



# GENERIC COMMUNITY LAND Plan of Management



*S*portsgrounds

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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 Sportsgrounds 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 Sportsground.

### ***1.3.1 Definition of Sportsground***

The definition of Sportsground is that the land is used, or is proposed to be used, primarily for active recreation involving organised sports or the playing of outdoor games. This includes sporting fields, courts, indoor sporting venues, swimming pools, skate and cycle facilities and the like.

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

Many of Council's sportsgrounds 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 is utilised as a sportsground 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 Sportsground 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. Additionally, the first draft of this Plan of Management was distributed to the Shoalhaven Sports Board and the Sporting Community to review. No comments regarding the plan were received.

The draft Sportsgrounds 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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Proper management of Sportsgrounds in the Shoalhaven requires consideration and integration of a number of factors. These include the core objectives for Sportsground management 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 Sportsgrounds in Shoalhaven City.

### **2.1 Core Objectives for Sportsgrounds**

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 Sportsgrounds are to:

- Encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- Ensure that such activities are managed having regard to any adverse impacts on nearby residents.

### **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 (eg. sportsgrounds) 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 sport and sportsgrounds reflected in the Recreation Strategy have been used as a basis for management in this plan.

#### **2.2.1 Social Values**

Sport is increasingly being seen as an agent for community development. Engaging in sport provides people with an opportunity to socialise and build community networks in a relaxed atmosphere. Interacting as part of a team can aid individual development as well as broader community development through the learning of skills such as communication, negotiation and cooperation.

The provision of a wide range of sporting venues plays an important role in increasing participation and thus increasing the range of community benefits which can be achieved through sport.

### **2.2.2 Recreational Values**

Recreation is becoming an increasingly important value for individuals and the wider community as people are realising the benefits of recreation in achieving quality of life. Sportsgrounds operate primarily to provide recreation opportunities to the community. The recreational value of sportsgrounds is enhanced when a broad range of high quality opportunities are provided which are capable of meeting the needs of the majority of the population.

### **2.2.3 Health Values**

Recent research indicates that many of society's health related problems (both physical and mental) can be lessened through increasing individual levels of physical activity. Regular participation in physical activity allows individuals to improve their overall health, including functions such as balance and coordination, mental alertness, stress management and the like. This public health message is being promoted through a range of initiatives, such as Active Australia.

Providing a fun, interactive and stimulating sports environment can help to encourage more people to actively engage in physical activity.

### **2.2.4 Environmental Values**

Sportsgrounds make up a large proportion of the Shoalhaven's reserve network and as such, are valued highly by the community for the open space they offer and for the functions this space performs.

Many sportsgrounds are located along creek or drainage lines and perform some drainage function. Often, sportsgrounds are located adjacent to significant parcels of bushland or other land with natural values. The preservation and enhancement of these areas is of paramount importance in maintaining the lifestyle enjoyed in the Shoalhaven.

### **2.2.5 Economic Values**

Sports tourism is becoming a very viable business and provides economic opportunity at a regional and local level. Provision of high quality facilities, capable of meeting the needs of high level competition is essential to encourage sports related tourism, with its many economic benefits, to the area.

## **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**

Sportsgrounds are an important and visual part of the services Council offers to the community. Sportsgrounds are those areas designated mainly for active recreation and organised sport. They are identified by the presence of an oval or playing fields, tennis courts, netball courts, golf courses, equestrian facilities, indoor sports facilities, skate and cycle facilities, swimming pools or similar. In addition to the primary purpose of active recreation, Sportsgrounds offer the community a range of opportunities to undertake passive and unstructured activities, such as informal games, walking and dog exercise areas.

At present there are approximately 45 sportsgrounds in the Shoalhaven. These sportsgrounds are diverse in location, use, style of management and in the level and type of facilities offered. In some cases, high quality playing fields are not complemented by the necessary level and type of ancillary facilities, such as clubrooms. In other cases sportsgrounds are overused to the detriment of the playing surface. Council is committed to the provision of a range of sportsgrounds across the Shoalhaven which can meet the wide variety of existing, and future, community needs and expectations.

Approximately 50% of Sportsgrounds are managed directly by Council, with the remainder being run by Management Committees (with the delegated authority of Council), Management Contracts, Lease or Licence.

The draft Sportsgrounds Plan of Management includes land which has been identified for future sporting use, but has not yet been developed. The description of issues and actions in this plan refer to sportsgrounds that have been developed. Council will be guided by relevant legislation and policy when developing land for use as sportsgrounds.

### **3.2 Issues**

Issues have the potential to challenge the core objectives and community values which form the basis of how Sportsgrounds should be managed. To date, issues with regard to the appropriate management of Sportsgrounds have been identified as follows.

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

The local community has always been actively involved in the management of Sportsgrounds particularly in relation to individual sports, through activities such as line marking and erection of goals/goal posts. However, the sporting community did not have a co-ordinated mechanism for communicating with Council.

In order to improve Council's consultation with, and consideration of issues important to the wider sporting community, the Shoalhaven Sports Board has been formed. The Board meets regularly to discuss strategic planning for sport in the City, particularly with regard to policy development, setting of budgets, allocation of resources and the promotion of the City as a venue for sports tourism.



At a more grass-roots level, most community members are involved with Council's sports management through Council's Management Committee program. Management Committees have delegated authority of Council to manage and maintain local facilities, with responsibilities to report formally to Council regarding structure, budgets and the like. Since management committees primarily operate in smaller communities, the benefits are many. To Council, localised management of bookings, collection of fees and the like is a cost-effective option. To local communities, the benefits include more time being dedicated to on-ground sportsground management, fostering of local ownership and community pride, as well as the range of business and communication skills which can be developed through the scope of the committee. Council is also encouraging the development of Grounds Committees, which will allow the community to be involved in sportsground management and maintenance, without the added pressures of conforming to Council's financial and operational reporting requirements. This is aimed at meeting the needs and interests of a wider section of the local sporting community.

