

# PLAN OF MANAGEMENT

## FIRST COUNCIL CHAMBERS, SHELLHARBOUR

**CROWN RESERVE 84152**



Adopted by Council 11 June 2021

**FIRST COUNCIL CHAMBERS,  
SHELLHARBOUR**

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# **PLAN OF MANAGEMENT**

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## EXECUTIVE SUMMARY

This plan of management, adopted on 11/06/2021 by Shellharbour City Council, applies to the First Council Chambers, 32A Addison Street, Shellharbour. It is situated on Crown reserve 84152.

The purpose of this plan of management is to provide Council with a framework that enables decisions regarding the First Council Chambers, to be made in a consistent and equitable basis. The plan meets all the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993* as amended.

The First Council Chambers is owned by the NSW State Government (the Crown) and is managed by Shellharbour City Council as Crown Land Manager, under the *Crown Land Management Act 2016*.

## PART 1: GENERAL INFORMATION

### 1. INTRODUCTION

The *Crown Land Management Act 2016* commenced on 1 July 2018 introducing legislation to govern the management of Crown land in NSW. Councils will now manage their Crown reserved land as if it were public land under the *Local Government Act 1993* (LG Act). Most of this land is expected to be 'community land' under the LG Act, meaning that Councils will be required to have plans of management in place for the land. The First Council Chambers is a Crown reserve and is classified as community land under the LG Act. Therefore, this plan of management has been prepared to comply with the legislation.

#### 1.1 Corporate objectives

The purpose of this plan of management is to provide Council with a framework that enables decisions regarding the First Council Chambers, to be made in a consistent and equitable basis. The plan meets all the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993* (the Act), as amended.

Council's vision for the First Council Chambers recognises the long-term use of the site's infrastructure, as socially, culturally and physically enhancing the community. The site will be managed and maintained according to the categorisation of General Community Use as detailed in this plan.

The plan of management incorporates the direction statements within the Shellharbour Open Space and Recreation Needs Study and Strategy. These are:

1. Shape open spaces to encourage public recreation and relaxation,
2. Ensure sports grounds and facilities support active participation,
3. Improve access to aquatic facilities and activities,
4. Encourage sustainable enjoyment of the natural environment,
5. Activate open spaces and facilities to broaden public participation,
6. Work in collaboration with stakeholders to achieve our Strategy,
7. Provide effective management, maintenance, and monitoring.

The plan is also written to reflect each of Council's core values:  
Collaboration – Accountability – Integrity – Respect – Sustainability.

#### 1.2 Land to which this plan applies

This plan of management applies to the First Council Chambers situated on Crown reserve 84152, 32A Addison Street, Shellharbour. The reserve has a total area of 366.7 Sqm.

The reserve is situated on:

- Lot 76 DP 751290

See figure 1 below for Land to which this plan applies.



**Figure 1 – Land to which this plan applies**

### **1.3 Owner of the land**

This land is owned by the NSW State Government (the Crown) and is managed by Shellharbour City Council as Crown Land Manager, under the *Crown Land Management Act 2016*.

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.

See Figure 2 below showing owners of the land.



**Figure 2 – Owners of the land.**

#### **1.4 Categorisation of the reserve**

Under section 3.23 of the *Crown Land Management Act 2016*, Crown land reserves managed by Council are required to be categorised into one or more of the following categories according to their purpose:

- Park,
- Sportsground,
- General Community Use,
- Area of Cultural Significance,
- Natural Area – Bushland,
- Natural Area – Wetland,
- Natural Area – Escarpment,
- Natural Area – Watercourse,
- Natural Area – Foreshore.

In accordance with advice from the Department of Planning, Industry and Environment – Crown Lands, the guidelines set out in the *Local Government (General) Regulation 2005*, and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) the First Council Chambers is categorised as:

- General Community Use

The First Council Chambers is a public reserve consisting of the First Council Chambers building and associated structures. The existing building 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. The building is categorised as General Community Use, which

best reflects the present site facilities, condition and use; as members of the public can utilise and access the site.

Council currently manages and will continue to manage the reserve in a way that allows the public to utilise the site as for the purpose which is outlined in the core objectives of General Community Use.

See Figure 3 below for land categories.



