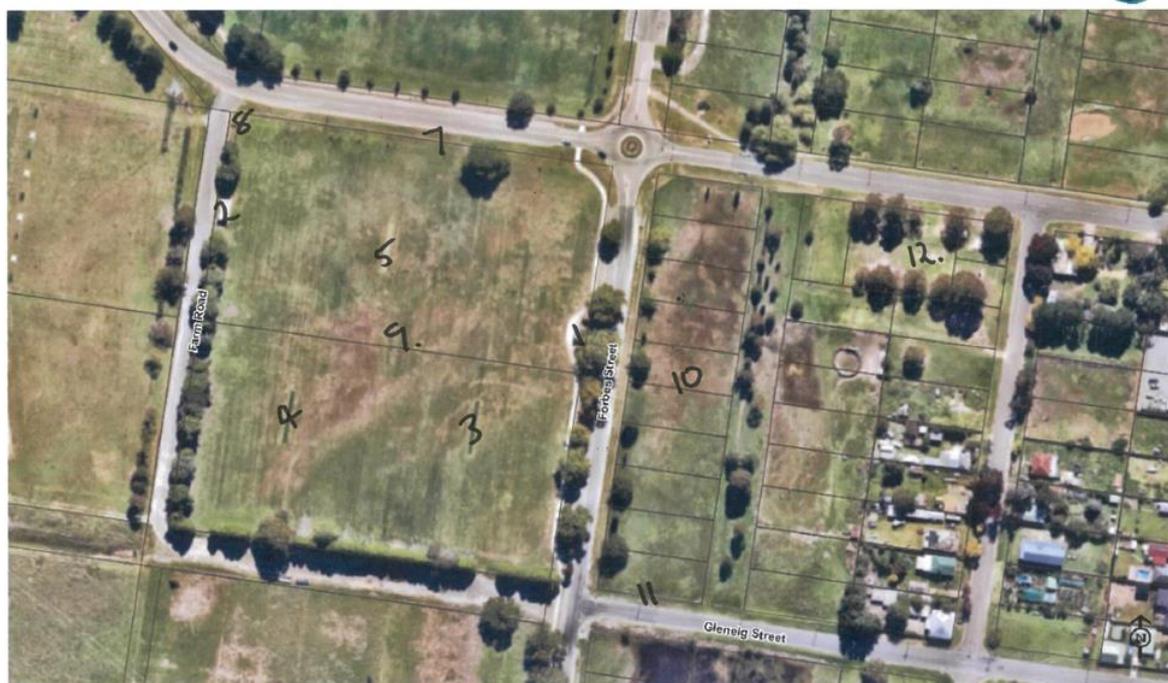
2.1. KEY PLAN - SECTION B – SOUTH OF PARK ROAD

This map is the key to identifying the location 'on the park, of the assets, listed in the Pictorial Condition Report. The Pictorial Condition Report follows immediately on from this map for each:

- Eastgrove SouthPark;
- Eastgrove link Wollondilly Walkway;
- Informal equestrian paddock;
- Eastgrove Dog off leash Park.

6-December-2021

Eastgrove South, Horse Paddock and Park



50 m

Scale = 2000

This map is provided for the purpose of showing basic locality information over the Goulburn Mulwaree Council LGA. It has been created for illustration purposes only. Locations of services and boundaries are approximate, and may not be accurate to surveying or engineering standards. Map information is subject to constant changes, may not be complete, accurate or current. The council assumes no liability for damages incurred as a result of incomplete, incorrect or omitted information.

15. Figure – Key Map B - Assets location - Eastgrove South, Carr Confoy

2.2. PICTORIAL ASSET CONDITION REPORT SECTION B – SOUTH OF PARK ROAD

EASTGROVE SOUTH			
MAP REF	DESCRIPTION	CONDITION	PHOTO
B.1	Public Toilet: Public toilets open daily. Provides non gender: Accessible toilet stall; Two ambulant stalls Waste bin.	New	
B.2	Building: Derelict building	Very poor: Inaccessible pending demolition.	
B.3	Cricket Wicket A Competition grade.	Good:	
B.4	Cricket Wicket B Competition grade.	Good:	

EASTGROVE SOUTH			
MAP REF	DESCRIPTION	CONDITION	PHOTO
B.5	Cricket Wicket C Competition grade.	Good:	
B.6	Lighting: Comprised of: halogen light poles; three sectional control points; Control points operate independently.	New:	
B.7	Fencing: Mixture of: Rural Fencing (See fencing in B4 image) Black metal post and rail	New	
B.8	Memorial Gate: Brick garden wall and piers supporting iron grille gates; WWII memorial plaque	Good: Dated Not used for access.	
B.9	Playing Surface: Not irrigated; Mixed grass species; Poor to adequate drainage.	Fair:	

EASTGROVE SOUTH			
MAP REF	DESCRIPTION	CONDITION	PHOTO
	Wollondilly Walking Track - Eastgrove link	New:	

HORSE Paddock (UNNAMED) –INFORMAL HORSE RIDING USAGE			
MAP REF	DESCRIPTION	CONDITION	PHOTO
B.10	Playing Surface: Not irrigated mixed grass species; Not maintained as a sport field.	Fair: Evidence of unauthorised private use with unapproved structures on or adjacent to site.	
B.11	Fencing: Rural fencing (Sight wire and plains)	Good	

PARK LAND			
MAP REF	DESCRIPTION	CONDITION	PHOTO
B.12	Off Leash Dog Area comprising: <ul style="list-style-type: none"> • Fencing • Bin for dog area • Water station for human use and separate canine use. 	Fair to good Play surface: Rough patchy grass: Fair; Fencing: Good; Signage and access are confusing: Good condition; Water station: Good Bin: Good	

3. CONDITION REPORT GOULBURN PONY CLUB - CARR CONFOY SPORTSGROUND

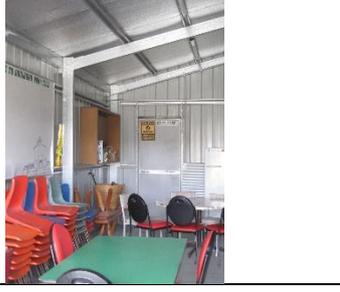
3.1. KEY PLAN - SECTION C - 22 FARM ROAD



16. Figure – Key Map C for Goulburn Pony Club Assets

3.2. PICTORIAL ASSET LIST SECTION C

GOULBURN PONY CLUB - 22 FARM ROAD			
PLAN REF	DESCRIPTION	CONDITION	PHOTO
C.1	Boundary and internal rural fencing (post & wire) Metal gates with locks. Show Arena	Good Good	
C.2	Round yard	Good	
C.3	Sand arena	Good	
C.4	Concrete pads with fixed bleachers	Good	
C.5	Storage container	Fair	
C.6	Rail car storage units	Dated - fair	

GOULBURN PONY CLUB - 22 FARM ROAD			
PLAN REF	DESCRIPTION	CONDITION	PHOTO
			
C.7	Internal post & rail hitching fence	Good	
C.8	Club house - metal shed on concrete pad Metal posts for shade sail	Good Good	
C.8	Club house - metal shed on concrete pad Internal divisions: <ul style="list-style-type: none"> • Meeting space • Storage • Kitchenette 	Good	 
C9	Water supply tank and pump Flood light	Good Fair	

GOULBURN PONY CLUB - 22 FARM ROAD			
PLAN REF	DESCRIPTION	CONDITION	PHOTO
C.10	Septic system toilets erected on concrete pad	Good	
C.11	Gates and jumps	Fair to poor 2022 has seen fast flowing inundation, dislodge unfixed installations.	
			
			
			
			

GOULBURN PONY CLUB - 22 FARM ROAD			
PLAN REF	DESCRIPTION	CONDITION	PHOTO
			
C.12	Goulburn Pony Club memorial cairn.	Good	

OTHER INSTALLATIONS AT 22 FARM ROAD			
MAP REF	DESCRIPTION	CONDITION	PHOTO
C.13	Broadcasting relay tower and enclosing fence.	Good	
C.14	Capped and fenced well.	Fence in fair condition Well cap appears to have been vandalised and represents a hazard.	

C. FUTURE DEVELOPMENTS

1. DRAFT BRIEF - CARR CONFOY SPORTING PRECINCT MASTER PLAN DEVELOPMENT

Background

Carr Confoy and Eastgrove South sports fields are owned or managed by Goulburn Mulwaree Council. They both host an array of summer and winter sports however the overall land available is underutilised and inadequately serviced. Ongoing community demand for high standard recreation and sporting facilities could be met at this site through development of vacant land and provision of additional infrastructure.

Carr Confoy comprises 18 hectares located at Eastgrove. It is bordered by Park Road and Emma Street. Eastgrove South comprises 3.6 hectares. It is located opposite Carr Confoy on Park Road and is bordered by Park Road, Forbes Street, Glenelg Street and Farm Road.

Carr Confoy and Eastgrove South are within walking distance of the CBD via a pedestrian bridge over the main southern railway. Access is via Blackshaw Road (north and south), Park Road and Forbes Street. It accommodates a range of sporting and recreation facilities which are used by a broad cross section of the community including cricket, junior rugby, touch football, soccer, netball, evening training and passive exercise recreation activities.

Components of the Carr Confoy and Eastgrove South include:

Touch football fields	Drainage corridor,
Junior rugby fields	Lighting,
Cricket fields	Irrigation,
Cricket nets	Vacant/spare land,
Soccer fields (Eastgrove South)	Dog park,
Car parking (sealed and unsealed)	

Purpose of the Master Plan

Goulburn Mulwaree Council is currently developing a number of community sporting and recreation projects. An adventure playground, aquatic centre upgrade, Victoria Park upgrade, new hockey facilities and re-use irrigation scheme are in various stages of investigation and development. To compliment these projects it is timely that a Carr Confoy Sporting Precinct Master Plan be developed to ensure development of this area progresses in a manner that is sympathetic to the other community sporting and recreation projects and maximises community benefit.

Council is about to undertake an assessment of all sporting facilities to determine if the level of resources available for sporting and recreational use are appropriate for current and future needs. This will also examine options to consolidate a number of sports onto centralised facilities. The outcome of this assessment will inform design of the re-use irrigation scheme.

A Master Plan provides an overview and long term strategic direction for a facility or area. A Master Plan for Carr Confoy will ensure the various options for use are developed and progressed in a manner that is consistent with the future direction of the sporting and recreation needs of the community. The Carr Confoy Sporting Precinct Master Plan will inform Council's decision making process to allocate funds for future development of this land.

Site Planning Principles

The consultant is to consider the following planning principles for development of the Master Plan:

- The site will be accessed by local sports clubs and visitors.
- The Master Plan is to consider long term site development (20 years).
- The site should be planned to utilise common facilities, eg: amenities, car parks, lights, etc.
- Amenities, social and administrative facilities are to be designed for shared use.
- New buildings are to be designed utilising sustainability principles.
- Site landscaping is to consider amenity, shade opportunities and public safety.

Scope of the Master Plan

The Carr Confoy Sporting Precinct Master Plan should articulate the future development of Carr Confoy as a regional sports recreation precinct. It should also consider linkages along adjoining road corridors to the CBD, to and from Goulburn. The existing projects of new Hockey facilities, potential consolidation of other sports to this site must be examined in the broader context of a sporting precinct to confirm the objectives of these projects meet the intent of the Master Plan.

The final Master Plan should demonstrate design principles for place (enhancing, connected, diverse and enduring) and people (comfortable, vibrant, safe, walkable/cycle-able). Overall development should identify opportunities that:

- Support sports participation,
- Foster participation in healthy outdoor recreation activities,
- Enhance community connections,
- Preserve and enhance natural and cultural heritage values,
- Provide broad community benefit,
- Maintain country town character,
- Demonstrate sustainability and innovation,
- Reflect the needs and aspirations of the community and key stakeholders,
- Identify achievable community capital opportunities,
- Are realistic and achievable to fund for Council to fund through annual budget process, state and federal government grants.

Review the Current State

The initial task is to examine the existing condition and use of Carr Confoy, Eastgrove South and associated infrastructure as follows:

- Define core functions and issues associated with Carr Confoy Sporting Precinct,
- Consider current user groups, neighbouring residents and land uses, local area demographics,
- Consult relevant community groups and stakeholders,
- Assess community group and stakeholder demand for space, facilities and services,
- Consult with Council staff who manage / maintain the existing facilities,
- Identify and consider natural and cultural heritage (Aboriginal and European) values requiring management,

- Traffic movements and car parking provision that services the precinct,
- Walking/cycle path condition and configuration,
- Emergency access provision,
- Local Environment Plan provisions,
- Flooding frequency and inundation levels,
- Current expenditure (capital and maintenance)

Define the future state

Once the base line information is available the next task is to identify the following:

- How the existing facilities can be integrated to achieve a community sporting and recreation precinct,
- The best fit locations for current and proposed future activities and facilities,
- Gaps in provision of sporting and recreation facilities for Goulburn and how they may be incorporated into the Carr Confoy Sporting Precinct,
- Opportunities to improve, protect and enhance natural and cultural values,
- Water cycle management,
- Traffic and parking management,
- Future expenditure (capital and maintenance),
- Augmentation of services (power, water supply, irrigation, etc.),
- Planning constraints (heritage, conservation, amenity, etc.)
- Findings presented in a detailed Master Plan document.

Project Methodology

The consultant will work with Council staff to finalise the Master Plan. A key component of the Master Plan development will be a community consultation process, it is anticipated this will include:

- Initial stakeholder workshop to obtain input for development of a draft Master Plan,
- Stakeholder consultation on the draft Master Plan before presenting the Council in a briefing session,
- Public exhibition of the draft Master Plan, including workshops or drop in sessions during the exhibition period,
- Finalisation of the Master Plan following the public exhibition process, including endorsement by Council.

Master Plan and Report

The final submission will include a precinct map outlining proposed land use and infrastructure. The precinct map is to be supplemented by a brief report that will include detailed descriptions of proposed land use activities and infrastructure, high level cost estimates, implementation plan with priorities and responsibilities.

Timeframe

Task	Responsibility	Date
Engage Consultant	Council staff	TBA
Examine current state of Carr Confoy	Consultant	TBA
Stakeholder engagement	Consultant & Council	TBA
Prepare draft master Plan for initial review	Consultant	TBA
Present draft Master Plan to Council	Consultant	TBA
Public exhibition of draft Master Plan	Council	TBA
Present public exhibition feedback to Council	Council staff	TBA
Submit Final Master Plan and Report	Consultant	TBA

Reference material: *Submission to Council Executive December 2021*

2. PROGRESSING THE DEVELOPMENT OF CARR CONFOY

While the Master Plan brief for Carr Confoy remains incomplete, GMC Executive at its meeting of 2 December 2021, in applying the *Multi-Sport on Community Facility Fund*; considered three options being:

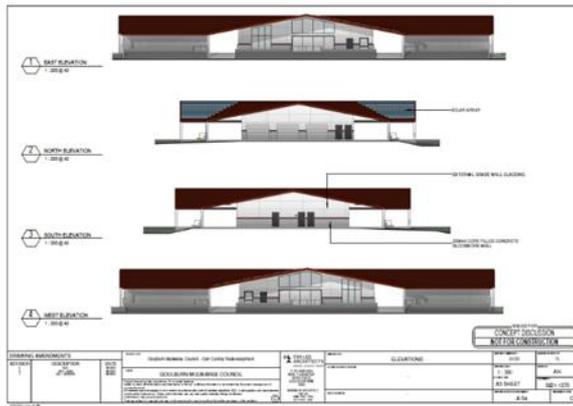
- North Park Pavilion,
- Multi-user pavilion at Carr Confoy and
- Replacement of the soccer pavilion at Marulan.

Agreement was recorded to make application for a large multi-user pavilion to be located at Carr Confoy, as the proposal meets the criteria for grant funding on offer.

