



# GENERIC COMMUNITY LAND Plan of Management



*General Community  
Use*

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## **1. INTRODUCTION**

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The management of open space and recreation areas (parks and reserves) is one of the most important functions of any Council. However, prior to 1993 there were few specific guidelines describing the way in which this land should be managed.

The Local Government Act 1993 introduced new requirements on all Councils to ensure Council owned land is managed appropriately and that the community is actively involved in decisions affecting the management and use of Council owned land.

### **1.1 The Local Government Act 1993**

The Local Government Act 1993, herein referred to as the Act, required Council to take and maintain an inventory of all land owned by Council. This land was then to be classified as either:

1. Community Land, or
2. Operational Land

Community Land was defined for the purposes of the Act to be that land which is set aside for community use, such as parks, sportsgrounds, beaches, community centres and walking tracks. Development and use of this land is subject to strict controls set out in the Act and described in Appendix One. In addition to these controls, any land identified as Community Land during the classification process must be governed by a Plan of Management.

Conversely, Operational Land comprises that land which serves a commercial or operational function (eg. a depot or car park), or land which is being retained for commercial or strategic reasons. The range of controls which apply to Community Land do not apply to the use and management of Operational Land.

In 1998, the Local Government Act 1993 was amended with respect to Community Land. This amendment resulted in the Local Government Amendment (Community Land Management) Act 1998 and subsequently the Local Government (General) Amendment (Community Land Management) Regulation 1999.

Whilst the original Act required Councils to categorise all Community Land as either sportsground, park, natural area or general community use and to prepare a Plan of Management for all Community Land, no further guidelines were provided to assist with the categorisation or management process. The Act, as amended in 1998 has provided Councils with guidelines to ensure all community land is appropriately categorised and managed in accordance with identified management objectives, described in the Act as core objectives.

Community Land must now be categorised as one, or more, of the following:

- Sportsground
- Park
- General Community Use

- Area of Cultural Significance
- Natural Area

Natural Areas must be further categorised as

- Foreshore
- Bushland
- Wetland
- Escarpment
- Watercourse

Councils are required to review all Community Land categorisations and existing Community Land Plans of Management to ensure compliance with the Amendments by 31 December 2000.

Shoalhaven City Council's Plan of Management, Community Land, Plan No.1, was adopted by Council on 5 September 1995. This document met the requirements of the Local Government Act 1993. However as a result of the amendments to the Act and Council's commitment to the provision of high quality open space both now and in the future, more detailed plans are now being prepared.

## **1.2 What is a Plan of Management ?**

A Plan of Management is a document which guides the management of particular categories, or specific areas, of Community Land.

The management orientation of Council's Parks and Recreation Unit is guided by the dominant community values for community land. Identified management issues are considered against stated values, and objectives are then developed to remedy issues of concern.

The series of Plans of Management for Community Land expands upon this theme and in so doing, aims to develop a range of strategies and actions to assist with the improved management of all community land.

The Plan of Management may be generic (ie. covering more than one area of Community Land) or specific (covering one area only). The General Community Use Plan of Management is a generic Plan of Management.

A generic Plan of Management must identify:

- (a) the category of the land;
- (b) the objectives and performance targets of the plan with respect to the land ;
- (c) the means by which Council proposes to achieve the plan's objectives and performance targets and;
- (d) the manner in which Council proposed to assess its performance with respect to the plan's objectives and performance targets

## **1.3 Land to Which this Plan Applies**

This Plan of Management covers all Community Land categorised by Shoalhaven City Council as General Community Use.

### ***1.3.1 Definition of General Community Use***

Land should be categorised as General Community Use 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 and does not satisfy the guidelines for categorisation as a Natural Area, a Sportsground, a Park or an Area of Cultural Significance.

### ***1.3.2 Crown Land***

Many of Council's facilities have been developed on Crown Land. Council manages this land in trust for the Crown, and while it is not classified as Community Land in accordance with the Act, Crown Land which serves a General Community Use function will be managed in accordance with this Plan of Management. Council will work with the Department of Land & Water Conservation to ensure the appropriate management of the Crown Reserve System.

### ***1.3.3 Dual Classifications and Categorisations***

Some parcels of land may be classified and categorised in more than one way, eg:

- Part Operational Land eg. car park and part Community Land eg. sportsground
- Part Park and Part Natural Area Bushland;
- Part Natural Area - Bushland and Part Natural Area - Wetland

The Local Government (General) Amendment (Community Land Management) Regulation 1999 states that where more than one category is used to define a portion of Community Land, the plan must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

In some cases, a reserve has not been given a dual categorisation, even though there are elements of another category present on the reserve. This may be due to the fact that the areas are small and fragmented. For example, many sportsgrounds contain areas of parkland, and many parks are situated along foreshores.

It is therefore appropriate that Council retains sufficient flexibility in its approach to the management of these areas. In the case of the above examples, the option to manage and develop those areas in accordance with community need is retained. This will facilitate future development of park facilities on sportsgrounds, or the protection of foreshore vegetation to buffer an erosion threat to a park.

### ***1.3.4 Schedule of Land***

A Schedule of Land is attached which identifies all land categorised as General Community Use and managed in accordance with this Plan of Management. This Schedule may be added to or changed over time in accordance with the Local Government Act 1993 and Amendments.

## **1.4 Community Consultation**

Effective community consultation and community input is essential to ensure that a Plan of Management meets the needs of the local community and has the support of the local community at the implementation stage.

This Plan of Management has been developed using the results of research recently undertaken by Council, such as the Shoalhaven Recreation Study (1997) and the Community Survey (1999) as well as Council's regular contact with the community regarding land management matters.

The draft General Community Use Plan of Management was advertised to the community and exhibited for a period of 28 days with an additional fourteen (14) day submission period provided.

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## **2. BASIS FOR MANAGEMENT**

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General Community Use land is generally that land which does not display the attributes of other Community Land categories of Natural Area, Park, Sportsground or Area of Cultural Significance. General Community Use land generally has one or more of the following characteristics:

- Is multiple use in nature
- Provides support structures for the development of healthy communities (eg. neighbourhood centres, scout/guide halls)
- Has a primarily operational function but has not been classified as Operational Land eg. public utilities, accessways
- Is in a reasonably natural state but is of insufficient size to function as a Natural Area as defined by the Act

Given the diversity of land categorised as General Community Use in the Shoalhaven, the effective management of this land requires consideration and integration of a number of factors. These include the core objectives for management of General Community Use land as specified in the Act, identified community values and the range of legislation and policy which has been developed at Federal, State and local level to guide land use and management.

The following summarises the information used as a basis for managing General Community Use land in Shoalhaven City.

### **2.1 Core Objectives for General Community Use**

The Local Government Act, in an effort to ensure the appropriate and sustainable management of Community Land, identified core objectives for each category of Community Land.

The core objectives for management of Community 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:

- In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- 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).

### **2.2 Community Values**

Adequate consideration of community values is essential when developing a Plan of Management. Community values are the attributes which make something important to the community as a whole. Values tend to change little over time and to be broad in nature.

In 1996, Council undertook a Recreation Study to identify community values, needs, expectations and levels of satisfaction with respect to recreation facilities and services in the Shoalhaven. The results of this Study formed the basis of the Shoalhaven

Recreation Strategy (1999). The community values for open space reflected in the Recreation Strategy have been used as a basis for management in this plan.

### **2.2.1 Social Values**

Land categorised as General Community Use may be used for a range of social and community based resources such as community and neighbourhood centres, scout halls, surf life saving clubs and the like. These areas play a very strong role in the development and maintenance of healthy communities and are highly valued by the wider community.

### **2.2.2 Recreational Values**

The open space associated with General Community Use land may offer a range of outdoor recreation based opportunities, depending upon the nature of the land. The presence of General Community Use land, particularly linear pathways and accessways, provides opportunities for pedestrian access through urban areas and promotes walking as a recreational activity and as a means of alternative transport.

### **2.2.3 Operational Values**

General Community Use land may perform a range of functions which are essential for the operation of the community. For example land may be used for the provision of public utilities (or public utility easements), accessways within developed urban areas, road reserves and the like. These functions are essential for the maintenance of health and safety in the community.

## **2.3 Legislative and Policy Framework**

In addition to the requirements of the Local Government Act 1993 and Amendments, this Plan of Management must comply with all other relevant legislation and policy, across all three levels of government.

Examples of other legislation and policy which must be taken into account include The Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, Crown Lands Act 1989, Native Vegetation Conservation Act 1997 and the Shoalhaven Local Environment Plan 1985. A description of these, and other relevant legislation and policy, is provided in Appendix One.

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## **3. MANAGEMENT FRAMEWORK**

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### **3.1 The Current Situation**

General Community Use as a land category has been designed to cater for the wide range of Council owned land which is best retained in community ownership, but does not fall specifically into the Park, Sportsground, Natural Area or Area of Cultural Significance categories.