**Figure 3 – Land categories.**

## **2. RELEVANT LEGISLATION, POLICIES AND PROCEDURES**

### **2.1 Crown Land Management Act 2016 (CLM Act)**

Section 3.23(6) of the CLM Act requires council managers to adopt a plan of management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as 'community land' under the *Local Government Act 1993*. These plans of management must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. Council must consider the reserve's purpose, as well as any existing or proposed future use of the reserve, especially with regard to any express authorisations that may be included in the plan of management.

#### **2.1.1 Classification of the land**

The CLM Act provides that Crown land managed by council managers as public land must be managed as if it were community land, unless the Minister administering the CLM Act has given written consent to classify the land as operational. This site is classified as community land under the *Local Government Act 1993*.

#### **2.1.2 Crown Land Management Regulation 2018**



The regulations provide clarity and certainty for Crown land managers, tenure holders, and users of Crown land, and information about how parts of the Act are to be implemented, particularly regarding enforcement provisions.

## **2.2 Local Government Act 1993 (LG Act) & Local Government (General) Regulation 2005**

The LG Act requires that all public land must be classified as community or operational land. The LG Act requires that Council prepare a plan of management in conjunction with the community to identify the important features of the land, clarify how Council will manage the land and how the land may be used or developed. Until a plan of management for community land is adopted, the nature and use of the land cannot be changed. To change this, the plan must be revised.

Under section 3.23 of the *Crown Land Management Act 2016*, Crown land reserves managed by Council are required to be categorised according to their purpose. The *Local Government (General) Regulation 2005* specifies guidelines for categorisation of community land set out in clauses 101 to 111 of the regulation.

## **2.3 Other relevant legislation and statutory controls**

### **2.3.1 Native Title Act 1993**

All activities on Crown land must address native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Impacts on native title can therefore be relevant to activities carried out on Crown land even if no native title claim has been made or registered.

The native title process must be considered for each activity on Crown land and a native title assessment must be undertaken by the Native Title Manager. Native title will concern all leases, licences, activities and public works carried out on Crown land, and will require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

#### Native Title Claim of the South Coast People

The Yuin group of Aboriginal peoples along the south coast of NSW lodged native title claim with the Federal Court on 3<sup>rd</sup> August 2017. The South Coast people's claim covers 16,808 sq km, extending south from Sydney to Eden, along the south coast of NSW and west towards Braidwood and also extends three nautical miles into the ocean. Shellharbour LGA is one of six councils within this area.

The claim does not affect freehold land but does extend to national parks, state forests, Crown land and council-managed Crown land and reserves. The claim includes the exclusive or non-exclusive right to access, to remain in and use the land and waters for any purpose, to take resources and to maintain and protect places and objects of significance.

### **2.3.2 Aboriginal Land Rights Act 1983**

In New South Wales, Aboriginal Land Rights sits alongside native title and enables Aboriginal Land Council's to claim 'claimable' Crown Land. Generally, the *Aboriginal Land Rights Act* is directed at enabling Land Council's to claim Crown Land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

When planning an activity on the land such as the issue of a lease or licence or any public works, Council should consider the Aboriginal Land Rights claim that has been made in relation to the land.

### 2.3.3 Draft State Strategic Plan for Crown Land 2020

The State Strategic Plan for Crown land will set the vision, priorities and overarching strategy for the management of Crown land and outline timeframes and outcomes.

### 2.3.4 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments which address planning issues within the State and in effect can override a Local Environmental Plan. SEPPs relevant to this reserve include (but are not limited to):

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)*

### 2.3.5 Shellharbour Local Environmental Plan 2013 (LEP)

The First Council Chambers site is zoned R3 Medium Density Residential under the *Shellharbour Local Environmental Plan 2013 (LEP)*. To the east of the site is the former Shellharbour Workers Club building which is zoned B2 Local Centre. To the north and west of the site is Shellharbour Primary School which is zoned R3 Medium Density Residential. Across the road to the south is land zoned R3 Medium Density Residential and is predominantly occupied by residential houses.

Land zones are shown in Figure 4 below.



**Figure 4 – Land Zones.**

The objectives of the R3 zone in the LEP are:

- To provide for the housing needs of the community within a medium density residential environment.

- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The First Council Chambers, Shellharbour, is listed as a locally significant item of Environmental Heritage under the LEP.