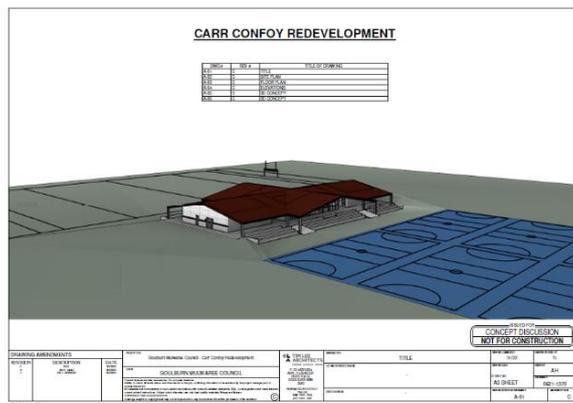
Grant Funding Sought

Council endorsed a recommendation to make an application for grant funding for 50% of the estimated budget for the proposed multi-user pavilion at Carr Confoy.

3. PROPOSED MULTI USER PAVILION – CARR CONFOY



Concept Plan – Carr Confoy Sportsground – Pavilion elevations



Concept Plan – Carr Confoy Sportsground – Pavilion Siting



Concept Plan – Carr Confoy Sportsground - Pavilion internal layout



Concept Plan – Carr Confoy Sportsground – Pavilion artist impressions eastern façade

4. CARR CONFOY NETBALL COURTS UPGRADE

The Carr Confoy Netball Court Resurfacing Project Management Plan was prepared in June 2021 and has been endorsed for action.

Following is an extract from the Carr Confoy Netball Courts Project Management Plan:

Background

The Carr Confoy Netball Courts are the home of the Goulburn and District Netball Association. The courts were originally constructed in the 1940's and consisted of four hard surface courts. In the early 2000's the facility was expanded to its current configuration of nine courts and overlaid with a premium asphalt. There was not a consistent fall on the asphalt which has resulted in pooling and cracking.

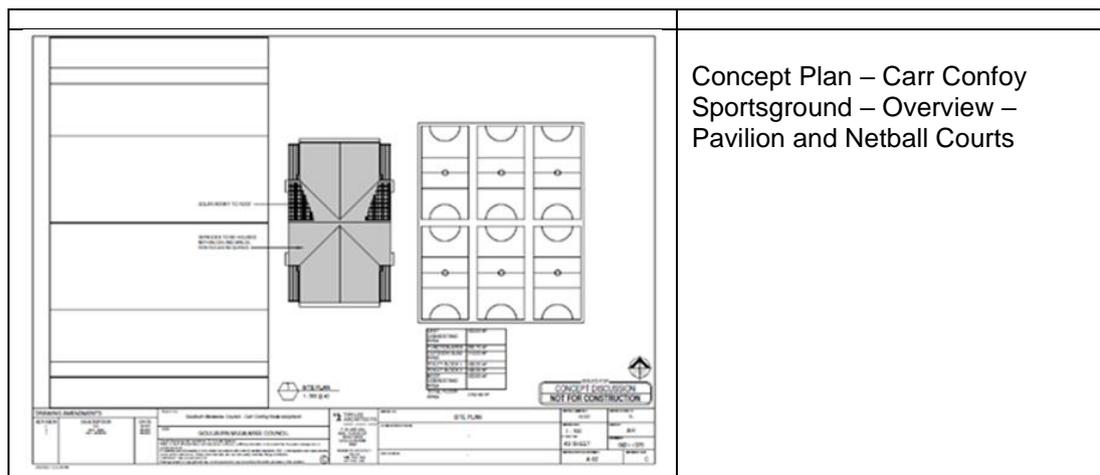
The project will provide an upgrade of the netball court's failing and uneven surface and provision of new goal posts and hoops. The provision of a new asphalt underlay and acrylic surface is expected to significantly benefit the user groups which hold regular sporting competitions at the venue.

The planned upgrade components are:

- Drainage and electrical remediation
- asphalt topping with 1% gradient
- Sealing
- Acrylic surface
- Line marking
- Installation of goal posts and hoops

The full *Carr Confoy Netball Court Resurfacing Project Management, June 2021* document can be read at the following link:

[Project Plan - Carr Confoy Netball Courts upgrade](#)



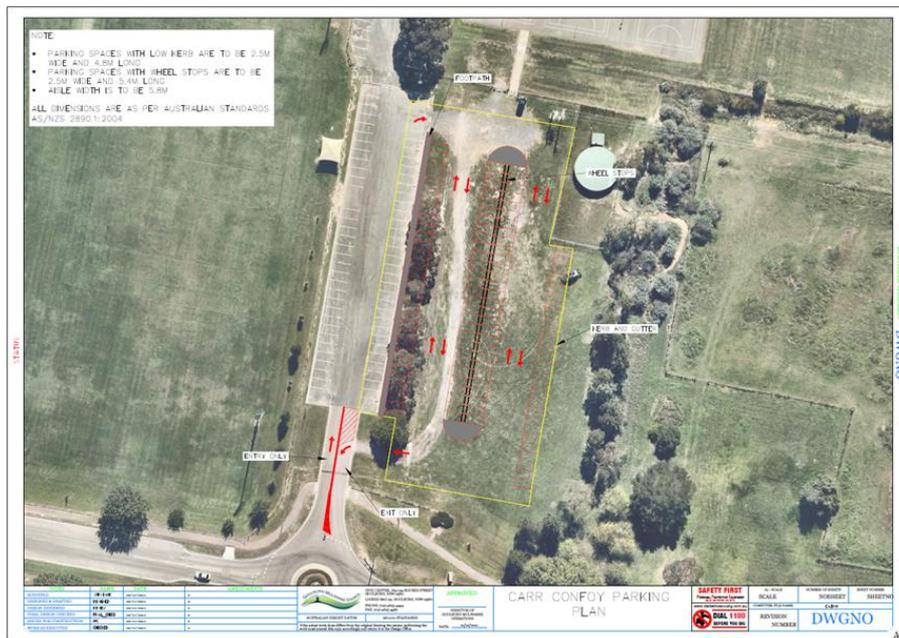
19. Figure - Concept plans Carr Confoy netball courts

5. CARR CONFOY PARKING PROPOSAL

Additional car park will meet the requirements of increasing user needs with the growth of local sports and to accommodate multiple user and sporting activities at the grounds or facilities, concurrently.

The proposed car park will provide an additional 150 car spaces. While the land is currently used as overflow car parking, it is not sealed or structured to accommodate car parking with the consequence that boggy ground can create erosion and an unsafe surface.

A suitably designed and finished car park will ensure traffic flow can be most effectively managed for pedestrian and vehicle safety.



20. Figure – Proposed improved and additional parking -Carr Confoy

6. STAKEHOLDER RESPONSE TO ISSUES PAPER

An early draft of the Plan of Management was circulated to the identified users of the Carr Confoy Eastgrove South Sportsground and Goulburn Pony Club facilities from November 2021.

6.1. GOULBURN & DISTRICTS JUNIOR CRICKET ASSOCIATION (GDJCA)

GCJCA responded and the following has been extracted from the Associations response:

1. We support the proposed improvements set out in the draft plan. In particular: a new pavilion and upgraded and expanded lighting would very much benefit local junior cricket and provide us the potential to schedule more night cricket matches.
2. The improvements would also enhance the opportunity to attract more representative junior cricket to Goulburn and of hosting junior cricket

tournaments locally. This would be a great benefit to junior cricket in Goulburn, with positive flow-on effects to local businesses.

3. We would also like to suggest Council considers incorporating into the draft plan some additional improvements to those described in Section 2.8. The attached design, which we submitted to Council for consideration in 2017, sets out several further possible improvements which we think are still appropriate and could be incorporated into the proposed draft plan.
4. Western end – an additional vehicle access point off Park Road at the western end on Carr Confoy with sealed parking spaces would make the cricket fields at that end of the facility more accessible as well as improving safety and convenience by allowing for car parking closer to the western playing fields. We would also like Council to consider including in the plan some sealed parking facilities just off Park Road, adjacent to the existing practice nets.
5. Eastern end – there is scope to include two (and possibly three if space and funding allows) additional cricket fields with shelters at the eastern end of Carr Confoy. This would substantially increase the match capacity of Carr Confoy and allow us to have a 2 number of matches, over different age divisions, at essentially the one location. One of the main benefits of additional fields would be the convenience to parents with children participating in different age divisions to be able to attend the one venue for all their children's matches. Additional fields would also enhance to opportunity for Goulburn to host representative junior cricket and hold multi-team junior cricket tournaments.
6. Eastern end – there is also scope at the eastern boundary of the facility to provide an additional vehicle access point and sealed parking to service the additional fields we have suggested above.
7. There may be an opportunity to apply for some co-funding of the cricket specific projects, for example through the Australian Cricket Infrastructure Fund. We would be happy to work with Council, as needed, to apply for this type of funding. We would also be prepared to look to contribute funds along similar lines to the funding of the costs of the sight screens recently installed at Seiffert Oval.

GDJCA have provided the following aerial diagram to depict site improvements envisaged to best serve its future needs at Carr Confoy and for which GDJCA may be able to obtain support funding from Cricket Australia:



21. Figure GDJCA site development proposals for Carr Confoy

6.2. GOULBURN PONY CLUB, INC,

Goulburn Pony Club which is currently in negotiations for a fresh lease commencing 1 September, 2022, also responded to the invitation to make a submission on the issues paper for the draft Plan of Management

Goulburn Pony Club does not rely on GMC for infrastructure or facilities, with full knowledge that the structures that the Club affixes to the land, become the property of the Lessor should the lease be terminated.

Instead Goulburn Pony Club relies on its own fund raising efforts and makes applications for grant funding under its own auspices.

A pictorial Asset Condition Report for Goulburn Pony Club lease premises at 22 Farm Road Goulburn is available at Annexure B

History of Goulburn Pony Club

Goulburn Pony Club was formed on 20th June 1957 with its first Rally Day being held on the 8th of September 1957. That Rally Day event was held at the Goulburn Showground, now known as Goulburn Recreation Area.

Rally days and camps were held at various venues over the following years.

Through 1960 a permanent site was being sought and negotiated. The first Rally at the Clubs new site, was held at "Lynton" on the 7th of January 1961.

However in 1980 "Lynton" was no longer available to the Club to host its events, with further search and negotiations the Club joined the Police Citizen's Youth Club in 1982.

1993 saw Goulburn Pony Club move to its present grounds at Eastgrove.

On Sunday 9th September 2007, Goulburn Pony Club celebrated it's 50th Anniversary as an incorporated Club. Sadly, an outbreak of Equine

Influenza (EI), at the time enforced a horse free event. The Clubs 50th anniversary celebrations included novelty events, memorabilia display and cake cutting by 1957 past President Mr Jim Maple-Brown and then current 2007 President Mrs Liz Grashorn.



Goulburn Pony Club colours are and have always been green and white.

Further Development of the Pony Club Grounds

Goulburn Pony Club in addressing its future plans has identified the following priorities:

- Extend the cross-country course;
- Build a covered riding arena;
- Install livestock yards.

Land Management Strategies

Goulburn Pony Club in response to the Management Strategies, Section 6, identified the impact of inundation of its lease area and consequent destruction of Club assets including gates, jumps, loss of obstacles and sand fill. The loss and destruction imposes a substantial expense on the Club resulting in a request to include land management strategies to mitigate the impact of flooding, damage, loss and cost to the Club.

Suggestions are to:

- Include Flood Management Plan in this PoM;
- Clean out water channel on Club's western boundary;

and unrelated to flooding:

- Install street and directional signage (to the various sporting areas of the Carr Confoy precinct).

6.3. PRIVATE LAND OWNER – ADJOINING

Lots 1 to 5 and 10 to 12 in Section 11 of DP 949849 are in private ownership and effectively landlocked by community land. The land owner's submission requests GMC to include provision for the construction of public road over identified community land that will provide access and enhance access to community land. This can be accommodated under S47F of LGA93.

D. NATURAL AREAS BIODIVERSITY CONDITION REPORT

Prepared in house, September, 2021 and September 2022, the biodiversity report specifically addresses the Natural Area identified in this Plan of Management.

Brian Faulkner, Biodiversity and Environment Officer, Goulburn Mulwaree Council provided a review of flora and fauna communities and conditions in the riverine corridor adjoining the Mulwaree Ponds which forms the western boundary of Carr Confoy Sportsground and Park.

CARR CONFOY PARK:	VEGETATION ASSESSMENT LAND ADJOINING THE MULWAREE RIVER
Date of assessment:	Friday 24th September, 2021
Assessing officer:	Brian Faulkner, Environment & Biodiversity Assessment Officer, GMC
Reason for assessment:	Identify and assess native vegetation for POM

GENERAL DESCRIPTION – North-west part of Carr Confoy

The land assessed comprises an area of approximately 220 metres long by 20 metres wide, located at the western boundary of Carr Confoy Park, bordered by the Mulwaree River.

The vegetation in this area was found to be a planted strip of native trees, comprising mostly River She Oak (*Casuarina cunninghamiana*) and Ribbon Gums (*Eucalyptus viminalis*), with occasional Wattles (*Acacia* spp). There is also a small group of three Ribbon Gums and three Cabbage Gums (*Eucalyptus amplifolia*) located adjacent to the south western corner of the area (where Park Road approaches the Mulwaree River). Located approximately 20 metres to the south east of this grove are two further planted Eucalypts, being one Snow Gum (*Eucalyptus pauciflora*) and one Black Sally Gum (*Eucalyptus stellulata*).

The understorey/groundcover throughout is almost entirely dominated by exotic weedy species, including Phalaris (*Phalaris aquatica*), Yorkshire Fog (*Holcus lanatus*), Cock's Foot (*Dactylis glomerata*), Hemlock (*Conium maculatum*), Curled Dock (*Rumex crispus*) and Cleavers (*Galium aparine*). Aside from a thin fringe of Common Reed (*Phragmites australis*) along the banks of the river, essentially no naturally occurring vegetation is present on the site.

The area that was inspected is shown in the diagram below.



FLORA IDENTIFIED ON SITE

FLORA SPECIES RECORDED 24/09/2021		
Scientific Name	Common Name	Native or Exotic
<i>Acacia decurrens</i>	Early Black Wattle	N (planted)
<i>Acacia floribunda</i>	Gossamer Wattle	N (planted)
<i>Acacia melanoxylon</i>	Blackwood Wattle	N (planted)
<i>Agrostis stolonifera</i>	Creeping Bent	E
<i>Arctotheca calendula</i>	Capeweed	E
<i>Bromus catharticus</i>	Prairie Grass	E
<i>Casuarina cunninghamiana</i>	River She Oak	N (planted)
<i>Cerastium glomeratum</i>	Mouse Ear Chick Weed	E
<i>Cichorium intybus</i>	Chicory	E
<i>Cirsium vulgare</i>	Spear Thistle	E
<i>Conium maculatum</i>	Hemlock	E
<i>Eragrostis curvula</i>	African Love Grass	E
<i>Erodium cicutarium</i>	Common Stork's Bill	E
<i>Erodium cicutarium</i>	Blue Stork's Bill	N
<i>Eucalyptus amplifolia</i>	Cabbage Gum	N (planted)
<i>Eucalyptus viminalis</i>	Ribbon Gum	N (planted)
<i>Festuca pratensis</i>	Meadow Fescue	E
<i>Foeniculum vulgare</i>	Fennel	E
<i>Fraxinus sp.</i>	Ash	E
<i>Fumaria officinalis</i>	Common Fumitory	E
<i>Galium aparine</i>	Cleavers	E
<i>Geranium solanderi</i>	Native Geranium	N
<i>Holcus lanatus</i>	Yorkshire Fog	E
<i>Hypochoeris radicata</i>	Flat Weed	E
<i>Lactuca serriola</i>	Compass Weed	E
<i>Ligustrum lucidum</i>	Large Leaf Privet	E
<i>Lolium sp.</i>	Rye Grass	E
<i>Lomandra longifolia</i>	Spiny Headed Mat Rush	N (planted)
<i>Lotus corniculatus</i>	Bird's Foot Trefoil	E
<i>Malva neglecta</i>	Dwarf Mallow	E
<i>Medicago arabica</i>	Spotted Medick	E
<i>Medicago polymorpha</i>	Burr Medick	E
<i>Modiola caroliniana</i>	Creeping Mallow	E
<i>Nassella neesiana</i>	Chilean Needle Grass	E
<i>Phalaris aquatica</i>	Phalaris	E
<i>Phragmites australis</i>	Common Reed	N (banks of river)
<i>Plantago coronopus</i>	Buck's Horn Plantain	E
<i>Plantago lanceolata</i>	Lamb's Tongue	E
<i>Plantago major</i>	Great Plantain	E
<i>Poa annua</i>	Winter Grass	E
<i>Populus alba</i>	White Poplar	E
<i>Prunus cerasifera</i>	Cherry Plum	E
<i>Romulea rosea</i>	Onion Grass	E
<i>Rorippa palustris</i>	Yellow Cress	E
<i>Rubus fruticosus agg.</i>	Blackberry	E
<i>Rumex crispus</i>	Curled Dock	E

<i>Salix fragilis</i>	Crack Willow	E
<i>Sonchus oleraceus</i>	Sow Thistle	E
<i>Stellaria media</i>	Chick Weed	E
<i>Taraxacum officinale</i>	Dandelion	E
<i>Trifolium fragiferum</i>	Strawberry Clover	E
<i>Trifolium repens</i>	White Clover	E
<i>Trifolium subterraneum</i>	Sub Clover	E
<i>Vulpia</i> sp.	Rat's Tail Fescue	E

The trees comprise potential breeding habitat for arboreal fauna and it is likely that they would be utilised as nesting sites for a range of bird species. However relatively few fauna species were recorded on the day of the site inspection.