Land categorised as General Community Use may be used for any of the following functions:

- Centres for community activity such as childcare, health care, youth centres, senior citizens centres, scout/guide halls and the like
- Cemeteries
- Public utility infrastructure
- Drainage Reserves
- Pathways/Accessways
- Corridors for utility easements
- Car parks
- and any other function which does not specifically categorise the land as natural area, park, sportsground or an area of cultural significance.

### **3.2 Issues**

Issues have the potential to challenge the core objectives and community values which form the basis of how Community Land should be managed. With the category General Community Use being so broad in the types of land it covers, the issues identified are diverse and may at times be more applicable to one area of land than another. To date, issues with regard to the appropriate management of General Community Use land have been identified as follows.

#### ***3.2.1 Community Involvement***

The level of community involvement in the management of General Community Use land is as varied as the land itself.

Land which has a primary function as providing community facilities is often looked after by a management committee, or is formally maintained by Council. However, the lesser known areas of land such as easements and accessways are often maintained by community members through the Bushcare/Parkcare Programs. There is a need to actively promote these programs to ensure that all volunteers are appropriately registered and provided with advice and insurance cover.

#### ***3.2.2 Use***

General Community Use land is used in varying ways by a wide range of people. At all times the nature of use should be consistent with the core objectives for the land.

A further review of General Community Use land is required to determine whether or not the land may be more appropriately classified as Operational rather than Community Land, given the level and nature of use each area receives. This is particularly relevant in the case of land used for operational purposes such as waste and water facilities.

### ***3.2.3 Provision of Facilities***

Facilities provided on land categorised as General Community Use will be consistent with all Council policies and standards guiding the type of facilities in question. Any work undertaken to develop, alter or in any way change a structure on this land must be done with the authorisation of Council and to a standard acceptable to Council.

### ***3.2.4 Maintenance***

The maintenance of open space is one of Council's core business areas. In keeping with Council's Service Level Agreement and individual Maintenance Agreements with Management Committees, a minimum requirement has been developed at which each reserve should be maintained. Maintenance includes mowing, weed removal, irrigation, building/equipment repairs, painting, rubbish collection, addressing acts of vandalism and the like.

Council is concerned with ensuring the safety of all users of Council land, particularly on that land which receives a high degree of use. Regular inspections of Community Land shall be undertaken to address risk management concerns regarding the quality of the play equipment, safety of built structures, access arrangements and other matters depending on circumstances. The community is encouraged to report any safety concerns immediately to Council to minimise the risk of injury occurring.

### ***3.2.5 Impacts on Adjoining Residents***

The types of use which may occur on land categorised as General Community Use may have the potential to impact on adjoining residents. This may occur through traffic or noise generated from community facilities, impacts directly related to the presence of public utilities, loss of privacy and noise generated from use of pedestrian accessways and the like.

Whilst it is not possible to eliminate all these impacts, there is a need to minimise adverse impacts where possible and to consider the needs of local residents when managing these areas of land.

Where Council is considering additional development on General Community Use land it will generally be the subject of a Development Application. All Development Applications are assessed under the Environmental Planning and Assessment Act 1979 and specifically consider impacts on adjoining residents.

### ***3.2.6 Erosion, Drainage and Maintenance of Water Quality***

The protection of vegetation (particularly riparian vegetation) is vital in helping to reduce erosion and also to improve water quality. Riparian vegetation not only stabilises the soil to prevent erosion, but also helps to slow the velocity of water so that sediment transport is retarded.

Stormwater drains discharging into General Community Use land and natural streams flowing through this land often carry high levels of nutrients and fertilisers, as well as other pollutants such as herbicides and pesticides. High nutrient levels favour weed species and are partially responsible for the spread of weeds throughout public land. Stormwater discharge and eroded channels also carry high sediment loads which impact on water quality in receiving waters.

Wherever possible, action should be taken to slow the flow of water in a watercourse rather than channel water as quickly as possible away from an area. This applies to the length of a channel as well as the end of a piped watercourse.

Low impact solutions to the problems of stormwater runoff and erosion and the maintenance of water quality will be given precedence over high impact engineering solutions for their aesthetic, economic and environmental rationale. However, more engineered erosion control measures may also be necessary in some instances. High impact engineering solutions will only be used after a thorough assessment of environmental impacts.

### ***3.2.7 Rubbish Dumping***

General Community Use land is frequently used as a place to dump rubbish, from garden clippings to industrial waste, household goods and the like. The dumping of rubbish causes a number of concerns such as the spread of weeds and bushfire hazards, as well as significant health and safety concerns.

There is a need for a continuing education program on the impact of illegal dumping on public land. Council is also committed to the prosecution of those persons found dumping rubbish in areas of land designated for General Community Use.

### ***3.2.8 Re-vegetation and Regeneration***

Some General Community Use land is in a reasonably natural state but due to its isolation or size has not been categorised as Natural Area. Where possible, this land should be re-vegetated or regenerated to improve the biodiversity and ecological health of the land, and wider area.

More developed General Community Use land also requires improvement by some landscape treatment/re-vegetation. Where possible improvement of these areas should be with local, native species which will attract fauna into the area and improve not only the biodiversity, but also the aesthetic quality of the land.

### **3.2.9 Encroachments onto Public Land**

Alienation of public land occurs when local residents encroach on public land to extend gardens, barbeque areas and the like. Sometimes this occurs through extending fencing beyond the actual boundary of a property, by planting gardens within the reserve and/or by mowing beyond property boundaries. Using public land for storage or access is also an encroachment. The effect of this is to restrict public access over public land; and/or to create a feeling of trespassing, even when on public land; or to limit the amount of public land available for the community to enjoy.

Many residents also use Community Land to obtain vehicular access over private property. The Local Government Act prohibits the use of Community Land to provide vehicular access to private property and as such this activity will no longer be permitted.

Encroachments onto public land occur throughout the Shoalhaven and are of considerable concern to Council. Public education and removal of existing encroachments is essential to ensure that all public land is able to be used by the wider community.

### **3.2.10 Risk Management**

Council is concerned with ensuring the safety of all users of Council land.

A process for regular inspections of General Community Use land will be developed to address risk management concerns regarding the safety of structures, as well as other matters depending on circumstances. The community is encouraged to report any safety concerns immediately to Council to minimise the risk of injury occurring or damage to the land.

### **3.2.11 Bushfire Mitigation**

Council has a responsibility under the Rural Fires Act, 1997 to 'prevent the occurrence of bushfires on, and to minimise the danger of the spread of bushfires on and from any land vested in or under its control and management'. Additionally, significant natural areas need to be protected from wildfire.

Bushfire management in the Shoalhaven is undertaken according to the Bushfire Risk Management Plan adopted by the Shoalhaven District Bush Fire Management Committee in December 2000.

Generally, bushfire mitigation activities are undertaken on land mapped as Bushfire Prone, although consideration is given to sites that are not mapped as Bushfire Prone but have a history of ignitions.

Council's extensive bushfire mitigation program establishes and maintains firebreaks and Asset Protection Zones on Council managed land to provide a measure of protection to adjacent private assets. These activities are certified under the Bushfire Environmental Assessment Code. Council does not allow maintenance of these zones by members of the public. Appendix Three lists the location and extent of maintenance provided on Community Land under Council's bushfire mitigation program.

Permission to establish Asset Protection Zones for adjoining freehold development on public land will only be granted in exceptional cases, such as proposals involving infill developments or additions to existing developments where no other options are available. Any proposal to establish Asset Protection for new freehold subdivisions on adjoining public land will not be supported.

### ***2.2.12 Leases, Licences and Other Estates***

The Local Government Act contains important restrictions on the ability of Council to grant leases, licences and other estates over Community Land. These requirements are described in detail in Appendix Two.

Council will ensure General Community Use land is not alienated from their intended purpose by ensuring that any leases, licences and other estates granted on are:

- consistent with the core objectives for General Community Use,
- in accordance with the purposes listed in the Act,

Any application for a lease, licence or other estate will be the subject of formal notification and community consultation, as outlined in the Local Government Act 1993.

Permits may be granted for short term, or casual use for a nominal fee. For example, a group or individual may require temporary exclusive use of a sports facility. In accordance with the Regulations, permits will be granted for the following activities:

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

Council may grant an easement over Community Land for the provision of public utilities or works associated with or ancillary to public utilities, in accordance with the Act. There are no additional requirements within the Act for the granting of these easements.

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## **4. ACTION PLAN**

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Proper identification of management issues is required in order to develop management objectives and strategies which will promote appropriate management and to counter potential or actual negative impacts on the proper functioning of General Community Use land.

The Local Government Act requires the Plan of Management to identify objectives and performance targets for the subject land, including specific actions and assessment criteria. Shoalhaven City Council has also defined approximate time frames and responsibilities for the achievement of these objectives.

