

GENERIC PLAN OF MANAGEMENT

COMMUNITY LAND CATEGORISED AS GENERAL COMMUNITY USE

Adopted by Council 17 January 2023

COLLABORATION • ACCOUNTABILITY • INTEGRITY • RESPECT • SUSTAINABILITY

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EXECUTIVE SUMMARY

The purpose of this Plan of Management is to provide Council with a framework that enables decisions regarding community land, to be made on a consistent and equitable basis. The plan meets all of the requirements of the Local Government Act 1993 (the Act) as amended.

This Plan of Management has been written by council officers and publicly exhibited for community consultation purposes. The Plan of Management was adopted on 17 January 2023 and applies to the land parcels shown in Schedule One of this document. These lands are owned by Shellharbour City Council, classified as Community Land and categorised as General Community Use, in accordance with the Local Government Act 1993. Collectively, these land parcels will be referred to as 'the lands included in this plan of management' throughout this document.

Council's are free to determine whether a generic (applying to more than one area of community land) or specific plan of management (applying to just one area of community land) will be prepared for its community land, the Act specifies details to be included in these plans.

Many local councils apply generic plans of management to community land that is considered as having one purpose, land that is relatively general in nature, not heavily utilised or does not have a number of uses.

Given the number of reserves in Shellharbour City Local Government Area which fall into the General Community Use category, and the similar characteristics of these lands; the Draft Generic Community Land Plan of Management for land categorised as General Community Use, has been determined to streamline the process of preparing plans of management, provide consistency to monitor, review and update the plans and provide easier customer and community access to the documents.

This Plan of Management will replace existing Plans of Management previously adopted by Council for the lands included in this Plan. It will identify features of the land, clarify how council will manage the land and indicate how the land may be used or developed.

The preparation of the draft generic plan does not change, limit or impact current and future uses on any of the sites. The guidance in the individual plans of management that relate to management and use, including current and future uses of the sites have been transferred into the generic plan.

The Generic Plan of Management for land categorised as General Community Use, does not determine the maintenance and mowing schedules of these reserves. This is determined operationally by staff from within the Parks Team. The generic plan of management applies the required information at the front of the document and then addresses each of the separate individual parcels of community land in a Schedule of Land.

1. SITE DESCRIPTION

1.1 Land to which this Plan of Management applies

The land included in this plan are outlined in the Schedule of Land attached (Schedule One), are classified as Community Land and categorised by Shellharbour City Council as General Community Use. The Schedule may be added to over time, to reflect the land within this category; any amendment to Schedule One will be in accordance with the Local Government Act.

This Plan has been prepared in order to achieve responsible and sustainable management and use of land and environment, whilst meeting the recreation needs of local neighbourhoods and the broader community.

1.2 Terminology within this Plan of Management

The terms used within this plan of management are to be understood as they are presented in the Local Government Act. For terms which require further definition, please see the *Interpretations Act 1987*. An example is the term 'estates'; this term includes rights over land that can be granted, such as 'interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity'. A common example of an estate in local government is the granting of easements. All leases, licences and other estates must be expressed within the plan, be consistent with the core objectives of the land and must be for a purpose permitted under the Local Government Act.

2. MANAGMENT, DEVELOPMENT AND USE OF THE SITE

2.1 Owner of the land (LG Act s.37 (a), (b), (c), (d))

The land included in this plan is owned by Shellharbour City Council, classified Community Land under the provision of the Local Government Act (1993) and categorised as General Community Use, in accordance with the Local Government Act (1993).

2.2 Category and Class of Land (LG Act s. 26, s. 36)

This Plan of Management is generic, as it covers more than one area of Community Land categorised as General Community Use. See Schedule One for details.

The Local Government Act (1993) specifies General Community Use 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 and does not satisfy the guidelines for categorisation as a Natural Area, a Sportsground, a Park or an Area of Cultural Significance.

2.3 Core Objectives for Management (LG Act s. 36)

The core objectives for management for land categorised as General Community Use are set out in Section 36 (l) of the Local Government Act (1993) and detailed below.