Council's obligations to its Management and Grounds Committees, as well as the users of these facilities, includes a commitment to supporting and working with volunteers to ensure quality outcomes. Management Agreements will be developed with Management and Grounds Committees to ensure volunteers are assisted with tailored support packages.

Those sports with demonstrated income generation potential include tennis, swimming, basketball, golf etc. Where possible, the on-going management of these facilities will be entrusted to community or commercial interests via lease or licence arrangements. The terms of any lease or licence will be negotiated individually and where possible, leases/licence payments may be used to offset the cost of major upgrades and facility maintenance. Further information regarding the granting of leases, licences and other estates can be found in section 3.2.11.

### **3.2.2 Use**

Sportsgrounds are primarily used for formal, organised sporting activities, be it training or competition. Changing use patterns, trends in sport and in sports participation all affect use of sportsgrounds and the need for certain types of sporting facilities. Provision of multi-purpose fields and grounds allows for changes in use to be catered for appropriately, with a minimum of disruption to participants. Where sports have very specific requirements, for example tennis, or croquet, specialist facilities should be provided.

Management of this type of formal use is important to ensure that grounds are continually maintained at a high quality, that conflict does not occur over hours of availability and that non-sporting users still have the ability to access the grounds.

The current system of ground allocation looks to resolve conflict at a local level. Where conflict cannot be resolved at this level, the matter shall be referred to the Shoalhaven Sports Board.

Access to playing fields following wet weather is determined in the first instance by the Management Committee, Grounds Committee or sports club. This option is preferred in view of the additional difficulty in coordinating a centralised wet weather response.

If decisions are made which lead to unacceptable levels of damage to sports turf, the delegated authority to determine whether or not play should occur may be withdrawn.

### **3.2.3 Distribution**

Sportsgrounds should be strategically located throughout the City in areas which integrate with residential, commercial, educational and social services precincts. An hierarchical approach to the provision of sportsgrounds is important to ensure that the community has access to the full range (regional, district and local levels) of sportsgrounds.

As the Shoalhaven's population is rapidly growing and new sporting facilities must be developed to cater for these new populations, as well as increasing participation levels and the needs of emerging sports, consideration must be given to the inclusion of sporting facilities to support new residential areas and to finding suitable land for the development of these facilities. This is particularly problematic in the Shoalhaven due to the restrictions on use of Crown land and the high prevalence of threatened species habitat around urban areas.

### **3.2.4 Access**

Council's philosophy in the planning for and development of sportsgrounds is to ensure that they are strategically located within close proximity to urban centres and are accessible to the whole community, regardless of age, ability or gender.

Access to sportsgrounds in the Shoalhaven is generally by car, cycle or foot. As such there is a need to ensure safe and appropriate off-road car parking for vehicles and cycles as well as safe pedestrian and cycle paths linking sportsgrounds with residential and commercial sectors. Public transport to venues is limited by the nature of public transport in the area, the number of services available and the times these services are scheduled. Nevertheless, every effort should be made to integrate access to sportsgrounds into planning of public transport routes and timetables.

Sportsgrounds will be more accessible to the community if they are appropriately named and signposted and are included in maps of the local area.

Within the sportsgrounds themselves, provision should be made for emergency access and maintenance access onto the fields. This is to be managed by providing maintenance personnel and ground users with keys to appropriately designed and positioned service accesses. Car parks need to be appropriately designed to provide suitable parking for private vehicles, whilst restricting vehicular access onto sportsgrounds and maximising the number of cars which can be accommodated on site.

Section 46 of the Local Government Act prohibits the use of community land to obtain vehicular access to private property. Permits will not longer be granted for this purpose and where such situations do exist, mechanisms will be established to ensure compliance with the Act.

### ***3.2.5 Provision of Facilities***

Council is committed to developing new high quality sporting facilities and also to upgrading and enhancing existing sportsgrounds. Using a philosophy of clustering sports facilities in major centres, new sportsgrounds are being developed in non-residential areas, which are of a suitable scale to cater for a diverse range of uses as well as the needs of sports tourism.

To this end, sportsgrounds have been categorised as either regional, district, or local. Different types of facilities and different levels of maintenance apply to sportsgrounds depending on their position within this hierarchy.

To assist in the allocation of resources, determining the minimum level of facility provision and the specifications of these facilities, at each sportsground is essential. This should take into consideration the category of the facility and include for amenities blocks, club rooms, canteens, lighting, irrigation, in-ground drainage, spectator facilities, car parking, signage and the like.

Improvements to sportsgrounds are primarily funded through Special Projects or the Parks and Recreation Capital Works Program. Special projects are generally new, large scale facilities such as the Bay and Basin Leisure Centre, in Vincentia. The parks and recreation capital works program is the source of funding for other works such as field development, construction of amenities blocks and the like. The recently developed Shoalhaven Sports Planning Process aims at ensuring an equitable and transparent approach is taken to the allocation of these capital works resources to ensure those projects with the greatest need and greatest benefit are the first to be funded. This process requires the active involvement of Sports Associations to ensure precise identification and prioritisation of these projects.

Ancillary facilities such as cricket practice nets are generally beyond the scope of Council funding. It is expected that clubs will continue to provide these facilities from their own resources.

In situations where community groups wish to undertake alteration, upgrading, or development of facilities without financial assistance from Council, it is still essential to seek Council permission for the work to be undertaken and to complete the work to a standard acceptable to Council.

### ***3.2.6 Funding Opportunities***

The development of high quality sports facilities within the Shoalhaven requires allocation of significant financial resources. Whilst Council levies Section 94 Contributions on developers and applies for grant funding when available in order to maximise funding for sports facility development, in reality, the level of funding available for these facilities is not sufficient to meet the expectations of the sporting community.

At present outdoor sporting facilities are primarily funded through the Parks & Recreation Capital Works Program and operating budget. In order to continue to provide a minimum level of facilities each year, and to be able to access Section 94 and grant funds, at least \$100,000 per year should be included for Active Recreation within the Parks & Recreation Capital Works Program.