The action plan that follows sets out a range of management objectives aimed at addressing and ultimately remedying issues of concern.

Issues, objectives, targets, priorities and responsibilities are presented in the form of a matrix. The following explanations will be useful to understand the matrix.

ST	Short Term	1-2 years
MT	Medium Term	3-4 years
LT	Long Term	5+ years
O	Ongoing	
C	Commenced	
CT	Completed	

ACM	Asset Construction & Maintenance
CCS	Corporate and Community Services
CS	City Services
PS	Planning Services
DS	Development Services

Council will have met the objectives of the Plan of Management if all the targets identified are met, within the allocated time frame.

Implementation of this Plan of Management will be reviewed on an annual basis, with a complete review of the plan every five (5) years.

**Core Objective 1: 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**

<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To minimise negative impacts of use on adjoining residents	No reported complaints received from residents regarding the reasonable and sanctioned use of General Community Use land	Investigate potential impacts and prepare mitigating plans in conjunction with local residents and user groups as required	Plans developed and implemented as required	O - CS
To ensure that all land categorised as General Community Use has been appropriately classified as Community Land	Reclassifications commenced for all General Community Use land which has been inappropriately classified	Review use and maintenance patterns for all General Community Use land	Inspections undertaken and report prepared	ST – CS/PS/CCS
		Planning Services requested to undertake reclassifications of all inappropriately classified land	Reclassifications commenced	LT – CS/PS
To provide clear and conspicuous signage to all of Council’s facilities on community land	All of the Shoalhaven’s community facilities appropriately named and signposted	Undertake an audit of all general community use land to determine what signage is required to and within the areas	Audit completed and works list prepared and prioritised.	ST – CS
		Maintain funding for signage within the Parks and Recreation signage budget	Sportsground signage requests considered within budget allocations	O – CS
		Provide signs as prescribed by the Reserve Signage Standard	Council’s Reserve Signage Standard is adhered to at all times	O – CS/ACM
To ensure all alteration, upgrading and development of facilities is done with the permission and endorsement of Council	No unapproved work undertaken by community (or other) groups	Advise all community groups and sporting Associations of Council’s policy regarding unauthorised alteration, upgrading and development work	All community groups and sporting Associations formally advised of Council policy	O - CS / CCS

**Core Objective 1: 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**

<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To ensure all General Community Use land is maintained according to the specifications detailed in Council's Service Level Agreement	Attainment of 90% compliance as determined by the Performance Monitoring System	Maintain close liaison with Council's Service Provider – Asset Construction & Maintenance	Monthly inspections undertaken in accordance with the Performance Monitoring System	O – CS / ACM
To maintain land to ensure the safety of all users	No reported incidents or accidents occurring on General Community Use land as a result of poor maintenance	Undertake an audit of all structures on General Community Use land and undertake repairs as required	Audit complete and a schedule of works identified	C- CS
		Undertake regular inspections of General Community Use land to determine potential risks	Inspections undertaken on a regular basis and all resultant work undertaken	O – CS/ACM
		Encourage the community to report any maintenance or risk issues immediately to Council	Number of calls received regarding reserve maintenance and safety issues	O – CS/ACM
To reduce the incidence of dumping on community land	An annual reduction in the sites used for dumping (as identified on Clean Up Australia Day and similar)	Develop a strategy aimed at reducing the amount of illegal dumping which occurs on community land	Strategy developed, adopted and implemented	O – CS/CCS
To ensure the maintenance and use of land does not negatively impact on the natural environment	No identifiable incidences of environmental damage from use or maintenance in any given year	Ensure all maintenance work is undertaken in accordance with the Service Level Agreement	Compliance with the Service Level Agreement	O – CS / ACM
		Undertake regeneration work where required to improve the land	Regeneration work undertaken as required and as funding permits	O – CS
		Where required, revegetate land using local native species	Revegetation work undertaken as required and as funding permits	O - CS

**Core Objective 1: 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**

<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To develop riparian buffers along watercourses to stabilise banks and reduce erosion	Riparian buffers established along all watercourses	Develop a prioritised list of sites for the establishment of riparian buffers	Prioritised list developed and implemented as resources permit	LT – CS
To develop and implement plans and strategies aimed at improving water quality	Plans and strategies developed and implemented across Council functions	Facilitate the treatment of urban stormwater on public land where the aim is to improve water quality	Improved quality of receiving waters	O – CS/ACM
		Develop a program of vegetating open drains and where necessary installing low impact siltation devices such as hay bales	Program implemented as required and as funding permits	LT – CS
		When undertaking work in or adjacent on public land, ensure appropriate sediment controls are utilised	All work undertaken in or adjacent to Natural Areas uses appropriate sediment controls	O – CS / ACM
		Control of stormwater utilising natural rather than engineered solutions is given priority	Improvement in quality of receiving waters	O - CS
		Develop a prioritised list of sites which require erosion control works	List developed and work undertaken as funding permits	MT / O–CS
To eliminate all non-sanctioned encroachments onto community land	No new encroachments onto community land reported and the number of existing encroachments reduced each year	Negotiate with landowners to remove encroachments onto community land	Identified encroachments are removed in co-operation with local landowners	O – CS / CCS
		Prohibit the use of community land for vehicular access to private property	No community land use to provide vehicular access to private property	O – CS / CCS

**Core Objective 2: 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).**

<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To ensure that leases, licences and other estates are only granted if they are consistent with the Local Government Act and other relevant legislation and policy	Granting of any lease or licence is consistent with the Local Government Act and other relevant legislation and policy	Develop a summary checklist to ensure all applications comply with the relevant sections of the Local Government Act and other relevant legislation and policy	Checklist developed and utilised for all applications	ST – CS/CCS
To ensure that easements over community land are granted in accordance with the Local Government Act and other relevant legislation and policy	All requests for easements over community land are reviewed on merit and granted in accordance with the Local Government Act and other relevant legislation and policy	Develop a summary checklist to ensure all applications comply with the relevant sections of the Local Government Act and other relevant legislation and policy	Checklist developed and utilised for all applications	ST – CS/CCS

## LIST OF RELEVANT DATES AND AMENDMENTS

<b>Amendment Number</b>	<b>Adopted For Exhibition</b>	<b>Exhibited</b>	<b>Adopted</b>	<b>Notes</b>
Adopted Plan	27 March 2001	26 April 2001 – 6 June 2001	31 July 2001	
Amendment No. 1	22 October 2002	28 October 2002 – 6 December 2002	17 December 2002	
Amendment No. 2	23 June 2003	9 July 2003 - 15 August 2003	23 September 2003	
Amendment No. 3	19 October 2004	1 November 2004-15 December 2004	25 January 2005	

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### SCHEDULE ONE – SCHEDULE OF LAND