The core objectives for management of Community Land categorised as General Community Use are to promote, encourage and provide for the use of land and to provide facilities on the land, to meet the current and future needs of the local community and 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 provisions of public utilities and works associated with or ancillary to public utilities).

2.4 Land Management Issues and Management Objectives

The key management issues and management objectives associated with land categorised as General Community Use within the Shellharbour City Local Government Area (LGA) include but are not limited to:

| Land Management Category | Land Management Issues | Land Management Objective |
|-----------------------------|--|--|
| Land use conflict | <ul style="list-style-type: none"> • Informal uses on the land | <ul style="list-style-type: none"> • Ensure land uses are consistent with core objectives for the land • Ensure all associated services continue to be accessible and meet the needs of the community |
| General Maintenance | <ul style="list-style-type: none"> • Maintenance and safety concerns of land • Land and soil degradation • Decrease in biodiversity and/or ecological health • Illegal rubbish dumping on community land • Exposure of acid sulfate soils | <ul style="list-style-type: none"> • Maintain the land, and infrastructure to promote safety for Community • Protect and enhance vegetation on site to stabilise soils, slow erosion and enhance drainage • Address illegal rubbish and dumping on community land through education, signage, provision of bins • review and monitor signage within the land, or the greater reserve area • Ensure risk of acid sulfate soils exposure is considered and managed (as required by the LEP) during excavations associated with any works and developments |
| Impact on nearby residences | <ul style="list-style-type: none"> • Various potential impacts on adjoining properties | <ul style="list-style-type: none"> • Monitor and mitigate various impacts on adjoining properties |
| Public Safety and Access | <ul style="list-style-type: none"> • Private land encroaching onto public land, restricting access and safety • Community safety and structural integrity of infrastructure • Natural hazards | <ul style="list-style-type: none"> • Maintain land free of encroachments • Promote public safety, passive surveillance and access in the built and natural environment • Maintain and assess safety and structural integrity of infrastructure against |

| | | |
|--|--|---|
| | | <p>national standards</p> <ul style="list-style-type: none"> • Undertake natural hazard risk mitigation through maintenance, mapping, monitoring and the establishment of buffer zones |
|--|--|---|

2.5 Permitted Short Term Casual Purposes and Permissible Permits, Leases, Licences and Other Estates (LG Act s. 46, 47 and LG Regs s.116)

Subject to Council approval the following may be allowed:

1. A short term traverse over land when work is being constructed on adjoining land, or
2. A short term casual purposes as specified by the Local Government (General) Regulation (2005), being:
 - 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*

Council will ensure land is used for its intended purpose by ensuring that any permits, leases, licences and other estates granted are:

- consistent with the core objectives,
- in accordance with the purposes listed in the Local Government Act, and
- appropriate uses for the site.

The above may be granted for short term, or casual use, in line with Council's Fees and Charges.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

The Plan of Management (the Plan) guides Council's management and use of the multiple Community Land reserves included in Schedule One, and provides a framework that enables decisions regarding community land to be made on a consistent and equitable basis. The plan meets all of the requirements of the *Local Government Act 1993* as amended and should be read in conjunction with the following legislation, policies and procedures.

3.1 Local Government Act 1993 & Local Government (General) Regulation 2005

The Local Government Act 1993 requires that all public land must be classified as community or operational land. The Local Government Act (1993) 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.

3.2 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 the land in this plan may include (but are not limited to):

- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *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)*
- *State Environmental Planning Policy (Coastal Management) 2018*

3.3 Shellharbour Local Environmental Plans 2000, 2004 and 2013

The land included in this plan is zoned in accordance with the *Shellharbour Local Environmental Plan* (LEP), see Schedule One of this document for details of the land included in this Plan.

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

3.4 Shellharbour City Local Strategic Planning Statement 2020

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.

