



COMMUNITY LAND PLAN OF MANAGEMENT – NARROMINE SHOWGROUND AND RACECOURSE

JULY 2020

This Plan of Management was prepared by Narromine Shire Council in accordance with the requirements of the Crown Land Management Act 2016 and the Local Government Act 1993. This document relies upon information taken at or under the particular time and/or conditions specified herein. This document is also relying on the best information and mapping available at the time of writing, from external Government bodies. Accordingly, boundary inaccuracies in mapping will be present and Council will endeavour to rectify mapping inaccuracies when changes are made at the relevant external organisation.

Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith, however, on the basis that Narromine Shire Council, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement, or advice referred to herein. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information from www.legislation.nsw.gov.au or www.narromine.nsw.gov.au

Any finding, conclusion or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the client.

Narromine Shire Council accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any other parties.

This Plan of Management details the future directions for the Narromine Showground and Racecourse.

Any requests for further information regarding this plan of management can be addressed to:
The Director, Corporate Governance
Narromine Shire Council
PO Box 115
Narromine NSW 2821
P: 02 6889 9999
E: mail@narromine.nsw.gov.au

Revision History

Version	Endorsed by Council	Landowner notification consent (CL)	Exhibition period	Author	Review
1.0	Aug 2020	5 March 2021		MW	MT

Contents

Executive Summary	4
PART A – The Site.....	5
1. Introduction.....	5
2. Legislative Provisions.....	5
3. Consultations.....	5
4. Land covered under this Plan of Management	5
5. Site Description.....	7
6. Land Use – Planning Context.....	8
6.1 State Policies	8
6.2 Local clauses.....	9
6.3 Approvals for Activities	10
7. Repeal of former plans	10
8. Links to Council’s Community Strategic Plan (CSP).....	10
9. Category and Classification of Land	12
10. Owner of the Land	13
11. History of the Narromine Showground and Racecourse	13
12. Management of the Land.....	14
12.1 Objectives for Management	14
12.2 Existing Use and Facilities/Tenures.....	15
PART B – The Plan.....	21
1. Vision	21
2. Objectives	21
3. Native Title Advice.....	22
4. Aboriginal Heritage Assessment.....	23
5. Key Management Issues.....	23
5.1 Condition and Use of Land and Buildings	23
5.2 Prohibited Uses	24
6. Categories, Uses and their Management.....	27
5.1 Sportsground	28
5.2 General Community Use.....	28
Table 2: Action Plan	30
7. Leases and Licences.....	33
Appendix 1: Native Title Report.....	37
Appendix 2: Aboriginal Heritage Information Management System (AHIMS) Reports	44
Appendix 3: References	50

Executive Summary

The Narromine Showground and Racecourse is a traditional multi-use complex which has developed over time to provide primarily a quality country racing facility and location for the annual Narromine Agricultural Show. The Showground and Racecourse now hosts an increasingly diverse range of events, with the Show, horse racing and Narromine Pony Club comprising the majority of its users.

The Narromine Showground and Racecourse is located on a Crown reserve (Reserve 86330) owned by the State of NSW and managed by Narromine Shire Council as Crown Land Manager for the benefit of the community. The Showground was originally reserved for the purposes of *Showground, Racecourse and Public Recreation*.

This Plan of Management (PoM) provides Council with an outline of current and future uses at the site as well as management of use, structures and tenures at the site and how these are to be managed into the future and if appropriate, expanded. This Plan meets the requirements of the Crown Land Management Act 2016 and the Local Government Act 1993.

The land at the Showground is categorised as

- Sportsground
- General Community Use

The location and a description of each of the above categories currently in use at the Reserve are provided. Current uses, assets and their condition, opportunities, constraints, threats and future directions are also provided. Appropriate management objectives and actions as well as an effective structure for future management and how this will be effectively communicated are paramount to the success of this Plan.

The Plan is split into two sections – the first being Part A – The Site, which explains the existing site, tenures and issues and Part B – The Plan, which outlines the site's intended future management.

PART A – The Site

1. Introduction

A Plan of Management (PoM) is a document that identifies issues affecting an area or areas of public open space, and outlines how that open space is intended to be used, improved, maintained and managed in the future.

This PoM has been prepared in accordance with the legislative provisions of the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act).

2. Legislative Provisions

The CLM Act authorises Councils that are appointed to manage dedicated or reserved Crown land to manage the land as if it were public land under the LG Act. Generally it must be managed as community land.

Under the LG Act, a Plan of Management must be adopted by Council for all community land. The plan categorises the land and directs its use and management. Community land cannot be sold, it cannot be leased, licensed or any other estate granted over the land for more than 21 years and it must have a PoM prepared.

3. Consultations

In preparation of this PoM, Council has engaged with the Showground user groups regarding current and future intended uses. Council currently facilitates quarterly Showground and Racecourse Committee meetings where all Showground and Racecourse users come together to discuss maintenance, management and future uses. This Committee is currently a section 355 Committee of Council.

Additionally, this PoM is required to abide by the community consultation requirements for Crown Lands, as set out in the Local Government Act 1993.

4. Land covered under this Plan of Management

This Plan of Management applies to all land included in Reserve R86330, consisting of:-

- Lot 189 DP 755131 – area 8.0940 ha
- Lot 196 DP 755131 – area 4.0470 ha
- Lot 197 DP 755131 – area 4.4260 ha
- Lot 198 DP 755131 – area 8.1000 ha
- Lot 224 DP 755131 – area 6.0700 ha
- Lot 7003 DP 1032702 – area 2.0700 ha

Total Area: 32.807 ha , See Figure 1 below.

Figure 1: The Site



5. Site Description

The Showground and Racecourse is located on the southern side of Narromine, with access via Dappo Road, which bounds the northern extremity of the site.

The two racetracks and racetrack infield area are the dominant features of the Reserve (see aerial in Figure 2) as well as the tiered grandstand and Les Gibson Racing Pavilion.

The site is flat and extensively cleared of native vegetation, however a number of mature Eucalypts and Kurrajong remain scattered throughout. The area is mostly grassed open space which is regularly maintained - often by community and user groups.

There is no surface water (eg. dams) present on the site.

The site is not subject to flooding in the 1 in 100 year flood according to Council's latest flood modelling from the 2013 Narromine Flood Study (Lyall and Associates).

Figure 2: Aerial of the Site



Source: www.maps.six.nsw.gov.au

6. Land Use – Planning Context

6.1 State Policies

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

This state policy allows certain developments of a minor nature to be either carried out without consent or carried out with a fast-tracked consent process. Exempt developments are exempt from the need for obtaining development consent from Council prior to construction. Exempt developments are subject to set criteria which restrict their scale; ensuring they remain low-impact developments. Examples of exempt development include access ramps, barbeques and flagpoles. This SEPP outlines the criteria for each of these low-impact developments.

Complying developments are also covered in this SEPP. Complying developments are also low-impact in nature however they still require approval from Council or a private certifier. Examples of complying developments include houses in residential zones and housing alterations.

This policy applies to developments within the Narromine Showground and Racecourse precinct.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides that certain types of works do not require development consent under Part 4 of the EP&A Act. Clause 20 of the SEPP provides general requirements for exempt development. Clause 20A of the SEPP provides that a range of minor works are “exempt development” when carried out on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include items such as pergolas, internal build alterations, car parking, fencing, firefighting equipment and landscaping. **Division 12** of the SEPP directly relates to this PoM and includes provisions for exempt development and for development without consent on parks and other public reserves. Clause 65 (2) (d) of the Policy provides that development can be carried out without consent by a Crown land manager of the land if the development is for purposes of implementing a plan of management adopted for the land under the Crown Land Management Act 2016. It should be noted that where this occurs, a review of environmental factors (REF) under Part 5 of the Act is usually undertaken. Pursuant to the provisions of Clause 66 a number of additional works within public reserves may be undertaken as exempt development. The provisions of this SEPP are relevant to the future implementation of this Plan of Management as well as to the Land Manager's ongoing management of the reserved land.