### APPENDIX ONE – LEGISLATIVE AND POLICY FRAMEWORK

### APPENDIX TWO - LEASES, LICENCES AND OTHER ESTATES

### APPENDIX THREE - COUNCIL'S BUSHFIRE MITIGATION PROGRAM



**SCHEDULE ONE - SCHEDULE OF LAND: GENERAL COMMUNITY USE**

<b>Res No.</b>	<b>UPN</b>	<b>Property Desc</b>	<b>Address</b>	<b>Area</b>	<b>Area</b>
<b>Basin Area - Erowal Bay</b>					
BEB526	93559	Lot 30 DP 1049913	The Wool Road, WORROWING HEIGHTS	1376m <sup>2</sup>	1376.00
<b>Basin Area - St Georges Basin</b>					
BSG405	75287	Lot 104 DP 791649	Cammaray Dr, ST GEORGES BASIN	304.00 m2	304.00
BSG405	75303	Lot 103 DP 791649	Wonga Pl, ST GEORGES BASIN	236.20 m2	236.20
BSG412	57807	Lot 32 DP 730378	Wahroonga Cl, ST GEORGES BASIN	196.20 m2	196.20
BSG412	74088	Lot 106 DP 788879	Hurst Pl, ST GEORGES BASIN	198.80 m2	198.80
BSG529	85330	Lot 9 DP 843362	Turvey Cres, ST GEORGES BASIN	359.30 m2	359.30
BSG529	93477	Lot 164 DP 1049679	Firman Glen, ST GEORGES BASIN	744.90m <sup>2</sup>	744.90
BSG540	94007	Lot 207 DP 1056358	Carver Court, ST GEORGES BASIN	322.4 m2	322.40
BSG541	94006	Lot 206 DP 1056358	Anson Street, ST GEORGES BASIN	227.8 m2	227.80
BSG541	77848	Lot 368 DP 804059	Durnford Pl, ST GEORGES BASIN	227.40 m2	227.40
BSG542	77847	Lot 367 DP 804059	Durnford Pl, ST GEORGES BASIN	316.00 m2	316.00
BSG543	76825	Lot 189 DP 801410	Kurraba Pl, ST GEORGES BASIN	194.60 m2	194.60
BSG551	93478	Lot 165 DP 1049679	Anson Street, ST GEORGES BASIN	148m <sup>2</sup>	148.00
BSG552	93476	Lot 163 DP 1049679	Anson Street, ST GEORGES BASIN	1355m <sup>2</sup>	1355.00
BSG553	93475	Lot 162 DP 1049679	Anson Street, ST GEORGES BASIN	320m <sup>2</sup>	320.00
BSG556	91801	Lot 58 DP 1035336	Turvey Crescent, ST GEORGES BASIN	334.00 m2	334.00
BSG555	91802	Lot 59 DP 1035336	Turvey Crescent, ST GEORGES BASIN	214.00 m2	214.00
BSG555	94005	Lot 205 DP 1056358	Carver Court, ST GEORGES BASIN	290.1 m2	290.10
BSG551	91803	Lot 60 DP 1035336	Turvey Crescent, ST GEORGES BASIN	154.00 m2	154.00
BSG600	83967	Lot 14 DP 833839	Panorama Rd, ST GEORGES BASIN	233.50 m2	233.50
<b>Basin Area - Sanctuary Point</b>					
BSP404	38050	Lot 1870 DP 31816	Waratah Cres, SANCTUARY POINT	246.61 m2	246.61
BSP404	39608	Lot 1868 DP 31816	Waratah Cres, SANCTUARY POINT	259.25 m2	259.25
BSP404	39609	Lot 1869 DP 31816	Waratah Cres, SANCTUARY POINT	562.77 m2	562.77
BSP420	7856	Lot 2502 DP 216525	Flamingo Ave, SANCTUARY POINT	499.53 m2	499.53
BSP422	38041	Lot 76A DP 31614	Kerry St, SANCTUARY POINT	139.11 m2	139.11
BSP444	38044	Lot 706 DP 27855	Walmer Ave, SANCTUARY POINT	419.50 m2	419.50
BSP444	38046	Lot 707 DP 27855	Macleans Point Rd, SANCTUARY POINT	484.60 m2	484.60

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BSP444	38048	Lot 708 DP 27855	Kerry St, SANCTUARY POINT	490.20 m2	490.20
BSP445	38042		Walmer Ave, SANCTUARY POINT	483.10 m2	483.10
BSP445	38043	Lot 885 DP 28031	Macleans Point Rd, SANCTUARY POINT	485.40 m2	485.40
BSP446	38039	Lot 563 DP 24760	Mountain St, SANCTUARY POINT	284.30 m2	284.30
BSP446	38040	Lot 564 DP 24760	Mountain St, SANCTUARY POINT	284.30 m2	284.30
BSP500	90871	Lot 715 DP 1019410	Maxwell Cres, SANCTUARY POINT	1.41 ha	14100.00
BSP501	94934	Lot 323 DP 1064120	Capeland Ave, SANCTUARY POINT	481.6 m2	481.60
BSP565	94867	Lot 92 DP 1066068	Anabel Place, SANCTUARY POINT	254 m2	254.00
BSP565	94866	Lot 91 DP 1066068	Anabel Place, SANCTUARY POINT	312.4 m2	312.40
BSP565	94896	Lot 94 DP 1066068	Belpitt Place, SANCTUARY POINT	65.8 m2	65.80
BSP566	77940	Lot 2 DP 806393	Kerry St, SANCTUARY POINT	45.70 m2	45.70
BSP573	94868	Lot 93 DP 1066068	Anson St, SANCTUARY POINT	3202 m2	3202.00
BSP627	77663	Lot 28 DP 803861	Forrester Ct, SANCTUARY POINT	189.10 m2	189.10
BSP628	94869	Lot 94 DP 1066068	Belpitt Place, SANCTUARY POINT	65.8 m2	
BSP627	94870	Lot 95 DP 1066068	Belpitt Place, SANCTUARY POINT	303.9 m2	303.90
BSP628	77717	Lot 34 DP 803714	Kenneth Ave, SANCTUARY POINT	367.10 m2	367.10
<b>Basin Area - Sussex Inlet</b>					
BSU204	84539	Lot 6 DP 835135	Nielson Rd, SUSSEX INLET	48.47 m2	48.47
BSU751	25693	Lot 155 DP 40206	Harbord St, SUSSEX INLET	3,220.00 m2	3220.00
BSU752	11923	Lot 154 DP 40206	Harbord St, SUSSEX INLET	1,948.00 m2	1948.00
<b>Basin Area - Swan Haven</b>					
BSW959	62083	Lot 26 DP 734780	5 Pearl Cl, SUSSEX INLET	510.80 m2	510.80
<b>Basin Area - Vincentia</b>					
BVI500	13964	Lot 193A DP 25099	Susan St, VINCENTIA	7,183.17 m2	7183.17
BVI516	66027	Lot 15 DP 737498	Garlies Cl, VINCENTIA	1,432.00 m2	1432.00
BVI516	66028	Lot 16 DP 737498	Garlies Cl, VINCENTIA	303.10 m2	303.10
BVI620	78495	Lot 27 DP 805804	Bourke Cl, VINCENTIA	147.00 m2	147.00
BVI620	79092	Lot 46 DP 807870	Argyle St, VINCENTIA	186.20 m2	186.20
BVI630	78494	Lot 26 DP 805804	Bourke Cl, VINCENTIA	193.20 m2	193.20
<b>Basin Area - Wollomia</b>					

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BWO629	62934	Lot 14 DP 736531	Fairfax Rd, WOOLLAMIA	2,980.00 m2	2980.00
<b>Central Area - Callala Bay/Beach</b>					
CCA204	78281	Lot 383 DP 805160	Stott Cres, CALLALA BAY	242.90 m2	242.90
CCA287	35656	Lot 40 DP 8188	Quay Rd, CALLALA BEACH	3,035.00 m2	3035.00
CCA315	71363	Lot 51 DP 772178	McKane Cl, CALLALA BAY	766.10 m2	766.10
CCA316	71386	Lot 50 DP 772178	Huon St, CALLALA BAY	592.30 m2	592.30
CCA319	75624	Lot 268 DP 791984	Barden Cl, CALLALA BAY	230.00 m2	230.00
CCA320	74295	Lot 212 DP 789141	Hunter St, CALLALA BAY	337.50 m2	337.50
CCA320	75625	Lot 269 DP 791984	Barden Cl, CALLALA BAY	337.50 m2	337.50
CCA323	75622	Lot 266 DP 791984	Barden Cl, CALLALA BAY	278.20 m2	278.20
CCA323	76648	Lot 332 DP 801131	Carson Cres, CALLALA BAY	318.30 m2	318.30
CCA324	73490	Lot 157 DP 786785	Gowlland Cres, CALLALA BAY	382.60 m2	382.60
CCA324	74293	Lot 210 DP 789141	Tidy Cl, CALLALA BAY	367.50 m2	367.50
CCA324	90532	Lot 15 DP 1014986	Emmett St, CALLALA BAY	663.20 m2	663.20
CCA324	90533	Lot 16 DP 1014986	Emmett St, CALLALA BAY	520.40 m2	520.40
<b>Central Area - Coolangatta</b>					
	5465	Lot 64B DP 7851	Bolong Rd, COOLANGATTA	1,214.06 m2	1214.06
<b>Central Area - Currumbene</b>					
	72420	Lot 8 DP 791226	Greenwell Point Rd, WORRIGEE	4,046.00 m2	4046.00
CCB366	83010	Lot 17 DP 827757	Arthur St, WORRIGEE	790.90 m2	790.90
CCB366	91987	Lot 125 DP 1033701	Abelia Place, WORRIGEE	356.00 m2	356.00
CCB366	91988	Lot 126 DP 1033701	Abelia Place, WORRIGEE	313.00 m2	313.00
CCB371	86133	Lot 31 DP 850376	Sophia Rd, WORRIGEE	201.70 m2	201.70
CCB371	86134	Lot 32 DP 850376	Sophia Rd, WORRIGEE	202.00 m2	202.00
CCB371	88488	Lot 48 DP 873981	Flanagan Ct, WORRIGEE	383.60 m2	383.60
CCB379	90191	Lot 298 DP 1011377	Robinia Way, WORRIGEE	150.00 m2	150.00
CCB380	85967	Lot 2511 DP 848318	Socrates Pl, WORRIGEE	478.70 m2	478.70
CCB381	92468	Lot 330 DP 1039936	Guinea Flower Crescent, WORRIGEE	194.00 m2	194.00
CCB383	92860	Lot 433 DP 1042388	Eucalyptus Avenue, WORRIGEE	364 m <sup>2</sup>	364.00
CCB383	93317	Lot 727 DP 1046992	Spohia Road, WORRIGEE	382m <sup>2</sup>	382.00