Refer to the LEP for permissible uses in the R3 zone and other attributes present on the site, particularly in relation to heritage, including but not limited to; minimum lot size, height of buildings, floor space ratio, terrestrial biodiversity and also the presence of acid sulfate soils.

### **2.3.6 Shellharbour City Local Strategic Planning Statement**

The Shellharbour City Local Strategic Planning Statement (LSPS) guides the future of land use planning in the City and provides guidance on meeting our changing needs, managing land use planning challenges and will assist us to further develop the local character of Shellharbour now and into the future. The LSPS identifies a land use planning vision, supported by planning priorities and actions which inform Council planning, decisions and with managing the future growth of our City based on economic, social and environmental needs over the next 20 years.

Planning Priority 3 of the LSPS 'Deliver high quality, well-connected and integrated, green spaces' requires Council to continue to review and update plans of management for Community land.

### **2.3.7 Shellharbour Open Space and Recreation Needs Study and Strategy**

Council's current Open Space and Recreation Needs Study and Strategy guides how Council will plan, implement and manage current and future open spaces and sport, recreation and aquatic facilities across the Shellharbour Local Government Area. This study provides a hierarchy of parks which assists with decision making and planning.

### **2.3.8 Additional Legislation and Statutory Controls**

This plan of management does not over-rule existing legislation that also applies to the management of community land. Other legislation and policies to be considered in the management process include but are not limited to:

*Public Works Act 1912 (as amended)*

*Local Land Services Act 2016*

*Biodiversity Conservation Act 2016*

*Water Management Act 2000*

*Companion Animals Act 1998*

*Rural Fires Act 1997*

*Rural Fire Regulation 2002*

*Pesticides Act 1999*

*The Biosecurity Act 2015*

*The Protection of the Environment Operations Act 1997*

*The Protection of the Environment Operations (Noise Control) Regulation 2008*

Shellharbour Development Control Plan

Shellharbour Asset Management Plan

Council plans, strategies, policies, procedures and guidelines, generally as amended.

The list above is not exhaustive. Depending on the nature of the land subject to a plan of management, there may be other relevant legislation, policies and procedures that need to be considered. Further advice on this can be sought by contacting Council.

## **2.4 Reclassification of Land**

Reclassification of land from community to operational, will remove the restrictions that apply to community land under the LG Act and may also remove other restrictions on the land.

The CLM Act provides that Crown land managed by council as public land must be managed as if it were community land, unless the Minister administering the CLM Act has given written consent to classify the land as operational. The Crown land encompassed in this plan of management was not identified to be classified as operational at the time of developing this plan of management.

## **2.5 Review of this plan**

Council reviews plans of management every five years, or as required. Reviewing the plan is the only way to change the land category, nature and use of the land.

## **2.6 Community consultation**

Shellharbour City Council recognises community participation is an integral aspect of planning and we are committed to providing opportunities for the community to be involved in the planning system.

This draft plan of management is required to be placed on public exhibition for a period of 28 days in accordance with the *Local Government Act 1993*. The public exhibition will provide opportunity for the community to provide feedback via submissions.

## **3. LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES**

The site has not been identified under Section 36 A or B of the LG Act, with regards to the habitat of endangered species or threatened species. Section 36A of the LG Act refers to a critical habitat which is now declared as Areas of Outstanding Biodiversity Values under the *Biodiversity Conservation Act 2016*. Section 36B of the LG Act refers to an applicable Recovery Plan for listed threatened species and ecological communities. Neither of these are applicable to this site.

## **4. LAND CONTAINING SIGNIFICANT NATURAL FEATURES**

The site has not been identified under Section 36 C of the LG Act, with regards to significant natural features.

## **5. CULTURALLY SIGNIFICANT LAND**

### **5.1 Aboriginal Significance (Local Government Act 1993 Section 36D)**

At the time the plan was made, no identified items of cultural heritage significance, known Aboriginal archaeological sites, or places of specific Aboriginal heritage significance were located within the reserve. Nevertheless, any works proposed should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour City's Development Control Plan (DCP).

### **5.2 Non-Aboriginal Significance (Local Government Act 1993 Section 36D)**

The First Council Chambers, Shellharbour, is listed as a locally significant item of Environmental Heritage under *Shellharbour Local Environmental Plan 2013*. The heritage listing for the First Council Chambers is State Heritage Inventory (SHI) number 2380039.