The relatively dense groundcover layer beneath the trees and the close proximity of the river may provide potential habitat for a range of frog species and for snakes, in particular Tiger Snakes (*Notechis scutatus*).

However on the day of the site inspection only one frog species was recorded, which was identified by its calling (Eastern Common Froglet (*Crinia signifera*)).

FAUNA SPECIES RECORDED ON SITE 24/09/2021

Scientific Name	Common Name	Exotic or native
<i>Anthochaera carunculata</i>	Red Wattlebird	Native
<i>Crinia signifera</i>	Common Eastern Froglet (Calls)	Native
<i>Gallinula tenebrosa</i>	Dusky Moorhen	Native
<i>Grallina cyanoleuca</i>	Magpie Lark	Native
<i>Gymnorhina tibicen</i>	Australian Magpie	Native
<i>Strepera graculina</i>	Currawong	Native

PICTORIAL CONDITION DESCRIPTION

The site viewed from Park Street (facing north east). Mulwaree River to the left, playing fields to the right.

Strip of trees along the river comprises mostly River She Oaks and Ribbon Gums, with occasional Wattles.

Small grove of trees on right comprises three Cabbage Gums and three Ribbon Gums. The groundcover layer is almost entirely dominated by exotic weedy species.

	<p>Carr Confoy looking north east from Park Road, near intersection with Blackshaw Road</p>
	<p>Common Reed growing on banks of Mulwaree Ponds. Pale coloured trees on left and right weedy <i>Fraxinus</i>.</p>
	<p>Curled Dock and weedy grasses (<i>Phalaris</i>, <i>Dactylis</i>, <i>Holcus</i> and <i>Bromus</i>)</p>

	<p>Hemlock and Cleavers dominate groundcover layer.</p>
	<p>Gossamer Wattle on right, River She Oak on left. Groundcover entirely dominated by exotic species.</p>
	<p>Ribbon Gum in middle. Ground cover layer with dense growth of Hemlock and other weed species.</p>
	<p>Large Leaf Privet under River She Oak</p>

CARR CONFOY SPORTSGROUND AND PARK:	Biodiversity Assessment of Riparian Land Adjoining Mulwaree River
DATE OF ASSESSMENT:	Monday 5th September, 2022
ASSESSING OFFICER:	Brian Faulkner, Environment & Biodiversity Assessment Officer, GMC
PURPOSE:	Identify and assess native vegetation for POM
LOCATION	Lot 1//DP737835, Lot 2/2//DP97949 & Lot 3/2//DP979849, known as 22 Farm Road Goulburn

GENERAL DESCRIPTION – South western portion of Carr Confoy

The land assessed comprises a low-lying, flood prone area of approximately 3 hectares, located along the western boundary of land identified as 22 Farm Road, Goulburn and falling within Lot 1//DP737835, Lot 2/2//DP97949 & Lot 3/2//DP979849. The land is utilised by Goulburn Pony Club.

Part of the land includes a section of the Mulwaree River.

Mapping suggests the main channel of the Mulwaree River is located along the western boundary of the land, but ground truthing found that the main flow of water is located within a straight channel within the land and flowing adjacent to mown pasture, as shown in the accompanying diagram and supporting photographs. The land sandwiched between the mapped path of the river and the observed main drainage channel is low lying and swampy, and in major rain events this area is generally submerged. This area features planted Ribbon Gum (*Eucalyptus viminalis*) which are maturing and provide significant habitat for fauna.

The groundcover layer in the lower lying areas assessed immediately adjacent to the river include some patches of native riparian and wetland species including River Rush (*Juncus gregiflorus*), Common Reed (*Phragmites australis*), Bulrush (*Schoenoplectus validus*) and Tall Sedge (*Carex appressa*). However the groundcover layer even immediately adjacent to the river, and in all other areas inspected, is largely dominated by exotic weedy species, with Phalaris (*Phalaris aquatica*), Yorkshire Fog (*Holcus lanatus*), Cock's Foot Grass (*Dactylis glomerata*), Hemlock (*Conium maculatum*), Curled Dock (*Rumex crispus*) and Creeping Buttercup (*Ranunculus repens*) being especially abundant.

In drier areas of the site, there is an abundance of Chilean Needle Grass (*Nassella neesiana*), African Love Grass (*Eragrostis curvula*) and St John's Wort (*Hypericum perforatum*). There are also scattered clumps of Blackberry (*Rubus fruticosus* aggregate) in most parts of the site.

Scattered Crack Willow (*Salix fragilis*) and Weeping Willow (*Salix babylonica*) trees are present in parts of the river channel, and a number of other exotic tree species are present in the riparian area, including Osage Orange (*Maclura pomifera*), Elm (*Ulmus* sp.), Ash (*Fraxinus* sp.) and English Oak (*Quercus robur*). Smaller tree species and shrubs include Hawthorn (*Crataegus monogyna*), Cherry Plum (*Prunus*

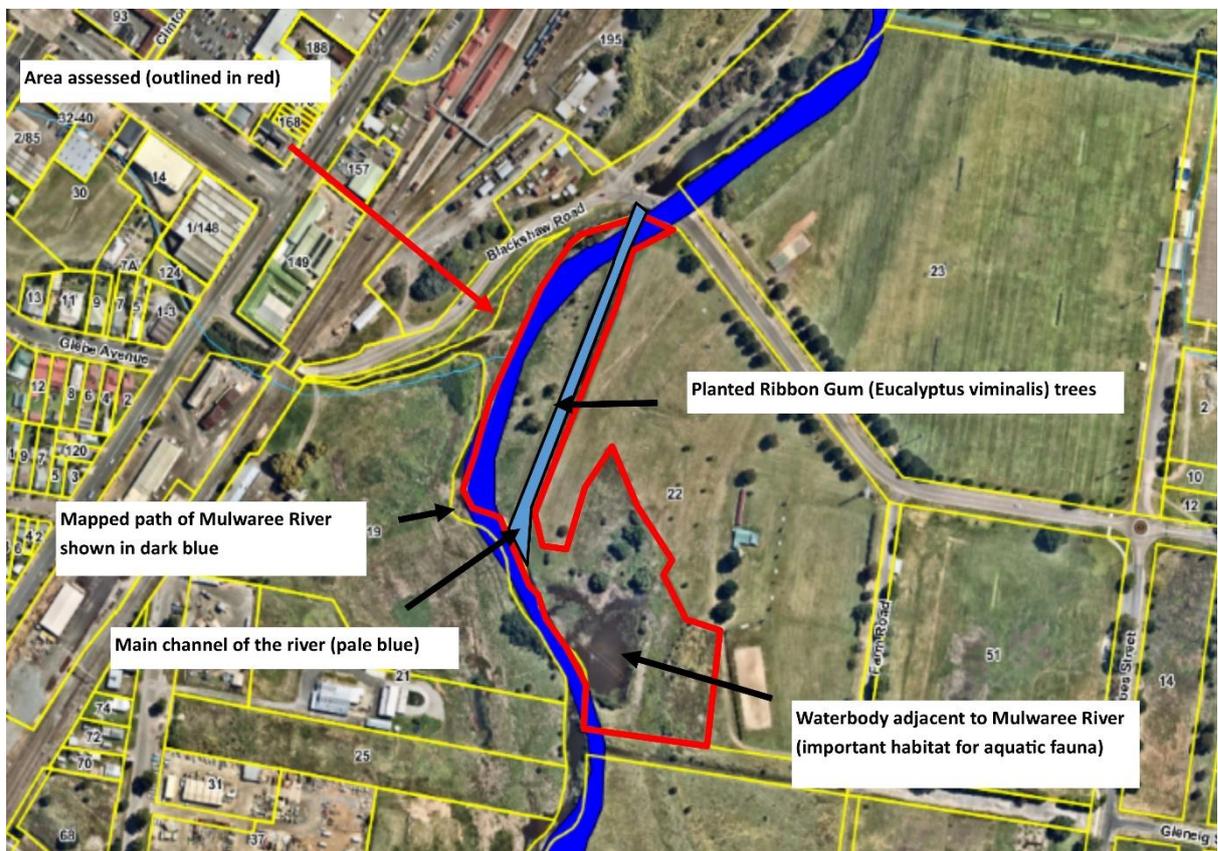
cerasifera), Large Leaf Privet (*Ligustrum lucidum*) and African Box Thorn (*Lycium ferocissimum*).

In the area located at the south western corner of the land, there is a significant waterbody immediately adjacent to and leading off the Mulwaree River. This permanent wetland comprises approximately 0.4 hectares in extent and provides habitat for a range of waterfowl and other aquatic fauna. At the time of the site inspection Pacific Black Duck (*Anas superciliosa*), Maned Wood Duck (*Chenonetta jubata*) and Eurasia Coot (*Fulica atra*) were observed to be especially abundant.

Although the majority of the riparian area inspected was found to be highly degraded and dominated by exotic weedy species, the area:

- Provides significant habitat for a range of fauna, especially waterfowl
- Has enormous potential for restoration and enhancement of biodiversity values (for example through weed management and planting suitable native riparian tree species)

The area that was inspected is shown in the diagram below.



A list of flora recorded on site is provided below:

FLORA SPECIES RECORDED 5/09/2022		
Scientific Name	Common Name	Native or Exotic
<i>Agrostis stolonifera</i>	Creeping Bent	E
<i>Arctotheca calendula</i>	Capeweed	E
<i>Bromus catharticus</i>	Prairie Grass	E
<i>Cardamine hirsuta</i>	Hairy Bittercress	E
<i>Carex appressa</i>	Tall Sedge	N
<i>Cerastium glomeratum</i>	Mouse Ear Chick Weed	E
<i>Cichorium intybus</i>	Chicory	E
<i>Cirsium vulgare</i>	Spear Thistle	E
<i>Conium maculatum</i>	Hemlock	E
<i>Conyza</i> sp.	Fleabane	E
<i>Crataegus monogyna</i>	Hawthorn	E
<i>Cyperus eragrostis</i>	Umbrella Sedge	E
<i>Dactylis glomerata</i>	Cock's Foot Grass	E
<i>Echium plantagineum</i>	Paterson's Curse	E
<i>Eragrostis curvula</i>	African Love Grass	E
<i>Erodium cicutarium</i>	Common Stork's Bill	E
<i>Eucalyptus viminalis</i>	Ribbon Gum	N (planted)
<i>Festuca pratensis</i>	Meadow Fescue	E
<i>Fraxinus</i> sp.	Ash	E
<i>Galium aparine</i>	Cleavers	E
<i>Gamochaeta purpurea</i>	Purple Cudweed	E
<i>Hirschfeldia incana</i>	Buchan Weed	E
<i>Holcus lanatus</i>	Yorkshire Fog	E
<i>Hypericum perforatum</i>	St John's Wort	E
<i>Hypochoeris radicata</i>	Flat Weed	E
<i>Juncus gregiflorus</i>	River Rush	N
<i>Lactuca serriola</i>	Compass Weed	E
<i>Ligustrum lucidum</i>	Large Leaf Privet	E
<i>Lolium</i> sp.	Rye Grass	E
<i>Lotus corniculatus</i>	Bird's Foot Trefoil	E
<i>Maclura pomifera</i>	Osage Orange	E
<i>Malva neglecta</i>	Dwarf Mallow	E
<i>Marrubium vulgare</i>	White Horehound	E
<i>Medicago arabica</i>	Spotted Medick	E
<i>Medicago polymorpha</i>	Burr Medick	E
<i>Modiola caroliniana</i>	Creeping Mallow	E
<i>Nassella neesiana</i>	Chilean Needle Grass	E
<i>Paspalum distichum</i>	Water Couch	N
<i>Phalaris aquatica</i>	Phalaris	E
<i>Phragmites australis</i>	Common Reed	N
<i>Plantago coronopus</i>	Buck's Horn Plantain	E
<i>Plantago lanceolata</i>	Lamb's Tongue	E
<i>Plantago major</i>	Great Plantain	E
<i>Poa annua</i>	Winter Grass	E
<i>Poa labillardieri</i>	River Tussock	N
<i>Prunus cerasifera</i>	Cherry Plum	E
<i>Pyracantha</i> sp.	Firethorn	E

<i>Ranunculus repens</i>	Creeping Buttercup	E
<i>Romulea rosea</i>	Onion Grass	E
<i>Rorippa palustris</i>	Yellow Cress	E
<i>Rosa rubiginosa</i>	Sweet Briar	E
<i>Rubus fruticosus</i> agg.	Blackberry	E
<i>Rumex acetosella</i> (<i>Acetosella vulgaris</i>)	Sheep's Sorrel	E
<i>Rumex crispus</i>	Curled Dock	E
<i>Salix babylonica</i>	Weeping Willow	E
<i>Salix fragilis</i>	Crack Willow	E
<i>Schoenoplectus validus</i>	Bulrush	N
<i>Sonchus asper</i>	Prickly Sow Thistle	E
<i>Sonchus oleraceus</i>	Sow Thistle	E
<i>Stellaria media</i>	Chick Weed	E
<i>Taraxacum officinale</i>	Dandelion	E
<i>Trifolium fragiferum</i>	Strawberry Clover	E
<i>Trifolium repens</i>	White Clover	E
<i>Trifolium subterraneum</i>	Sub Clover	E
<i>Triglochin procerum</i>	Water Ribbons	N
<i>Verbascum thapsus</i>	Aaron's Rod	E
<i>Veronica persica</i>	Creeping Speedwell	E
<i>Vulpia</i> sp.	Rat's Tail Fescue	E

Fauna species recorded 5/09/2021

Scientific Name	Common Name	Exotic or native
<i>Anas superciliosa</i>	Pacific Black Duck	Native
<i>Anthochaera carunculata</i>	Red Wattlebird	Native
<i>Cacatua galerita</i>	Sulphur Crested Cockatoo	Native
<i>Cacatua sanguinea</i>	Little Corella	Native
<i>Chelodina longicollis</i>	Eastern Long Necked Turtle (Shell)	Native
<i>Chenonetta jubata</i>	Australian Wood Duck	Native
<i>Corvus coronoides</i>	Australian Raven	Native
<i>Crinia signifera</i>	Common Eastern Froglet (Calls)	Native
<i>Egretta novaehollandiae</i>	White Faced Heron	Native
<i>Eolophus roseicapilla</i>	Galah	Native
<i>Fulica atra</i>	Eurasian Coot	Native
<i>Grallina cyanoleuca</i>	Magpie Lark	Native
<i>Gymnorhina tibicen</i>	Australian Magpie	Native
<i>Malurus cyaneus</i>	Superb Fairy Wren	Native
<i>Ocyphaps lophotes</i>	Crested Pigeon	Native
<i>Strepera graculina</i>	Currawong	Native

Pictorial Condition Report

	<p>Looking to the South over the site from the bridge located at the junction of Blackshaw Road and Park Road. Mulwaree River on the right, mown pasture dominated by exotic species on the left.</p>
	<p>Tussocky plants in foreground: left is River Rush (<i>Juncus gregiflorus</i>), right is Tall Sedge (<i>Carex appressa</i>). Scattered clumps of these and other native species are found along the river bank, but the area is largely dominated by weedy exotic species.</p>
	<p>Looking back towards the bridge located at the junction of Blackshaw Road and Park Road. Mulwaree River on the left, mown pasture on the right. Trees to left are planted Ribbon Gum (<i>Eucalyptus viminalis</i>), located between the main channel seen here and the mapped path of the river which is located to the left of this photo.</p>



Crack Willow (*Salix fragilis*) on the left, Weeping Willow (*Salix babylonica*) on the right.