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CCB384	92861	Lot 434 DP 1042388	Eucalyptus Avenue, WORRIGEE	400 m <sup>2</sup>	400.00
CCB385	94743	Lot 523 DP 1064975	Isa Rd, WORRIGEE	152 m2	152.00
CCB385	92862	Lot 435 DP 1042388	Eucalyptus Avenue, WORRIGEE	144 m <sup>2</sup>	144.00
CCB446	84114	Lot 166 DP 832702	Illawarra Crct, WORRIGEE	374.00 m2	374.00
CCB447	93912	Lot 939 DP 1049514	Juniper PI, WORRIGEE	124.3 m2	124.30
CCB447	93327	Lot 12 DP 1049712	Hannah Place, WORRIGEE	30m <sup>2</sup>	30.00
CCB448	93914	Lot 941 DP 1049514	Juniper PI, WORRIGEE	130.5 m2	130.50
CCB449	93915	Lot 942 DP 1049514	Arthur St, WORRIGEE	157.9 m2	157.90
CCB450	94669	Lot 80 DP 1060106	Rayleigh Drive, WORRIGEE	3704 m2	3704.00
CCB949	93938	Lot 1023 DP 1051135	Balira St, WORRIGEE	130.9 m2	130.90
<b>Central Area - Culburra Beach</b>					
	5004	Lot 1 DP 621595	West Cres, CULBURRA BEACH	638.40 m2	638.40
CCU104	47269	Lot 24 DP 261785	Glenholme Way, CULBURRA BEACH	173.80 m2	173.80
CCU112	44527	Lot 1 DP 226779	Culburra Rd, CULBURRA BEACH	2.71 ha	27100.00
CCU258	3177	Lot 21 DP 206466	4 Farrant Ave, CULBURRA BEACH	556.44 m2	556.44
CCU258	19333	Lot 22 DP 206466	2 Farrant Ave, CULBURRA BEACH	556.44 m2	556.44
CCU258	19334	Lot 23 DP 206466	Farrant Ave, CULBURRA BEACH	1,321.55 m2	1321.55
CCU258	19346	Lot 24 DP 206466	Farrant Ave, CULBURRA BEACH	948.48 m2	948.48
CCU264	19342	Lot 10 DP 230939	Farrant Ave, CULBURRA BEACH	777.76 m2	777.76
CCU264	19343	Lot 11 DP 230939	Farrant Ave, CULBURRA BEACH	796.72 m2	796.72
CCU264	19344	Lot 12 DP 230939	Farrant Ave, CULBURRA BEACH	822.02 m2	822.02
<b>Central Area - East Nowra</b>					
CEN200	75644	Lot 10 DP 791782	Journal St, NOWRA	2,225.00 m2	2225.00
CEN345	32523	Lot 157 DP 243305	Salisbury Dr, NOWRA	132.79 m2	132.79
CEN345	32537	Lot 156 DP 243305	Salisbury Dr, NOWRA	132.79 m2	132.79
CEN353	55525	Lot 1 DP 708441	Park Rd, NOWRA	1,276.00 m2	1276.00
CEN358	75530	Lot 67 DP 792339	Lilac Cl, WORRIGEE	165.90 m2	165.90
<b>Central Area - Huskisson</b>					
	31695	Lot 6 Sec 19	3 Watt St, HUSKISSON	771.43 m2	771.43
	74591	Lot 71 DP 789148	Owen St, HUSKISSON	102.40 m2	102.40

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	78722	Lot 2 DP 806110	Owen St, HUSKISSON	102.40 m2	102.40
<b>Central Area - Nowra</b>					
	58851	Lot 3 DP 328915	Lyrebird Dr, NOWRA	94.85 m2	94.85
CNO331	37251	Lot 2 DP 329271	134 Kinghorne St, NOWRA	809.37 m2	809.37
CNO339	36664	Lot 31 DP 35634	Bainbrigge Cres, NOWRA	341.40 m2	341.40
CNO403	58882	Lot F DP 397462	Worrigee St, NOWRA	973.77 m2	973.77
CNO512	55632	Lot 5 DP 713092	Hawthorn Ave, NOWRA	124.80 m2	124.80
CNO610	77348	Lot 20 DP 801794	Berry St, NOWRA	7,333.00 m2	7333.00
<b>Central Area - Numbaa</b>					
CNU214	88915	Lot 211 DP 880150	Forestpark Rd, WORRIGEE	3,863.00 m2	3863.00
CNU302	80525	Lot 4 DP 813653	Worrigee Rd, WORRIGEE	357.20 m2	357.20
CNU302	81046	Lot 2 DP 815412	Worrigee Rd, WORRIGEE	97.85 m2	97.85
CNU302	85379	Lot 24 DP 842702	Worrigee Rd, WORRIGEE	542.40 m2	542.40
CNU430	59343	Part - Por 2	Comerong Island Rd, NUMBAA	m2	
CNU440	91162	Lot 507 DP1027482	St James Cres, WORRIGEE	352 m2	352.00
CNU440	93318	Lot 728 DP 1046992	St James Cres, WORRIGEE	459m <sup>2</sup>	459.00
CNU443	94530	Lot 832 DP 1010601	Liberty Rs, WORRIGEE	7113 m2	7113.00
<b>Central Area - South Nowra</b>					
	59415	Lot 3 DP 746784	Princes Hwy, SOUTH NOWRA	1,496.00 m2	1496.00
<b>Central Area - West Nowra</b>					
CWN109	63373	Lot 17 DP 735184	Albatross Rd, WEST NOWRA	704.30 m2	704.30
CWN110	91179	Lot 199 DP1026742	Pemberly Dr, NOWRA HILL	654.00 m2	654.00
CWN111	57215	Lot 36 DP 717091	Glenair Ave, WEST NOWRA	131.10 m2	131.10
CWN111	76376	Lot 22 DP 800460	Depot Rd, WEST NOWRA	98.30 m2	98.30
CWN111	76377	Lot 23 DP 800460	Depot Rd, WEST NOWRA	256.00 m2	256.00
CWN363	56381	Lot 26 DP 713631	Bromley Cl, WEST NOWRA	294.00 m2	294.00
CWN363	57217	Lot 38 DP 717091	Glenair Ave, WEST NOWRA	258.50 m2	258.50
CWN364	63334	Lot 34 DP 736822	Beyeri Ave, WEST NOWRA	150.30 m2	150.30
CWN446	91637	Lot 316 DP 1034478	Stringybark Rd, NOWRA HILL	957 m2	957.00
CWN447	91590	Lot 406 DP 1034476	Gannett Rd, NOWRA HILL	1189 m2	1189.00

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CWN447	93499	Lot 716 DP1049743	Stringybark Road, NOWRA HILL	988m <sup>2</sup>	988.00
<b>Central Area - Worrigee</b>					
CWO500	90191	Lot 298 DP 1011377	Robinia Way, WORRIGEE	150.00 m2	150.00
CWO500	92604	Lot 360 DP 1043249	The Garden Walk, WORRIGEE	153.60m2	153.60
CWO501	92602	Lot 358 DP 1043249	Old Southern Road, WORRIGEE	792.40m2	792.40
CWO502	92603	Lot 359 DP 1043249	Old Southern Road, WORRIGEE	200.00m2	200.00
<b>Northern Area - Rural</b>					
	43721	Lot 342 DP 257515	114 Flatrock Rd, MUNDAMIA	3.58 ha	35800.00
<b>Northern Area - Berry</b>					
	283	Lot 71 DP 4468	Kangaroo Valley Rd, BERRY	1.47 ha	14700.00
NBE002	2191	Lot 8 DP 924675	Alexandra St, BERRY	1,833.73 m2	1833.73
NBE012	88784	Lot 87 DP 48603	Andersons Lane, BERRY	37.50 ha	375000.00
<b>Northern Area - Bomaderry</b>					
	78626	Lot 1 DP 806783	Elvin Dr, BOMADERRY	135.00 m2	135.00
NBO056	50181	Lot 56 DP 264369	Cavalier Pde, BOMADERRY	583.20 m2	583.20
NBO056	55186	Lot 34 DP 703230	Helsinki Pde, BOMADERRY	539.50 m2	539.50
NBO063	48754	Lot 16 DP 703147	Halstead Pl, BOMADERRY	367.60 m2	367.60
NBO074	49917	Lot 35 DP 264257	Shanklin Cl, BOMADERRY	207.70 m2	207.70
NBO108	30238	Lot 1 DP 397062	Bolong Rd, BOMADERRY	1,245.67 m2	1245.67
NBO108	41946	Lot 2 DP 397062	Bolong Rd, BOMADERRY	429.98 m2	429.98
NBO121	72870	Lot 6 DP 778725	Elvin Dr, BOMADERRY	1,725.00 m2	1725.00
NBO123	81764	Lot 18 DP 817911	Theodore Pl, BOMADERRY	4,153.00 m2	4153.00
NBO131	30172	Lot 2 DP 568955	5 Birriley St, BOMADERRY	1.00 ha	10000.00
NBO131	47941	Lot 1 DP 568955	17 Birriley St, BOMADERRY	2,943.00 m2	2943.00
NBO173	69720	Lot 3 DP 787713	Meroo St, BOMADERRY	202.30 m2	202.30
<b>Northern Area - Cambewarra</b>					
NCA045	76315	Lot 29 DP 794379	Nooramunga Ave, CAMBEWARRA VILL.	267.00 m2	267.00
NCA049	29315	Lot 34 DP 242182	Tannery Rd, CAMBEWARRA VILLAGE	942.16 m2	942.16
NCA050	91863	Lot 132 DP 1034706	The Concourse, CAMBEWARRA VILLAGE	44.00 m2	44.00
NCA162	84541	Lot 2 DP 839145	Main Rd, CAMBEWARRA VILLAGE	3,385.00 m2	3385.00