3.5 Shellharbour Open Space and Recreation Needs Study and Strategy 2020

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 up until 2030. This Study provides a hierarchy of parks (Local, District and Citywide) which assists with decision making and planning.

3.6 Cultural and Aboriginal Significance (LG Act s.36D)

Any development on the land included in this plan should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour City's Development Control Plan (DCP). Any works proposed within an area of Cultural and Aboriginal significance requires further investigations in line with *The Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW DECCW 2010)*, to assess any potential cultural heritage impacts.

3.7 Additional Legislation and Statutory Controls

This Plan 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

Clean Waters Act 1970

Companion Animals Act 1998

Rural Fires Act 1997

Rural Fire Regulation 2002

Noxious Weeds Act 1993

Pesticides Act 1999

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.

3.8 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.

Council Land can only be reclassified by an LEP amendment or by Council resolution, in accordance with Division 1 of the LG Act. The land encompassed in this Plan was not identified to require reclassification at the time of developing this plan.

3.9 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.

3.10 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 LG Act. The public exhibition period will provide opportunity for the community to provide feedback via submissions.

4.0 ACTION PLAN

The Local Government Act (1993) requires the Plan of Management to identify objectives and performance targets for the subject land, including specific actions and assessment criteria.

The action plan that follows sets out a range of management objectives to promote appropriate management and counter potential or actual negative impacts on the proper functioning of General Community Use land and is prepared in accordance with Section 36 of the Local Government Act.

The Action Plan identifies the:

- 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
- Manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets

4.1 Action Plan (LG Act s. 36 (3) a,b,c,d)

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|--------------------------|--|---|--|
| Land Use and Maintenance | Ensure the Generic Plan of Management for land categorised as General Community Use promotes, encourages and provides for the use of the land and facilities on the land, to meet the current and future needs of the local community and the wider public, in relation to public recreation and the physical, cultural and intellectual welfare or development of individual members of the public. | Implement strategies to maintain the reserve, and ensure all associated services continue to be accessible and meet the needs of the community, and adhere to core objectives for the land. | The natural and built services on the reserve meet the needs of community. Public safety and passive surveillance are enhanced. Access to the reserves for maintenance is appropriately managed for works to be undertaken. Where a public reserve adjoins commercial or residential property, the site is to be managed to allow for public access and utility, with no encroachment from neighbouring properties. |

| | | | |
|---|--|--|--|
| | | Continue to review and monitor signage on Community Lands classified as General Community Use, within the land, or the greater reserve area. | Additional works are added onto Council's Works Program. The reserve is fitted with appropriate signage. |
| | | Ensure risk of exposure of acid sulfate soils is thoroughly considered and managed (as required by the LEP) during excavations associated with any works and developments. | Monitor and manage the risk of acid sulfate soil exposure during development on identified reserves. |
| Impact on nearby residences, public safety and access | Ensure the Generic Plan of Management for land categorised as General Community Use promotes, encourages and provides 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, in relation to purposes for which a lease, licence or other estate may be granted in respect of the land. | Promote and manage tenures in accordance with the Local Government Act and other relevant legislation and policy. | Monitor tenure applications for land against the Local Government Act and other relevant legislation and policy. |
| | | Note reported complaints, investigate mitigation strategies in the reserves. Monitor and manage any public safety and or access concerns. | Strategies are implemented to respond and manage land management issues. Land Management meets the needs and addresses concerns of the community. |

