



Shoalhaven City Council



Lady Denman Reserve Plan of Management March 2024

Locale Consulting acknowledges the Traditional owners and Custodians of this country and their continuing connection to the land through culture and community.

We pay our respects to all Elders past, present and emerging.

Images used in this document are sourced from Shoalhaven Tourism, Council staff or by Locale Consulting unless otherwise identified.

locale consulting

ABN: 73 140 973 735

T 0419 700 401
A 1/27 River Street Woolgoolga NSW 2456
P PO Box 53 Woolgoolga NSW 2456
E info@localeconsulting.com.au
W www.localeconsulting.com.au

Document Control

Job Number: 2020/572

Job Name: Lady Denman POM

Client: Shoalhaven City Council

Job Contact: Matthew Urbaniak - Project Officer Open Space & Recreation Planning

Document Name: Lady Denman Reserve Plan of Management

| Version | Date | Authors | Reviewer | Approved |
|---------|------------|-----------------|-------------------|-------------------|
| 1 | 27.07.2020 | Lelia Kamphorst | Cinnamon Dunsford | Steve Thompson |
| 2 | 31.08.2020 | Lelia Kamphorst | Steve Thompson | Cinnamon Dunsford |
| 3 | 07.09.2020 | Lelia Kamphorst | Steve Thompson | Steve Thompson |
| 4a | 13.03.2024 | Steve Thompson | Cinnamon Dunsford | Steve Thompson |

Disclaimer:

Whilst care and diligence has been exercised in the preparation of this report, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors.

Contents

| | |
|--|----|
| Executive Summary | 1 |
| Part 1: Existing Situation and Identifying Directions | 3 |
| 1. Key Information | 4 |
| 2. Introduction | 5 |
| 2.1 Council's Corporate Objectives | 5 |
| 2.2 Land to which this Plan applies | 6 |
| 2.3 Owner of the land | 8 |
| 2.4 Categorisation of the Reserve | 8 |
| 3. Legislative Context | 9 |
| 3.1 Local Government Act 1993 | 9 |
| 3.2 Crown Land Management Act 2016 | 9 |
| 3.3 Other relevant legislation and statutory controls | 10 |
| 4. Existing Use and Broad Future Directions | 19 |
| 4.1 Overview | 19 |
| 4.2 Existing Site and Asset Condition | 19 |
| Part 2: Achieving Desired Directions | 27 |
| 5. Rationale and Direction for Future Use | 28 |
| 5.1 Identification of Land Category | 28 |
| 5.2 Council's strategic objectives and priorities | 29 |
| 5.3 Key Values | 29 |
| 5.4 Key Management Issues | 30 |
| 5.5 Management framework | 33 |
| 6. Development and Use | 34 |
| 6.1 Current use of the land | 34 |
| 6.2 Permissible uses / future uses | 34 |
| 7. Leases, Licences and Other Estates | 36 |
| 7.1 Leases and licences authorised by the Plan of Management | 36 |
| 8. Implementation Action Plan | 38 |
| 9. Plan Administration and Management | 43 |
| | |
| Appendix A – Site Plan | |
| Appendix B – Future Use Plan | |
| Appendix C – Plan of Management Legislative Framework | |
| Appendix D – Aboriginal interests in Crown Land | |

Executive Summary

Shoalhaven City Council has responsibility over a number of Crown Reserves as the “Council Crown Land Manager”. Lady Denman Reserve (Reserve 96376) is an area of Crown land that has been reserved for the purposes of “Public Recreation with the Additional Purposes of Community Purposes, Environmental Protection, Tourist Facilities and Services”.