Users of tennis courts, indoor sports facilities and swimming pools are charged entry fees in accordance with charges levied by management committees and approved by Council, or in accordance with Council's List of Fees and Charges, adopted within the Annual Management Plan. Council is exploring the possibility of levying a fee for use on all users of sporting facilities, in order to implement a program of facility upgrade and development.

### ***3.2.7 Sport Development and Risk Management***

Historically, sporting clubs and Associations have had only limited involvement in the development of strategic plans for sports development and for sports planning. However, the nature of sport is currently changing from community based and managed to be more formal and strategically driven. This change has been the result of factors such as increasing competition for funding and resources, an increasing culture of litigation within the wider community and the development of new legislation which increases the accountability of clubs and Associations. For example, the Child Protection (Prohibited Employment) Act 1998 requires sporting clubs to undertake a Working with Children check wherever people are working with children.

Council is working with sporting Associations to develop strategic and operational plans to guide the development of individual sports and to ensure all legal, risk management and occupational health and safety issues are being adequately addressed.

Operational Procedures have been developed for all Council's swimming and aquatic facilities which address risk management and occupational health and safety requirements. These procedures will be used as a model for other managed sports facilities.

### ***3.2.8 Environmental Impacts***

As many sportsgrounds are located adjacent to waterways and other natural areas, the unique management requirements of these areas must be recognised, in order to avoid potentially adverse impacts of sportsground management practices. Sportsground design and improvement works shall take into account the need for water quality control devices, monitoring of imported soil and materials, alternatives to use of herbicides, pesticides and growth retardants, management of soil compaction and erosion, stormwater management, the protection of vegetation and habitats adjacent to sportsgrounds and the planting of additional vegetation to improve local amenity and provide shade.

The principles of Ecologically Sustainable Development guide Council in ensuring that the environment is protected, thus allowing both the present and future communities of the area to use and enjoy sportsgrounds.

### **3.2.9 Maintenance**

Sportsground maintenance 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 sportsground should be maintained. Maintenance includes mowing, weed removal, irrigation, aeration, field and building repairs, painting, rubbish collection, addressing acts of vandalism and the like. It does not include the maintenance of turf wickets. In view of the highly specialised nature of turf wicket maintenance, this responsibility rests with the users of these facilities.

Council is concerned with ensuring the safety of all users of Council land. Sportsgrounds in particular, due to the degree and nature of use they receive, are of increasing management concern. Regular inspections of sportsgrounds need to be undertaken to address risk management concerns regarding the quality of the playing surface, 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.

### **3.2.10 Impacts on Adjoining Residents**

Residents living adjacent to or nearby sportsgrounds are undoubtedly impacted on by sports related use. Potential impacts of sportsgrounds on local residents include traffic congestion, loss of on-street parking during sporting events, excessive noise, effects from floodlighting, loss of privacy and at times property damage which is directly attributable to sportsground users.

Whilst it is not possible to eliminate all of these impacts, there is a need to minimise adverse impacts where possible, and to consider the needs of local residents when planning, developing or upgrading sporting facilities.

Where Council is considering the development of additional facilities on sportsgrounds, which may generate significant additional noise or usage, for example amenities buildings, skate parks, floodlighting or similar a Development Application is required. All Development Applications are assessed under the Environmental Planning and Assessment Act 1979 and must consider the views of adjoining residents prior to a consent being issued.

### **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.

### ***3.2.12 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 Sportsgrounds are not alienated from their intended purpose by ensuring that any leases, licences and other estates granted on Sportsgrounds are:

- consistent with the core objectives for sportsgrounds,
- in accordance with the purposes listed in the Act,

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

In the case of swimming pools and other aquatic facilities, or other commercial operations, Council may choose to grant leases, licences or other estates using a tender process. The tender process will be conducted in accordance with the Local Government Act 1993.

Permits may be granted for short term, or casual use of sportsgrounds 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 sportsgrounds.

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 encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games**

| <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 plan for the development of a range of Sportsgrounds to meet the needs of all current and future users | A Shoalhaven Sportsgrounds Strategy (2001 – 2016) developed   | Prepare a 15 year Sportsgrounds Strategy to guide the development of Active Recreation facilities                     | Sportsgrounds Strategy prepared and adopted                           | ST – CS                               |
|   |   | Review Council’s Section 94 Plan for Active Recreation  | Section 94 Plan for Active Recreation reviewed and adopted by Council | ST – PS / CS                          |
| To provide appropriate venues for sports tourism  | Sports facilities in the Shoalhaven meet the needs and expectations of State and National Sporting Associations | Prepare a 15 year Sportsgrounds Strategy to guide the development of Active Recreation facilities                     | Sportsgrounds Strategy prepared and adopted                           | ST – CS                               |
|   |   | To conduct a review of sporting facilities to determine compliance with State and National guidelines for competition | Review complete and prioritised list of works developed               | MT – CS                               |

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| <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 improve access to all sportsgrounds for all users, including those with disabilities and/or limited mobility | Access to all regional and district grounds improved and disabled access provided                    | Develop a sportsgrounds car parking plan to prioritise the development of car parks at sporting facilities   | Plan prepared and implemented as funding permits   | ST / O – CS                           |
|   |  | In consultation with Council's Access Committee, undertake an audit of all sportsgrounds to determine what is required to ensure wheelchair accessibility  | Audit completed and works list prepared and prioritised.                                 | LT – CS                               |
|   |  | Provide appropriate levels of disabled parking, wheelchair accessible paths and spectator facilities   | As funding permits, provide accessible facilities  | O – CS                                |
| To reduce the dependency on private vehicles to access sportsgrounds  | Alternative access to all sportsgrounds available as prescribed in the Integrated Transport Strategy | Consider Council's Integrated Transport Strategy (2000) and the Shoalhaven Bicycle Strategy (1997) when planning and developing or upgrading sportsgrounds | Integrated Transport Strategy and Shoalhaven Bicycle Strategy referred to as appropriate | O – CS/PS/CCS                         |