5.0 SCHEDULE ONE – Community Land Parcels categorised as General Community Use

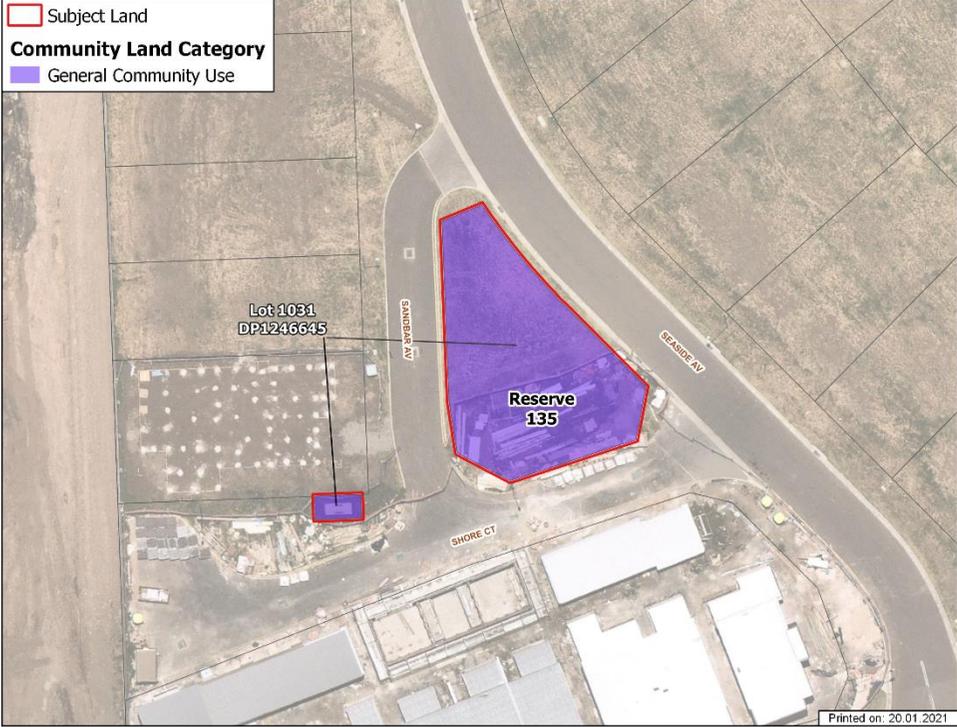
Schedule One identifies all land subject to this plan of management, categorised as ‘General Community Use’, in accordance with the Act. The entirety of the reserve areas are categorised and managed as General Community Use. This Schedule may be added to or changed over time to reflect Council’s land register, all amendments will be in accordance with the Act as amended.

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|------------------|---------|--|------------------------------|--|
| Public Reserve 1 | 232 | B2 - Local Centre Zone Height of Buildings O – 15m Floor Space Ratio (S - 1.5:1) Active Street Frontage | Addison Street, Shellharbour |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|-------------------------|-----------------------------------|---------------------------|--|
| Reserve 33 | 12334 12326 12316 | RE1 - Public Recreation | The Esplanade, Oak Flats |  |