Any works proposed should ensure consistency with Chapter 28 - European Heritage, of Shellharbour City's Development Control Plan (DCP).

The First Council Chambers was constructed in 1865 by Matthew Dinning. It has walls of coursed, irregular, bluestone blocks and rubble, cut locally. It has a high-pitched central roof with skillions either side. The former side verandahs have been infilled using brick. Within the street façade is a single arched opening with stone sill and proud header course, containing a single double hung 4 paned window. Similar side windows partially now internalised.



**Figure 5 - First Council Chambers, Shellharbour.**

The First Shellharbour Council Chambers is an exceptional building and has strong links with the development of local government in Shellharbour. The chambers is rare at a local level for its purpose, for being a member of an extant group of purposefully erected council buildings, and as the oldest example of a civic building.

It is an excellent example of the use of local materials. It has local historic associations with well-known, local builder Matthew Dinning. Architecturally the building has great charm and character, and remains a prominent local landmark, being at the gateway into Shellharbour Village.

Modifications made to the building include infill of verandahs, a skillion roofed brick extension built to rear and disabled access ramp off the western side verandah. C1990s the building was reroofed with unsympathetic metal flashing and barge treatments.

Shellharbour City Council is one of the oldest councils in NSW; incorporated in 1859. The first meeting of council, was held at the Shellharbour schoolroom Addison Street, on Friday 22 July 1859. An official Council Chambers had not been built, and at this first council meeting, Mr Edward Graham, Storekeeper, offered a room for meetings at his Peterborough Store on the north-west corner of Addison and Mary Street Shellharbour.

The Council met at Graham's Store until a purpose-built chambers was constructed in 1865. The council met here until 1897, when it moved to its second purpose-built chambers in Albion Park.

## **6. DEVELOPMENT AND USE**

### **6.1 Overview**

Council's Resourcing Strategy ensures sufficient financial and human resources exist to provide services and infrastructure assets expected by the community. The Long-Term Financial Plan, Asset Management Strategy, and Workforce Management Plan contained within the strategy address Strategies and Actions contained within the Community Strategic Plan. These Strategies and Actions are then implemented through the Delivery Program and Operational Plan. The Resourcing Strategy ensures Council has an ongoing commitment to the maintenance of this reserve.

### **6.2 Condition of the land and structures on adoption of the plan**

Council's Asset Management Plan reports on the current state of Council assets. Asset conditions are assessed as part of comprehensive network inspections. These assessments are undertaken in accordance with the Institute of Public Works Engineering Australasia Practice Notes. The condition rating scale is 1-5:

1. As new / excellent
2. Good / satisfactory
3. Fair / tolerable
4. Poor / intolerable
5. Very poor / reconstruction required

At the date of adoption of this plan, assets identified on the site and their current condition include:

<b>Asset</b>	<b>Description</b>	<b>Current Condition</b>
Building Structure	Shellharbour Council Chambers	2 - Good/satisfactory
Fence	Fence Pipe Rail	2 - Good/satisfactory
Park Bench	Seat Slats	2 - Good/satisfactory

The building structure was in good/satisfactory condition. The fencing and park bench were also in good/satisfactory condition, along with the lawn and landscaping on the site.

### **6.3 Use of the land and structures as at the date of adoption of the plan**

The First Council Chambers building is currently used by community-based organisations for various activities.

See Appendix 1 for current leases and licences on the site.

### **6.4 Permitted and future use**

#### **6.4.1 Permitted use**

The First Council Chambers was originally reserved in 1963 for the public purpose of Museum (Historical). There is no record of the building being used as a Museum and in 2010, an additional purpose was applied to the whole reserve of Community Purposes.

The assigned category is General Community Use. This purpose and category align with the reserve's past and current use and corporate objectives. Refer to the LEP for permissible uses in the R3 zone and other attributes present on the site, in particular heritage significance.

#### **6.4.2 Further development**

Further development may be considered along with maintenance of existing infrastructure if it is consistent with the category and purpose for the reserve and relevant legislation such as the *Local Government Act 1993*, *Native Title Act 1993* and the *Crown Land Management Act 2016*.