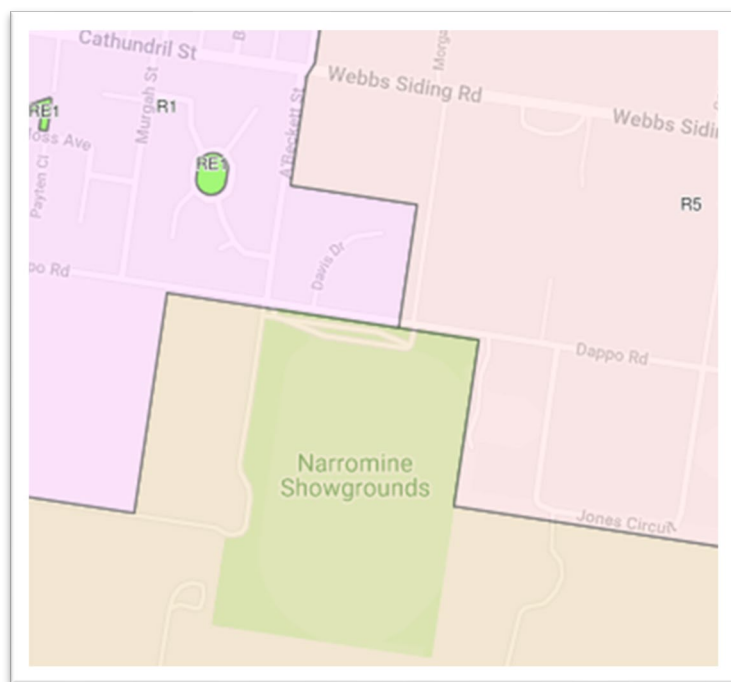
6.2 Local clauses

The land is zoned RU1 – Primary Production under the Narromine Local Environmental Plan. This allows for a range of broad scale uses with a focus on agricultural production yet allowing a Showground and Racecourse. The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Adjoining land uses include residential and rural residential to the north and small scale farming to the east and south. See Figure 3 below for adjoining land use zones.

Figure 3: Land Use Zones in the locality



Source: Intramaps, licensed to Narromine Council

As previously mentioned, the Showground and Racecourse is located on lands not impacted by the 1:100 year flood. The land is not burdened by Bushfire Prone planning layers, nor Terrestrial Biodiversity, mainly because the site is cleared of significant tracts of vegetation.

The land is however captured as groundwater vulnerable, which means that any development proposed which could have the potential to contaminate groundwater sources needs further assessment under clause 6.6 of the Narromine LEP 2011.

Likewise, tall structures will require further assessment as the site is located within the Obstacle Surface Limitation area for the Narromine Aerodrome. This is outlined in clause 6.9 of the Narromine LEP.

Both of these clauses relevant to the site do not outright prohibit certain developments; rather they are a trigger for further assessment, depending on the scale of the development proposed.

6.3 Approvals for Activities

Section 68, Part D, of the LG Act requires approvals to be issued by Council for certain activities on community land. These include:

Part D Community land

- 1 *Engage in a trade or business*
- 2 *Direct or procure a theatrical, musical or other entertainment for the public*
- 3 *Construct a temporary enclosure for the purpose of entertainment*
- 4 *For fee or reward, play a musical instrument or sing*
- 5 *Set up, operate or use a loudspeaker or sound amplifying device*
- 6 *Deliver a public address or hold a religious service or public meeting*

Rather than override other legislation, the above requirements sit alongside the LG Act, EP&A Act and CLM Act and provide direction for approvals for the use of the land in the above circumstances. It should be noted here that Council also has a Local Approvals Policy which provides direction in submitting an application for any of the above activities under the *Local Government Act 1993*.

7. Repeal of former plans

This Plan of Management repeals the relevant Showground and Racecourse components of the *Narromine Shire Council Community Land Generic Plan of Management – Sportsgrounds*.

8. Links to Council's Community Strategic Plan (CSP)

The Narromine Shire CSP cites the following actions under 'Vibrant Communities':

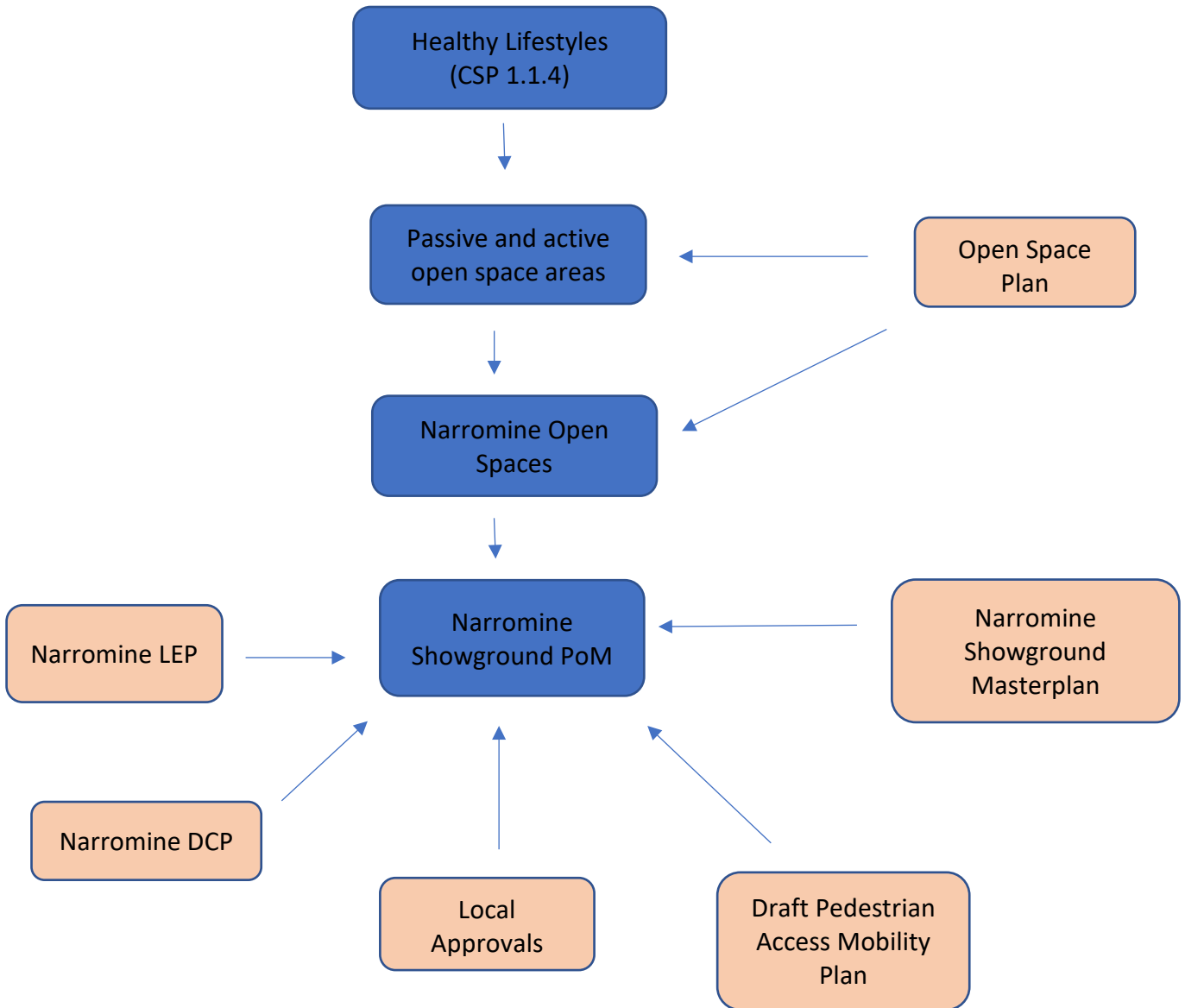
- 1.1.4 *Promote services and provide facilities that foster healthy lifestyles*
- 1.1.5 *Recognise the importance and consider resources needed to maintain open spaces, to encourage greater use by the community*
- 1.1.9 *Provide active and passive recreation facilities*

The above actions link with the Community Strategic Plan in numbers 16, 23 and 27 and the Showground is one of the town's open spaces whose use is to be further encouraged.