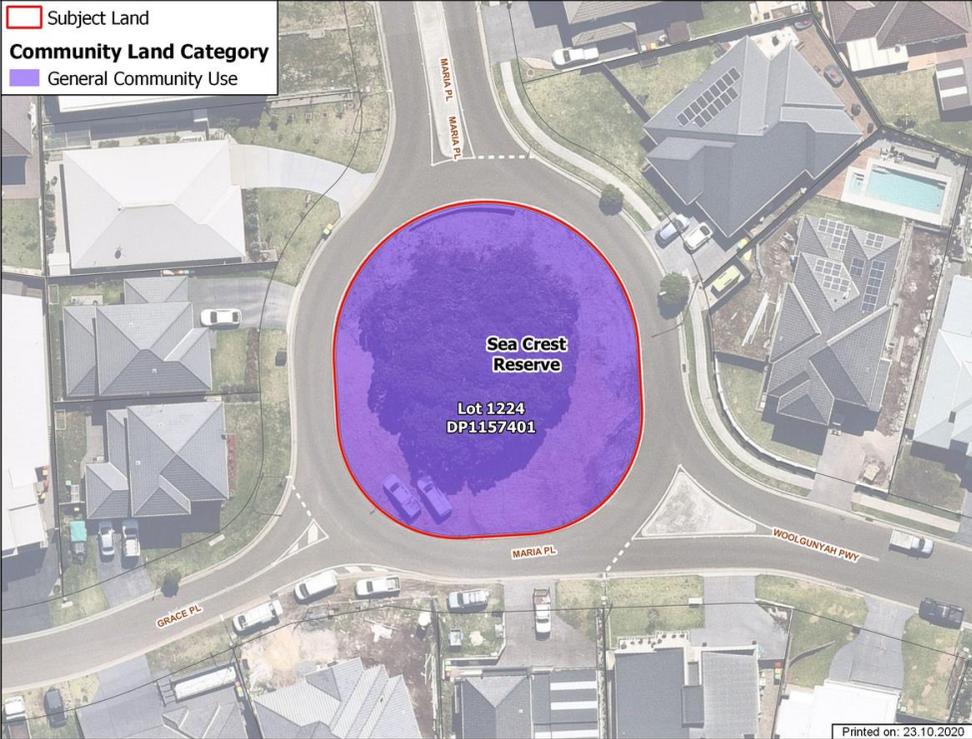
| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|--|-------------------------------|---|
| Reserve 133 | 36003 | R3 – Medium Density Residential Minimum Lot Size – G 450m2 Height of Buildings – J 9m Floor Space Ratio H 0.7:1 | Harbour Boulevard, Shell Cove |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------|---------|---|------------------------------|---------------|
| Public Reserve | 36005 | R3 – Medium Density Residential Minimum Lot Size – G 450m2 Height of Buildings – M 12m Floor Space Ratio H 0.7:1 | Brigantine Drive, Shell Cove | |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------|---------|--|---------------------------|---|
| Public Reserve | 36591 | R3 – Medium Density Residential Minimum Lot Size – G 450m ² Height of Buildings – J 9m Floor Space Ratio H 0.7:1 | Shore Court, Shell Cove |  |

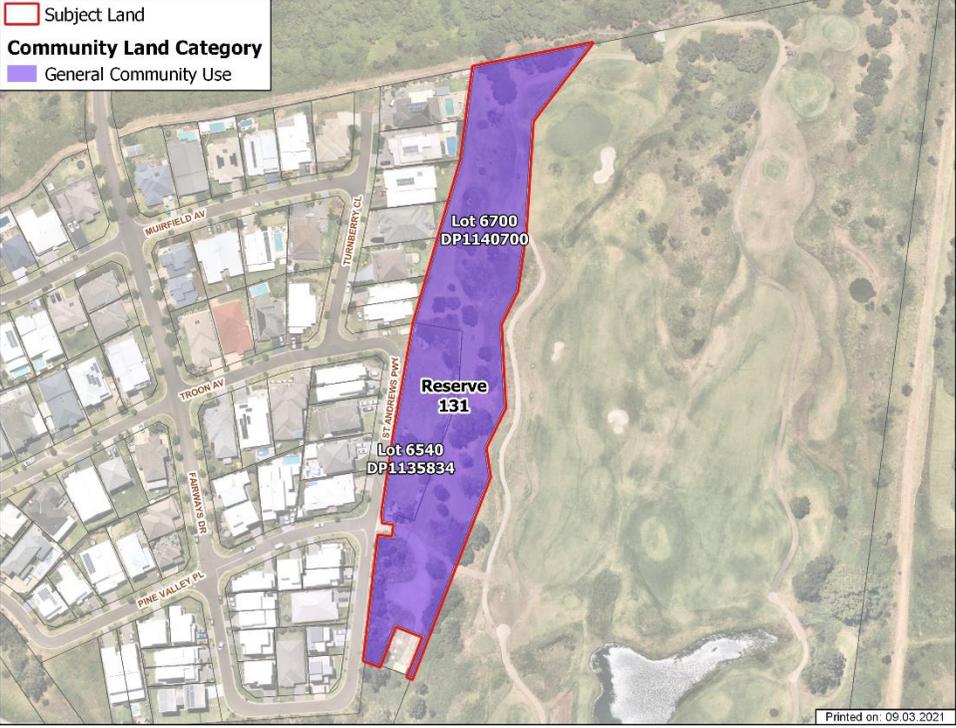
| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------|---------|--|-------------------------------|---|
| Public Reserve | 33193 | R3 – Medium Density Residential Minimum Lot Size – G 450m2 Height of Buildings – J 9m Floor Space Ratio H 0.7:1 | Harbour Boulevard, Shell Cove |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|----------------------------|---------------|
| Reserve 132 | 30676 | RE1 – Public Recreation | Killalea Drive, Shell Cove | |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|-------------------|---------|---|---------------------------|---|
| Sea Crest Reserve | 30595 | RE1 – Public Recreation Heritage – I334 Flinders Trees | Maria Place, Flinders |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------|---------|-----------------------------------|------------------------------|---|
| Outrigger Park | 30235 | RE1 – Public Recreation | Brigantine Drive, Shell Cove |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------|---------|-----------------------------------|---------------------------|---|
| Jemima Reserve | 29830 | RE1 – Public Recreation | Jemima Close, Flinders |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|----------------|-----------------------------------|---|---|
| Reserve 131 | 29726 29624 | RE1 – Public Recreation | Pine Valley Place, Shell Cove St Andrews Parkway, Shell Cove |  |