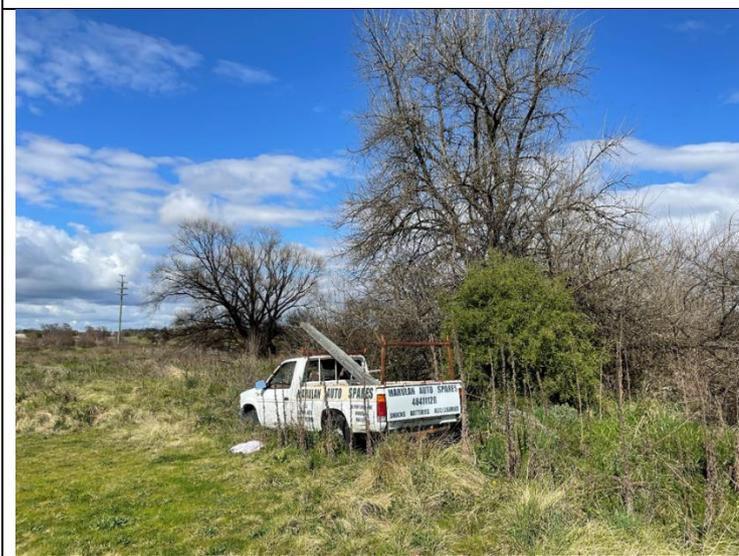
Eastern Long Necked Turtle (*Chelodina longicollis*).



In the area located at the south western corner of the land, there is a significant waterbody immediately adjacent to and leading off the Mulwaree River. (In this photograph, the river is located to the right). White Faced Herons (*Egretta novaehollandiae*) perched on upside down couch at rear right of the photograph. Red roofed building in the far distance is the Old Goulburn Brewery.

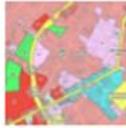


The waterbody viewed looking North, Mulwaree River is located to the left.



Derelict vehicle located on the border of the area mapped as Riparian Land. Large bush to the right is African Box Thorn (*Lycium ferocissimum*), large tree is Osage Orange (*Maclura pomifera*). Tree background left is Crack Willow (*Salix fragilis*).

E. NATIVE TITLE MANAGERS REPORT



CGM PLANNING
Experienced land use planning specialists
for government and private sector

**GOULBURN MULWAREE COUNCIL
NATIVE TITLE MANAGER ADVICE**

**Draft Plan of Management for Carr Confoy
Sportsground & Park**

**Eastgrove Park South - Carr Confoy Sport Fields
Crown Reserve No: R71713**

Native Title Manager: Carl Malmberg
Accredited: February 2020

25 March 2022

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VALIDITY OF FUTURE ACTS

The adoption of the plan of management is to be done by Goulburn Mulwaree Council as a Council Manager in good faith. The plan of management proposed uses, development and authorised tenures are consistent with the reserve's purpose (in accordance with the reservation).

THE PLAN OF MANAGEMENT

The adoption of the plan of management with proposed uses, developments and tenures that are in accordance with the reservation purpose of the reserve is a future act that meets the requirements of validation under the NT Act (Cwlth) Subdivision J, Section 24JA, Section (1) (a-e).

Procedural rights under the NT Act (Cwlth) for potential native title claimants, such as notification or opportunity to comment, do not apply as acts validated under Subdivision J that are not public works, such as approve (or submit for approval) a plan of management, do not require notification and do not confer other procedural rights.

RECOMMENDATION

Goulburn Mulwaree Council may endorse the draft plan of management as a draft for referral, and as a submission for approval to adopt the Draft PoM, to the landowner: The Minister administering the CLM Act as a representative of the State of NSW.

Disclaimer:

The advice within this report is correct to the best of author's knowledge, as of 25 March 2022, and is opinion prepared in good faith and with all available knowledge provided by Council or sourced through Government records. The advice is based upon, and has referenced, the NSW Government: 'Native Title Managers Handbook' 2nd Edition 2019

EXECUTIVE SUMMARY

Goulburn Mulwaree Council has sought advice from an accredited Native Title Manager for a draft plan of management (Draft PoM) prepared for the Carr Confoy Sportsground & Park.

Goulburn Mulwaree Council has prepared the Draft PoM under the provisions of Section 3.23 of the *Crown Land Management Act 2016* (CLM Act) and Division 2 of the *Local Government Act 1993* (LG Act).

The majority of the land covered by the Draft PoM is Council-owned community land that does not require native title manager advice. An area of land covered by the Draft PoM is a Crown reserve, being Eastgrove Park South - Carr Confoy Sport Fields - Crown Reserve No: R71713.

This native title manager advice solely addresses the Eastgrove Park South - Carr Confoy Sport Fields: Crown Reserve No: R71713.

Goulburn Mulwaree Council is defined as a 'responsible person' under the CLM Act. Council, as a Crown land manager (Council Manager) of reserved Crown land, and must ensure its dealings and activities on this managed Crown reserve comply with native title legislation.

The land involved is 'relevant land' under the CLM Act and is land owned by the State of NSW and is Crown land being a Crown reserve for the purposes of the CLM Act and the draft plan of management. The reserve is Crown land reserved for the purpose of Public Recreation.

This written native title manager report provides the following advice.

NATIVE TITLE AND EXCLUDED LAND

There are no active Native Title Claims that include Eastgrove Park South Reserve (R717113), nor have there been any Native Title Determinations, Indigenous Land Use Agreements (ILUAs), Native Title Future Act Applications and Determinations, or Native Title Certificates issued for the Crown reserve covered by the draft plan of management for Carr Confoy Sportsground & Park in the Goulburn Mulwaree Council's local government area (LGA).

Native title rights must be assumed to remain in existence as Eastgrove Park South Reserve (R717113) in the Goulburn Mulwaree Local Government Area is not 'excluded land' under the provisions of the CLM Act S8.1.

VALID CREATION OF THE CROWN RESERVE

Eastgrove Park South Reserve (R717113) was validly created by the State of NSW (the Crown) and Goulburn Mulwaree is the Council Manager.

PREVIOUS EXCLUSIONARY POSSESSION ACTS

The whole of the land in Eastgrove Park South Reserve (R717113) has been subject to a *previous exclusive possession act* (PEPA) where alienation through former freehold ownership has been made that is inconsistent with the continued existence of native title.

The PEPA, subject to the Commonwealth and NSW State native title legislation, has the effect to extinguish any native title in relation to the land or waters.

Council may have confidence that in the event of any native title claim over the affected land in Eastgrove Park South Reserve (R717113), that for the purposes of the NT Act (Cwlth) and the NT Act (NSW), the PEPA act that affects the whole of the land in Eastgrove Park South Reserve may be regarded as having the effect of having extinguished native title rights over the relevant land areas.

1. INTRODUCTION

1.1 Crown Land Management Act 2016

- a) Goulburn Mulwaree Council (the Council) is a Crown land manager (Council Manager) for the purposes of the *Crown Land Management Act 2016* (CLM Act).
- b) A Council Manager is responsible for the care, control and management of Crown reserves where the Council was previously appointed as Crown reserve trust manager under the former Crown Lands Act 1989.
- c) A Council Manager of Crown reserves is enabled by the CLM Act to manage the reserves as public land under the *Local Government Act 1993* (LG Act). Most of this public land is managed by Council as if it is community land under the LG Act.
- d) Community land is required to have a Council-adopted plan of management to authorise tenures (lease, licences and other estates) and to guide the use, management and development of the community land.

1.2 Native Title and Goulburn Mulwaree Council

- a) The CLM Act requires the Council Manager (as a 'responsible person') to ensure Council's dealings and activities on Crown reserves that it manages comply with the native title legislation.
- b) Council managers need to employ or engage native title managers to ensure compliance with native title legislation. Goulburn Mulwaree Council has engaged an accredited Native Title Manager: Carl Malmberg, Director, CGM Planning & Development P/L. See Appendix B for letter of accreditation.
- c) The relevant legislation is the CLM Act, the *Native Title Act 1993* (NT Act Cwlth) and the *Native Title Act 1994* (NT Act NSW).
- d) The CLM Act requires native title managers to provide written advice to the Council Manager when the Council Manager intends to perform one of the following functions in relation to the land it manages or own:
 - i. grant leases, licences, permits, forestry rights, easements or rights of way;
 - ii. mortgage the land or allow it to be mortgaged;
 - iii. impose, require or agree to (or remove or release, or agree to remove or release) covenants, conditions or other restrictions on use in connection with dealings; involving the land; or
 - iv. approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in i to iii above.

1.3 Written Native Title Manager advice

Council is the Council Manager of Eastgrove Park South within the larger Carr Confoy Sportsground and Park in the Goulburn Mulwaree LGA, Parish of Towrang, County of Argyle. All the land within the Carr Confoy Sportsground and Park, with the exception of R71713 is Council-owned land and not subject to the provisions of the CLM Act, including the provision of native title manager advice.

Eastgrove Park South is Crown land reserved (R71713) for Public Recreation comprising the whole of Lots 1 and 2, Section 5 in Deposited Plan 979849. Approval or submission of the Draft PoM requires native title manager advice for R71713

Council has prepared a draft plan of management (the Draft PoM) for Carr Confoy Sportsground and Park, with the land in Eastgrove Park South categorised, in accordance with the CLM Act and the LG Act, as Sportsground.

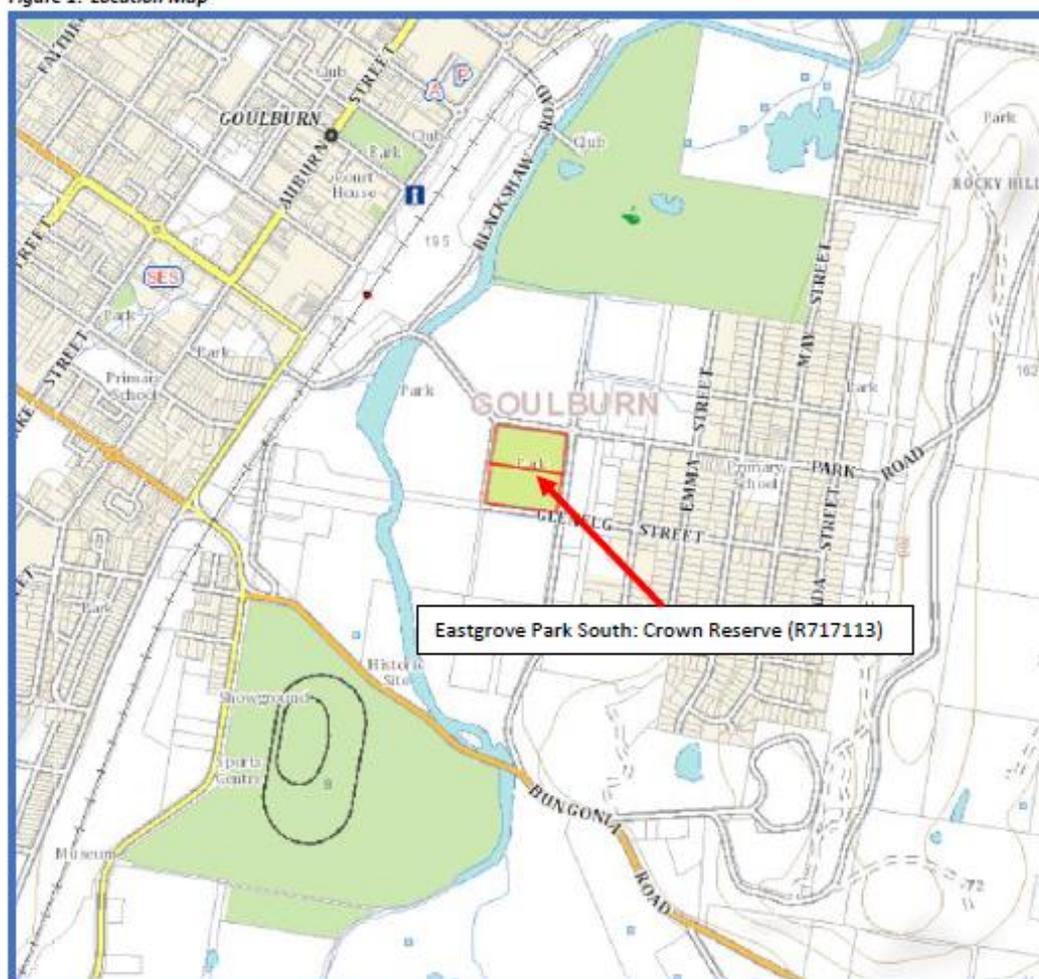
This report meets Council's requirement under the CLM Act to obtain written Native Title Manager's advice, in relation to R717113, as Council is considering submission of the Goulburn Mulwaree Council's Draft PoM for approval to The Minister administering the CLM Act, representing the State of NSW as landowner of the reserved Crown land.

2. THE LAND

2.1 Identification of the Crown land, reserve and purpose

- a) Eastgrove Park South is Crown land reserved for Public Recreation (R717113), within the Carr Confoy Sportsground and Park area, Goulburn and comprises Lots 1 and 2, Section 5 in Deposited Plan 979849 in the Parish of Towrang, County of Argyle.
- b) The land is a Crown reserve in accordance with the CLM Act, under the management of Council as a Crown land manager (a 'Council Manager'), and is a Crown reserve for the purposes of the draft plan of management and native title advice is accordingly provided.

Figure 1: Location Map



Source: NSW Government SIX Map Portal

Table 1: Land Status - Eastgrove Park South Reserve (R717113)

Reserve Number	71713
Reserve Type	Reserve
Reserve Name	Eastgrove Park South - Carr Confoy Sport Fields
Gazetted Date	26/10/1945
Management Type	Council Manager (Council Crown land manager)
Manager	Goulburn Mulwaree Council
Purpose	Public Recreation
Lots	Whole: Lots 1-2, Section 5, DP 979849
Parish	Towrang
County	Argyle
LGA	Goulburn Mulwaree
Council	Goulburn Mulwaree Council
Suburb	Goulburn
Area (M ²)	36,814.55

Source: NSW Government DPIE Crown Lands Crown Reserve Manager Portal

Figure 2: Eastgrove Park South Reserve (R717113)

Source: NSW Government DPIE Crown Lands Crown Reserve Manager Portal

The Certificates of Title shows all the land that comprises the Crown reserve (Eastgrove Park South - Carr Confoy Sport Fields) is in the ownership of the State of NSW (First Schedule) and is a Crown reserve within the meaning of the (now) CLM Act (Second Schedule). See Appendix A for Certificate of Title (search result).

Native Title Manager advice 1.

The Crown land covered by the draft plan of management is owned by the State of NSW and is reserved Crown land, being a Crown reserve for the purposes of the *Crown Land Management Act 2016* and the draft plan of management.

2.2 Is the Land excluded land as defined by the CLM Act ?

- a) 'Excluded land' under the CLM Act native title provisions is land where there is no native title, or native title has either been extinguished, surrendered, under protection, or acquired or where a native title certificate has been issued by the Minister responsible for the CLM Act.
- b) The CLM Act Section 8.1 defines 'Excluded land' means each of the following:
 - land subject to an approved determination of native title (as defined in the *NT Act (Cwlth)* which has determined that:
 - all native title rights and interests in relation to the land have been extinguished, or
 - there are no native title rights and interests in relation to the land,
 - land where all native title rights and interests in relation to the land have been surrendered under an Indigenous land use agreement – an ILUA, (as defined in the *Native Title Act 1993* of the Commonwealth) registered under that Act,
 - an area of land to which section 24FA protection applies, defined in the *NT Act (Cwlth)* where a non-claimant application under S.24FA permits dealing with the land where native title may exist, even if the act affects native title,
 - land where all native title rights and interests in relation to the land have been compulsorily acquired,
 - land for which a native title certificate is in effect.