Future maintenance to facilities should consider heritage conservation through a possible Heritage Conservation Plan. Heritage considerations include, but are not limited to:

- Maintenance/Reconstruction in accordance with the Burra Charter principles.
- Soft Planting to soften the impact of the adjacent building.

#### **6.4.3 Scale and intensity**

The First Council Chambers facility is available to the community through an approved lease, licence or granting of any other estate through Council. The scale and intensity will vary depending on the approved use of the site at that time.

### **6.5 Additional matters**

#### **6.5.1 Definitions**

The terms used within this plan of management are to be understood as they are presented in the LG Act.

#### **6.5.2 Native Title Assessment:**

The *Crown Land Management Act 2016* provides a new direction for the management of Crown land and Council is now responsible for compliance with Native Title legislation for the Crown land that it manages.

Council is required to undertake steps to identify if any activities that they do or do not allow on Crown land will have native title implications, what provisions of the *Native Title Act 1993* will validate the activity and what procedures should be taken in relation to a particular activity prior to its commencement.

Council must receive written advice from its Native Title Manager in relation to certain activities and acts it intends to carry out on Crown land.

Where a plan of management covers both Crown and Council owned land, native title assessment and advice for any activity is only required for the Crown land portion of the reserve.

#### **6.5.3 Community Assistance**

Council will encourage, where appropriate, community assistance in the development of new facilities as well as maintenance of existing facilities through the co-operation and assistance of local groups.



## 7. PLAN OF MANAGEMENT ADMINISTRATION AND MANAGEMENT

Council has been appointed Crown Land Manager for reserved Crown land, under the *Crown Land Management Act 2016*. Council reserves the right to control the use of the land and will create opportunities for community consultation and participation in the planning and development of Crown reserves classified as community land. Council will utilise the Customer Service Charter to appropriately respond to public feedback. Council's Action Plan is prepared in accordance with Section 36 of the LG Act and identifies the:

- Broad management issues,
- Objectives and performance targets of the plan with respect to the land,
- Means by which the council proposes to achieve the plan's objectives and performance targets; and
- The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

### Action Plan for PoM Administration and Management:

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and performance targets</b>	<b>S. 36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Compliance with Legislation	To ensure relevant legislation is complied with when preparing the plan of management.	The plan is prepared in accordance with the <i>Crown Land Management Act 2016</i> , <i>Native Title Act 1993</i> , <i>Local Government Act 1993</i> , and other relevant legislation.	The plan is reviewed by Council's Native Title Manager and the Department of Planning, Industry & Environment - Crown Lands. The plan is publicly exhibited. If changes are made, further approval from Crown Lands is required. The plan is adopted by Council.
Information Sharing	To inform Council staff and the community of the way the land will be managed.	The plan is exhibited in accordance with the <i>Local Government Act 1993</i> . Relevant Council staff have the opportunity to review the plan.	The plan is exhibited and adopted by Council.
Implement Plan	To implement the plan of management.	Carry out the works identified in the plan.	All works are carried out in accordance with the plan.
Review of Plan	Ensure the plan of management stays relevant.	Review the plan of management after 5 years or as required.	The plan of management is updated after a review if required.

## PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

### 8.0 CATEGORY: GENERAL COMMUNITY USE

#### 8.1. Introduction

The First Council Chambers is categorised as General Community Use. The category is shown in Figure 3 - Land Category.

The guidelines for categorisation of land as general community use are outlined in section 106 of the *Local Government (General) Regulation 2005*. The Regulation states that land should be categorised as general community use under section 36(4) of the LG Act if the land:

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

This reserve is therefore categorised as General Community Use.

The core objectives of the *Local Government Act 1993* for the management of land categorised as General Community Use are:

To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public

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

#### 8.2. Key issues

The key issues associated with the land categorised as General Community Use on the First Council Chambers reserve include but are not limited to:

##### 8.2.1 Impact on residence

Council will, as far as possible, consult with adjoining owners in respect of activities on the land which may affect them.

##### 8.2.2 Access to Reserve

Ensure continued access to reserve to enable its use for the purpose of General Community Use for all residents, including those with a disability.

##### 8.2.3 Public Safety

Ensure and maintain public safety of persons using the land.

##### 8.2.4 General Maintenance

Ensure general maintenance of the building structure and landscaping to enhance accessibility, safety and usage by the community.