Linkages between the CSP and other Council plans can be seen in the flow chart below. Any of the above CSP priorities could be included as a starting point.

NARROMINE SHOWGROUND & RACECOURSE

CSP and the Plan of Management: Note the Open Space Plan and Trangie Showground Masterplan are strategic plans yet to be developed.



9. Category and Classification of Land

The Narromine Showground and Racecourse is classified as **community land** under the LGA Act and categorised as: **Sportsground/General Community Use**. NSW Crown Lands has consented to this categorisation.

This aligns with the Crown Land initial reserve purpose, being:

Racecourse, Showground and Public Recreation (as gazetted by the Crown in 1967).

The reserve purpose of public recreation can be included in the categories of Sportsground and General Community Use. As this POM is not proposing to add, change or alter the categories or uses on site, a public hearing will not be required as outlined in section 3.23(7)(c) of the CLM Act. Council must, however, give public notice of the POM as required by section 38 of the LG Act.

Figure 4 below shows spatially the areas for each of the above categories, in accordance with clause 113 of the LG (General) Regulation 2005.

Figure 4 – Categories of Community Land



10. Owner of the Land

The Owner of the Land is the State of NSW (the Crown).

The Crown Land was reserved for the purposes of Racecourse, Showground and Public Recreation on 21 July 1967. Narromine Municipal Council, as it was formerly known, was appointed trustee of the reserve on 22 September 1967. The Trust Reserve is known as the Narromine Showground and Racecourse (R86330) Reserve Trust.

11. History of the Narromine Showground and Racecourse

Indigenous

The land within the Narromine Shire has been home to the Wiradjuri people for more than 40,000 years. These people hunted and gathered a variety of marsupials, kangaroo and wallabies and they fished for freshwater perch (yellow belly), cod and other fresh water food options.

Although no specific sites of aboriginal heritage have been found on or in the vicinity of the Showground at this point in time, sites are known to exist throughout the Shire.

Appendix 2 details the Aboriginal Heritage Information Management System (AHIMS) reports for the lots covering this reserve. If any new items are found within the reserve, contact is to be made with Council and the relevant State Government Department or Office at the time to ensure protection of the item is maintained and its significance and condition recorded.

Post-Indigenous

The following timeline summarises the post-indigenous events in the history of the site.

1906	Narromine's First Agricultural Show
1913	Amalgamation of Agricultural Show Society and Turf Club 20 acres withdrawn from the common and added to the existing showground. Plans for new racecourse drawn up (existing racecourse 3 miles from showground)
circa 1914	Grandstand built
1927	Fencing and painting of the racing track
1929	Cattle Pavilion built
1936	New Pavilion built, old Pavilion now Poultry Pavilion
1938	30 brick stands built for use of bookmakers Lawn extended and gravel path placed between the lawn and betting

	ring
1950	Flood – affected residents relocated to the Showground
1951	Caretaker's cottage built
1953	Three phase electricity supply to showground for merry-go-rounds and amusement devices
1954	Connection to town water supply
1955	Flood – affected residents relocated to the Showground
1957	Sheep Pavilion constructed
1967	Narromine Shire Council appointed trustee
1996	New stable complex constructed
2009	Les Gibson Racing Pavilion built
2013	New toilet block built – Dappo Road

There are no heritage listed items located on the land. There are no identified heritage conservation areas or archaeological sites. Although not individually listed, it is acknowledged that the Showground Pavilion on this Reserve is a historic building with links to the Narromine Show Society which has operated for over 100 years. As such this building is noted to have social significance to the Narromine community and to the development of regional show societies.

12. Management of the Land

12.1 Objectives for Management

The objectives of the Plan of Management, which have links to Council's Community Strategic Plan and LG Act categorisations' objectives are:

- To provide a well utilised reserve based on community needs and within budgetary constraints;
- To improve the quality of the existing facilities and increase recreational opportunities within the area;
- To protect and enhance the natural, scenic and historical qualities of the area;
- To ensure that Council provides a safe environment for all users of the area;
- To ensure that the area is effectively managed and sustainably developed for the benefit of all users without causing material harm.

12.2 Existing Use and Facilities/Tenures

12.2.1 Narromine Turf Club – Racing and Horse Stabling



The Narromine Turf Club conducts 5 TAB race meetings per year with weekend race days held in August and October. In addition the club manages several trainers who stable horses on site and utilise the tracks weekly.

The Racecourse facility includes a fully grassed track, 126 tie up stalls, 4 wash bays, a sand inside training track, an 8 x 16m undercover area for bookmakers and TAB, a grandstand, bar and dining room, 2 sets of stables, stabling yard, and two horse walkers.

The Narromine Turf Club is maintaining both of the racetracks, running rail, grassed areas surrounding the dining room and grandstand areas, stables, stalls and horse walkers.

Figure 5: Turf Club precinct



Plate 1: View of racetrack looking north towards Showground Pavilion



Plate 2: Established garden bed at front of Racecourse



Plate 3: Horse Stables



Plate 4: Brick toilet block

NARROMINE SHOWGROUND & RACECOURSE



Plate 5: Wash bays



Plate 6: Les Gibson Racing Pavilion



Plate 7: Douglas Egan Horse Stalls and Vet section



Plate 8: Walker



Plate 9: Training track



Plate 10: Horse Stables – sub-leased to private trainer



Plate 11: Treadmill



Plate 12: Canteen

12.2.2 Narromine Agricultural (Show) Society – Narromine Show



Figure 6: Show Precinct

The Narromine Agricultural (Show) Society holds its annual agricultural show in August/September.

The showground precinct includes two pavilions, a covered sheep yard area, the inner track, grandstand, bar and dining room, undercover area, tie up stalls.

The Narromine Agricultural (Show) Society is responsible for maintaining the two pavilions and the covered sheep yard area.



Plate 13: Showground Pavilion



Plate 14: Poultry Pavilion



Plates 15 & 16: Sheep yards



Plates 15 & 16: Sheep yards



Plate 17: Painted brick grandstand



Plate 18: Dining Room



Plate 19: Bar area



Plate 20: Rear of brick grandstand

12.2.3 *Narromine Pony Club*

The Narromine Pony Club at present holds its rally days on the 1st and 3rd Sunday of each month.

The pony club precinct includes inside of the track – northern half, use of the Les Gibson Racing Pavilion area and grandstand, horse stabling areas and the south-western corner of the site.

The Narromine Pony Club is responsible for maintaining their facilities on site including recently constructed solar-powered electricity for their facilities.



Plate 20: Dressage area



Plate 21: Metal tiered seating



Plate 22: Clubhouse/canteen facility



Plate 23: yards

12.2.4 *Casual Hire*

The dining room and bar is available for hire including a fully functional kitchen, bar and dining area.

Private functions include weddings, family reunions, and birthday parties.

Camping is an option as a spill-over for visitors unable to be housed in existing accommodations.

12.2.5 *Other Uses*

Local residents and visitors have ready access to the Reserve and opportunities exist for a range of passive activities including walking and exercising, providing this does not conflict with the active and leased use of the reserve for training of horses and other animals.

12.2.6 Traffic and internal driveways

Traffic at the facility is currently not limited by either direction or speed. The internal roadways are mostly weather proof having a sandy base. There are no specific pedestrian walkways due to the site's open nature.



