

# **DRAFT GENERIC PLAN OF MANAGEMENT**

**FOR COMMUNITY LAND  
CATEGORISED AS  
NATURAL AREA – BUSHLAND**

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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* as amended.

This Plan of Management adopted on XX/XX/XX 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 Natural Area - Bushland, in accordance with the Act. Collectively, these land parcels will be referred to as 'the lands included in this plan of management' throughout this document.

This Plan of Management will replace existing Plans of Management previously adopted by Council for these lands included in this Plan.

## **1. SITE DESCRIPTION**

### **Land to which this Plan of Management applies**

This Plan has been prepared in order to achieve balanced, responsible and ecologically sustainable use and management of land, in order to meet the needs of the local neighbourhood and the broader community.

The lands included in this plan are outlined in the Schedule of Land attached (Schedule One), classified as Community Land and categorised by Shellharbour City Council as Natural Area - Bushland. The Schedule may be added to over time, to reflect the lands within this category; any amendment to Schedule One will be in accordance with the LG Act (1993).

## **2. MANAGEMENT, 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 public land owned by Shellharbour City Council and has been classified 'Community' Land under the provision of the Act and categorised as Natural Area - Bushland, in accordance with the Act.

### **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 Natural Area – Bushland. See Schedule One for land details.

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

The core objectives for management for lands categorised as Natural Area - Bushland are set out in Section 36 of the Act; land categories and associated core objectives for management, are detailed below.

The core objectives for management of community land categorised as a natural area are:-

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

The core objectives for management of community land categorised as bushland are:-

- a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by

- human intrusion, and
- d) to restore degraded bushland, and
- e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- g) to protect bushland as a natural stabiliser of the soil surface.

## 2.4 Land Management Issues and Management Objectives

The key land management issues associated with land categorised as Natural Area – Bushland 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"> <li>• Informal uses on the land</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure land uses are consistent with core objectives for the land</li> </ul>
General Maintenance	<ul style="list-style-type: none"> <li>• Maintenance and safety concerns of land</li> <li>• Land and soil degradation</li> <li>• Decrease in biodiversity and/or ecological health</li> <li>• Illegal rubbish dumping on community land</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain the land, and infrastructure to promote safety for Community</li> <li>• Protect and enhance vegetation and animal habitat on site, stabilise soils, slow erosion and enhance drainage</li> <li>• Address illegal rubbish and dumping on community land through education, signage, provision of bins</li> </ul>
Impact on nearby residences	<ul style="list-style-type: none"> <li>• Various potential impacts on adjoining properties</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor and mitigate various impacts on adjoining properties</li> </ul>
Public Safety and Access	<ul style="list-style-type: none"> <li>• Private lands encroaching onto public lands, restricting access and safety</li> <li>• Community safety and structural integrity of natural environment and built infrastructure</li> <li>• Natural hazards</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain and promote public safety, passive surveillance and access in the built and natural environment</li> <li>• Maintain and assess safety and structural integrity of infrastructure against national standards</li> <li>• Natural hazard risk mitigation through maintenance, mapping, monitoring and the establishment of buffer zones</li> <li>• Council can declare the area an alcohol-free</li> </ul>

		<p>zone under Chapter 16, Part 4 - Street Drinking (s.642-648) of the LG Act.</p> <ul style="list-style-type: none"> <li>• Council can declare an area as a Wildlife Protection area, under s.30 of the Companion Animals Act, 1998, prohibiting cats within the public space for the purposes of wildlife protection.</li> </ul>
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## 2.5 Permitted Short Term Casual Purposes (LG Regs s.116)

Subject to Council approval the following may be allowed; a short term traverse over land when work is being constructed on adjoining land, or short term casual purposes as follows:

- 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

## 2.6 Permitted Short Term Casual Purposes and Permissible Leases, Licences and Other Estates (LG Act s. 46, 47)

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

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

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

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

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

This Plan of Management guides Council's management and use of the multiple Community Land reserves included in this plan, 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* (the Act) 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 (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.

#### **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 lands 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 Plan 2013**

The land included in this plan is zoned in accordance with the *Shellharbour Local Environmental Plan 2013* (LEP), see Schedule One of this document for reserve land details.