The Native Title Tribunal Register (NTTR) contains determinations of native title made by:

- the High Court of Australia;
- the Federal Court of Australia; or
- a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Searches on the NTTR have provided the following information.

i. Native Title Claims

There has not been a determined native title claim, nor is there any current native title claim over land in Eastgrove Park South within the Goulburn Mulwaree Council LGA.

There have been 12 native title claim applications that include land within the Goulburn Mulwaree Council LGA.

Six claims have been discontinued, two claims rejected and three claims dismissed.

Name	NNTT file no	Federal Court file no	Date filed	Application status
<u>South Coast People</u>	NC2017/003	NSD1331/2017	03/08/2017	Active
<u>Ceal Limited</u>	NN2010/004	NSD922/2010	26/07/2010	Discontinued
<u>Ngunawal People (NSW)</u>	NC2009/003	NSD808/2009	06/08/2009	Dismissed
<u>John & Maria Vigliante</u>	NN2006/003	NSD7/2006	03/01/2006	Discontinued
<u>Ngunawal People (NSW)</u>	NC2000/001	NSD6001/2000	02/03/2000	Discontinued
<u>Kim Moran #3</u>	NC1999/003	NSD6006/1999	30/04/1999	Dismissed
<u>Dariwul People</u>	NC1998/012	NSD6101/1998	01/05/1998	Dismissed
<u>NSW Government #41</u>	NN1997/018	NSD6141/1998	11/09/1997	Discontinued
<u>Gundungurra Tribal Council Aboriginal Corporation #6</u>	NC1997/007	NSD6060/1998	29/04/1997	Discontinued
<u>Dariwal (KEJ Tribal Elders)</u>	NC1997/001		06/01/1997	Rejected
<u>Ngunawal Land Council #3</u>	NC1997/002	NSD6056/1998	06/01/1997	Discontinued
<u>Gundungura</u>	NC1996/021		26/06/1996	Rejected

One claim is active but does not include land in Eastgrove Park South Reserve.

Name	NNTT file no	Federal Court file no	Date filed	Application status
<u>South Coast People</u>	NC2017/003	NSD1331/2017	03/08/2017	Active

ii. Native Title Determinations

There have been no Determinations over any Crown land within the Goulburn Mulwaree Council LGA.

iii. Register of Indigenous Land Use Agreements

The Native Title Tribunal Register of Indigenous Land Use Agreements (ILUAs) does not include any ILUA that has Goulburn Mulwaree Council land within the Agreement.

iv. Native Title Future Act Applications and Determinations

There are no Future Act Applications and Determinations listed in the Native Title Tribunal Register that include land in Goulburn Mulwaree Council LGA.

v. Native Title Certificate

Section 8.4 of the CLM Act provides for the Minister to issue native title certificates. Goulburn Mulwaree Council and this Native Title Manager are unaware of any Native Title Certificate that has been requested or issued for land in Eastgrove Park South Reserve.

Native Title Manager advice 2.

Eastgrove Park South Reserve (R717113) in the Goulburn Mulwaree Local Government Area is not 'excluded land' under the provisions of the CLM Act S8.1.

3. VALID CREATION OF EASTGROVE PARK SOUTH RESERVE (R717113)

Eastgrove Park South Reserve (R717113) has been subject to a methodical and systemic process of research, review and evaluation by former Crown Lands officers with native title manager accreditation. The research involves use of the DPE – Crown Lands Crown Land Manager Portal database and mapping, title searching for each land lot parcel, and a historical (Land Registry Services digitised) land status searching that includes, as required, Parish and Charting Maps, and Crown Plans.

See Appendix A for Certificates of Title, NSW Government Gazette Notice, reserve diagrams, and Parish Maps. The documentation clearly demonstrates that the land within Eastgrove Park South Reserve (R717113) is Crown land reserved for the purpose of Public Recreation, validly created and being under the management of Goulburn Mulwaree Council as a Council Manager (Crown land manager).

The commencement of the CLM Act on 1 July 2018 automatically amended Crown Reserve Trust managers to Council Managers (Crown Land Managers), with the residual reserve trust abolished 1 July 2019. At this point, Goulburn Mulwaree Council became the Council Manager of the Crown reserve.

Native Title Manager advice 3.

Eastgrove Park South Reserve (R717113) under Council's Crown land management has been validly created (a 'valid act') by the State of NSW (the Crown) and Goulburn Mulwaree Council validly appointed as Crown land manager for the reserve.

4. PREVIOUS ACTS INCONSISTENT WITH CONTINUED PRESENCE OF NATIVE TITLE - PREVIOUS EXCLUSIVE POSSESSION ACTS

The NT Act (Cwlth) Division 2B provides for the confirmation of past extinguishment of native title by certain valid or validated acts. The NT Act (NSW) mirrors the provisions of the NT Act (Cwlth) as to the extinguishing effect of a previous exclusionary possession act (PEPA) where the act was done by the State of NSW.

The NT Act (Cwlth), Division 2B, Section 23A (2) states:

If the acts were previous exclusive possession acts (involving the grant or vesting of things such as freehold estates or leases that conferred exclusive possession, or the construction or establishment of public works), the acts will have completely extinguished native title.

To be a previous exclusive possession act, the act:

- must be valid (including because it is a past act or intermediate act);
- have taken place on or before 23 December 1996; and
- must consist of the grant or vesting of acts listed in s. 23B(2)(c); set out in the table below entitled 'Extinguishing effect of categories of previous acts – Div. 2B'.

The following Table 2 sets out the extinguishing effect of PEPAs

Table 2: Extinguishing effect of previous exclusive possession acts (PEPAs)

Category	Acts in the category	Extinguishing effect
PEPAs	<ul style="list-style-type: none"> • Freehold estates • Construction or establishment of public works • Acts set out in Schedule 1 of the NT Act (Cwth) • Commercial leases (not being an agricultural or pastoral lease) • Exclusive agricultural leases • Residential leases • Community purpose leases • Separate leases • Any lease (other than a mining lease) that confers a right of exclusive possession 	The act extinguishes any native title in relation to the land or waters

Source: NSW Government: 'Native Title Managers Handbook' 2nd Edition 2019

Eastgrove Park South Reserve (R717113) has been subject to a *previous exclusive possession acts* (PEPA) where alienation through former freehold ownership has been made that is inconsistent with the continued existence of native title.

Table 3: Previous Exclusionary Possession Acts (PEPAs)

Reserve Name and Number	Purpose	Real Property ID Lots/DPs,	Native Title Comment
Eastgrove Park South Reserve R71713	Public Recreation	Whole of Lots 1 and 2, Section 5, Deposited Plan 979849 Parish of Towrang, County of Argyle	R71713 for Public Recreation, known as Eastgrove Park South, comprises lots 1 and 2, Section 5, DP979849 in the Parish of Towrang, County of Argyle. The area comprising R71713 was originally part of an area known as "Eastgrove", a private town subdivision and part of 240 acres originally owned by W. Warby and later shown on historical parish maps as owned by William Bradley. R71713 (comprising 9 acres 0 roods and 17.5 perches (approx. 3.7 ha)) was reserved for Public Recreation by notification of 26 October 1945. Aerial inspection indicates that R71713 comprises open turf with artificial cricket pitches, a perimeter fence and mature trees on the perimeter and a toilet block on the western boundary of the reserve. Based on the evidence R71713 was validly created and was formally freehold land which is a previous exclusionary possession act (PEPA) and is therefore inconsistent with the continued existence of Native Title over the area comprising R71713.

Native Title Manager advice 4.

Eastgrove Park South Reserve (R71713) has been subject to a previous exclusive possession act (PEPA) over the whole of the land where alienation through former freehold ownership has been made that is inconsistent with the continued existence of native title.

PEPAs, subject to the Commonwealth and NSW State native title legislation, have the effect to extinguish any native title in relation to the land or waters.

Council may have confidence that in the event of any native title claim over the reserve, that for the purposes of the NT Act (Cwlth) and the NT Act (NSW), the acts that affect the whole of the land in Eastgrove Park South Reserve may be regarded as having the effect of having extinguished native title rights over the relevant land areas.

5. THE DRAFT PLAN OF MANAGEMENT

The NT Acts and the CLM Act are clear: unless the land is defined as excluded land, then native title rights should be considered to be in existence.

Reserves where native title is not extinguished as a result of being excluded land require examination against the NT Act (Cwlth) 'future acts regime' to determine if dealings or developments on the land impact on presumed native title rights or may be 'valid acts'.

The act of Crown land reservation is a valid legislative past act by the NSW Government, validated by Section 8 of the Native Title Act 1994 (NT Act NSW). Section 8 provides for the validation of past acts performed by the State of NSW, meaning: where the NSW State has done a 'past act' it is deemed to be valid in so far as it affects native title.

The adoption of this draft plan of management will affect the presumed native title rights that are considered to be in existence.

5.1 Future Acts Regime

The NT Act NSW does not validate future acts. The only way that future acts may be validated is through the future acts regime in Div. 3 of Pt. 2 of the NT Act (Cwlth).

A future act is defined in s. 233 of the NT Act (Cwlth):

Section 233

- 1) *Subject to this section, an act is a future act in relation to land or waters if:*
 - a) *either:*
 - i. *it consists of the making, amendment or repeal of legislation and takes place on or after 1 July 1993; or*
 - ii. *it is any other act that takes place on or after 1 January 1994; and*
 - b) *it is not a past act; and*
 - c) *apart from this Act, either:*
 - i. *it validly affects native title in relation to the land or waters to any extent; or*
 - ii. *the following apply:*
 - A. *it is to any extent invalid; and*
 - B. *it would be valid to that extent if any native title in relation to the land or waters did not exist; and*
 - C. *if it were valid to that extent, it would affect the native title.*

To be a future act, the act must:

- 'affect' native title;
- be valid (or be valid if it were not for native title);
- have occurred on or after 1 January 1994 when the NT Act (Cwlth) commenced; and
- not be a past act.

5.2 Extinguishment Effect

Where native title has been or can be deemed to be potentially extinguished by the Crown's grant of a certain interest that is inconsistent with native title, any subsequent act will not be a future act, as the act cannot 'affect' native title or compliance with the native title legislation - a future acts regime is not required.

Section 23E of the NT Act (Cwlth) enables states and territories to enact laws which confirm the extinguishment of native title by previous exclusive possession act attributable to them. Accordingly, the NT Act (NSW) in Part 2, Division 2 provides similar provisions of the NT Act (Cwlth) as to the extinguishing effect of a previous exclusive possession act where the act was done by the State of NSW.

The previous exclusive possession act (PEPA) of alienation through former freehold ownership over the whole of the land in Eastgrove Park South Reserve (R71713) is a 'past act' inconsistent with the continued existence, enjoyment or exercise of the native title rights. Part 2, Division 2 of the NT Act (NSW) has the effect of extinguishing native title over those land parcels to the extent of the inconsistency.

If Subdivision J of the NT Act (Cwlth) applies to the act, the act will be valid and the non-extinguishment principle will apply unless the act is the construction or establishment of a public work, in which case native title will be extinguished.

5.3 Validity of 'future acts' and the draft plan of management

The assumption of the existence of native title on the land in Eastgrove Park South Reserve (R71713) is accepted, although the alienation due to former freehold ownership over the whole of the land in R71713 means that the extinguishment principle may be applied to the affected land.

The adoption of the plan of management and its proposed uses, development and authorised tenures are regarded as 'future acts' as these acts:

- 'affect' native title;
- would be valid (or be valid if it were not for native title);
- have occurred on or after 1 January 1994 when the NT Act (Cwlth) commenced; and
- are *not* a past act.

The NT Act NSW does not validate future acts. The only way that future acts may be validated is through the future acts regime in Div. 3 of Pt. 2 of the NT Act (Cwlth). Table 4 sets out a summary of the cascading future acts regime in the NT Act (Cwlth).

Table 4: Overview of future acts regime subdivisions (stopping at Subdivision J)

Sub division	Summary of subdivision
B-E	Subdivisions B-E cover ILUAs. ILUAs can be negotiated when the other subdivisions of the future acts regime do not apply (subject to the agreement of the native title holders and/or native title claimants).
F	Subdivision F covers future acts where there is an absence of native title. A government body may obtain s. 24FA protection for future acts by making a non-claimant application in the Federal Court. A requirement is that there be no relevant native title claims over the whole or part of the area: see ss. 24FC(c) and 24FC(d).
G	Subdivision G deals with certain acts relating to primary production on areas subject to non-exclusive agricultural and pastoral leases that were granted on or before 23 December 1996.
H	Subdivision H relates to management or regulation of surface and subterranean water, living aquatic resources and airspace.
I	Subdivision I applies to acts which are pre-existing rights-based acts or acts that are permissible e.g. lease renewals.

JA	Subdivision JA deals with public housing for the benefit of Aboriginal peoples or Torres Strait Islanders.
J	Subdivision J deals with future acts done in good faith under or in accordance with a reservation, dedication, condition, permission or authority made on or before 23 December 1996 which required the land to be used for a particular purpose, or the future act otherwise had no greater an impact on native title than any act that could have been done that was under or in accordance with the reservation.

Source: NSW Government: 'Native Title Managers Handbook' 2nd Edition 2019

The NT Act (Cwlth) allows for a range of future acts to occur on Crown land and specifies the level of consultation that must be carried out before the act can occur. Rather than attempt to prove that native title has been extinguished, the role of the Native Title Manager is to assume native title has NOT been extinguished and to proceed with the assessment of impact on native title of the act which is proposed.

See below for specific advice on a range of acts which may apply to the reserve covered in the Draft PoM.

- a) Construction of recreational facilities on the reserve (such as recreation and leisure facilities, sporting facilities and infrastructure, sheds, ablution blocks and the like) on the reserve which is consistent with the reserve purpose.

The construction of buildings such as recreation and leisure facilities, sporting facilities and infrastructure, sheds, ablution blocks, and the like may be validated under Subdivision J if the construction and operation of such facilities may affect native title and as such may be a future act. Assuming the construction is consistent with the reserve purpose (public recreation) then the good faith requirement under Section 24JA(1)(e)(i) is met.

- b) Construction of facilities on the reserve (such as roadways, footpaths, and gardens)

Construction of these various structures may affect native title and as such may be a future act. Assuming the construction is consistent with the reserve purpose (public recreation) then the good faith requirement under Section 24JA(1)(e)(i) is met.

- c) Issue of Leases or Licences

The issue of a lease or licence may affect native title and as such may be a future act. Assuming the issuing of the lease or licence is consistent with the reserve purpose then the good faith requirement under Section 24JA(1)(e)(i) is satisfied. If the issue of the lease or licence is in the area covered by the reservation, so long as the act's impact on native title is no greater than the impact that any act that could have been done under or in accordance with the reservation would have had, then the good faith requirement under Section 24JA(1)(e)(ii) is met.

Subdivision J deals with future acts done in good faith under or in accordance with a reservation, dedication, condition, permission or authority made on or before 23 December 1996 which required the land to be used for a particular purpose, or the future act otherwise had no greater an impact on native title than any act that could have been done that was under or in accordance with the reservation.

If Subdivision J applies to the act, then the act will be valid and the non-extinguishment principle will apply unless the act is the construction or establishment of a public work, in which case native title will be extinguished.

Table 5 sets out the compliance with the future acts regime criteria under Subdivision J.