Plate 24: Internal driveway looking north on western side of site



Plate 25: Internal driveway closer to Dappo Road also on western side of site

12.2.7 Former Caretaker's Cottage



Figure 7: Caretaker's Cottage Location

The Former Caretaker's Cottage is situated at the north eastern corner of the site and is leased for residential purposes. Any renewal of a lease for the Caretaker's Cottage is to be associated with a Caretaker's role at the Showground, including a maintenance role at the Showground/ Racecourse.



Figure 8: Image of Caretaker's Cottage

PART B – The Plan

1. Vision

The overall management of the Showground and Racecourse is a vision shared by the community, user groups and Council. The vision for the Showground encapsulates the current and future uses and includes a blueprint for future uses and opportunities.

The vision for the Showground and Racecourse is:

“To provide for a quality multi-use precinct involving sporting, recreational and community uses in a fringe setting which identifies and contributes to the social, cultural and sporting needs of the Shire now and into the future”.

2. Objectives

Sitting under the above vision are the objectives for the site both now and into the future, as required by section 36(3) of the LG Act. The objectives for the site are:

- Ensure the Showground and Racecourse continues to provide a quality venue for the country show and racing;
- That Council as manager, continues to foster and support the strong self-help attitude and volunteer base provided by the facility’s user groups in maintaining the facilities at the site;
- Provide, maintain and foster the development of existing and new facilities at the site in line with the soon to be developed scoping/Master plan;
- Provide greater opportunities for the Showground and Racecourse to reduce net operating costs by expanding uses in line with the future intended management and uses;
- Maintain the country/rural setting of the Showground and Racecourse whilst improving infrastructure and amenities to a quality standard;
- To ensure the spaces at the site support the ongoing viability of community user groups and their expansion, and have capacity to adapt to changing needs over time;
- Ensure environmental efficiencies and compliance are maintained at the site;
- To contribute to the diverse range of activity opportunities and landscape settings to encourage healthy lifestyles and maximise opportunities for engagement in physical activity;
- Develop a coordinated system of management for the Showground and Racecourse which suits all user groups, including Council as Site Manager;
- Recognise and foster the co-locational benefits of adjoining residences in terms of casual surveillance of the site and a quality open space area for nearby users.

- If any items of cultural significance are found on the site, that steps be taken to ensure the site's protection and preservation and contact made with Council and the relevant State Government Department.

3. Native Title Advice

The land covered by this Plan of Management is owned by the Crown. Native Title may be found to exist on this land in the future as native title has not been extinguished under the terms of the Native Title Act 1993. Council's Native Title Manager has completed a full report for Native Title advice which can be seen in Appendix B.

Future Acts

1. *Construction of facilities on the reserve (such as sheds, ablution blocks, stables, pavilions etc.) on the reserve which is consistent with the reserve purpose.*

The construction of buildings such as sheds, ablution blocks, stables, pavilions, and grandstands 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 (showground, racecourse and public recreation), then the good faith requirement under Section 24JA(1)(e)(i) is met.

2. *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 (showground, racecourse and public recreation), then the good faith requirement under Section 24JA(1)(e)(i) is met.

3. *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 (showground, racecourse and public recreation), 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.

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.

Accordingly, no notification is required and procedural rights are not conferrable.

4. *Specific Advice for Water Reservoir*

The following extract from the full Native Title report in Appendix B relates to the construction of a water reservoir and associated infrastructure at the Showground.

Council is to follow the process outlined in the full report prior to commencing any works relating to a future act.

The construction of the reservoir and associated underground pipeline is onshore, meeting requirement s. 24KA(1)(a) of the NT Act (Cth).

Section 24KA(2)(h) provides that 'a pipeline or other water supply or reticulation facility' may be a valid future act under this Subdivision. The reservoir and associated infrastructure meet the definition of pipeline, other water supply and reticulation facility. In the event the facility does not fall within Subdivision 24KA(2)(h), it would fall within 24KA(2)(c) 'other device for management of water' or Subdivision 24KA(2)(m) 'any other thing that is similar to any one or more of the things mention is s. 24KA(2).

The reservoir and associated infrastructure will be constructed on behalf of Narromine Shire Council and will be operated and maintained by Council for the general public, meeting section s. 24KA(1)(b) of the NT Act (Cth).

The underground pipeline from the reservoir will not prevent native title holders from having access to the land, except when the pipeline is being constructed. The water reservoir will be fenced both during construction and after for health and safety reasons. The footprint of this area is approximately 2000 m square. This meets the requirements of s. 24KA(1)(c) of the NT Act (Cth).

4. Aboriginal Heritage Assessment

As part of the Plan of Management process, Aboriginal heritage items and areas of significance to Aboriginal people are assessed and included where found. This is a separate process to the above Native Title Report because the Native Title Report deals with Commonwealth legislation and the likelihood of any future acts impacting on Native Title for the site. Assessments on the site itself for aboriginal heritage are done under State legislation and the Guidelines for preparing Plans of Management and Guidelines for the Protection of Aboriginal Objects in NSW are used for this process.

Appendix 2 shows the AHIMS (Aboriginal Heritage Inventory Management System) assessments for the lots on which the Showground is located. None of the lots contain items of Aboriginal significance according to this register. Despite this the Action Plan in Table 2 outlines measures to protect any items found within the Showground.

5. Key Management Issues

Consultation with the various users of the Showground and Racecourse have identified a number of issues as outlined below.

5.1 Condition and Use of Land and Buildings

As required by section 36(3A) of the LG Act, the following table outlines the current facilities, uses and their condition on site.

Table 1: Conditions of facilities on site

Area/Building	Use	Condition
Main vehicular entry – Dappo Road western entrance	Vehicle and pedestrian entry	Good
Car Park (Plate 25)	Informal carpark area on north-western perimeter	Good
Show Pavilion (Plate 13)	Main Show pavilion used for showing ag produce and arts/crafts/cooking	Fair
Poultry Pavilion (Plate 14)	Showing poultry	Good
Sheep yards (Plates 15 & 16)	Covered shed for keeping sheep for Show	Fair
Metal ablutions block – Dappo Road	M/F & disability accessible facilities	Good
Dining Room and Bar (Plates 18 & 19)	Events for Turf Club and Show. Available for casual hire.	Good
Observation Towers (various around track)	Unused & unsafe towers recently removed. All ones on site now compliant with WH&S audit.	Good
Small canteen (Plate 12)	Used by charity groups for catering at race meets	Fair
Brick toilet block – western (Plate 4)	For race meets, pony club events, opened during hire of dining room and bar	Fair
Horse stables (Plates 3 & 10)	Race meets and pony club	Fair
Observation Tower – in front of Racing Pavilion	Race meets	Good
Sheep pavilions (Plates 15 & 16)	Pony Club events	Fair/poor
Round yards, western	Pony Club events	Good
Pony Club Clubhouse (Plate 22)	Pony Club events	Good
Secondary Vehicular entry	Show and Racing events	Fair
Security/perimeter fences	Restriction of adjoining and public access	Fair
Internal race track fences (Plate 9)	Race meets and training of horses	Fair
Caretaker's Cottage – 2 bedroom weatherboard (Plate 26)	Privately let through Real Estate Agent	Fair-Poor
Horse stalls and vet section (Plate 7)	Race Meets	Good
Painted Brick Grandstand and offices (Plate 17)	Race Meets, Annual Show	Fair

Other constructed elements include all-weather internal driveways, metal relocatable grandstands, fencing, bollards, access gates, lighting and rubbish bins.

5.2 Prohibited Uses

Activities prohibited by Council (in addition to those mentioned in the LEP Land Use Table) are:

- Dumping of rubbish
- Camping or staying overnight (current rules). This is to be soon changed to allow for spillover camping for larger community events. Activity approval under

section 68 of the LG Act is to be obtained for the primitive camping ground.

- Damage to Council property and associated flora, fauna and gardens
- Activities that may endanger, injure, obstruct, inconvenience or annoy any person, failure to remove or dispose of animal faeces, lighting fires.