**Core Objective 1: To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games**

| <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 provide clear and conspicuous signage to all of Council's sports facilities  | All of the Shoalhaven's sportsgrounds appropriately named and signposted                             | Undertake an audit of all sportsgrounds to determine what signage is required to and within sportsgrounds                                   | Audit completed and works list prepared and prioritised.                          | ST – CS                               |
|   |  | Initiate consultation with the community to establish names for unnamed sportsgrounds and formally name where appropriate                   | Names for unnamed sportsgrounds established through the Geographical Names Board  | MT – CS                               |
|   |  | Maintain funding for signage within the Parks and Recreation signage budget   | Sportsground signage requests considered within budget allocations                | O – CS                                |
|   |  | Provide sportsground 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 sporting 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                          |
| To maximise funding opportunities for the development of sporting facilities  | Financial allocation for the upgrade of sportsgrounds shows a net increase over the five year period | Prepare grant applications for suitable projects as opportunities arise   | Grant applications prepared under all appropriate funding programs                | O – CS                                |
|   |  | Continue to charge for the use of swimming pools in order to achieve cost recovery  | Continued inclusion of swimming pools in Council's List of Fees & Charges         | O – CCS                               |
|   |  | Investigate opportunities to introduce a user fees levy on all sportsgrounds  | Investigation completed and policy adopted  | C / ST – CS                           |

**Core Objective 1: To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games**

| <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 sportsgrounds are 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 of sportsgrounds undertaken in accordance with the Performance Monitoring System | O – CS / ACM                          |
| To maintain sportsgrounds to ensure the safety of all users  | No reported incidents or accidents occurring at sportsgrounds as a result of poor maintenance | Undertake an audit of all structures on sportsgrounds and undertake repairs as required                       | Audit complete and a schedule of works identified  | C- CS                                 |
|  |   | Undertake regular inspections of play equipment located at sportsgrounds to determine potential risks         | Inspections of play equipment undertaken on a regular basis and all resultant work undertaken        | O – CS/ACM                            |
|  |   | Undertake regular inspections of sportsgrounds to determine potential risks                                   | Inspections of sportsgrounds undertaken on a regular basis and all resultant work undertaken         | O – CS/ACM                            |
| To ensure all Sporting Associations develop and implement sports development plans                                       | All Sporting Associations have Sports Development Plans adopted and being implemented         | Liaise with Sporting Associations to assist in the development and implementation of sports development plans | Sporting Associations have sports development plans adopted and being implemented                    | ST – CS                               |

| <b>Core Objective 1: To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games</b>                           |  |   |  |                                       |
|---|--|---|--|---------------------------------------|
| <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 the maintenance and use of sportsgrounds does not negatively impact on the natural environment  | No identifiable incidences of environmental damage from sportsgrounds 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                          |
|   |  | Develop and implement a fertilising protocol that uses only organic fertilisers   | Protocol developed and implemented   | MT / O – CS / ACM                     |
|   |  | Educate sportsground users on the potential impacts of inappropriate use on the natural environment   | A program of environmental education developed and implemented   | MT – CS                               |
| To continue involving the community in decisions affecting the use and management of sportsgrounds  | Continued and increasing community input through the Shoalhaven Sports Board, Management Committees and Grounds Committees                 | Promote the Shoalhaven Sports Board as the group responsible for strategic planning for sport in the Shoalhaven   | Shoalhaven Sports Board recognised by the community as responsible for sports related strategic planning | O – CS                                |
|   |  | Assist Management Committees to manage sportsgrounds through the development of Management Agreements   | Management Agreements with all Management Committees developed   | ST – CS                               |
|   |  | Develop Grounds Committees to facilitate lower level community involvement in sportsground management   | Management Agreements with all Grounds Committees developed  | ST – CS                               |
| To ensure that leases, licences and other estates are only granted if they are consistent with the core objectives of the Local Government Act 1993 and other relevant legislation and policy | Granting of any lease or licence is consistent with the requirements of 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 1993 and other relevant legislation and policy | Checklist developed and utilised for all applications  | ST – CS/CCS                           |

**Core Objective 1: To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games**

| <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 easements over community land are granted in accordance with the Local Government Act 1993 and other relevant legislation and policy | Granting of any easement is consistent with the requirements of 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 1993 and other relevant legislation and policy | Checklist developed and utilised for all applications | ST – CS/CCS                           |

**Core Objective 2: To ensure that such activities are managed having regard to any adverse impacts on nearby residents**

| <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 sportsground use on adjoining residents | No reported complaints received from residents regarding the reasonable and sanctioned use of sportsgrounds | 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                                |