Under amendments to the Crown land management system in 2018, the site is now to be managed by Council under the *Local Government Act 1993*. Whilst remaining as a Crown land reserve, the land will essentially be managed by Council as if it were “Community” land. This means that the land is to be Classified as “Community” land and Categorised as land to be used for “General Community Use” under the *Local Government Act 1993*, and therefore requiring a Plan of Management to be adopted. A Plan of Management is an important statutory document that provides information for the effective long-term management of public land. It also establishes directions for planning, resource management and maintenance of that land. This Plan of Management covers part of Crown Reserve 96376 (generally being the developed area or the southern part of the Reserve), the other part of the Reserve is covered by a Generic Plan of Management (generally being the natural area or the northern part of the Reserve).

The site is located on the north-western edge of the town of Huskisson, on the NSW South Coast and adjoins the Currumbene Creek estuary leading to the renowned waters of Jervis Bay. On Council’s behalf, the Reserve is managed by the Lady Denman Heritage Complex Huskisson Inc as the “Site Manager”.

The part of the Reserve subject to this Plan of Management is home to the locally heritage listed Lady Denman Heritage Complex including the State heritage listed Lady Denman ferry and renowned maritime collections. The site plays host to a range of events and exhibitions each year, whilst also containing a number of other buildings that have been moved to or erected on the site, including historic school classrooms, church, and an Aboriginal arts and crafts studio.

Council has been working with the Site Manager, site user groups and other stakeholders to establish clear directions and community needs across the Reserve. This has included the preparation of a Business Plan covering the majority of the Reserve which was first prepared in 2016, and updated in 2018 and 2023, and a Management Agreement covering the majority of the Reserve that came into effect in 2019 with the Site Manager.

Through the development and adoption of a Strategic Business and Master Plan for the site in 2016, a long-term site plan was developed, informing the genesis of a Future Use Plan that is now included in and informs the planning for the site subject to this Plan of Management. The Future Use Plan and Plan of Management envisage the Reserve will continue to be a local cultural and recreational asset as well as catering to tourism needs and bringing revenue streams to support its ongoing viability. It is envisaged this will all occur in the context of the unique natural and cultural environment.

This Plan of Management includes two main parts:

- Part 1: Existing Situation and Identifying Directions - which provides an overview of the current situation, including the legislative context, land information and context of potential future use opportunities
- Part 2: Achieving Desired Directions - which provides for additional details around site specific issues, key aspects of legislative influence and how the site and its management will respond to these over time. This part ultimately identifies an Implementation Action Plan which will guide implementation of the Plan of Management.

Overall, this Plan of Management allows Council to meet its legislative obligations for the management of “Community” land.



Part 1: Existing Situation and Identifying Directions



1. Key Information

| | |
|--------------------------------------|--|
| CROWN RESERVE NUMBER | 96376 (PART) |
| RESERVE NAME | LADY DENMAN RESERVE |
| LAND OWNER | CROWN |
| CROWN LAND MANAGER | SHOALHAVEN CITY COUNCIL |
| CROWN RESERVE TRUST NAME | LADY DENMAN (R96376) RESERVE TRUST |
| APPLICABLE LAND | LOT 2 DP 870242 LOT 137 DP 720912 |
| LAND AREA | 19,415 METRES SQUARE |
| LOCAL GOVERNMENT AREA | SHOALHAVEN CITY |
| LAND RESERVATION / DEDICATION | PUBLIC RECREATION & ADDITIONAL PURPOSES OF COMMUNITY PURPOSES, ENVIRONMENTAL PROTECTION, TOURIST FACILITIES AND SERVICES |
| LAND CATEGORY | GENERAL COMMUNITY USE |
| DATE OF ADOPTION | 19 APRIL 2024 |
| REVIEW PERIOD | 10 YEARS |

2. Introduction

Shoalhaven City Council (Council) is responsible for a range of Crown and Council owned lands that extend across its local government area. Under the *Local Government Act 1993*, Council owned land is managed as either "Community" or "Operational" land, with a range of "categories" being applied to "Community" land to guide its ongoing management. All "Community" land is required to be captured within a Plan of Management, which provides the details of how that land will be managed.