### **8.3. Development and use**

The reserve is categorised as General Community Use. Council's management objective is to make the site available for appropriate community orientated activities.

Authorised activities may occur through an approved lease, licence or granting of any other estate through Council.

Developments and uses on the reserve must be consistent and permissible under the LEP and SEPPs applicable to this site. These activities or developments must also be consistent with the land categorisation.

Council approval may be required prior to any development or improvement made to community land.

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

#### **8.3.1 Signs**

Council uses signs to regulate the activities carried out on community land and to provide educational information. All Council signs erected under Part 9 of the *CLM Act 2016*, plus reserve name signs and traffic and safety signs, are permissible. Council must approve all other signs, including design before erection. All signs must be sympathetic to their environment in their design, construction and location.

#### **8.3.2 Easements**

Council reserves the right to grant easements as required for utilities and access.

#### **8.3.3 Alcohol**

Council can declare the area an alcohol-free zone under Part 4 - Street Drinking (s.642-648) of the *LG Act 1993*.

#### **8.3.4 Management actions**

Management actions must be consistent with those outlined in this plan of management. Council shall provide (when required) the construction and maintenance of utility services, provision and maintenance of wetlands, floodways, cycle ways, vehicular access ways and the granting of easements.

#### **8.3.5 Fees and charges**

Council fees and charges may apply for specific uses of the reserve, these are outlined in Council's Fees and Charges Schedule. Applications must be lodged with Council for reserve hire.

#### **8.3.6 Short Term Casual Purposes**

Subject to Council approval, the following short-term casual purposes may be allowed if considered appropriate:

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

### **8.3.7 Leases, Licences and other Estates**

This plan of management expressly authorises leasing, licensing or granting of any other estate over this reserve for any community purpose as determined by Council. Any agreement which may be entered into will be in accordance with relevant section of the LG Act (s. 46 and 47) and in consideration of native title implications for Crown land.

This plan of management expressly authorises the issue of leases, licences and other estates over the reserve, provided that:

- The purpose is consistent with the reserve purpose of the land.
- The purpose is consistent with the core objectives for the category of the land.
- The lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*.
- The issue of the lease, licence or other estate and the provisions of the lease, licence or other estate for Crown land can be validated by the provisions of the *Native Title Act 1993*.
- The lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*.
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- Council Crown Land Managers have obtained written advice from a qualified Native Title Manager that any proposed lease or licence arrangements comply with any applicable provisions of the *Native Title Act 1993* for Crown land.

### **8.4. Management framework for reserves categorised as General Community Use**

Council's Action Plan is prepared in accordance with Section 36 of the *Local Government Act 1993* and identifies the:

- Broad management issues,
- Objectives and performance targets of the plan with respect to the land,
- Means by which the council proposes to achieve the plan's objectives and performance targets; and
- The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

**Action Plan for land categorised as General Community Use:**

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and performance targets</b>	<b>S. 36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Facilities	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.	Implement strategies to maintain the reserve, and ensure all associated services are accessible and inclusive of the needs of the whole community.  Maintain building, seating, fencing and other structures to a satisfactory standard.	Natural and built services meet the needs of the community.  That inspections are made by appropriate Council staff when required.  Whether there are complaints from users.
Tenures	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public 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).	Advertise, promote and manage tenures accordingly.	Monitor Tenures.
Landscaping	To provide a well-maintained reserve.	Mowing the area on a regular basis necessary to achieve a reasonable standard of presentation.  By removing refuse and waste material from the area on a regular basis.  By generally maintaining the area in a neat, tidy and safe condition.	That inspections are made by appropriate Council staff when required.
Heritage	To preserve the heritage significance of the site.	Any works should be in accordance with the Burra Charter principles.  Soft Planting to soften the impact of the adjacent building.  Prepare and implement a Heritage Conservation Plan.	Refer to any recommendations for heritage conservation.

## APPENDIX 1: EXISTING LEASES AND LICENCES ON THE SITE

<b>Group/organisation</b>	<b>Type of Tenure</b>	<b>Term</b>
Shellharbour Men's Shed	Licence	1 September 2010 – 31 July 2014 This licence is held over and therefore the licensee is a monthly tenant

(Current as at the date of adoption of the Plan)

## REFERENCES

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*Developing plans of management for community land Crown reserves: Guidelines for Council Crown Land Managers.* December 2018.

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