## 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**

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

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

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                       | <b>UPN</b> | <b>Property Desc</b>  | <b>Address</b>                     | <b>Area</b>        | <b>Dual Class</b> | <b>Dual Category</b> |
|--------------------------------------|------------|-----------------------|------------------------------------|--------------------|-------------------|----------------------|
| <b>Basin Area - Erowal Bay</b>       |            |                       |                                    |                    |                   |                      |
| BEB581                               | 14230      | Lot 17 DP 9182 Sec 10 | 34 Grandview St, EROWAL BAY        | 1,011.71 m2        |                   |                      |
| <b>Basin Area - Huskisson</b>        |            |                       |                                    |                    |                   |                      |
| BHU606                               | 39386      |                       | Park St, HUSKISSON                 | 5.26 ha            |                   |                      |
| <b>Basin Area - St Georges Basin</b> |            |                       |                                    |                    |                   |                      |
| BSG420                               | 84141      | Lot 13 DP 832577      | Hewitt Ave, ST GEORGES BASIN       | 2.33 ha            |                   |                      |
| BSG612                               | 7059       | Lot 40 DP 755968      | The Wool Road, ST GEORGES BASIN    | 8094m <sup>2</sup> |                   |                      |
| BSG612                               | 20050      | Lot 191 DP 755968     | The Wool Road, ST GEORGES BASIN    | 4034               |                   |                      |
| <b>Basin Area - Sanctuary Point</b>  |            |                       |                                    |                    |                   |                      |
| BSP565                               | 10147      | Lot 23 DP 241970      | The Wool Rd, SANCTUARY POINT       | 4.51 ha            |                   |                      |
| BSP565                               | 77664      | Lot 29 DP 803861      | Cammaray Dr, SANCTUARY POINT       | 366.70 m2          |                   |                      |
| BSP566                               | 77942      | Lot 3 DP 806393       | Paradise Beach Rd, SANCTUARY POINT | 55.80 m2           |                   |                      |
| BSP566                               | 77943      | Lot 4 DP 806393       | Kerry St, SANCTUARY POINT          | 4.52 ha            |                   |                      |
| BSP571                               | 20209      | Lot 1525 DP 236518    | Larmer Ave, SANCTUARY POINT        | 2.86 ha            |                   |                      |
| BSP571                               | 20210      | Lot 1598 DP 216922    | Larmer Ave, SANCTUARY POINT        | 4.92 ha            |                   |                      |
| <b>Basin Area - Sussex Inlet</b>     |            |                       |                                    |                    |                   |                      |
| BSU776                               | 11518      | Lot 103 DP 258600     | Jacobs Dr, SUSSEX INLET            | 1.76 ha            |                   |                      |
| BSU776                               | 25756      | Lot 1 DP 404590       | Ellmoos Ave, SUSSEX INLET          | 1.82 ha            |                   |                      |
| BSU927                               | 88237      | Lot 1 DP 870957       | Thomson St, SUSSEX INLET           | 3.75 ha            |                   |                      |
| BSU928                               | 88237      | Lot 1 DP 870957       | Thomson St, SUSSEX INLET           | 3.75 ha            |                   |                      |
| <b>Basin Area - Vincentia</b>        |            |                       |                                    |                    |                   |                      |
| BVI519                               | 79096      | Lot 47 DP 807870      | Princess St, VINCENTIA             | 1.39 ha            |                   |                      |
| <b>Central Area - Currumbene</b>     |            |                       |                                    |                    |                   |                      |
| CCB378                               | 80529      | Lot 7 DP 813653       | 91A Worrigee Rd, WORRIGEE          | 10.44 ha           |                   |                      |
| <b>Central Area - Currarong</b>      |            |                       |                                    |                    |                   |                      |
| CCR394                               | 38792      |                       | Piscator Ave, CURRARONG            | 2.33 ha            |                   |                      |
| <b>Central Area - East Nowra</b>     |            |                       |                                    |                    |                   |                      |
| CEN346                               | 32764      | Lot 4 DP 540230       | 90 Wallace St, NOWRA               | 1,112.89 m2        |                   |                      |
| CEN346                               | 32765      | Lot 3 DP 540230       | Wallace St, NOWRA                  | 2,579.87 m2        |                   |                      |

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                        | <b>UPN</b> | <b>Property Desc</b>   | <b>Address</b>            | <b>Area</b> | <b>Dual Class</b> | <b>Dual Category</b> |
|---------------------------------------|------------|------------------------|---------------------------|-------------|-------------------|----------------------|
| CEN346                                | 40920      | Lot 8 DP 2745          | St Anns St, NOWRA         | 1,302.58 m2 |                   |                      |
| CEN346                                | 40921      | Lot 9 DP 2745          | St Anns St, NOWRA         | 1,289.94 m2 |                   |                      |
| CEN346                                | 40922      | Lot 10 DP 2745         | St Anns St, NOWRA         | 1,277.29 m2 |                   |                      |
| CEN346                                | 40923      | Lot 11 DP 2745         | St Anns St, NOWRA         | 1,262.11 m2 |                   |                      |
| CEN346                                | 40924      | Lot 12 DP 2745         | St Anns St, NOWRA         | 1,249.47 m2 |                   |                      |
| CEN346                                | 40925      | Lot 13 DP 2745         | St Anns St, NOWRA         | 1,236.82 m2 |                   |                      |
| CEN346                                | 40926      | Lot 14 DP 2745         | St Anns St, NOWRA         | 1,221.64 m2 |                   |                      |
| CEN346                                | 40927      | Lot 21 DP 2745         | Jervis St, NOWRA          | 1,166.00 m2 |                   |                      |
| CEN346                                | 40928      | Lot 22 DP 2745         | Jervis St, NOWRA          | 1,166.00 m2 |                   |                      |
| CEN346                                | 40929      | Lot 23 DP 2745         | Jervis St, NOWRA          | 1,166.00 m2 |                   |                      |
| CEN346                                | 40930      | Lot 24 DP 2745         | Jervis St, NOWRA          | 1,166.00 m2 |                   |                      |
| CEN346                                | 40931      | Lot 25 Sec 39          | Jervis St, NOWRA          | m2          |                   |                      |
| CEN346                                | 40932      | Lot 26 Sec 39          | Jervis St, NOWRA          | m2          |                   |                      |
| CEN346                                | 40933      | Lot 27 Sec 39          | Jervis St, NOWRA          | m2          |                   |                      |
| CEN346                                | 40934      | Part - Lot 7 Sec 39    | Jervis St, NOWRA          | m2          |                   |                      |
| CEN346                                | 40936      | Lot 9 DP 540229        | Jervis St, NOWRA          | 120.14 m2   |                   |                      |
| CEN346                                | 40937      | Lot 1 DP 210298        | St Anns St, NOWRA         | 1,252.00 m2 |                   |                      |
| CEN346                                | 40938      | Part - Lot 1 DP 540228 | St Anns St, NOWRA         | 3.78 ha     |                   |                      |
| CEN346                                | 40939      | Lot 12 DP 565010       | St Anns St, NOWRA         | 1,123.00 m2 |                   |                      |
| CEN346                                | 40940      | Lot 12 DP 541302       | St Anns St, NOWRA         | 467.92 m2   |                   |                      |
| CEN346                                | 40941      | Lot 2 DP 541303        | Amalfi Cres, NOWRA        | 2.63 ha     |                   |                      |
| CEN351                                | 31861      | Lot 5 DP 255662        | Clipper Rd, NOWRA         | 2,033.00 m2 |                   |                      |
| CEN354                                | 40904      | Lot 1 DP 390432        | Park Rd, NOWRA            | 3.36 ha     |                   |                      |
| CEN360                                | 40905      | Lot 37 DP 234856       | Quadrant St, NOWRA        | 1.85 ha     |                   |                      |
| CEN361                                | 53633      | Lot 133 DP 703670      | Greenwell Point Rd, NOWRA | 3.728 ha    |                   |                      |
| <b>Central Area - Greenwell Point</b> |            |                        |                           |             |                   |                      |
| CGP251                                | 7199       | Lot A DP 400413        | South St, GREENWELL POINT | 2.30 ha     |                   |                      |
| <b>Central Area - Nowra</b>           |            |                        |                           |             |                   |                      |
| CNO334                                | 58862      |                        | Scenic Dr, NOWRA          | 1.56 ha     |                   |                      |