Table 5: Requirements for validity of future acts under Subdivision J - areas subject to a reservation

Requirement	Section 24JA	Compliance
There is a valid earlier act that took place before the later act and on or before 23 December 1996	(1)(a)	Yes
The earlier act was valid (including because of Div. 2 or 2A)	(1)(b)	Yes
The earlier act was done by the Crown (the Commonwealth or State), or consisted of the making, amendment or repeal of legislation	(1)(c)	Yes
The earlier act contained, made or conferred a reservation, proclamation, dedication, condition, permission or authority (the reservation) under which the whole or part of any land or waters was to be used for a particular purpose	(1)(d)	Yes
The later act is done in good faith under: (i) under or in accordance with the reservation, or (ii) in the area covered by the reservation, so long as the act's impact on native title is no greater than the impact that any act that could have been done under or in accordance with the reservation would have had	(1)(e)	Yes

Source: NSW Government: 'Native Title Managers Handbook' 2nd Edition 2019

The adoption of the plan of management is to be done by Goulburn Mulwaree Council as a Council Manager in good faith. The plan of management proposed uses, development and authorised tenures are consistent with the reserve's purpose (in accordance with the reservation).

The adoption of the plan of management with proposed uses, developments and tenures that are in accordance with the reservation purpose of the reserve is a future act that meets the requirements of validation under the NT Act (Cwlth) Subdivision J, Section 24JA, Section (1) (a-e).

Procedural rights under the NT Act (Cwlth) for potential native title claimants, such as notification or opportunity to comment, do not apply as acts validated under Subdivision J that are not public works, such as approve (or submit for approval) a plan of management, do not require notification and do not confer other procedural rights.

5.4 Procedural rights

The procedural rights under Subdivision J, if applicable, are to notify any representative body, registered native title body corporate and registered native title claimant and provide them with an opportunity to comment.

However the notice is only required if the act consists of the construction or establishment of a public work, or the creation of a plan for the management of a National or State park intended to preserve the natural environment of an area.

Procedural rights under the NT Act (Cwlth) for potential native title claimants, such as notification or opportunity to comment, do not apply, as approve (or submit for approval) a plan of management, which is a future act validated under Subdivision J, and which is not a public work does not require notification and does not confer other procedural rights.

5.5 Public Works

Public works are defined in s. 253 of the NT Act (Cwlth) as follows.

'Public work means:

- a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
 - i. a building, or other structure (including a memorial), that is a fixture; or
 - ii. a road, railway or bridge; or
 - iii. where the expression is used in or for the purposes of Division 2 or 2A of Part 2—a stock-route; or
 - iv. a well, or bore, for obtaining water; or
 - v. any major earthworks; or
- b) a building that is constructed with the authority of the Crown, other than on a lease.

Native Title Manager Advice 5

The adoption of the plan of management by Council, in good faith, and with proposed uses, developments and tenures that are in accordance with the reservation, and the purpose of the Crown reserve is a future act that meets the requirements of validation under the NT Act (Cwlth) Subdivision J, Section 24JA, Section (1) (a-e).

6. CONCLUSION

6.1 Native Title and excluded land

There are no active Native Title Claims that include Eastgrove Park South Reserve (R71713), nor have there been any Native Title Determinations, Indigenous Land Use Agreements, Native Title Future Act Applications and Determinations, and neither Council or this Native Title Manager are aware of request for, or issue of a Native Title Certificates for Eastgrove Park South Reserve (R71713).

Native title rights must be assumed to remain in existence as the land is not 'excluded land' under the *Crown Land Management Act 2016*.

6.2 Valid creation of the reserve

Eastgrove Park South Reserve (R71713) was validly created by the State of NSW (the Crown) and Goulburn Mulwaree Council is the Council manager of the reserve.

6.3 Previous exclusionary possession acts

The whole of the land in Eastgrove Park South Reserve (R71713) has been subject to valid acts, being alienation through former freehold ownership that is a *previous exclusive possession act* (PEPA) on that affected land.

PEPAs, subject to the Commonwealth and NSW State native title legislation, have the effect to extinguish any native title in relation to the land or waters.

Council may have confidence that in the event of any native title claim over Eastgrove Park South Reserve (R71713), the (PEPA) act that affects the whole of the land through former freehold

ownership will be regarded for the purposes of the NT Act (Cwlth) and the NT Act (NSW) as having the effect of having extinguished native title rights over the land.

6.4 Validity of Future Acts

The adoption of the draft plan of management by Council in good faith, and with proposed uses, developments and tenures that are in accordance with the reservation and the purpose of the reserve is a future act that meets the requirements of validation under the NT Act (Cwlth) Subdivision J, Section 24JA, Section (1) (a-e).

6.5 The plan of management

The adoption of the plan of management will not have an effect on native title rights over the PEPA-affected parts of the land in Eastgrove Park South Reserve (R71713) as the previous exclusive possession act (PEPA), being freehold ownership, has the effect of extinguishment on the land if subject to judgment in a native title claim.

The adoption of the plan of management with proposed uses, developments and tenures that are in accordance with the reservation and the purpose of the Crown reserve is a valid future act.

6.6 Outcome of advice

Goulburn Mulwaree Council may endorse the draft plan of management as a draft for referral, and as a submission for approval to adopt the Draft PoM, to The Minister administering the *Crown Land Management Act 2016* as a landowner representative of the State of NSW.

APPENDICES

Appendix A: Reserve Summary – Titles, Gazette Notice, Diagrams, and Parish Maps

Appendix B: Native Title Manager letter of accreditation

**APPENDIX A: RESERVE SUMMARIES – TITLES, GAZETTE NOTICE, DIAGRAMS,
AND PARISH MAPS**

*Reserve 71713 for Public Recreation – Eastgrove Park South, Goulburn
Parish of Towrang – County of Argyle*

Reserve 71713 Summary

R71713 for Public Recreation, known as Eastgrove Park South, comprises lots 1 and 2, Section 5, DP979849 in the Parish of Towrang, County of Argyle.

The area comprising R71713 was originally part of an area known as “Eastgrove”, a private town subdivision and part of 240 acres originally owned by W. Warby and later shown on historical parish maps as owned by William Bradley.

R71713 (comprising 9 acres 0 roods and 17.5 perches (approx. 3.7 ha)) was reserved for Public Recreation by notification of 26 October 1945.

Aerial inspection indicates that R71713 comprises open turf with artificial cricket pitches, a perimeter fence and mature trees on the perimeter and a toilet block on the western boundary of the reserve.

Based on the evidence R71713 was validly created and was formally freehold land which is a previous exclusionary possession act (PEPA) and is therefore inconsistent with the continued existence of Native Title over the area comprising R71713.

Certificate of Title Lot 1 Section 5 DP979849



LAND
REGISTRY SERVICES **Title Search**



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/5/979849

SEARCH DATE	TIME	EDITION NO.	DATE
27/9/2021	8:36 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 1 OF SECTION 5 IN DEPOSITED PLAN 979849
AT GOULBURN
LOCAL GOVERNMENT AREA GOULBURN MULWAREE
PARISH OF TOWRANG COUNTY OF ARGYLE
TITLE DIAGRAM DP979849

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA136406)

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

FoN Carr Confoy

PRINTED ON 27/9/2021

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Revised: 27/06/2021 08:17:17

Certificate of Title Lot 2 Section 5 DP979849



**LAND
REGISTRY
SERVICES**

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/5/979849

SEARCH DATE	TIME	EDITION NO	DATE
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27/9/2021	8:36 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 2 OF SECTION 5 IN DEPOSITED PLAN 979849
AT GOULBURN
LOCAL GOVERNMENT AREA GOULBURN MULWAREE
PARISH OF TOWRANG COUNTY OF ARGYLE
TITLE DIAGRAM DP979849

FIRST SCHEDULE

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- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 287 (4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

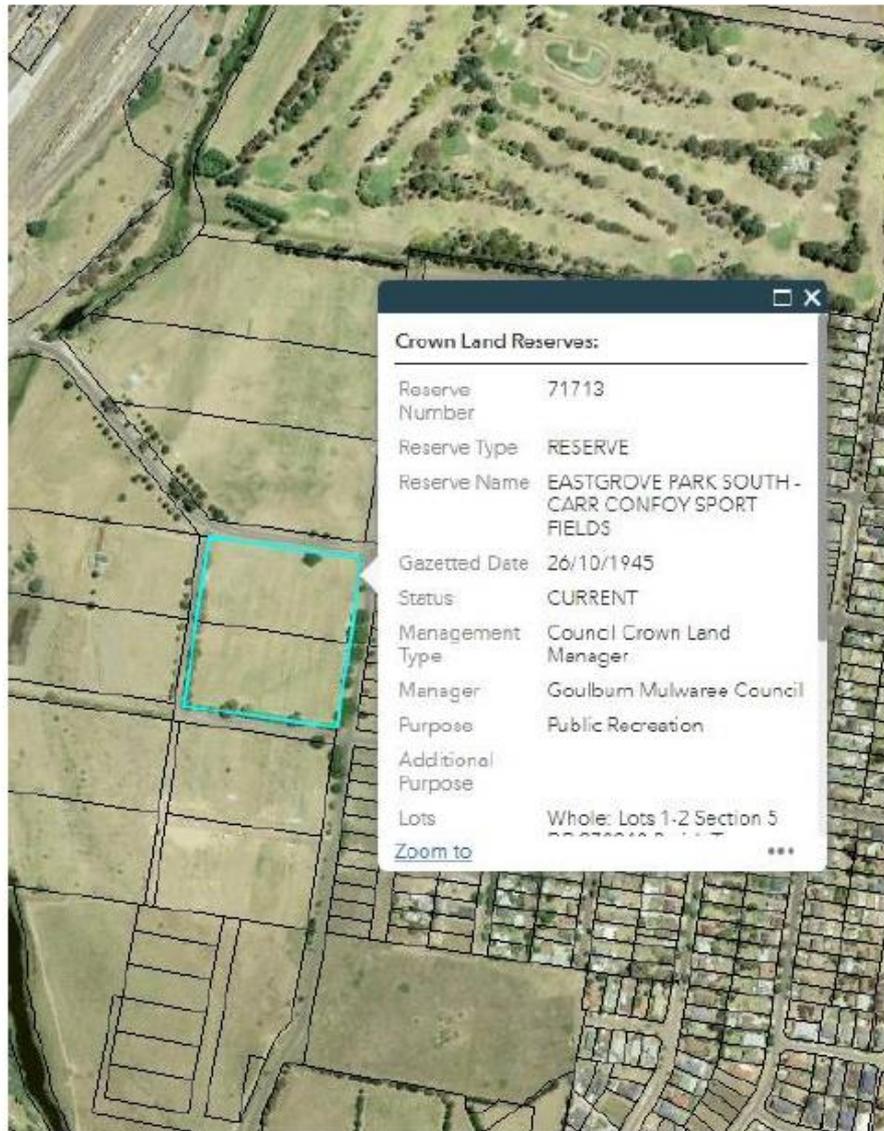
PoM Carr Confoy

PRINTED ON 27/9/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 66B(2) of the Real Property Act 1900.

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Aerial R71713



Government Gazette 26 October 1945 (R71713)

(519) Sydney 26th October, 1945.
RESERVES FROM SALE.

It is hereby notified that, in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purpose hereinafter specified, and they are hereby reserved accordingly.

J. M. TULLY, Minister for Lands.

(520) ACCESS, PUBLIC RECREATION AND PRESERVATION OF NATIVE FLORA AND FAUNA.

LAND DISTRICT—TAMBE; SHIRE—SCHOOL.

No. 71,717 from sale. Parish Forster, county Gloucester, about 60 acres, within Cockatoo Island, Wallis Lake (includes portion 252). Ms. 2,405 Md. and G. 5,456-1,497. P. 45-5,815.

FOR PUBLIC RECREATION (ADDITION).

LAND DISTRICT—GOULBURN; MUNICIPALITY—GOULBURN.

Parish Goulburn, county Argyle, about 15 acres, being part of portion 45, within the following boundaries: Commencing at the most easterly north-eastern corner of portion 369; and bounded thence by the south-western side of a public road from Goulburn to Bungoin south-easterly; by the left bank of Mulwaree Ponds upwards, and the south-eastern and north-eastern boundaries of portion 369 to the point of commencement. Plan A. 27-642. P. 45-4,850.

(521) Sydney, 26th October, 1945.
RESERVES FROM SALE AND LEASE GENERALLY.

It is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

J. M. TULLY, Minister for Lands.

FOR PUBLIC RECREATION.

LAND DISTRICT—BLAYNEY; SHIRE—LYNDHURST.

No. 71,710 from sale (71,711 from lease generally). Parish Lindsay, suburban lands Blayney, county Bathurst, 4 acres 0 roods 8 perches, within the following boundaries: Commencing at a south-west corner of portion 259 at its intersection with Farm-street, and bounded thence by part of a southern boundary of that portion east 540 links, by a line south 750 links, by a line west to Farm-street aforesaid, and by that street to the point of commencement. P. 45-5,180.

FOR PUBLIC RECREATION.

LAND DISTRICT—GOULBURN; MUNICIPALITY—GOULBURN.

No. 71,713 from sale (71,714 from lease generally). Parish Tourang, county Argyle, about 9 acres 0 roods 17½ perches, being part of portion 247 bounded on the north by Park-road, on the east by Forbes-street, on the south by Glenelg-street and on the west by Farm-road. A. 339-642 L.P. P. 45-3,394.

FOR PUBLIC RECREATION AND SHOWGROUND.

LAND DISTRICT—QUEANBEYAN; SHIRE—YARROWLUNGA.

No. 71,715 from sale (71,716 from lease generally). Parish Wamboin, village Bungendore, county Murray, 8 acres 3 roods 3 perches, being allotments 1 to 18, section 20. Plan B. 151,004. P. 45-4,557.

(522) Sydney, 26th October, 1945.
RESERVES FROM SALE OR LEASE GENERALLY.

It is hereby notified that, in pursuance of the provisions of section 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be and are hereby temporarily reserved from sale or lease generally.

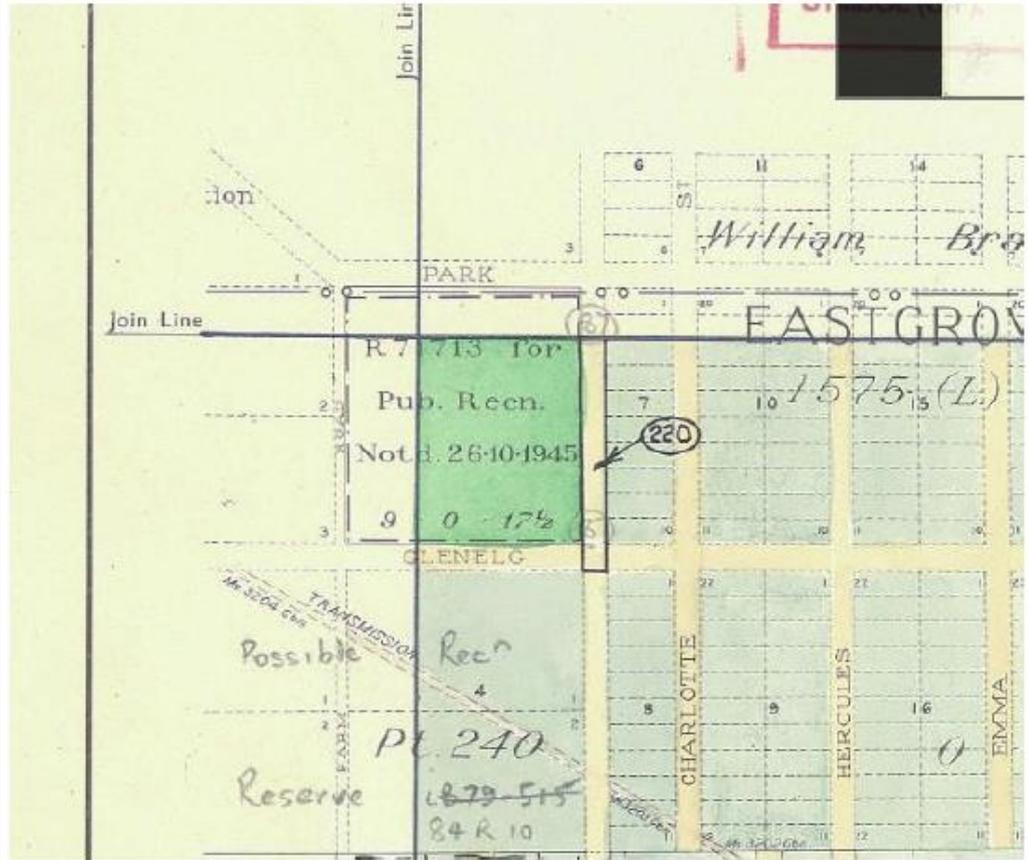
J. M. TULLY, Minister for Lands.