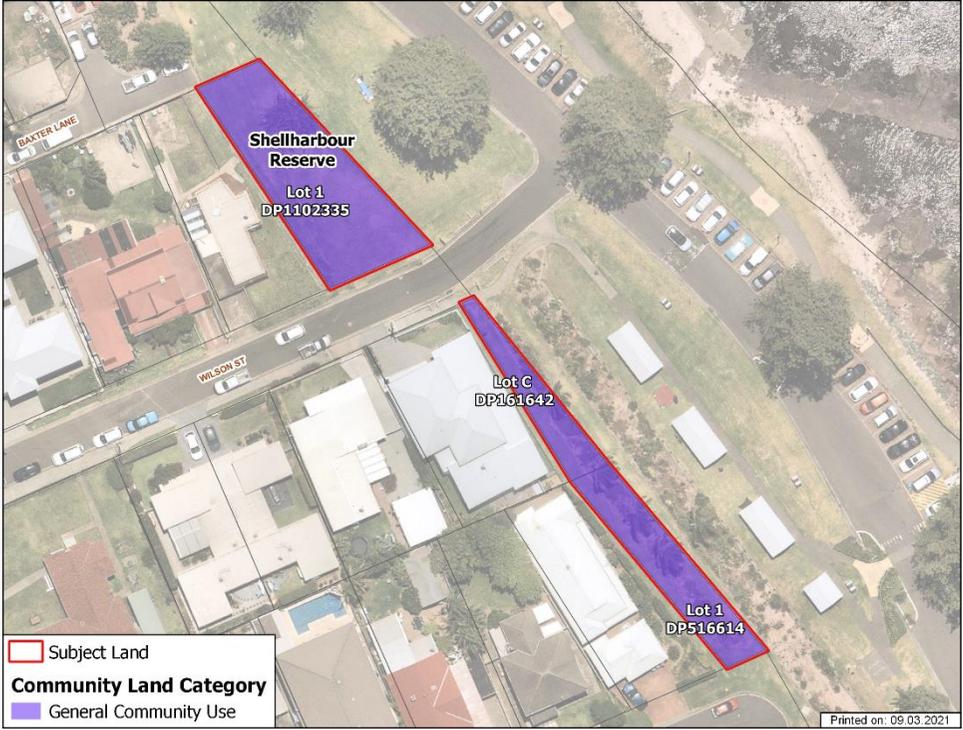
| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|----------------------------|--|
| Reserve 129 | 28966 | RE1 – Public Recreation | Killalea Drive, Shell Cove | <p>The site location map shows an aerial view of a residential area. A specific plot of land, Reserve 129, is highlighted in purple, indicating it is designated for General Community Use. The plot is bounded by a red outline, signifying it is the subject land. The map includes a legend in the top-left corner with the following entries: 'Subject Land' (represented by a red outline) and 'Community Land Category' (represented by a purple fill for 'General Community Use'). Other labels on the map include 'lot 6117 DP1121362' pointing to a nearby property, 'HUNTINGDALE CL' for the street, and a date stamp 'Printed on: 26.10.2020' in the bottom-right corner.</p> |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|------------------------------|---|
| Reserve 114 | 23640 | RE1 – Public Recreation | Dampier Crescent, Shell Cove |  |