Refer to the LEP for permissible uses in the 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)**

The lands included in this plan of management do not contain any item listed in the LEP as being of cultural heritage significance. Nevertheless, any works proposed 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 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*

*Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*

*Companion Animals Act 1998*

*Rural Fires Act 1997*

*Rural Fire Regulation 2002*

*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. The Council land encompassed in this Plan of Management 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 will provide opportunity for the community to provide feedback via submissions.

## 4. 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 Natural Area - Bushland land and is prepared in accordance with Section 36 of the LG 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
- The 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) b,c,d)

Natural Area

<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>
Land use and maintenance	To conserve biodiversity and maintain ecosystem function in respect of land, or the feature of habitat in respect of which the land is categorised as a natural area	Undertake an effective targeted weed control program to ensure survival of key native vegetation and declare Wildlife Protection Areas (where appropriate).	That weed management practices and inspections are undertaken by appropriate Council staff.  That wildlife protection areas are declared (where appropriate), enforced and managed by Council staff, in accordance with Companion Animals Act 1998.
General maintenance	To maintain the land or that feature or habitat, in its natural state and setting.	By carrying out maintenance and restoration (if applicable) of the area in accordance with Council's available resources.  Undertake weed control and removal of waste.	That management, maintenance and restoration practices are undertaken by appropriate Council staff.  That inspections are undertaken by appropriate Council staff.
General maintenance	To provide for the restoration and regeneration of the land.	Consider planting appropriate species, if and where required.	That inspections are undertaken by appropriate Council staff.  Where appropriate, plants are incorporated, established and maintained within the natural area in a sustainable manner.

Public safety and access	To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.	Provide appropriate signage and access in the reserve to avoid disturbance of the natural area.	The signage on the reserve meets the needs of community and facilitates appropriate use of the natural environment. Monitor and manage any public safety and or access concerns. Public safety and passive surveillance are enhanced.
Land use, maintenance and access	To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i> .	Undertake land management, restoration and maintenance in accordance with the relevant plans as outlined in legislation; including <i>Biodiversity Conservation Act 2016</i> .	Land management, restoration and maintenance is in accordance with the relevant plans as outlined in the legislation. The plans are kept relevant and reviewed as required.

## Bushland


<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>
Land use and maintenance	To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.	Ensure the bushland reserves are managed, maintained and protected to facilitate thriving plant and animal communities, declare Wildlife Protection Areas (where appropriate).  Manage and mitigate land use conflicts in order to manage, maintain, enhance and protect plant and animal communities.	By carrying out inspections and maintaining the area in accordance with Council's available resources.  Ensure land is managed to maintain, enhance and protect plant and animal communities.  That wildlife protection areas are declared (where appropriate), enforced and managed by Council staff, in accordance with Companion Animals Act 1998.
General maintenance	To protect the aesthetic, heritage, recreational, educational and scientific values of the land.	To increase community awareness of land values through appropriate signage, education and engagement on the reserve.	The signage and other resources on the reserve meet the needs of community and facilitates appropriate sustainable use of the natural environment.


Land use and maintenance	To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.	<p>To provide resources to facilitate community awareness of land values such as appropriate signage, education and engagement on the reserve, to avoid disturbance of the bushland area.</p> <p>Monitor complaints and incorrect usage of the reserves to detect potential or actual damage to bushland.</p>	<p>The signage and other resources on the reserve meet the needs of community and facilitates appropriate use of the natural environment.</p> <p>Impacts are quickly detected and mitigation strategies in the reserves implemented to manage land use issues.</p> <p>Ongoing land management meets the needs of, and addresses concerns of the community.</p> <p>Monitor and manage any public safety and or access concerns.</p>
Land maintenance	To restore degraded bushland.	<p>Monitor damage to bushland. Consider planting appropriate species, if and where required.</p> <p>Provide appropriate signage and access in the reserve to avoid disturbance of the natural area.</p>	<p>That inspections are undertaken by appropriate Council staff.</p> <p>Impacts are quickly detected and mitigation strategies in the reserves implemented to manage land use issues.</p> <p>Where appropriate, plants are incorporated, established and maintained within the natural area in a sustainable manner.</p> <p>The signage on the reserve and ongoing land management meets the needs of community and facilitates appropriate use of the natural environment.</p>
Land use and maintenance	To protect existing landforms such as natural disaster lines, watercourses and foreshores.	<p>Manage urban run-off and stormwater to minimise impacts on the natural ecosystem including bushland top-soil and sediment run off.</p> <p>Manage, maintain, enhance and protect natural landforms in area categorised bushland in accordance with legislation, Council policy and strategies.</p>	<p>Improvements in health of bushland reserves, maintenance of existing landforms in a sustainable manner.</p> <p>Existing landforms on land categorised as bushland are managed, maintained, enhanced and protected in accordance with existing legislation, policy and strategies.</p>