Conditions of hire include curfews to minimise noise experienced by neighbours.

5.3 Targeted Consultation with Narromine Showground and Racecourse Advisory Committee

See below extract from the Report and Minutes of the Narromine Showground and Racecourse Advisory Committee Meeting held in Council's Chambers on 16 May 2019

7. PLAN OF MANAGEMENT NARROMINE SHOWGROUND AND RACECOURSE

The Narromine Showground and Racecourse is a traditional multi-use complex which has developed over time to provide a quality country racing facility and location for the Narromine Agricultural Show Society. The Showground and Racecourse hosts an increasingly diverse range of events, with the annual Show, horse racing and private hire remaining the top three uses.

The Narromine Showground and Racecourse is on a Crown reserve owned by the State of NSW and managed by Narromine Shire Council for the benefit of the community.

This Plan of Management (PoM) provides Council with a blueprint of current and future uses at the site as well as management of use, structures and tenures at the site and how these are to be managed into the future and if appropriate, expanded. This Plan meets the requirements of the Crown Land Management Act 2016 and the Local Government Act 1993.

The land at the Showground and Racecourse is categorised as follows (see Attachment No. 2): Sportsground General Community Use (GCU).

The location and a description of each of the above categories currently in use at the Reserve are provided. Current uses, assets and their condition, opportunities, constraints, threats and future directions are also provided. Appropriate management objectives and actions as well as an effective structure for future management and how this will be effectively communicated are paramount to the success of this Plan.

Category and Classification of Land

The Narromine Showground and Racecourse is classified as community land under the LGA Act and categorised as:

- *Park/Sportsground/General Community Use.*

Ed Note: This was later endorsed by Crown Lands to be amended to Sportsground and General Community Use with the removal of Park as there was no clear benefit to having three categories.

This aligns with the Crown Land initial categorisation and use of the lands as: Racecourse, Showground and Public Recreation (as dedicated by the Crown in 1967). Accordingly, as this POM is not proposing to add, change or alter the categories or uses on site, a public hearing will not be required as outlined in section 3.23(7)(c) of the CLM Act. Council must, however, give public notice of the POM as required by section 38 of the LG Act.

Owner of the Land

The Owner of the Land is the State of NSW (the Crown).

The Crown Land was reserved for the purposes of Racecourse, Showground and Public Recreation on 21 July 1967. Narromine Shire Council (Council) was appointed trustee of the reserve on 22 September 1967. The Trust Reserve is known as the Narromine Showground (R86330) Reserve Trust.

Committee Input

In order to further develop the plan of management the input of the committee, particularly in regards to future plans is very useful to capture the development potential.

RECOMMENDATION

That the comments in regards to the development of the Showground Plan of Management be summarized and included in the discussion in regards to the Plan of Management for the Showground.

Discussion was had regarding land categorisation as identified in Attachment No. 2 of Report to Narromine Showground and Racecourse Advisory Committee.

It was noted, some Clubs are utilising space outside of the leased area therefore, it is important to capture the Committees thoughts regarding usage.

Further discussion ensued regarding future use including sourcing water options in this vicinity of Narromine.

Narromine Turf Club advised they are in discussion with Racing NSW as to future funding for future planning for Jockey's Rooms.

Director, Community and Economic Development advised that this is helpful and any ideas or thoughts, the Committee is encouraged to contact Council.

It was noted within the Park categorised area (see Attachment No. 2 of Report to Narromine Showground and Racecourse Advisory Committee), there is need to improve fox and rabbit holes as they are hazardous to those using this area on large Rally days.

ACTION: Council to investigate

RECOMMENDED xxxx/xxxx that the comments in regards to the development of the Showground Plan of Management be summarized and included in the discussion in regards to the Plan of Management for the Showground.

6. Categories, Uses and their Management

This section gives explanation to the location and intended management for each of the categories covered at the Racecourse and Showground. It is highlighted here that in the interests of ensuring the site is maintained as a multi-use facility, the amenities and infrastructure at the site are mostly located within the category of General Community Use. This does not prohibit their use by a new or existing sporting or turf club, but simply ensures their varied leasable uses now and into the future.

Figure 4 from earlier in this plan is reproduced below for ease of reading.



6.1 Sportsground

The category of Sportsground comprises the majority of the Racecourse active lands including the grassed track, sand training track, and active pony club area.

Management Objectives

The Sportsground will be managed to the current level of service for the facility and expanded where opportunities permit. Uses currently include scheduled race meets, pony club events and camp drafts, and associated training.

Any new proposed uses, especially by an equestrian group, will be assessed and encouraged.

Whilst the grandstand, amenities block, racing pavilion and bar and dining area are categorised general community use, their use in conjunction with the sportsground is permitted and will continue to be captured under the leasable area by sporting groups. Unutilised areas within the sportsground will be scoped for additional uses as part of the masterplan for the site. It is intended that the masterplan go into further detail on future uses with assistance from Council to determine expanded user groups.

NOTE: The Masterplan for this Reserve is yet to be developed. This Plan of Management provides a starting point and in future, the Masterplan will sit alongside this Plan of Management and provide more detailed, intended plans.

6.2 General Community Use

This area covers the public face of the site being the entrances, parking areas, bar and dining area, pavilions, grandstand as well as the horse stables and exercise yards. These areas are currently under lease and some are able to be let on a casual basis for events and functions. Insurances are in place under each of the leases for the user groups as well as Council's own insurance. A smaller dedicated area for GCU can be seen in the south-eastern corner of the Reserve. This area is not utilised by any of the sporting user groups and is earmarked as a potential site for enhancing communications and public utility infrastructure. This will be further investigated with the Masterplan.

Management Objectives

Aesthetics and image are at the forefront of this section of the site, being the public face of the Racecourse and Showground. Current lessees have worked well to maintain plantings and improve visuals at the site over time. Maintenance of the facilities at the site as well as ensuring unimpeded access whilst ensuring the site is secure are sometimes conflicting management priorities which require considered balances.

Council intends to work with the current lessees to ensure a consistent and agreed level of service as well as attract new lessees where uses permit.

New lessees have the potential to include market days, RV camping, swap meets, machinery and farm field days, showcasing regional produce and the like.

Management of the historic Showground Pavilion will require time and funding. State grant funds for such buildings are not easily obtained when the building is not a listed

heritage item, nor listed on any state-based heritage registers. As such, funds will need to be set aside for this and other buildings on site, or requested through the Crown Reserves Improvement Fund.

The following action plan provides for a set of management strategies and actions for each issue and in effect provides an ongoing framework for management of the reserve.

Table 2: Action Plan

Management Objectives (LG Act)	Management Strategies	Actions	Performance Evaluation
Sportsground			
To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games	<p>Complete works in accordance with approved Delivery Program</p> <p>Continue to liaise with current user groups regarding level of service and opportunities for greater use</p>	<p>a) Consider improvements/upgrades to existing brick toilet block including disability access</p> <p>b) Assess improvements to bar and dining area for increased visibility, accessibility and aesthetics</p> <p>c) Continue to abide by the Charter of the Narromine Showground & Racecourse Advisory Committee in the management of the operations at the Racecourse</p> <p>d) Ensure appropriate condition of the Racecourse and training track through establishment of clear expectations of user groups and Council</p> <p>e) Ensure that the requirements of lease agreements are met</p> <p>f) Council and the Committee to encourage greater use of the Racecourse, training track and internal area where use does not impede the predominant use of the track for horse racing</p> <p>g) Ensure amenities are cleaned and waste regularly removed</p> <p>h) Any new signage/infrastructure/building modifications or additions to be approved by Council prior to construction</p> <p>i) Temporary hire of the site to be advertised to appropriate user groups</p> <p>j) Provide an area for formal and informal sports and particularly for campdraft and pony club events</p>	<ul style="list-style-type: none"> • Access in compliance with Disability Discrimination Act, • Regular inspections by Council Officers • Annual evaluation of casual hire numbers and increase/decrease • Assist user groups in sourcing grant funds for any proposed upgrades to facilities on site • Annual discussion at Committee meeting re area for sports