These same management directions and principles now also apply to Crown reserves that are managed by Council under the *Crown Land Management Act 2016*. These Council managed Crown lands will also have one or more reservation or dedication "purpose" that also give direction to how this land is to be used. The reservation or dedication purpose/s are to be captured through alignment with the relevant "Community" land categories. This relationship is shown in Figure 1.



Figure 1: Legislative relationship to Plan of Management requirements

2.1 Council's Corporate Objectives

Council's operating mandate is highlighted through its 10-year Community Strategic Plan (*Shoalhaven 2032 Community Strategic Plan* - published 2022). It outlines Council's high-level priorities and feeds into the associated Delivery Program and Operational Plans which guide the day to day activities of Council's staff. The community vision and key themes from the Community Strategic Plan document are highlighted in Figure 2 below, which provide an overarching context for the management of the Lady Denman Reserve, as well as Council's facilities more generally.

Community Strategic Plan Themes



Community Vision Statement

We will work together in Shoalhaven to foster a safe & attractive community for people to live, work, stay & play; where sustainable growth, development & environmental protection are managed to provide a unique & relaxed lifestyle.

Figure 2: Community Strategic Plan directions

There are a number of ways in which alignment is achieved between the Community Strategic Plan and the implementation of the Plan of Management, with the project relating to virtually all “priorities” sought by this leading document. Key examples include:

- Priority 1.2: Preserve, support and develop cultural and creative vitality across our communities
- Priority 1.3: Support community wellbeing through fostering active and healthy communities
- Priority 3.2: Deliver safe, vibrant & attractive public spaces

2.2 Land to which this Plan applies

Lady Denman Reserve (the Reserve) is located on the north-western edge of the town of Huskisson, on the NSW South Coast and adjoins the Currumbene Creek estuary leading to the renowned waters of Jervis Bay - all being part of the Jervis Bay Marine Park. A map showing the location of the Reserve in its broad context is provided at Figure 3. This Plan of Management covers part of Crown Reserve 96376 (generally being the developed area or the southern part of the Reserve), the other part of the Reserve is covered by a Generic Plan of Management (generally being the natural area or the northern part of the Reserve).

The Part of the Reserve covered by this Plan of Management comprises of:

- Lot 2 DP 870242 - containing the reserve buildings, the pond area and maintained open spaces
- Lot 137 DP 720912 - being vegetated but vacant land with frontage to Woollamia Road.

The Reserve extent applicable to this Plan of Management is shown in Figure 4.