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<b>Northern Area - Coolangatta</b>					
NCO168	85314	Lot 27 DP 843541	Roxbrough Rd, FAR MEADOW	949.50 m2	949.50
<b>Northern Area - Illaroo</b>					
NIL053	57386	Lot 51 DP 718012	Moondara Dr, BANGALEE	589.20 m2	589.20
<b>Northern Area - Kangaroo Valley</b>					
NKV028	75107	Lot 16 DP 773481	Moss Vale Rd, KANGAROO VALLEY	7,146.00 m2	7146.00
NKV029	38270	Lot B DP 376259	179 Moss Vale Rd, KANGAROO VALLEY	1,112.89 m2	1112.89
NKV143	90206	Lot 1 DP 10033243	Moss Vale Rd, KANGAROO VALLEY	556.4 m2	556.40
<b>Northern Area - North Nowra</b>					
NNN073	72908	Lot 29 DP 777899	Hood Cl, NORTH NOWRA	1,119.00 m2	1119.00
NNN087	70035	Lot 2 DP 747836	Rock Hill Rd, NORTH NOWRA	3.87 ha	38700.00
NNN164	83551	Lot 149 DP 829592	Coralie Cl, NORTH NOWRA	437.70 m2	437.70
NNN165	74669	Lot 45 DP 790000	Yurunga Dr, NORTH NOWRA	451.80 m2	451.80
NNN215	83344	Lot 16 DP 829626	Balmaringa Ave, NORTH NOWRA	493.00 m2	493.00
NNN215	83345	Lot 17 DP 829626	Balmaringa Ave, NORTH NOWRA	363.80 m2	363.80
NNN230	82903	Lot 137 DP 827114	Uranna Ave, NORTH NOWRA	255.40 m2	255.40
<b>Northern Area - Shoalhaven Heads</b>					
NSH035	15120	Lot 42 DP 14490	River Rd, SHOALHAVEN HEADS	1.24 ha	12400.00
<b>Southern Area - Rural</b>					
<b>Southern Area - Bawley Point</b>					
SBP853	34899	Lot 100 DP 213760	Lurnea Ave, BAWLEY POINT	126.46 m2	126.46
SBP855	48710	Lot 3 DP 579750	Murramarang Rd, BAWLEY POINT	9,312.00 m2	9312.00
SBP860	34898	Lot 101 DP 213760	Terragong Ave, BAWLEY POINT	132.79 m2	132.79
<b>Southern Area - Bendalong</b>					
	36390	Por 354	22 Jacaranda Ave, BENDALONG	619.60 m2	619.60
<b>Southern Area - Berrara</b>					
<b>Southern Area - Manyana</b>					
SCM770	24708	Lot 508 DP 228411	27 The Parapet, MANYANA	847.31 m2	847.31

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<b>Southern Area - Fishermans Paradise</b>					
SFP784	87029	Lot 213 DP 884276	Fishermans Paradise Rd, FISH. PDSE.	2,976.00 m2	2976.00
<b>Southern Area - Kioloa</b>					
SKI710	27031	Lot 69 DP 261112	Kurrawa Dr, KIOLOA	89.80 m2	89.80
SKI710	27058	Lot 130 DP 608652	Merry St, KIOLOA	110.60 m2	110.60
SKI711	73747	Lot 117 DP 787924	Glasford Cres, KIOLOA	342.10 m2	342.10
SKI712	73529	Lot 88 DP 786784	Northwood Dr, KIOLOA	341.70 m2	341.70
<b>Southern Area - Kings Point</b>					
SKP871	33049	Lot PATH DP 28661	Edward Ave, KINGS POINT	341.07 m2	341.07
SKP871	33050	Lot PATH DP 28661	George Ave, KINGS POINT	156.08 m2	156.08
<b>Southern Area - Milton</b>					
SMI964	42878	Lot 42 DP 262220	Valley View Cl, MILTON	502.50 m2	502.50
<b>Southern Area - Mollymook</b>					
	29745	Lot F DP 22562	Shepherd St, MOLLYMOOK	31.62 m2	31.62
SMM505	86879	Lot 126 DP 858980	Combe Dr, MOLLYMOOK	3,205.00 m2	3205.00
SMM506	86880	Lot 127 DP 858980	Combe Dr, MOLLYMOOK	346.00 m2	346.00
SMM612	38758	Lot 105 DP 26315	Mitchell Pde, MOLLYMOOK BEACH	543.68 m2	543.68
SMM821	29641	Lot 60 DP 243391	Princes Hwy, MOLLYMOOK	1,504.92 m2	1504.92
SMM827	81368	Lot 4 DP 816388	Maisie Williams Dr, MOLLYMOOK	442.00 m2	442.00
<b>Southern Area - Narrawallee</b>					
SNW600	57962	Lot 54 DP 730895	Leo Dr, NARRAWALLEE	55.00 m2	55.00
SNW603	77264	Lot 101 DP 801471	Gemini Way, NARRAWALLEE	190.00 m2	190.00
SNW606	76927	Lot 15 DP 801469	Scorpio Grov, NARRAWALLEE	154.60 m2	154.60
SNW606	76928	Lot 16 DP 801469	Scorpio Grov, NARRAWALLEE	193.90 m2	193.90
<b>Southern Area - Ulladulla</b>					
	16679	Lot 1 DP 560449	86 St Vincent St, ULLADULLA	910.54 m2	910.54
	73592	Lot 1 DP 785819	Parson St, ULLADULLA	301.80 m2	301.80
SUL127	50661	Lot 17 DP 700425	Kalang Ave, ULLADULLA	172.30 m2	172.30
SUL138	78745	Lot 162 DP 806909	Village Dr, ULLADULLA	135.50 m2	135.50
SUL139	15852	Por 173	Green St, ULLADULLA	1,909.61 m2	1909.61

**SCHEDULE ONE - SCHEDULE OF LAND: GENERAL COMMUNITY USE**

<b>Res No.</b>	<b>UPN</b>	<b>Property Desc</b>	<b>Address</b>	<b>Area</b>	<b>Area</b>
SUL833	15908	Lot 97 DP 26132	31 Hollywood Ave, ULLADULLA	556.44 m2	556.44
SUL833	15909	Lot 98 DP 26132	33 Hollywood Ave, ULLADULLA	556.44 m2	556.44
SUL833	15910	Lot 99 DP 26132	35 Hollywood Ave, ULLADULLA	556.44 m2	556.44
SUL838	90136	Lot 199 DP 1010461	Tulip Oak Dr, ULLADULLA	8,164.00 m2	8164.00
SUL843	36002	Lot 201 DP 29760	South Pacific Cres, ULLADULLA	515.80 m2	515.80
SUL847	78746	Lot 163 DP 806909	Village Dr, ULLADULLA	159.50 m2	159.50
SUL848	80322	Lot 33 DP 812794	Village Dr, ULLADULLA	503.40 m2	503.40
SUL848	80323	Lot 34 DP 812794	Village Dr, ULLADULLA	555.40 m2	555.40
SUL977	92896	Lot 35 DP 1044630	Royal Mantle Drive, ULLADULLA	2643 m <sup>2</sup>	2643.00
SUL977	93142	Lot 62 DP 1045766	Callistmon Court, ULLADULLA	280 m <sup>2</sup>	280.00
SUL977	94873	Lot 100 DP 1064504	Royal Mantle Drive, ULLADULLA	652.6 m2	652.60
				0.00	702109.96

## **APPENDIX ONE - LEGISLATIVE & POLICY FRAMEWORK**

The management of Community Land requires compliance with existing government legislation & policy. The main aspects of current legislation and policy affecting the management of Community Land are outlined below:

### **The Local Government Act, 1993**

The Local Government Act 1993 includes a range of requirements on the management and use of public land.

Council owned land must be classified as either Community Land or Operational Land.