NARROMINE SHOWGROUND & RACECOURSE

To ensure that such activities are managed having regard to any adverse impact on nearby residences	Maintain good relationship with neighbours, particularly to assist with neighbourhood watch	Any major changes to current use practices to be advertised to adjoining neighbours Ensure short-term licences issued include curfews to limit noise disturbance to nearby residences Consider site security (eg. lighting) as a measure for deterring vandalism and night disturbances.	Numbers of responses, complaints from neighbours and user groups to Council
General Community Use			
To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and the wider public: a. In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public,	Complete necessary works through compliance with adopted Delivery Program Promote free use of the facility by casual passive user groups which does not interfere with horses and horse training	<ul style="list-style-type: none"> a. Assess current condition of all physical assets to determine forward plans for maintenance in consultation with relevant Council section and the Racecourse and Showground Committee b. Look into approvals for a primitive camping ground at the site for situations where all formal accommodations in Narromine are full c. Assess condition of boundary fences to ensure adequate security. As site infrastructure improves and risk of theft increases, consider best methods of security at the site for all user groups d. In consultation with the user groups, develop a Landscape Plan for the site which looks at existing trees and vegetation and future beautification works e. Conduct annual safety audits of the site in conjunction with the Showground and Racecourse Committee f. Ensure appropriate site management techniques are utilised including water use efficiency, managed use of pesticides, herbicides and fertilizers, cleaning of amenities and rubbish removal g. Consider adequate provisioning of existing water connection and capacity to connect to sewer and electricity/solar power for future site upgrades h. Assess existing access and parking arrangements at the site to determine if safe/adequate/need to be 	<p>Asset condition determined in consultation with user groups and Council's adopted Asset Management Plan Approval for primitive camping ground approved by April 2021</p> <p>Security and safety at site considered at regular Committee meetings</p> <p>Landscape Plan scoping paper to be delivered by June 2021</p> <p>Grounds noted as clean and tidy and monitored by numbers of complaints about the facility</p> <p>Risk assessments to be conducted prior to temporary licences and leases being issued and provided to Council prior to event taking place</p>

NARROMINE SHOWGROUND & RACECOURSE

		<p>rationalised and whether a more formalised parking area is warranted</p> <ul style="list-style-type: none"> i. Cultural recognition and development includes the ability of Council to respond to submissions from any person regarding Aboriginal and European sites of significance. If any sites of significance are found, contact is to be made with Council first as CLM Manager to coordinate a response to record and protect the item and liaise with the relevant State Government Department and LALC as part of this process. j. Consider use of the site for town water supply augmentation, including a reservoir and associated pipes subject to funding and satisfactory Native Title assessment (NT assessment included as part of this PoM). 	
In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)	Promote the facilities as available for pony club/horse racing and casual hire to increase return and reduce costs	<ul style="list-style-type: none"> a. Consider the use of the Pavilion for multiple events throughout the year, particularly where subsidised fees could attract visitors to the town and region b. Determine appropriate tenure and hire fees for new and existing leases c. Continue to support the independent work of the sporting Associations and Committees in maintaining the site d. Continue to foster open communications with users regarding upgrades to infrastructure and amenities at the site whilst abiding by the Charter of the associated section 355 Committee e. Consider long term use of the Caretaker's Cottage and build into masterplan f. Scope siting of future town public utilities where best suited for aesthetics and use of site 	<p>Consult with Show Committee into use of Pavilion at other times of year</p> <p>Tenure and hire fees included in Council's Fees and Charges</p>

7. Leases and Licences

A **lease** is generally required where exclusive control of all or part of an area by a party is proposed or desirable in the interests of the management of the area. A **licence** is generally required where intermittent or short term occupation or control of an area is proposed. A number of licences may apply at the same time and over the same area provided there is no conflict of interests/time usage.

The granting of leases and licences can occur under the category of General Community Use and also under section 46 of the LG Act in another category, providing the lease or licence is not for a period of more than 30 years and is generally for the provision of goods, services and facilities for the benefit of the wider community in relation to public recreation, the physical, cultural, social and intellectual welfare or development of persons and the provision of public roads.

An overarching requirement when issuing leases or licences is that it must comply with the original dedicated reserve purpose. The Reserve Purpose for the Narromine Showground and Racecourse is:

Public Recreation; Racecourse; Showground.

This POM **expressly authorises the following lease and licence types**, subject to the core objectives of the LG Act.

- Seasonal licences for competitive sporting events, including for existing sporting user groups such as the Narromine Turf Club, Pony Club and regular horse trainers;
- Licences for the casual hire of sportsgrounds for sporting and community events, subject to liaison with interested parties for whom are responsible for maintenance. Examples include fetes, fairs, festivals, circuses, charity events, movies, musicals, outdoor theatres, community singing events, parades and performances and may also include stallholders engaged in trade;
- Licences for small scale private sector events such as markets, promotional events, parties, large group picnics, family reunions, weddings, filming and photography;
- Licences for periodic exclusive use, particularly where a sporting group has committed capital contribution to the facility;
- Licences for periodic exclusive use, particularly where a community group has a direct interest in the use of the ground, including the Narromine Show Society;
- Although the granting of liquor licences is subject to other approvals, this POM expressly allows Council to give permission as landowner for liquor licences subject to those other approvals;
- Leases or licences for commercial purposes can only be granted where the commercial activity is consistent with the purpose for which the reserve was reserved and should not overpower or dominate the reserve;

- Leases or licences over the park and any buildings on the park for any community purpose as determined by Council, including, as prescribed by section 46(1) of the LG Act, the provision of public utilities and work associated with or ancillary to public utilities.

Types of Leases and Licences where notification is NOT required

Under clause 117 of the Local Government (General) Regulation 2005, leases, licenses and other estates granted for the following purposes are **exempt** from the provisions of section 47A of the LG Act, providing the lease term is 5 years or less. Section 47A of the Act requires Council to notify and exhibit the proposal in the manner prescribed in section 47.

(a) residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council,

(b) 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 the community land,

(c) use and occupation of the community land for events such as—

(i) a public performance (that is, a theatrical, musical or other entertainment for the amusement of the public),

(ii) the playing of a musical instrument, or singing, for fee or reward,

(iii) engaging in a trade or business,

(iv) playing of any lawful game or sport,

(v) delivering a public address,

(vi) conducting a commercial photographic session,

(vii) picnics and private celebrations such as weddings and family gatherings,

(viii) filming,

(d) a purpose referred to in clause 116(3) or (4).

(2) However, the use or occupation of community land for events listed in subclause (1)(c) is exempt only if—

(a) the use or occupation does not involve the erection of any building or structure of a permanent nature, and

(b) in the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and

(c) in the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

The following terms apply to all licences and leases on the community land:

- Terms of any lease/licence should be as short as practicable, appropriate to all circumstances and commensurate with changing community needs. Generally terms of 20 years (or more) are not favoured due to the lease term covering multiple Council Delivery Program and Community Strategic Plan lifetimes.
- Leases and licences should clearly reflect the intentions in respect of the improvements on expiry of the lease i.e. the lease area is to be cleared and restored or the improvements are to remain and become the property of the Crown.
- Section 46A of the LG Act requires Council to tender for leases or licences of community land over 5 years, unless the lease or licence is to be granted to a non-profit organisation.
- Rental is to reflect a commercial approach of market rental having regard to the purpose of the lease/licence, site value and ownership of existing improvements.
- A diagram specifying the area to be leased/licenced must be annexed to and form part of the agreement.
- Where applicable, the lease or licence should include clauses providing for use/access by the general public.
- A clause requiring the lessee to bear the lessor's reasonable expenses in preparing the lease should be considered for inclusion in the lease/licence agreement.
- Where conditions require the lessee to undertake development works, the agreement should specify that no work is to be undertaken until plans have been approved by Council and any necessary development or building consents are obtained.
- In the case of sub-leases, reference should be made to the head lease and must be extend beyond the term of the head lease.