		Consider planting appropriate species, if and where required to stabilise soil and facilitate amenity of natural landforms.	Land degradation is prevented and mitigated.  That inspections are undertaken by appropriate Council staff. Where appropriate, plants are incorporated, established and maintained within the natural area in a sustainable manner.
Land use and maintenance	To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.	Ensure the size and amenity of bushland reserves are managed, maintained and protected to facilitate thriving plant and animal communities.  Manage and mitigate land use conflicts in order to manage, maintain, enhance and protect plant and animal communities.	By carrying out inspections and maintaining the area in accordance with Council's available resources.  Ensure land is managed to maintain, enhance and protect plant and animal communities.
Land use and maintenance	To protect bushland as a natural stabiliser of the soil surface.	Consider revegetation planting of appropriate species, where required to manage riparian environments and ensure soil stability.	That inspections are undertaken by appropriate Council staff.  Where appropriate, plants are incorporated, established and maintained within the area in a sustainable manner to promote stability.




## 5. SCHEDULE ONE – Community Land Parcels categorised as Natural Area – Bushland


Schedule One identifies all lands included in this plan of management and categorised as Natural Area - Bushland, in accordance with the *Local Government Act (1993)*. This Schedule may be added to or changed over time to reflect Council's land register, all amendments will be in accordance with the Local Government Act 1993 and Amendments.


Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Site Location
Elizabeth Brownlee Reserve	3041	<p>RE1 – Public Recreation</p> <p>Terrestrial Biodiversity – Environmentally Sensitive Land</p> <p>Consider outcomes of Elizabeth Brownlee Bushfire and Ecological Plan of Management</p>	Crest Road, Albion Park	


Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Site Location
Public Reserve 155	37411 28373 28375 28374 33466	<p>E4 – Environmental Living</p> <p>R2 – Low Density Residential</p> <p>Minimum Lot Size G – 450m2, V – 2000m2, Y1 – 1ha</p> <p>Height of buildings - J 9m</p> <p>Floor Space Ratio D 0.5:1</p> <p>Terrestrial Biodiversity – Environmentally Sensitive Land</p>	Yolanda Drive, Albion Park	

Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Site Location
Public Reserve 153	26775 26777 26779 27990 27991	<p>R2 – Low Density Residential</p> <p>RE1 – Public Recreation</p> <p>Minimum lot size – G 450m2</p> <p>Height of buildings – J 9m</p> <p>Floor Space Ratio D 0.5:1</p> <p>Terrestrial Biodiversity – Environmentally Sensitive Land</p> <p>Consider outcomes of Stony Range Bushfire and Ecological Plan of Management</p>	Albatross Drive, Blackbutt	

Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Site Location
Public Reserve 154	5489 5488	RE1 – Public Recreation  Terrestrial Biodiversity – Environmentally Sensitive Land	Industrial Road, Albion Park Rail	<div data-bbox="1003 300 1279 400"> <p> Subject Land</p> <p><b>Community Land Category</b></p> <p> Natural Area - Bushland</p> </div> 

Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Site Location
Public Reserve 156	19762 19200 18337	RE1 – Public Recreation	Koona Street, Albion Park Rail	

Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Reserve Name
William Carter Reserve	20593	RE1 Public Recreation	Glider Avenue Blackbutt	 <p>Lot 4123 DP845173</p> <p><b>William Carter Reserve</b></p> <p>Subject Land</p> <p><b>Community Land Category</b></p> <p>Natural Area - Bushland</p> <p>Printed on: 27.08.2021</p>

Reserve Name	Land ID	LEP 2013 Land zone and attributes	Location (Street, Suburb)	Reserve Name
Reserve 158	26776	RE1 Public Recreation  Consider outcomes of Stony Range Bushfire and Ecological Plan of Management	Lorikeet Place Blackbutt	<div> <div> <div></div> <div>Subject Land</div> </div> <div> <div>Community Land Category</div> <div> <div></div> <div>Natural Area - Bushland</div> </div> </div> </div>  <p>Printed on: 27.08.2021</p>