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                    | <b>UPN</b> | <b>Property Desc</b> | <b>Address</b>                | <b>Area</b> | <b>Dual Class</b> | <b>Dual Category</b> |
|-----------------------------------|------------|----------------------|-------------------------------|-------------|-------------------|----------------------|
| CNO334                            | 68791      | Lot 1 DP 738519      | Scenic Dr, NOWRA              | 2,712.00 m2 |                   |                      |
| CNO334                            | 68869      | Lot 1 DP 738518      | Scenic Dr, NOWRA              | 1,442.00 m2 |                   |                      |
| CNO403                            | 58859      | Part - Lot 1 Sec 15  | Plunkett St, NOWRA            | m2          |                   |                      |
| CNO403                            | 58880      | Part - Lot 4 Sec 15  | Worrigeer St, NOWRA           | m2          |                   |                      |
| <b>Central Area - South Nowra</b> |            |                      |                               |             |                   |                      |
| CSN369                            | 41790      | Lot 18 DP 26782      | 72 Princes Hwy, SOUTH NOWRA   | 5,260.91 m2 |                   |                      |
| CSN369                            | 42105      | Lot 2 DP 503617      | Hillcrest Ave, SOUTH NOWRA    | 4,046.86 m2 |                   |                      |
| CSN369                            | 42106      | Lot 3 DP 503617      | Hillcrest Ave, SOUTH NOWRA    | 2,023.43 m2 |                   |                      |
| CSN369                            | 42107      | Lot 4 DP 563648      | Princes Hwy, SOUTH NOWRA      | 9,084.00 m2 |                   |                      |
| CSN369                            | 42108      | Lot 6 DP 26782       | 46 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42109      | Lot 7 DP 26782       | 48 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42110      | Lot 8 DP 26782       | 50 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42111      | Lot 9 DP 26782       | 52 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42112      | Lot 10 DP 26782      | 54 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42113      | Lot 11 DP 26782      | 56 Princes Hwy, SOUTH NOWRA   | 2,775.89 m2 |                   |                      |
| CSN369                            | 42114      | Lot 12 DP 26782      | 60 Princes Hwy, SOUTH NOWRA   | 2,775.89 m2 |                   |                      |
| CSN369                            | 42115      | Lot 13 DP 26782      | 62 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42116      | Lot 14 DP 26782      | 64 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42117      | Lot 15 DP 26782      | 66 Princes Hwy, SOUTH NOWRA   | 2,782.21 m2 |                   |                      |
| CSN369                            | 42118      | Lot 16 DP 26782      | 68 Princes Hwy, SOUTH NOWRA   | 4,179.64 m2 |                   |                      |
| CSN369                            | 42119      | Lot 17 DP 26782      | 70 Princes Hwy, SOUTH NOWRA   | 5,545.46 m2 |                   |                      |
| CSN369                            | 42120      | Lot 19 DP 26782      | 74 Princes Hwy, SOUTH NOWRA   | 4,957.40 m2 |                   |                      |
| CSN369                            | 42121      | Lot 20 DP 26782      | 76 Princes Hwy, SOUTH NOWRA   | 4,691.82 m2 |                   |                      |
| CSN369                            | 42123      | Lot 91 DP 31078      | 58 Princes Hwy, SOUTH NOWRA   | 6.69 ha     |                   |                      |
| CSN369                            | 42124      | Lot 116 DP 31078     | 22 Hillcrest Ave, SOUTH NOWRA | 3,718.05 m2 |                   |                      |
| CSN369                            | 42125      | Lot 117 DP 31078     | Hillcrest Ave, SOUTH NOWRA    | 3,718.05 m2 |                   |                      |
| CSN369                            | 42126      | Lot 118 DP 31078     | Hillcrest Ave, SOUTH NOWRA    | 3,718.05 m2 |                   |                      |
| CSN369                            | 42344      | Lot 92 DP 31078      | Mumbulla St, SOUTH NOWRA      | 6.48 ha     |                   |                      |
| CSN369                            | 56827      | Lot 7 DP 714802      | Old Southern Rd, SOUTH NOWRA  | 1,088.00 m2 |                   |                      |