Section 35 of the Act requires that Community Land is used and managed in accordance with the following:

- The Plan of Management applying to the land
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
- This Division

Section 38 of the Act requires that Council give public notice of a draft Plan of Management. The plan must be exhibited for at least 28 days with a submission period totally 42 days. Any relevant supplementary material must also be exhibited. A public hearing is only required if the Plan of Management proposes that Community Land be re-categorised.

Section 45 of the Act dictates the dealings a Council can have in community land, as follows.

- (1) A Council has no power to sell, exchange or otherwise dispose of Community Land
- (2) A Council may grant a lease or licence of community land, but only in accordance with this Division
- (3) A Council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act
- (4) This section does not prevent a Council from selling, exchanging or otherwise disposing of Community Land for the purpose of enabling that land to become, or be added to, a Crown Reserve or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974.

Sections 46 and 47 of the Act provide clear guidelines for Council with respect to the granting of leases, licences and other estates on community land. This includes permissible uses, means of granting leases, licences and other estates, timeframes and subleases, development and dedication of community land as public road.

The Local Government Act 1993 also considers acts of vandalism in public places (eg. injuring plants and animals or defacing property) and gives Councils the power to establish and enforce alcohol free zones.

## **The Fisheries Management Act, 1994**

Under Section 205 of the Act, the Minister's consent is required for any cutting, removal, damage or destruction of mangroves, seagrasses or any other prescribed marine vegetation on public land.

## **Native Vegetation Conservation Act 1997**

This Act replaces SEPP 46 and incorporates native vegetation clearing controls previously contained in SEPP 46, the Soil Conservation Act 1938, the Western Lands Act 1901, the Crown Lands (Continued Tenures) Act 1989 and the Forestry Act 1916. The Act provides for the development of Regional Vegetation Management Plans by community based Regional Vegetation Committees. Among other things, the plan will highlight areas where the condition of native vegetation should be improved and recommend areas that should be revegetated.

Section 7 provides that a person shall not ringbark, cut down, poison, top lop, remove, injure or otherwise destroy any tree or cause such to be done on any protected land in or within 20 metres of the bed or bank of any part of a river, stream, lake, lagoon or swamp, etc, without prior approval from the Department of Land and Water Conservation.

Protected lands which are identified as prescribed streams in the Shoalhaven are:

- \* Clyde River and 8 tributaries
- \* Coonemia Creek
- \* Croobyar Creek
- \* Crookhaven River
- \* Currumbene Creek
- \* Parma creek
- \* Shoalhaven River and 28 tributaries including
- \* Kangaroo river
- \* Brogers Creek
- \* Broughton Creek
- \* Yalwal Creek
- \* Wandandian Creek

## **National Parks and Wildlife Act, 1974 (as amended)**

The National Parks and Wildlife Act, Part 8A, 118A states that:

- (1) "A person must not buy, sell, or have in possession or control any threatened species or endangered population."
- (2) "A person must not pick any threatened species, population or ecological community, being a plant."

A number of plants & animals, that are not threatened are also protected by the National Parks & wildlife Act.

This applies on community land as well as National Park or Crown land.

## **Threatened Species Conservation Act 1995**

The objectives of this Act are:

- a) *To conserve biological diversity and promote ecologically sustainable development.*
- b) *To prevent the extinction and promote the recovery of threatened species, populations and ecological communities*
- c) *To protect the critical habitat of those threatened species, populations and ecological communities that are endangered*
- d) *To eliminate or manage certain processes that threaten the survival of evolutionary development of threatened species, populations and ecological communities.*
- e) *To ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed.*
- f) *To encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.*

Species Impact Assessments must be written for all proposed new work that is 'likely to significantly affect threatened species, populations or ecological communities or their habitats'.

## **Rural Fires Act 1997**

Section 63(1) states:

"It is the duty of a Public Authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the spread of a bush fire on or from:

- (a) any land vested in or under its control or management, or
- (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged to the authority."

One of the objects of the Rural Fire Act is to provide "for the protection of the environment by requiring certain activities to be carried out having regard to the priorities of ecologically sustainable development described in Section 6(2) of the Protect of Environment Administration Act 1991"

## **NSW Environmental Planning & Assessment Act 1979**

The EP&A Act has the following objectives:

- to encourage the proper management, development and conservation of natural .. resources ...for the purpose of promoting the social and economic welfare of the community and a better environment
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.

### ***Zoning***

Any land use proposed for an area must be consistent with the zoning that is applied to the land by Council's Local Environment Plan.

### ***Environmental assessment***

Environment Assessment must be carried out for any proposed activity or development. Any change in the use of a reserve area requires a development application (DA) and environmental assessment of the proposed activity under Part 4 of the EP&A Act forms part of the DA. A review of environmental Factors (REF) under Part 5 of the EP&A Act must also be written for those proposed activities which do not require development consent.

## **Protection of Environment Operations Act 1997**

This legislation replaces the Clean Air Act 1961, Clean Waters Act 1970, Pollution Control Act 1970, Noise Control Act 1975, and the Environmental Offences and Penalties Act 1989. It is an offence for a person to discharge pollutants to waters unless they hold an environment protection licence.

## **Crown Lands Act, 1989**

Many of the Crown reserves managed by Council have been categorised, for management purposes, as Natural Area. The Crown lands Act requires that Council, in managing this land, must observe environmental protection principles; conserve natural resources (including water, soil, flora, fauna and scenic quality) wherever possible; encourage, where appropriate, multiple use, including public use and enjoyment; and where appropriate, sustain, in perpetuity, the land and its resources. Council must manage the land in the best interests of the people of New South Wales.

## **Water Management Act 2000**

The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular:

- (a) to apply the principles of ecologically sustainable development, and
- (b) to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and
- (c) to recognise and foster the sufficient social and economic benefits to the State that result from the sustainable and efficient use of water, including:
  - (i) benefits to the environment, and
  - (ii) benefits to urban communities, agriculture, fisheries, industry and recreation, and

- (iii) benefits to culture and heritage, and
- (iv) benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of the land and water,
- (d) to recognise the role of the community, as a partner with the government, in resolving issues relating to the management of water sources
- (e) to provide for the orderly, efficient and equitable sharing of water from water sources,
- (f) to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna
- (g) to encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users,
- (h) to encourage best practice in the management and use of water

### **Part 3A Protection of Rivers and Lakes (covered under Rivers and Foreshores Improvement Act 1948)**

Protected land – the bank, bed or shore of protected waters; note more that 40m from top of the bank or shore of protected waters; material deposited on or under the above mentioned land.

Protected waters – a river, lake (assoc. with river), coastal lake or lagoon (include. any permanent/temp. channel between a coastal lake or lagoon & the sea).

A permit is required to excavate on, in, under protected land; remove material from protected land; do anything which obstructs/detrimentally affects flow of protected waters (or is likely to do so).

This does not apply to Council. However if the Constructing Authority believes that work conducted by/for Council has

- (a) damaged or detrimentally affected or is likely to damage or detrimentally affect protected land, or
- (b) caused or is likely to cause, whether directly or indirectly, protected waters to contain their course

then they may require Council to undertake specified works in a specified time.

### **Environment Protection and Biodiversity Conservation Act 1999**

This Act provides protection for matters which are considered to be of national environmental significance (NES). Specifically:

- World Heritage properties
- RAMSAR wetlands
- Nationally threatened species and communities
- Internationally protected migratory species
- Commonwealth areas
- Nuclear actions

The EPBC Act establishes a new legislative framework to protect and conserve nationally important aspects of the environment and to conserve biodiversity.

The Act is triggered only if there is a direct action (on-ground) involved, if there is an effect on an NES matter and if the impact is significant.

Should the Act be triggered, all State Government approvals are firstly required before the matter is referred to the Federal Government for final approval.

### **NSW Coastal Policy 1997**

The overriding vision of the 1997 Coastal Policy is the ecological sustainability of the NSW coast. The natural environment of the coastal zone must be protected, rehabilitated, and improved whilst providing for ecologically sustainable development and use of resources, including appropriate public access and use.

### **NSW Wetlands Management Policy 1996**

The NSW Wetlands Policy encourages the management of wetlands so as to halt or, where possible, reverse: loss of wetland vegetation; declining water quality; declining natural productivity; loss of biological diversity; and declining natural flood mitigation.

### **Shoalhaven City Council Recreation Strategy (1999)**

Council adopted a Recreation Strategy in late 1999 which aims to

*“Improve the quality of life in the Shoalhaven by creating a diversity of recreation opportunities whilst protecting and enhancing the natural and built environment”*

The Recreation Strategy identifies a range of actions to meet this goal, based on the following:

The provision of recreation facilities, programs and services is to:

- (a) be based upon an assessment of current and future needs
- (b) be realistic in terms of Council’s (and the community’s) ability to operate and maintain them
- (c) ensure the achievement of equity of opportunity for all individuals and groups within the city, regardless of age, ability, ethnicity or economic capacity
- (d) avoid unnecessary duplication of opportunities
- (e) be based upon efficiency, quality and continuous improvement principles and approaches
- (f) be based upon meaningful community consultation
- (g) incorporate resource sustainability practices and principles
- (h) incorporate best practice risk management processes to reduce public risk
- (i) include the encouragement and support of community and commercial initiatives in the provision and management of recreation opportunities

## **Shoalhaven City Council Policy for the Provision of Local Skateboard Facilities (1999)**

Council adopted a policy in late 1999 to assist local communities in the development of local skateboard facilities.