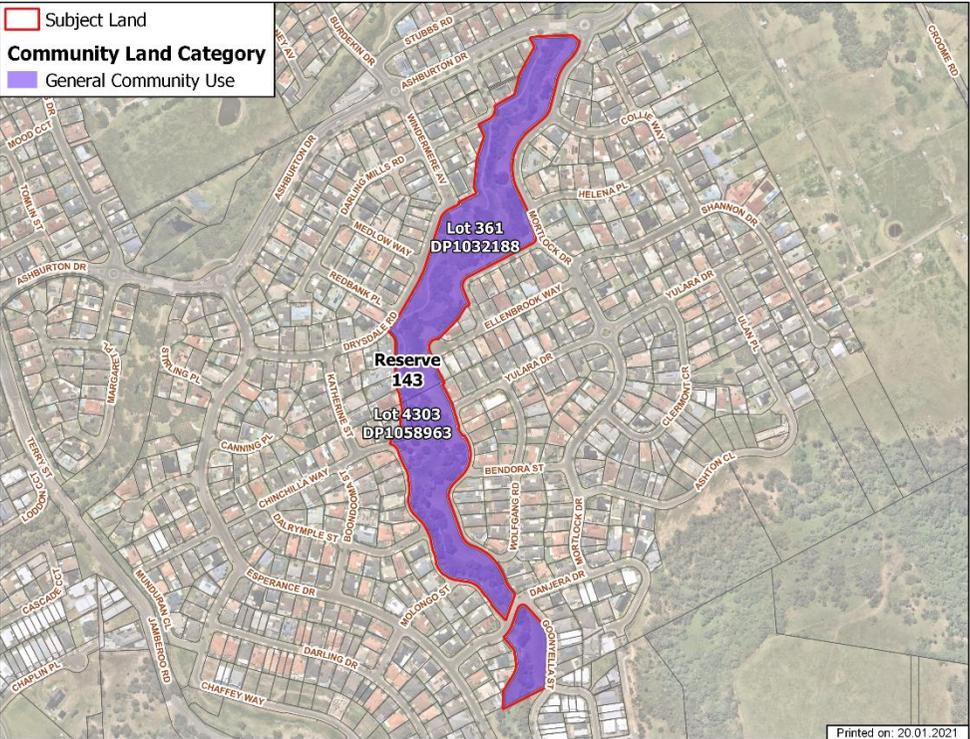
| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|--------------------------------------|---|
| Reserve 108 | 22916 | RE1 – Public Recreation | Southern Cross Boulevard, Shell Cove |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|----------------------------|---|
| Reserve 109 | 22918 | RE1 – Public Recreation | Torres Circuit, Shell Cove |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|------------------------------|---|
| Reserve 128 | 28133 | RE1 – Public Recreation | Esperance Drive, Albion Park |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|----------------------|-------------------------------|-----------------------------------|---------------------------------|---|
| Shellharbour Reserve | 1488 160 28437 13324 | RE1 – Public Recreation | Boollwarro Parade, Shellharbour |  |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|-----------------|------------------------------|---|--------------------------------|---------------|
| Barrack Reserve | 5077 5082 5078 5079 | RE1 – Public Recreation Acid Sulfate Soils – Class 2 | Headland Parade, Barrack Point | |

| Reserve Name | Land ID | LEP 2013 Land zone and attributes | Location (Street, Suburb) | Site Location |
|--------------|---------|-----------------------------------|-----------------------------|---|
| Reserve 143 | 26842 | RE1 – Public Recreation | Chinchilla Way, Albion Park |  |