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                         | <b>UPN</b> | <b>Property Desc</b>  | <b>Address</b>                    | <b>Area</b> | <b>Dual Class</b> | <b>Dual Category</b> |
|--|------------|-----------------------|-----------------------------------|-------------|-------------------|----------------------|
| <b>Central Area - West Nowra</b>       |            |                       |                                   |             |                   |                      |
| CWN362                                 | 85655      | Lot 19 DP 846590      | Stockley Cl, WEST NOWRA           | 2,503.00 m2 |                   |                      |
| <b>Northern Area - Berry</b>           |            |                       |                                   |             |                   |                      |
| NBE013                                 | 546        | Lot 1 DP 973286       | Wattamolla Rd, BERRY              | 2.25 ha     | Dual              |                      |
| NBE013                                 | 547        | Lot NONE DP 934324    | Wattamolla Rd, BERRY              | 5.18 ha     | Dual              |                      |
| <b>Northern Area - Bomaderry</b>       |            |                       |                                   |             |                   |                      |
| NBO090                                 | 30392      | Lot 4 DP 544264       | Cambewarra Rd, BOMADERRY          | 9.57 ha     |                   |                      |
| NBO090                                 | 30657      | Lot 43 DP 244191      | Fuchsia Cres, BOMADERRY           | 6,688.00 m2 |                   |                      |
| NBO090                                 | 30660      | Lot 58 DP 247879      | Fuchsia Cres, BOMADERRY           | 135.70 m2   |                   |                      |
| NBO091                                 | 40503      | Lot 1 DP 2886 Sec 2   | Cambewarra Rd, BOMADERRY          | 2.96 ha     |                   |                      |
| NBO091                                 | 40504      | Lot 2 DP 2886 Sec 2   | Cambewarra Rd, BOMADERRY          | 2.73 ha     |                   |                      |
| NBO091                                 | 86431      | Lot 2 DP 130891       | 84 Cambewarra Rd, BOMADERRY       | 0.00 m2     |                   |                      |
| NBO094                                 | 77465      | Lot 11 DP 792970      | Bolong Rd, BOMADERRY              | 1.92 ha     |                   |                      |
| NBO100                                 | 30215      | Lot 14 DP 2886 Sec 27 | Bolong Rd, BOMADERRY              | 2,656.00 m2 |                   |                      |
| NBO100                                 | 30216      | Lot 15 DP 2886 Sec 27 | Bolong Rd, BOMADERRY              | 2,883.00 m2 |                   |                      |
| NBO100                                 | 41972      | Lot 10 DP 550789      | Beinda St, BOMADERRY              | 777.76 m2   |                   |                      |
| NBO100                                 | 41973      | Lot 12 DP 549792      | Beinda St, BOMADERRY              | 872.60 m2   |                   |                      |
| NBO100                                 | 42206      | Lot 21 DP 2886 Sec 27 | Tarawara St, BOMADERRY            | 4.21 ha     |                   |                      |
| NBO100                                 | 42208      | Lot 9 DP 544734       | Bowada St, BOMADERRY              | 4,059.50 m2 |                   |                      |
| NBO100                                 | 75424      | Lot 106 DP 802036     | Coomea St, BOMADERRY              | 3,990.00 m2 |                   |                      |
| NBO100                                 | 77208      | Lot 5 DP 774654       | Bolong Rd, BOMADERRY              | 2,715.00 m2 |                   |                      |
| NBO100                                 | 77211      | Lot 6 DP 774654       | Bolong Rd, BOMADERRY              | 2,861.00 m2 |                   |                      |
| <b>Northern Area - Cambewarra</b>      |            |                       |                                   |             |                   |                      |
| NCA050                                 | 91862      | Lot 131 DP 1034706    | The Concourse, CAMBEWARRA VILLAGE | 4.43 ha     |                   |                      |
| <b>Northern Area - Kangaroo Valley</b> |            |                       |                                   |             |                   |                      |
| NKV029                                 | 38274      | Lot A DP 376259       | 179 Moss Vale Rd, KANGAROO VALLEY | 1,877.99 m2 |                   |                      |
| NKV029                                 | 38277      | Lot D DP 409219       | 181 Moss Vale Rd, KANGAROO VALLEY | 4,742.41 m2 |                   |                      |
| <b>Northern Area - North Nowra</b>     |            |                       |                                   |             |                   |                      |
| NNN061                                 | 33458      | Lot 69 DP 249223      | Coniston Cl, NORTH NOWRA          | 6,333.00 m2 |                   |                      |

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                          | <b>UPN</b> | <b>Property Desc</b> | <b>Address</b>                        | <b>Area</b> | <b>Dual Class</b> | <b>Dual Category</b> |
|---|------------|----------------------|---------------------------------------|-------------|-------------------|----------------------|
| NNN061                                  | 33589      | Lot 14 DP 255401     | Garlin Cl, NORTH NOWRA                | 1,388.00 m2 |                   |                      |
| NNN061                                  | 33639      | Lot 14 DP 246410     | Goolagong St, NORTH NOWRA             | 3,964.00 m2 |                   |                      |
| NNN061                                  | 50850      | Lot 11 DP 700116     | 10 Geary Pl, NORTH NOWRA              | 3,964.00 m2 |                   |                      |
| NNN061                                  | 50861      | Lot 20 DP 700116     | Pitt St, NORTH NOWRA                  | 2.52 ha     |                   |                      |
| NNN061                                  | 83343      | Lot 15 DP 829626     | Glenhaven Ave, NORTH NOWRA            | 3,902.00 m2 |                   |                      |
| NNN062                                  | 33724      | Lot 18 DP 262400     | Harvey Pl, NORTH NOWRA                | 1.11 ha     |                   |                      |
| NNN062                                  | 40403      | Lot 1 DP 242911      | Crawford Dr, NORTH NOWRA              | 8,081.07 m2 |                   |                      |
| NNN062                                  | 40404      | Lot 3 DP 242911      | Crawford Dr, NORTH NOWRA              | 3,812.90 m2 |                   |                      |
| NNN062                                  | 40405      | Lot 5 DP 242911      | Crawford Dr, NORTH NOWRA              | 4,280.82 m2 |                   |                      |
| NNN088                                  | 33909      | Lot 2 DP 540883      | Fairway Dr, NORTH NOWRA               | 25.68 ha    |                   |                      |
| NNN088                                  | 55082      | Lot 3 DP 528318      | Fairway Dr, NORTH NOWRA               | 1,479.63 m2 |                   |                      |
| <b>Northern Area - Shoalhaven Heads</b> |            |                      |                                       |             |                   |                      |
| NSH036                                  | 15117      | Lot 1 DP 380147      | Shoalhaven Heads Rd, SHOALHAVEN HEADS | 1.62 ha     |                   |                      |
| NSH036                                  | 15118      | Lot B DP 381368      | Shoalhaven Heads Rd, SHOALHAVEN HEADS | 1.62 ha     |                   |                      |
| NSH036                                  | 15119      | Lot C DP 398422      | Shoalhaven Heads Rd, SHOALHAVEN HEADS | 2.43 ha     |                   |                      |
| NSH036                                  | 47708      | Lot 102 DP 243489    | Explorer Blvd, SHOALHAVEN HEADS       | 1.08 ha     |                   |                      |
| <b>Southern Area - Burrill Lake</b>     |            |                      |                                       |             |                   |                      |
| SBL850                                  | 21253      | Lot 281 DP 15648     | 14 Federal Ave, BURRILL LAKE          | 505.86 m2   |                   |                      |
| SBL850                                  | 31549      | Lot 282 DP 15648     | 12 Federal Ave, BURRILL LAKE          | 505.86 m2   |                   |                      |
| SBL850                                  | 31550      | Lot 283 DP 15648     | 10 Federal Ave, BURRILL LAKE          | 505.86 m2   |                   |                      |
| SBL850                                  | 31551      | Lot 284 DP 15648     | 8 Federal Ave, BURRILL LAKE           | 505.86 m2   |                   |                      |
| SBL850                                  | 31552      | Lot 285 DP 15648     | 6 Federal Ave, BURRILL LAKE           | 550.12 m2   |                   |                      |
| SBL850                                  | 31553      | Lot 286 DP 15648     | 4 Federal Ave, BURRILL LAKE           | 474.24 m2   |                   |                      |
| SBL850                                  | 31554      | Lot 287 DP 15648     | 2 Federal Ave, BURRILL LAKE           | 461.59 m2   |                   |                      |
| SBL850                                  | 31555      | Lot 290 DP 15648     | 29 McDonald Pde, BURRILL LAKE         | 442.62 m2   |                   |                      |
| SBL850                                  | 31556      | Lot 291 DP 15648     | 31 McDonald Pde, BURRILL LAKE         | 442.62 m2   |                   |                      |
| SBL850                                  | 31557      | Lot 292 DP 15648     | 33 McDonald Pde, BURRILL LAKE         | 569.09 m2   |                   |                      |
| SBL850                                  | 31558      | Lot 293 DP 15648     | 35 McDonald Pde, BURRILL LAKE         | 588.06 m2   |                   |                      |
| SBL850                                  | 31559      | Lot 294 DP 15648     | 37 McDonald Pde, BURRILL LAKE         | 442.62 m2   |                   |                      |