In accordance with the requirements of Council as Crown Land Managers, the following list should be considered prior to Council granting a lease or licence over the Reserve:

- Compliance with relevant legislation, Crown land management rules, policies, regulations, guidelines and fact sheets.
- Regard and compliance with tenure provisions under the Local Government Act, 1993
- Compatibility of the lease or licence with the reserve purpose (other than short term licences for prescribed purposes). If you are not sure that a proposed lease or licence is consistent with the reserve purpose, contact the department for advice.
- Consistency of the lease or licence with this plan of management adopted by Crown lands
- Environmental impacts of the proposed activity and the ability of the land to support the

activity.

- Whether the term of the tenure is appropriate.
- Impacts from proposed tenure to the current and future use of the land.
- Development consents or any other consents required under the Environmental Planning and Assessment Act 1979.
- Allow provisions for conducting rent reviews (at least every three years) and provisions for consumer price index rent increases annually.
- Following community engagement requirements set out in the Local Government Act 1993.
- Aboriginal interests – refer to the NSW DPIE Fact Sheet to consider Native Title and Aboriginal Land Rights:

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/285523/Granting-leases-and-licences-over-pre-PoM-Crown-land.pdf

Appendix 1: Native Title Report

In relation to the construction of facilities on the reserve below and the issue of leases or licences.

Reserve	R68330
Known As	Narromine Showground and Racecourse
Lot DP	Lot 189 DP 755131 – area 8.0940 ha Lot 196 DP 755131 – area 4.0470 ha Lot 197 DP 755131 – area 4.4260 ha Lot 198 DP 755131 – area 8.1000 ha Lot 224 DP 755131 – area 6.0700 ha Lot 7003 DP 1032702 – area 2.0700 ha
Area	32.807 ha
Owner of the Land	State of NSW (the Crown)
Reserve Purpose	The Crown Land was reserved for the purposes of Racecourse, Showground and Public Recreation on 21 July 1967 (see Attachment No 1). Narromine Shire Council (Council) was appointed trustee of the reserve on 22 September 1967 (see Attachment No 2).

Native Title may be found to exist on this land in the future as native title has not been extinguished under the terms of the Native Title act 1993 (see below).

HOME | GLOSSARY | EXTERNAL LINKS | CONTACT US | LOGIN

National Native Title Tribunal

Search this site...

ABOUT US | FUTURE ACTS | INDIGENOUS LAND USE AGREEMENTS | NATIVE TITLE CLAIMS | ASSISTANCE | SEARCH THE REGISTERS & APPLICATIONS

Search Register of Native Title Claims

Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR 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.

Further information about the NNTR is available.

Tribunal file no.

Federal Court file no.

Short name

Case name

State or Territory

Registered Native Title Body Corporate

Representative A/TSI body area

Local government area

Determination type

Legal process

Determination outcome

Determination date between and

Sort by

No results for current search criteria

ister-of-Indigenous-Land-Use-Agreements.aspx

Council does not have any records indicating that an ILUA has been registered. Furthermore there are no agreements relating to this land contained in the Register of Indigenous Land Use Agreements (see below).

Your search returned 10 matches.

ILUA name	ILUA type	Subject matter(s)	Tribunal file no	Date registered
Yaegl Interim Licences ILUA	Body Corporate	Native Title Settlement, Not specified	NI2018/006	20/11/2018
Barkandji Interim Licences ILUA	Body Corporate	Not specified	NI2018/007	20/11/2018
Bandjalang Interim Licences ILUA	Body Corporate	Not specified	NI2018/008	20/11/2018
Gumbaynggirr (Boney) Settlement ILUA	Area Agreement	Extinguishment, Native Title Settlement	NI2018/004	26/07/2018
Gumbaynggirr Wenonah Head ILUA	Area Agreement	Native Title Settlement, Tenure resolution	NI2018/005	26/07/2018
Barkandji Appin Station ILUA	Area Agreement	Native Title Settlement	NI2018/002	13/07/2018
Barkandji Weinteriga and Yobel Station ILUA	Area Agreement	Native Title Settlement	NI2018/003	13/07/2018
Western Bundjalung Settlement ILUA	Area Agreement	Government, Consultation protocol, Tenure resolution	NI2018/001	12/07/2018
Tubba-Gah ILUA	Area Agreement	Native Title Settlement, Co-management	NI2015/001	12/01/2016
Gundungurra Area Agreement	Area Agreement	Native Title Settlement, Consultation protocol	NI2014/001	27/02/2015
Cubbitch Barta Clan of the Dharawal People Indigenous Land Use Agreement	Area Agreement	Access	NI2010/001	16/03/2011
Bundjalung People of Byron Bay (ILUA 2)	Area Agreement	Co-management, Consultation protocol, Extinguishment	NI2006/004	22/04/2008
Ti Tree Lake (Taylor's Lake) (ILUA 3)	Area Agreement	Co-management, Consultation protocol	NI2006/005	22/04/2008
Gundungurra Taralga Wind Farm Agreement	Area Agreement	Development, Commercial	NI2006/002	13/12/2007
Githabul People ILUA	Area Agreement	Access, Co-management, Consultation protocol, Extinguishment, Terms of Access	NI2006/001	15/08/2007
Twofold Bay	Area Agreement	Infrastructure, Transport	NI2001/003	29/04/2002
Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA Area Agreement	Area Agreement	Mining, Large mining	NIA2000/001	29/08/2001
Bunjalung of Byron Bay (Arakwal)	Area Agreement	Development, Community	NIA2001/001	28/08/2001

Future Acts

Future Acts are those which take place after 23 December 1996

Subdivision J – Reservations, Leases etc.

Validates acts relating to the areas that are subject to a reservation, proclamation, dedication, condition, permission or authority (the reservation or dedication); and

Acts in relation to certain leases granted to statutory authorities

Checklist subject to future acts being:-

Construction of facilities on the reserve (such as sheds, ablution blocks, stables, pavilions etc.) on the reserve which is consistent with the reserve purpose.

Construction of facilities on the reserve (such as play equipment, footpaths, and gardens)

Issue of Leases or Licences

Requirement	Section 24JA
There is a valid earlier act that took place before the later act and on or before 23 December 1996 Act is reservation of reserve on 21 July 1967	s. 24JA(1)(a)
The earlier act was valid (including because of Div. 2 or 2A) No 86330 was reserved from sale for public racecourse, showground and public recreation under Section 28 of the Crown Lands Consolidation act 1913	s. 24JA(1)(b)
The earlier act was done by the Crown (the Commonwealth or State) or consisted of making, amendment or repeal of legislation Reservation of Reserve No 86330 was made by T L Lewis, Minister for Lands and gazetted	s. 24JA(1)(c)
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. Gazette Notice 21 July 1967 reserves for public purposes of racecourse, showground and public recreation	s. 24JA(1)(d)
The later act is done in good faith under:- Under or in accordance with the reservation; or 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 Assuming construction of facilities on the reserve are consistent with the reserve purpose, future act will be valid under Subdivision J Assuming issue of lease or licence's impact on native title is no greater than the impact that any act that council have been done in accordance with the reserve would have had, then act is valid under Subdivision J	s. 24JA(1)(e)

8. *Construction of facilities on the reserve (such as sheds, ablution blocks, stables, pavilions etc.) on the reserve which is consistent with the reserve purpose.*

The construction of buildings such as sheds, ablution blocks, stables, pavilions, and grandstands 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 (showground, racecourse and public recreation), then the good faith requirement under Section 24JA(1)(e)(i) is met.