LAND DISTRICT—NEWCASTLE; SHIRE—LAKE MAC

No. 71,712. Parish Kahlisch, county Northern Districts, here 3 roods 18 perches, portions 616 to 621, 63 and 751 to 754. N. 6,827, 6,828, 6,829, 6,849, 6,852-2,111. P. 45-5,532.

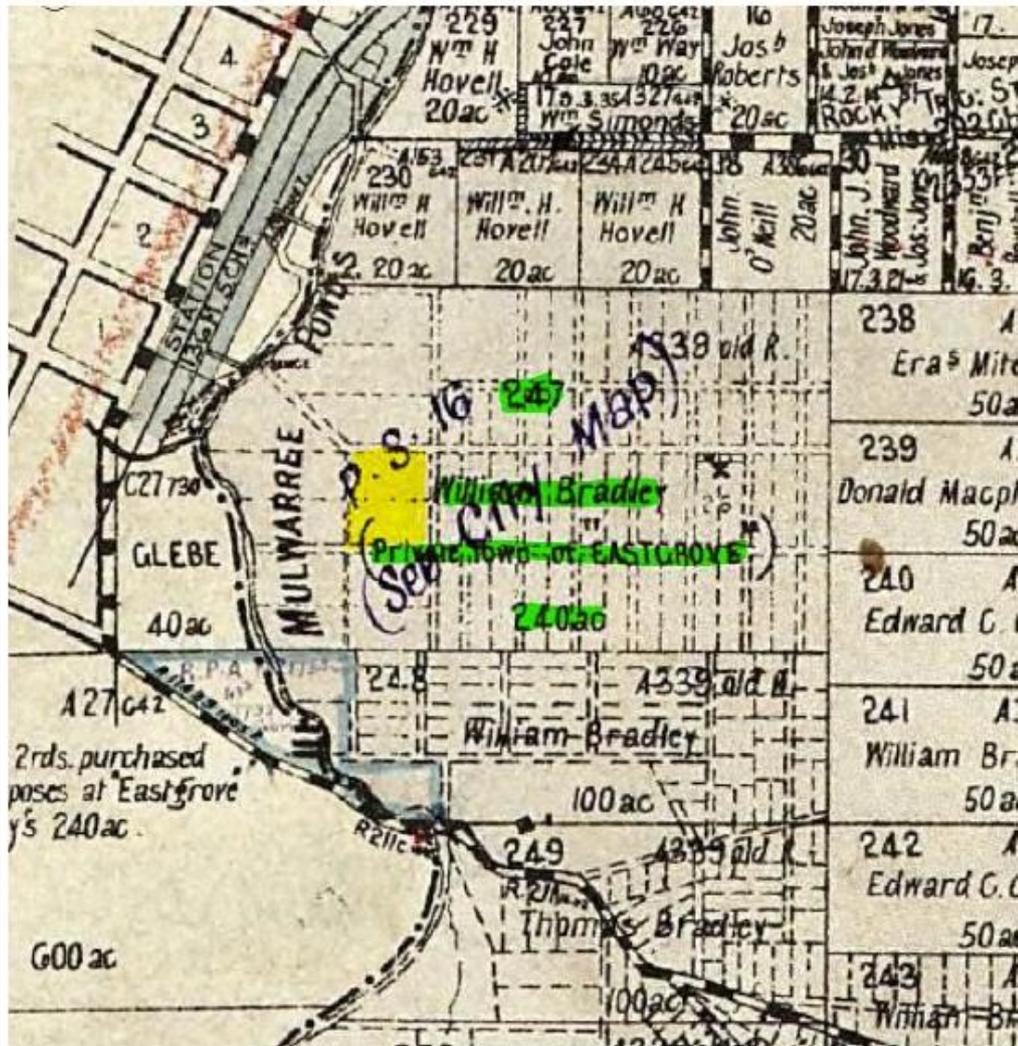


Parish Map



Original Parish Map (showing freehold ownership) R71713 yellow colour

Portion 247 (containing R71713) details highlighted green



APPENDIX B: NATIVE TITLE MANAGER LETTER OF ACCREDITATION



Reference: LBN20/38

Mr Carl Malmberg
Council Crown Land Management
GPO Box 5477
Sydney NSW 2000

Dear Mr Malmberg,

**Subject: Confirmation of approved training as Native Title Manager
Crown Land Management Act 2016**

This letter provides confirmation that Carl Malmberg, having completed the approved training below, is qualified to act as a Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016* which commenced on 1 July 2018.

**Introductory Native Title Training
Delivered by the NSW Department of Planning, Industry and Environment,
Sydney, NSW on 3 December 2019**

For further information about the qualified training, please contact Mr Todd Craig, Native Title Operations, Crown Lands in the NSW Department of Planning, Industry and Environment: via email: todd.craig@crowland.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rodney Hodder'.

**Rodney Hodder
A/Executive Director Strategy and Policy
Crown Lands**

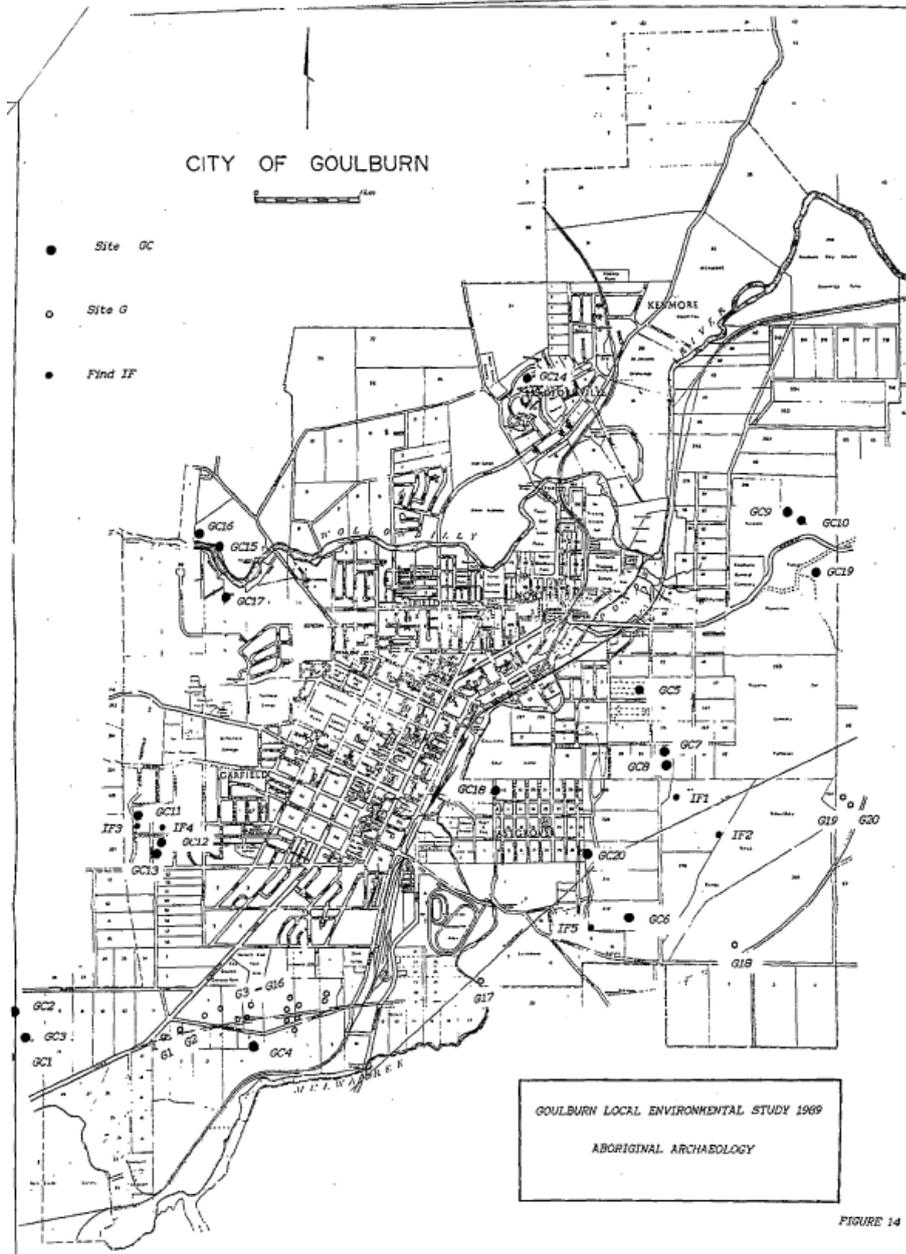
6/2/2020

F. CULTURAL SIGNIFICANCE OF CARR CONFOY SPORTSGROUND AND PARK

ABORIGINAL ARCHAEOLOGICAL INVESTIGATIONS

A 1989 report for Goulburn Council prepared by Nicole Fuller of ANUTECH Pty Ltd, entitled Goulburn City - An Archaeological Investigation of Aboriginal Site Location, identifies site GC 18 as located on Carr Confoy Sportsground. An extract of the report addresses GC 18 as follows:

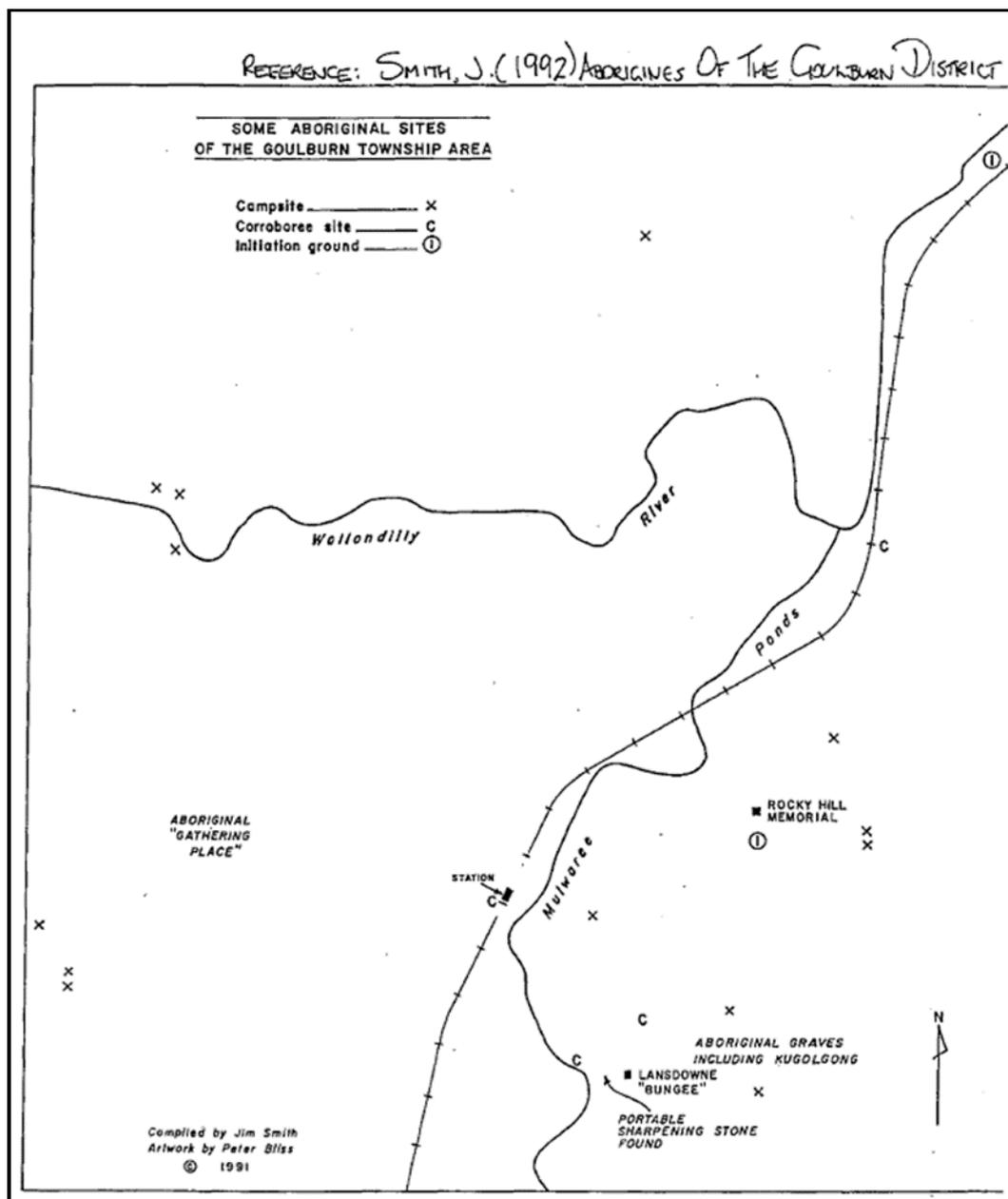
Zone 1: Major watercourses Site G17 (NPWS site number 51-6-21), located in 1983 during the survey of the proposed Hume Highway by-pass, is much larger and better preserved than the two sites (GC17 and GC18) located in this zone during the present survey. While partial destruction of this site (G17) will be caused by by-pass construction, detailed research is being carried out on the contents of that portion of the site which is to be affected, thereby providing a comprehensive picture of Aboriginal site use during the recent prehistoric past. Other sites in this zone are likely to contain similar material to that found in this site, however, disturbance resulting from ploughing which has taken place at Site G17 has affected the integrity of the archaeological deposits, and therefore other sites in this zone may reveal as much, or more, about the prehistoric Aboriginal occupation of the region. Sites GC17 and GC18 are likely to contain valuable information on Aboriginal site use and should these be threatened by development which would cause their destruction, it would be necessary for further site investigation to be carried out. The archaeologists of the National Parks and Wildlife Service will be able to assess the regional significance of these sites, once work has been completed at the G17 site, and will be in a position to recommend the level of necessary work which would be required should these other sites be threatened. Because these sites are not currently threatened, no immediate protective measures are required, however, monitoring of their condition should be carried out, to ensure that erosion or land use does not adversely affect them.



22. Figure extract - Aboriginal Archaeological Study 1989

Figure 20 extracted from Goulburn City - An Archaeological Investigation of Aboriginal Site Location shows a plot of Aboriginal sites including campsites and corroboree grounds in the proximity of Carr Confoy Sportsground and Eastgrove south and an Aboriginal burial ground located to the south east.