**SCHEDULE ONE - SCHEDULE OF LAND: SPORTSGROUND**

| <b>Res No.</b>                   | <b>UPN</b> | <b>Property Desc</b>  | <b>Address</b>                 | <b>Area</b> | <b>Dual Class</b> | <b>Dual Category</b> |
|----------------------------------|------------|-----------------------|--------------------------------|-------------|-------------------|----------------------|
| SBL850                           | 31560      | Lot 295 DP 15648      | 39 McDonald Pde, BURRILL LAKE  | 442.62 m2   |                   |                      |
| SBL850                           | 31561      | Lot 296 DP 15648      | 41 McDonald Pde, BURRILL LAKE  | 442.62 m2   |                   |                      |
| SBL850                           | 31562      | Lot 297 DP 15648      | 43 McDonald Pde, BURRILL LAKE  | 442.62 m2   |                   |                      |
| SBL850                           | 31563      | Lot 298 DP 15648      | 45 McDonald Pde, BURRILL LAKE  | 442.62 m2   |                   |                      |
| SBL850                           | 31564      | Lot 299 DP 15648      | 47 McDonald Pde, BURRILL LAKE  | 537.47 m2   |                   |                      |
| SBL850                           | 31565      | Lot 300 DP 15648      | 1 Queanbeyan Ave, BURRILL LAKE | 480.56 m2   |                   |                      |
| SBL850                           | 31566      | Lot 301 DP 15648      | 3 Queanbeyan Ave, BURRILL LAKE | 600.71 m2   |                   |                      |
| SBL850                           | 31567      | Lot 302 DP 15648      | 5 Queanbeyan Ave, BURRILL LAKE | 670.26 m2   |                   |                      |
| <b>Southern Area - Manyana</b>   |            |                       |                                |             |                   |                      |
| SCM778                           | 24693      | Lot 812 DP 247285     | 195 Sunset Strip, MANYANA      | 2.46 ha     |                   |                      |
| <b>Southern Area - Milton</b>    |            |                       |                                |             |                   |                      |
| SMI794                           | 31707      | Lot 2 DP 192188 Sec B | 80 Croobyar Rd, MILTON         | 2,023.43 m2 |                   |                      |
| SMI882                           | 42508      | Lot 1 DP 625058       | Matron Porter Dr, MILTON       | 7.13 ha     |                   |                      |
| SMI921                           | 42536      | Lot 1 DP 630910       | Croobyar Rd, MILTON            | 4.00 ha     |                   |                      |
| SMI965                           | 19903      | Lot 1 DP 569565       | Graham St, MILTON              | 7,685.00 m2 |                   |                      |
| <b>Southern Area - Mollymook</b> |            |                       |                                |             |                   |                      |
| SMM804                           | 18558      | Lot 592 DP 227435     | Lockhart Ave, MOLLYMOOK BEACH  | 252.93 m2   |                   |                      |
| SMM804                           | 25665      | Lot 1 DP 222936       | Mitchell Pde, MOLLYMOOK BEACH  | 6.77 ha     |                   |                      |
| <b>Southern Area - Ulladulla</b> |            |                       |                                |             |                   |                      |
| SUL953                           | 93951      | Lot 1 DP 1036866      | Blackburn Rd, ULLADULLA        | 2.668 ha    |                   |                      |
| SUL957                           | 17037      | Lot 1 DP 546257       | Wason St, ULLADULLA            | 259.25 m2   |                   |                      |
| SUL957                           | 17038      | Lot 2 Sec 1           | 50 Wason St, ULLADULLA         | 2,023.43 m2 |                   |                      |
| SUL957                           | 35075      | Lot 1 Sec 1           | 50 Wason St, ULLADULLA         | 2,023.43 m2 |                   |                      |



## **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]