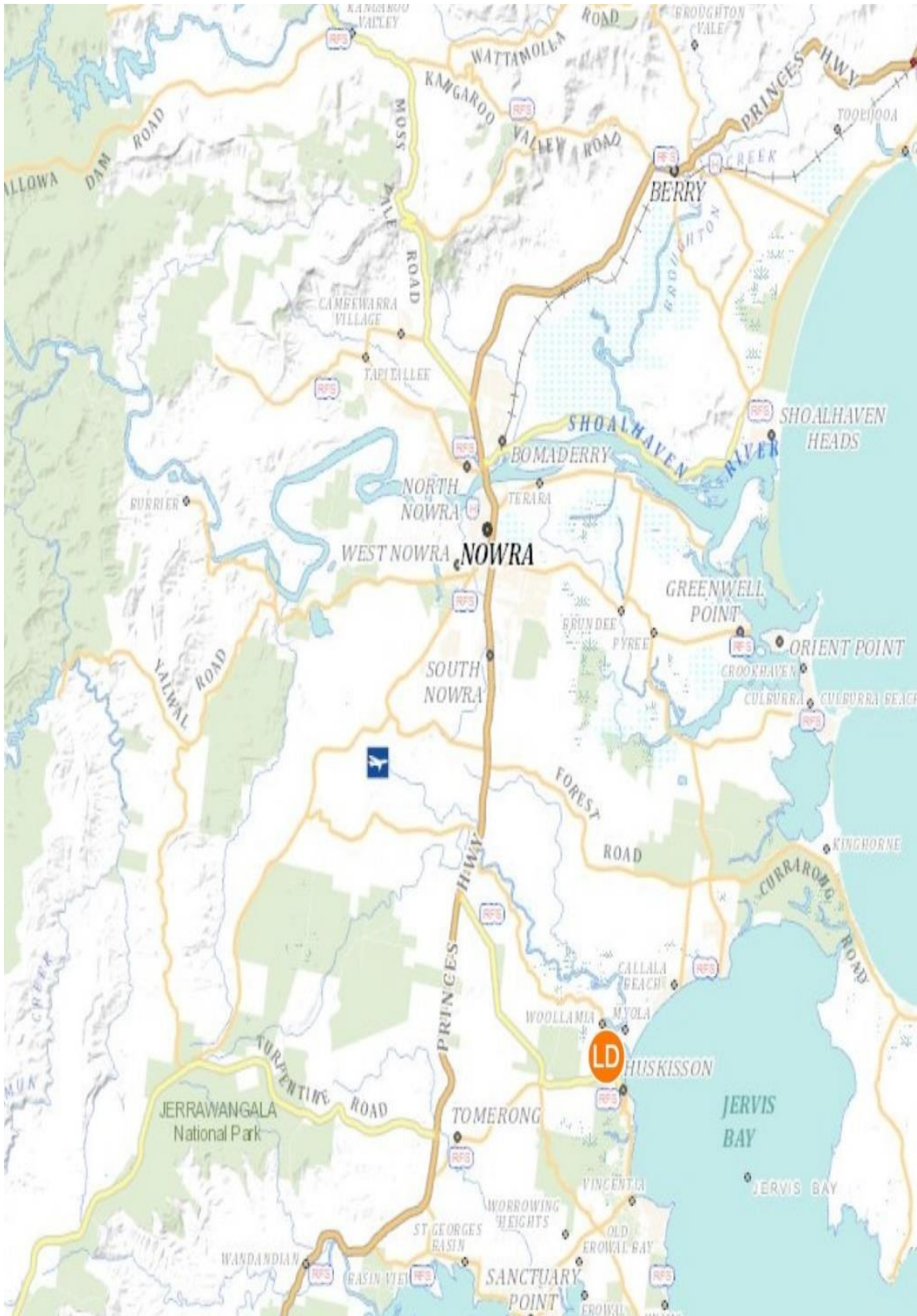


Figure 3: Lady Denman Reserve Locality Map



Figure 4: Lady Denman Reserve extent subject to this Plan of Management

2.3 Owner of the land

The Reserve is owned by the Crown, with Council being appointed as the Crown Land Manager.

2.4 Categorisation of the Reserve

The Reserve was originally notified on the Government Gazette in 1982 for 'Public Recreation', with further purposes added in 2008 including 'Community Purposes, Environmental Protection and Tourist Facilities & Services'. The Reserve has been classified as "Community" land consistent with the *Local Government Act 1993*. All land classified as Community land is required to be placed into one or more "Category" of Community land, as also defined under the *Local Government Act 1993*. In respect of the land to which this Plan of Management applies, the relevant category is **General Community Use**.

This Plan of Management categorises this part of the Reserve for the first time.

3. Legislative Context

This Plan of Management has been prepared in accordance with relevant legislation, primarily relating to the *Crown Land Management Act 2016* and the *Local Government Act 1993*. These provide the core framework to enable the future management and improvement of Lady Denman Reserve. This section also includes other relevant legislation and associated policies, regulations, guidelines and strategies.