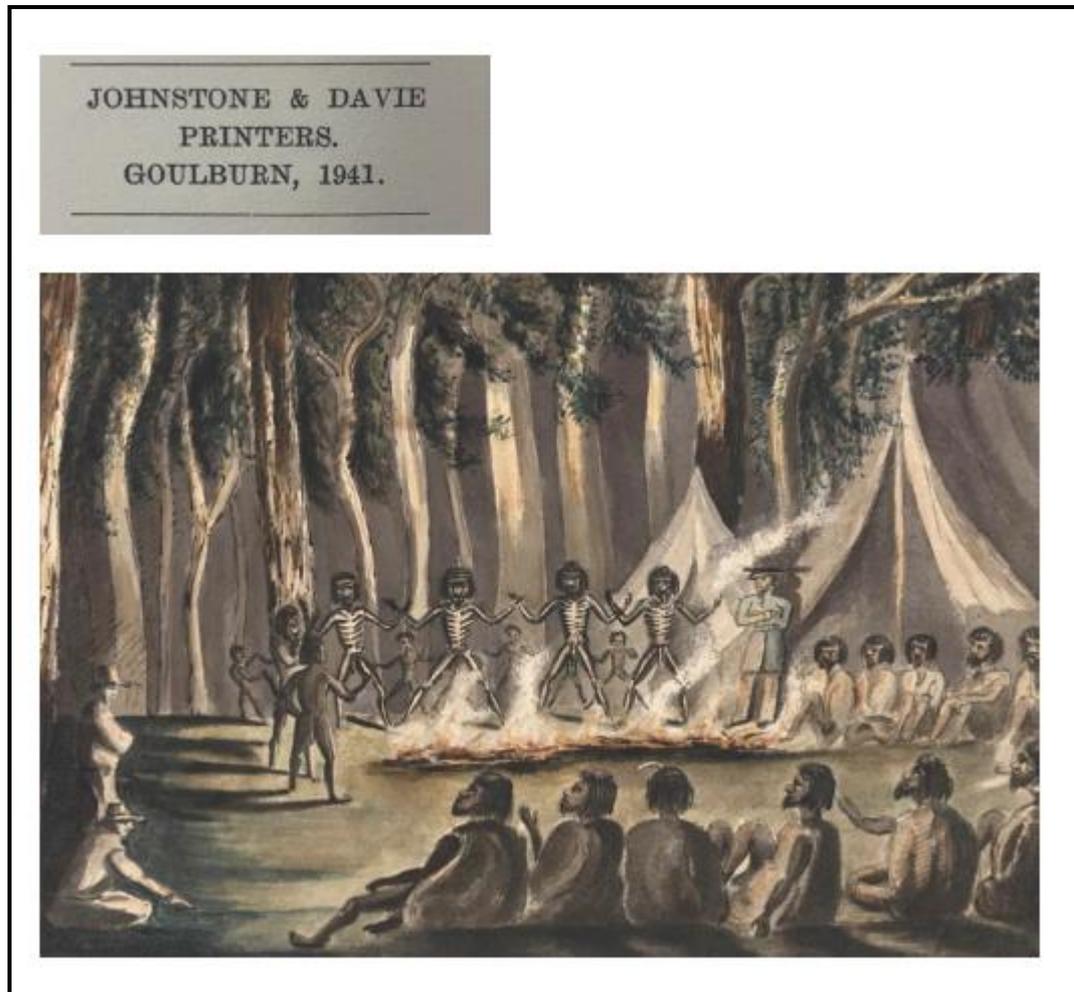
James Smith in his publication of 1992 identified sites of Aboriginal cultural importance as plotted on the following mud map.



23. Figure - extract *Aborigines of the Goulburn District* Smith, J. 1992

Further diagrams and excerpts from newspapers and publications follow, providing additional references to relatively modern history and occupation of Aboriginal peoples of the Gundangurra and Ngunnawal language groups in the Goulburn Mulwaree area, particularly in proximity to Eastgrove.

The images and remarks following have been submitted by the Mulwaree Aboriginal Community Inc,

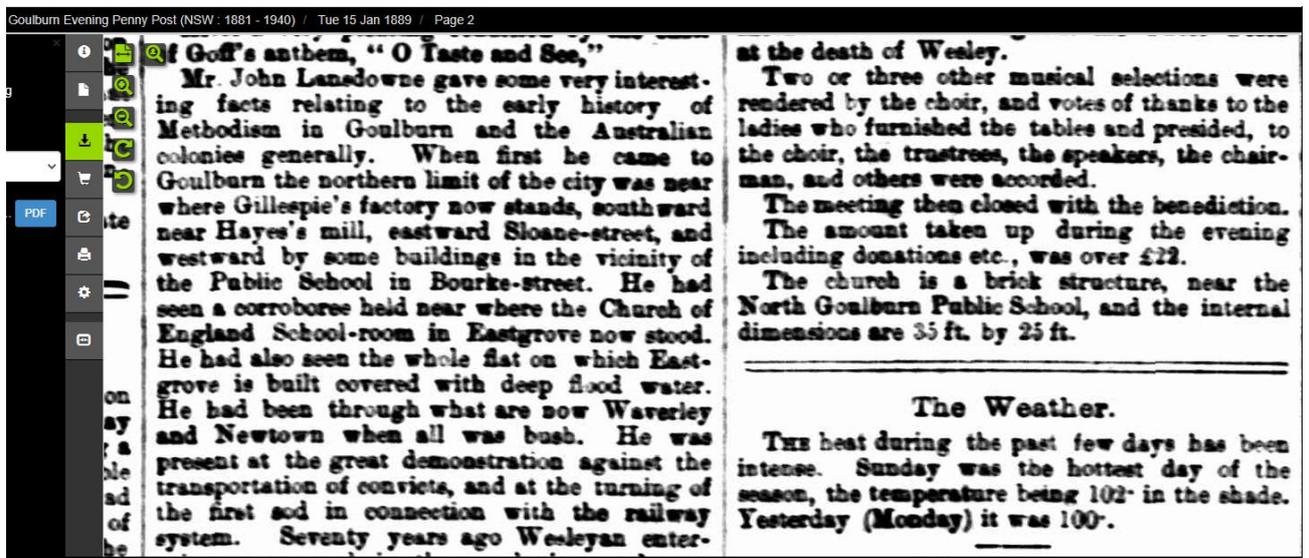


There are numerous newspaper articles in TROVE which relate to the Aboriginal people in and around East Goulburn and Rocky Hill and Lansdowne Park in Goulburn. They demonstrate an ongoing connection to Country and the lands on which Carr Confoy Park is located and should be celebrated in a relevant way to enable and ensure that the people of Goulburn Mulwaree LGA are able to acknowledge our past and not pretend that the Aboriginal people of this region did not live on these lands.

I have asked Heritage NSW / Dept of Premier and Cabinet to work with Council to enable the correct Traditional Custodians to be acknowledged, and expect that the Council will follow the information and instruction from the Dept.

The following extract of newspaper article courtesy of Trove via MACI, from the *Goulburn Evening Penny Post of Tuesday January 1899*, relates a talk given by Mr John Lansdowne recounting his earlier experiences of:

- Methodism in Goulburn,
- flooding at Eastgrove,
- witnessing Corroboree at Eastgrove,
- the extent of Goulburn town limits,
- witnessing demonstration against transportation of convicts, and
- witnessing sod turning for the railway.



The article on the page following includes the reiteration of an account of the retaliation of the Lachlan People against the Bogan blacks who are reported to have marauded the Lachlan encampment to steal *gins*.

The Lachlans pursued the Bogans but were forced to retreat and eventually routed with up to 150 of the Lachlan people slaughtered on the field of battle considered to be in the vicinity of what is now Parkes.

The retreating Lachlans split which proved disastrous for one party of 60, who were slaughtered by the advancing Bogans, the remaining Lachlans are reported to have survived by swimming the Bogan River in flood and returning to the encampment at the Bradley Estate with fewer than one third of their men.

ECHOES OF THE PAST.

(By George Clout)

No. 11.

THE ABORIGINES.

To your untutored fancies are sweeter
 the dance of battle and the song of war,
 'Mid hostile ranks the deadly spear is
 thrown,
 Or was the foeman staggering 'neath
 your blow.

—William Charles Westcott.

There has been much written about the Aborigine that is contradictory. Some writers have confidently stated that they are incapable of civilisation, that you cannot by any method of instruction improve their condition. Others with equal earnestness maintain the very reverse, that they are quite capable of being brought into a higher plane of enlightenment, that they are susceptible of being taught habits of industry and good conduct. Be that as it may, there is no doubt that in their natural state they are among the very lowest in the scale of humanity. The Aborigines of the Mission Stations come under a different category, they have a good sprinkling of white blood in them and their faculties are of a different nature. As to their spiritual welfare the churches do not appear to have much to take credit for. They evidently adhere to the Scriptural injunction, "A prophet is not without honor save in his own country and in his own house." The savage in Fiji must have attention before the savage at home. Drick has been largely responsible for their degradation, and from their point of view it seems to have been so closely associated with Christianity that they have been unable to separate them. Large sums of money have been spent by the Government in an endeavour to better their condition, but the harvest has not proved worthy of the seed time. The Aborigine of to-day in all the more settled portions of the State has almost ceased to exist. Nearly all the youngsters attending school at the Mission Stations are half-castes. It is patent now that they are fast disappearing from the scene, a very few years more and they will be reckoned among the extinct races of the earth.

When Batman made his pioneering trip to Port Phillip in 1833, he had five aboriginal natives of Sydney with him, and queer names they had, viz., Joe the Marine, Pigeon, Banger, Bullet, and Old Bail. It was at that time also that William Buckley, the wild white man of the Australian bush as he was called, made himself known to Batman's party after a sojourn of 32 years with the blacks. Buckley was transported for being implicated in a mutiny at Gibraltar, a conspiracy being rife there to assassinate the Duke of Kent. In 1803 Governor Collins, of Tasmania, was instructed to form a convict station at Port Phillip. He therefore loaded there with 400 convicts, one of whom was Buckley, at or near where the present site of Torronto is, but the want of water and the barren nature

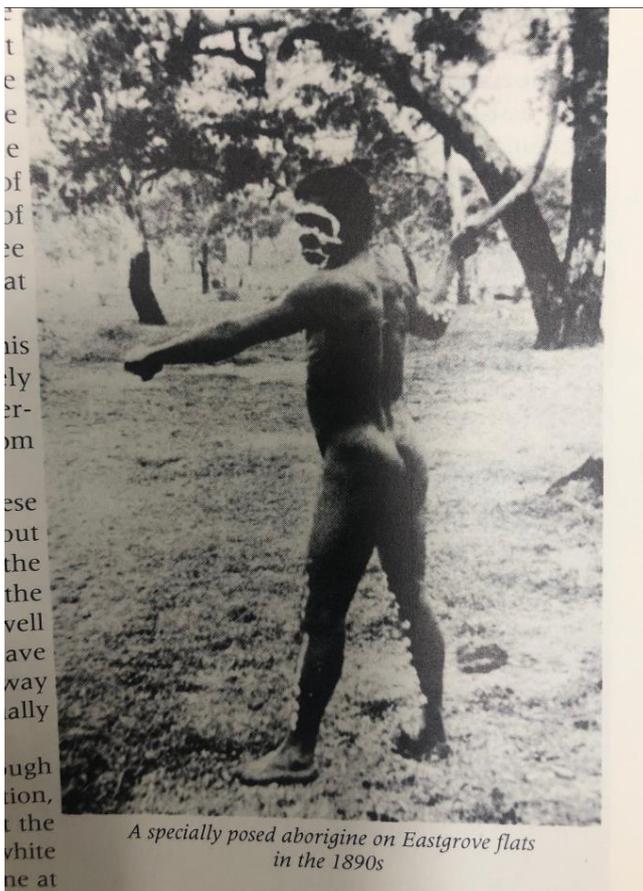
of the soil rendered the expedition abortive. Before he left four of the convicts escaped into the bush, hoping to make their way to Sydney. One of these returned just in time to be taken on board. Two others it is thought must have perished in the wilds, and the other was William Buckley, who discovered himself to Batman's party at Port Phillip 32 years after. He had lost his language and had sunk to the level of a savage. He afterwards became very useful to the white settlers as an interpreter. He died at Hobart in 1856.

One might write volumes in reference to their depredations, and also with regard to the retaliatory measures of the white settlers. Their warlike tendencies have ever been apparent, and a battle royal between hostile tribes was by no means an infrequent occurrence in the days of long ago. The Argyle and the Lachlan tribes were among those most noted for their hostility, and an account of a tribal feud between the Lachlans and the Bogan blacks is worth repeating. The latter had been trespassing on the domain of those of the Lachlan and had left an impression of their visit by stealing two young girls from the encampment. This of course meant war to the knife. As a result three hundred Lachlans put on their warpaint and started forth in pursuit of the marauders, accompanied by a retinue of old men, girls and pianines. That they meant mischief was apparent from the hurried nature of their movements. Each warrior had twelve spears and a tomahawk, besides boomerangs, shields, etc. The girls carried all the camp paraphernalia. King Jemmy was the chief of the tribe and as he had worked on a station he could speak a little English. Their mode of warfare was different to that of the whites; they made no formal declaration of war, their object rather being to sneak on the foe and annihilate him in one set if possible. Their war path lay through the country near about where the township of Parker now stands and they overtook the Bogan blacks at the Bogan river, where they were camped at or near the present site of the Waterloo homestead, so-called on account of the battle that took place there. At early dawn, led by a blackfellow named Billy Bass, they made a charge on the sleeping Bogan blacks but before they reached them one of the girls gave the alarm. The Bogan were instantly on their feet, and as their weapons were at hand they were ready for fight immediately. A shower of spears from the Lachlans was not without its effect, as it placed about ten of the foe hors de combat, but the return fire of spears was equally effective, and brought the Lachlans to a halt. Then the boomerangs began to fly as the opposing parties got into closer quarters. The King of the Bogan, seeing he had an advantage

of nearly 2 to 1 over his opponents, lost no time in charging forward and making the Lachlans give way, but they rallied again almost immediately fighting like demons.

By this time a very considerable number of dead and wounded covered the ground, the Bogan apparently being the heaviest losers, but their preponderance of numbers gave them a great advantage, and their chief urging them on forced the Lachlans to retreat, at first gradually but culminating in a rout, leaving 150 of their number on the battlefield, and the losses of their enemy were still greater. The victors followed the retreating blacks with great determination, overtaking those that they overtook only after a chase of 50 miles the close of night arrested the carnage. About three score of the fleeing blacks with their girls took another course, thinking they would be safer if away from the main body, but they sadly miscalculated their chances, as early on the third morning their blood-thirsty pursuers overtook them, when further slaughter took place. The remnant swam the flooded river and escaped that way. A very sorry looking lot was the Lachlan tribe when they got back to their old encampment. Only about half of the ladies and less than one-third of the men returned, and these had clay raked all over their heads, as that was the emblem of mourning for their friends. The present writer in his youthful days had many opportunities of seeing the burial places of the Argyle tribe of Aborigines at Lansdown, the head centre of the Bradley estate at Goulburn, where numbers of them were buried. It was there that I first saw their peculiar habit of covering their heads with clay or earth of some kind on the death of one of their number, as a symbol of mourning. Singular as this custom may appear to us, it is not without precedent. We read in Holy Writ that when Heptimi and Phinchas, the sons of Eli the prophet, were killed in battle, the messenger who brought the ill-fated news to Eli "had his clothes rent and earn's upon his head." Again when Saul and his three sons were slain on Mount Gibbon the messenger who brought the news to David was similarly decorated. It is curious, therefore, to note that the Aborigine of Australia has adopted a custom as a symbol of mourning which was practised by God's peculiar people when they were at the zenith of their power, one thousand years before the Christian era.

(to be continued)



“A specially posed Aborigine on Eastgrove Flats in the 1890s” from page 243 of “Grand Goulburn” by Stephen J. Tazewell.

G. LEASES LICENCES - CARR CONFOY SPORTSGROUND AND PARK

Site	Tenant	Type	Start Date	End Date	Authorised Use
22 Farm Road	Goulburn Pony Club, Inc.	Council Lease	1.09.22	31.08.27	Equine Activity
22 Farm Road	RBA Holdings Pty Ltd	Council Lease	28.11.21	27.11.26	Digital relay tower
Eastgrove Park South Carr Confoy	GDJCA (Cricket)	Seasonal Hire	September to March		Cricket training and match play
Eastgrove Park South Carr Confoy	Goulburn Soccer Association	Seasonal Hire	March to September		Junior Soccer training and match play
Eastgrove Park South Carr Confoy	Goulburn Junior Rugby Union Club	Seasonal Hire	March to September / ad-hoc		Rugby Union training
Carr Confoy North	GDJCA	Seasonal Hire	September to March		Cricket training and match play
Carr Confoy North	GDJCA	Seasonal Hire	September to March		Cricket training and match play
Carr Confoy North	Goulburn Touch Football Association	Seasonal Hire	March to September		Touch Football training and match play
Carr Confoy Netball Courts	Goulburn & Districts Netball Association	Seasonal Hire	September to March		Netball training and match play

Short term hire arrangements are utilised for less frequent or once off community, social and sporting events such as:

- Relocation of other sporting codes due to ground closures for games and/or training,
- Netball gala event/s
- Relay for Life,
- Pictures and Popcorn,
- Sports tourism events including but not limited to:
 - ANZAC cup - cricket,
 - Ultimate Frisbee Challenge.

Sport field allocations are worked out through the Sports Council Committee of Council which are adopted by Council.

The charter of the Sports Council Committee is to allocate fields to user groups. The Sports Council Committee also works as an informal forum for negotiating expectations, addressing maintenance and prospective infrastructure projects.