This policy states that

- (a) a needs assessment will be undertaken by Council before Council commits support to the project,
- (b) Council will only contribute 50% of the cost of the facility (up to \$40,000),
- (c) allocation of resources depends on annual budget allocations,
- (d) in-kind donations will not be accepted for construction
- (e) a total project cost must be determined (this is to include the cost of landscaping, signage, shade, garbage bins and the like).

## APPENDIX TWO – LEASES, LICENCES AND OTHER ESTATES

### [s 45] What dealings can Council have in community land?

45 (1) [No power to sell] A council has no power to sell, exchange or otherwise dispose of community land.

(2) [Lease or licence] A council may grant a lease or licence of community land, but only in accordance with this Division.

[subs (2) am Act of 1998 s 3 and sch 1]

(3) [Grants] A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

Note: The word estate has a meaning. See the Interpretation Act of 1987, Section 21 (1)

[Note Insrt Act 140 of 1998 s 3 and sch 1]

[subs (3) subst Act 140 of 1998 s 3 and sch 1]

(4) [Reserved or dedicated land] This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to be come, or be added to, land that is reserved or dedicated under National Parks and Wildlife Act 1974.

[subs (4) insrt Act 44 of 1994 s2 and sch 2]

### [s 46] Leases, licences and other estates in respect of community land - generally

46 (1) [Requirements] A lease, licence or other estate in respect of community land:

(a) may be granted for the provision of public utilities and work associated with or ancillary to public utilities, or

(b) may be granted, in accordance with express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:

(i) for the purpose prescribed by subsection (4), or for the purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or

(ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or

(iii) for a short-term, casual purpose prescribed by the regulations, or

(iv) for a residential purpose in relation to housing owned by the council, or

(v) for the purpose of providing 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, but may not otherwise be granted.

(2) [Limitation on purpose] Despite subsection (1), a lease, or licence or other estate in respect of community land may be granted for a purpose mentioned in subsection(1)(b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this part of its categorisation.

(3) [Time limit] A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years.

(4) [Prescribed purposes] The following purposes are prescribed for the purposes of subsection (1)(b)(I):

(a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current future needs within the local community and of the wider public in relation to any of the following:

- (i) public recreation
  - (ii) the physical, cultural, social and intellectual welfare or development of persons,
- (b) the provision of public roads

(5) [Purposes included] Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) included, but are not limited to maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.

(6) [Void] A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

**[s 46A] Means of granting leases, licences and other estates.**

46A (1)[By tender] A plan of management is to specify, in relation to the community land to which it applies, any purpose for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part3.

(2) [No preclusions] Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.

(3) [Over 5 year term] A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part3, unless it is granted to a non-profit organisation.

[s 46A insrt Act 140 of 1998 s 3 and sch 1 ]

**[s 47] Leases, licences and other estates in respect of community land - terms greater than 5 years**

47 (1) [Notice] If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must :

- (a) give public notice of the proposal; and
- (b) exhibit notice of the proposal on the land to which the proposal relates; and
- (c) give notice of the proposal to such persons as appear to own or occupy the land adjoining the community land, and
- (d) give notice of the proposal to any other person, appearing to the council to be the owner, occupier of land in the vicinity of the community land, if in the opinion of the council the land is subject to the proposal is likely to form the primary focus of the person's enjoyment of the land.

[subs (2) am Act 140 of 1998 s 3 and sch 1]

(2) [Contents of notice] A notice of the proposal must include:

- information sufficient to identify the community land concerned
- the purpose for which the land will be used under the proposed lease, licence or other estate
- the term of the proposed lease, licence or other estate ( including particulars of any option for renewal)
- the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
- a statement that submissions in writing may be made to council concerning the proposal within a period, not less than 28 days, specified in the notice.

[subs (1) am Act 140 of 1998 s 3 and sch1]

(3) [Submissions] Any person may make a submission in writing to the council during the period specified for the purpose of the notice.

(4) [Consideration of submissions] Before granting the lease, licence, or other estate the council must consider all submissions duly made to it.

(5) [Minister's consent] If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.

[subs (5) am Act 140 of 1998 s 3 and sch 1]

(6) [Application for consent] If the council applies for the Minister's consent, it must forward with it's application

- a copy of the plan of management of the land
- details of all objections received and a statement setting out, for each objection the council's decision and the reasons for it decision
- a statement setting out the all the facts concerning the proposal to grant the lease, licence or other estate
- a copy of the newspaper notice of the proposal
- a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to the community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

[subs (6) am Act 140 of 1998 s 3 and sch 1]

(7) [Director's report] On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such a period as the Minister specifies.

(8) [Terms and Conditions] After considering the application and any report of the Director of Planning, the Minister, if satisfied that:

- (a) subsections (1), (2) and (6) have been complied with, and
- (b) such consent would not contravene section 46, and
- (c) in all circumstances, it is desirable to grant consent

may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

[subs (8) subsrt Act 140 of 1998 s 3 and sch 1]

(9) [Statement of reasons] On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to, the granting of a lease, licence or other estate in accordance with subsection (8)

[subs (9) insrt Act 140 of 1998 s 3 and sch ]

(10) [Option for renewal] For the purpose of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:

- (a) would suffer disadvantage or penalty if the same or similar lease, licence or other estate were not to be granted, for a further term, after the expiry date of the current lease, licence or other estate, or
- (b) would enjoy an advantage or benefit if the same or similar lease, licence or other estate were to be so granted,

is taken to confer an option for renewal for a term equal to the further term.

**[s47A] Leases, licences and other estates in respect of community land - terms of 5 years or less**

47A (1) [Applications] This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.

(2) [Applicable provisions] If a council proposes to grant a lease, licence or other estate to which this section applies:

- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
- (b) the provisions of section 47(3) and (4) apply to the proposal, and
- (c) on receipt by the council of a written request from the Minister, the proposal is referred to the Minister, who is to determine whether or not the provisions of section 47(5) - (9) are to apply to the proposal

(3) [Ministerial determination] If the Minister, under subsection (2) (c), determines that the provisions of section 47(5) - (9) are to apply to the proposal:

- (a) the Council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)-(8), and
- (b) section 47(9) has effect with respect to the Minister's consent.

[s 47A insrt Act 140 of 1998 s 3 and sch 1]

**[ s 47B] Lease or licence in respect of natural area**

47B (1) [Restrictions] A lease, licence or other estate must not be granted, in respect of community land categorised as a natural area:

- (a) to authorise the erection or use of a building or structure that is not a building or structure of the kind prescribed by this section, or the regulations, or
- (b) to authorise the erection or use of a building or structure that is not for a purpose prescribed by this section or the regulations

(2) [Void] A lease, licence or instrument granting any other estate is void to the extent that its provisions are inconsistent with this section

(3) [Erection] In this section, erection of a building or structure includes rebuilding or replacement of a building or structure

(4) [Prescribed subs (1)(a)] The following purposes are prescribed for the purposes of subsection (1)(a):

- (a) walkways,
- (b) pathways,
- (c) bridges
- (d) causeways
- (e) observation platforms
- (f) signs.

(5) [Prescribed subs (1)(b)] The following purposes are prescribed for the purposes of subsection (1)(b):

- (a) information kiosks,
- (b) refreshment kiosks (but not restaurants),
- (c) work sheds or storage sites required in connection with the maintenance of the land,
- (d) toilets or restrooms.

[s47B insrt Act 140 of 1998 s 3 and Sch 1]

**[S 47C] Sublease of Community Land**

(1) [Further Restrictions] In addition to any restrictions created by the lease, community land that is the subject of a lease cannot be sublet for a purpose other than:

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

(2) [Void] A lease is void to the extent that its provisions are inconsistent with this section.

[s47C insrt Act 140 of 1998 s 3 and Sch 1]

**[S 47D] Occupation of Community Land Otherwise than by Lease or Licence**

(1) [Prohibition] The exclusive occupation or exclusive use by any person of community land otherwise than in accordance with:

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

(2) [Application] This section does not apply to:

- (a) the occupation or use of part of the site for a senior citizens centre or home or community care facility by a duly appointed manager of the centre, or
- (b) the occupation or use of community land by persons, and in circumstances, prescribed by the regulations.

[s47D insrt Act 140 of 1998 s 3 and Sch 1]