9. *Construction of facilities on the reserve (such as 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 (showground, racecourse and public recreation), then the good faith requirement under Section 24JA(1)(e)(i) is met.

10. 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 (showground, racecourse and public recreation), then the good faith requirement under Section 24JA(1)(e)(i) is satisfied. If the issue or 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 than any act that could have been done in accordance with the reservation would have had, then the good faith requirement under Section 24JA(1)(e)(ii) is met.

Consequences

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.

Compensation

Compensation may be payable in accordance with Division 5 NT Act (Cth) by Council.

Procedural Rights

Accordingly, no notification is required and procedural rights are not conferrable.

Notice will only be required if the action consists of the construction or establishment of a public work.

Subdivision K – Facilities to the public

Subdivision K validates future acts that permit or quire the construction, operation, use maintenance or repair of facilities to the public.

Checklist subject to Future Act being:-

- *Construction of Water reservoir at northern end of the Reserve to service the growth areas to the south and northeast of Narromine*

Requirement	Section 24JA
The future act relates (to any extent) to an onshore place; and	s. 24KA(1)(a)
The facility is any of the following:- a) a road, railway, bridge, or other transport facility (other than an airport or port) b) a jetty or wharf c) a navigation marker or other navigational facility d) an electricity transmission or distribution facility e) lighting of streets or other public places f) a gas transmission or distribution facility g) a well, or a bore, or obtaining water h) a pipeline or other water supply or reticulation facility i) a drainage facility, or a levee or other device of management of water flows j) an irrigation channel or other irrigation facility k) a sewerage facility, other than a treatment facility l) a cable, antenna, tower or other communication facility	s. 24KA(2)

<p>(la) an automatic weather station m) any other thing that is similar to any one or more of the things mentioned above</p> <p>The reserve is onshore. The future act relates to an onshore place. The facility is a water reservoir facility and underground pipeline. Item (h) above is satisfied.</p>	
<p>The future act either:</p> <ol style="list-style-type: none"> 1. Permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the facilities listed in Requirement 2 that is operated or to be operated for the general public; or 2. Consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown or a local government body or other statutory authority on behalf of the Crown, of any of the facilities listed in Requirement 2 that is operated or to be operated for the general public; 	s. 24KA(1)(b)
<p>The future act does not prevent native title holders in relation to the land or waters on which the thing is located or to be located from having reasonable access to the land or waters in the vicinity, except:-</p> <ol style="list-style-type: none"> 1. While the thing is being constructed; and 2. For reasons for health and safety; and 	s. 24KA(1)(c)
<p>If there are any areas or sites in the future act area of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions, a law of the State is made in relation to the area or sites preservation or protection; and</p>	s. 24KA(1)(d)
<p>The future act does not relate to the compulsory acquisition of the whole or part of any native title rights and interests</p>	s. 24KA(1A)
<p>The construction of a reservoir and its associated pipeline is to be operated for the essential public purpose of providing water to the growth areas of the south and north eastern portions of Narromine The construction of the reservoir and its associated pipeline will be undertaken on behalf of Narromine Shire Council The reservoir will be fenced for health and safety reasons. The underground pipelines will not prevent native title holders from having reasonable access to the land There are no sites that have been identified which are of particular significance to Aboriginal peoples or Torres Strait Islanders which require site preservation or protection The construction of a reservoir and its associated pipeline does not relate to the compulsory acquisition of the whole or any part of any native title rights and interests.</p>	

11. Reservoir at the northern end of the reserve to service the growth areas to the south and northeast of Narromine

The construction of the reservoir and associated underground pipeline is onshore, meeting requirement s. 24KA(1)(a) of the NT Act (Cth).

Section 24KA(2)(h) provides that 'a pipeline or other water supply or reticulation facility'

may be a valid future act under this Subdivision. The reservoir and associated infrastructure meet the definition of pipeline, other water supply and reticulation facility. In the event the facility does not fall within Subdivision 24KA(2)(h), it would fall within 24KA(2)(c) 'other device for management of water' or Subdivision 24KA(2)(m) 'any other thing that is similar to any one or more of the things mentioned in s. 24KA(2)'.

The reservoir and associated infrastructure will be constructed on behalf of Narromine Shire Council and will be operated and maintained by Council for the general public, meeting section s. 24KA(1)(b) of the NT Act (Cth).

The underground pipeline from the reservoir will not prevent native title holders from having access to the land, except when the pipeline is being constructed. The water reservoir will be fenced both during construction and after for health and safety reasons. The footprint of this area is approximately 2000 m square. This meets the requirements of s. 24KA(1)(c) of the NT Act (Cth).

There are no identified sites in the future act area that are significant to Aboriginal people or Torres Strait Islanders in accordance with their traditions, meeting section s. 24KA(1)(d) of the NT Act (Cth).

In addition, the future act does not relate to the compulsory acquisition of the whole or part of any native title rights and interests as per s. 24KA(1A) of the NT Act (Cth).

Consequences

If Subdivision K applies to the act, then the act will be valid and the non-extinguishment principle will apply.

Compensation

Native Title holders are entitled to compensation for the effect of the future act on their rights and interests, if they would be entitled to compensation under s. 17(2) of the NT Act (Cth). Council would be responsible for paying compensation.

Procedural Rights

Native Title holders and registered native title claimants have the same procedural rights in relation to the land in the area affected by the future act as if they instead held ordinary title to the land or land adjoining. If in the exercise of those procedural rights the native title holders are entitled to have matters considered, those matters include their native title rights and interests. Where there is no registered native title body corporate in the area concerned, sections 24KA(8) and (9) provide that any procedural steps may be addressed to a representative Aboriginal/Torres Islander body in that area or to a registered native title claimant for that area.

Notification of the construction of the water reservoir and its associated infrastructure would therefore have to be provided to the National Native Title Tribunal.

Such notice must include:-

- (a) A clear description of the area to which the act or class of actions mentioned in the notice relates; and

- (b) A description of the general nature of the act or class of acts; and
- (c) A statement that the person to be notified must be given an opportunity to comment on the act or class of acts within a period mentioned in the notice; and
- (d) The name and postal address of the person to whom comment must be given.

Marion Truscott

Native Title Manager

17 June 2019

Appendix 2: Aboriginal Heritage Information Management System (AHIMS) Reports



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 111

Client Service ID : 459761

Date: 28 October 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 189, DP:DP755131 with a Buffer of 0 meters,



The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 111

Client Service ID : 459762

Narromine Shire Council
PO Box 115
Narromine New South Wales 2821

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 196, DP:DP755131 with a Buffer of 0 meters.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 111

Client Service ID : 459763

Narromine Shire Council
PO Box 115
Narromine New South Wales 2821

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 197, DP:DP755131 with a Buffer of 0 meters.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 111

Client Service ID : 459765

Narromine Shire Council
PO Box 115
Narromine New South Wales 2821

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 198, DP:DP755131 with a Buffer of 0 meters.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 111

Client Service ID : 459766

Narromine Shire Council
PO Box 115
Narromine New South Wales 2821

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 224, DP:DP755131 with a Buffer of 0 meters.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

Narromine Shire Council
PO Box 115
Narromine New South Wales 2821

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7003, DP:DP1032702 with a Buffer of 0 meters.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Appendix 3: References

- NARROMINE SHIRE COUNCIL (2012), 3rd ed.
Charter – Narromine Showground and Racecourse Advisory Committee
- LYALL AND ASSOCIATES (2009)
Narromine Floodplain Risk Management Study and Plan
- NARROMINE SHIRE COUNCIL (2017)
Narromine Shire Community Strategic Plan 2027
- NARROMINE SHIRE COUNCIL (2011)
Narromine Local Environmental Plan
- NSW GOVERNMENT (2019)
Council Crown Land Manager online resources
- NSW GOVERNMENT (2019)
Aboriginal Heritage Information Management System