3.1 Local Government Act 1993

Under Section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all Community land. In general terms, Plans of Management:

- are prepared by a council in consultation with the community
- identify the important features and attributes of the land, including how it is used at the current time
- identify how the council will manage the land
- indicate how the land may be used or developed in the future

The *Local Government Act 1993* sets out a range of associated activities and processes under various sections. A summary of the key provisions is provided in the table below, though a number of other sections also apply, generally being captured under Chapter 6, Part 2, Division 2 of the Act.

| Requirement | Act Section |
|--|--------------------|
| To prepare plans of management for all community land | 35, 36(1) |
| What a plan of management for council owned land must include and how it is to be categorised for use | 36(3), 36(4) |
| Community land comprising the habitat of endangered species, threatened species, significant natural features and areas of cultural significance | 36A, 36B, 36C, 36D |
| Core objectives for management of all community land categories | 36E – 36N |
| Process for community land that is not owned by the council (i.e. Crown land) | 37, 39 |
| A draft must be exhibited prior to adoption and may be re-exhibited if amended prior to adoption | 38, 39, 40 |
| Use and nature of community land must not change prior to the preparation of a plan of management | 44 |

3.2 Crown Land Management Act 2016

Section 3.23(6) of the *Crown Land Management Act 2016* requires councils to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown land manager, and that is classified as “Community” land under the *Local Government Act 1993*.

Section 3.23(7) of the *Crown Land Management Act 2016* also specifies an ‘initial period’ that ends on 30 June 2021, during which Council must adopt the first Plan of Management using the above process (i.e. this Plan of Management). This section also states that Council can

amend existing Plans of Management over existing Council owned land so that they also apply to Crown reserves (for example where “generic” Plans of Management are used across several Council owned / managed sites).

As another interim process, Section 3.23(7)© of the *Crown Land Management Act 2016* also enables the first Plan of Management for Crown land that is to be managed by Council to not hold a public hearing as would typically be required under section 40A of the *Local Government Act*, provided that it retains the initial category that was assigned by the Minister. As this Plan of Management retains the “General Community Use” category a public hearing is not required to be undertaken.

After 30 June 2021, any Plan of Management that is prepared must meet all the requirements of the *Local Government Act 1993*. This Plan of Management meets these requirements while also taking guidance from the Principles of Crown land management as outlined below.

Crown Land Management Act 2016 principles of Crown land management:

(a) that environmental protection principles be observed in relation to the management and administration of Crown land, and

(b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and

(c) that public use and enjoyment of appropriate Crown land be encouraged, and

(d) that, where appropriate, multiple use of Crown land be encouraged, and

(e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and

(f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

3.3 Other relevant legislation and statutory controls

In addition to the legislative directions established via the *Local Government Act 1993* and *Crown Land Management Act 2016* as outlined above, there are also a number of broader strategic directions that have been established by Council and others which are also important to the Plan of Management at the site-specific level. These are highlighted below.

3.3.1 Strategies and Other Planning Documents

Shoalhaven Destination Management Plan 2018-2023

One of the key experiences identified for the Shoalhaven in the 2018 - 2023 Destination Management Plan, is that of *unique and character filled small towns and villages* which includes Huskisson. Lady Denman Reserve has a lot to offer regarding the consumer appeal of *tree-lined and waterfront towns and streets with historical buildings and unique boutiques, café culture, local artisans, museums and galleries*. This includes another key experience: *National Parks and iconic walking tracks*. While not a widely recognised aspect of the site, parts of the Reserve, including the adjoining mangrove board walk and Huskisson/ Woollamia shared pathway, are part of the network of walks in the Huskisson/ Woollamia area.

The Reserve also provides a unique opportunity to continue to hold a range of events, due to its location and infrastructure provision. As identified in the Destination Management Plan, this includes opportunity for nature based and food & wine events in the Shoalhaven.

Use of the Shoalhaven Destination Management Plan 2018-2023 has extended into 2024, pending future review at a date to be confirmed. The Plan will continue in effect until the review is conducted.

Shoalhaven Local Environmental Plan 2014

The Shoalhaven Local Environmental Plan (LEP) 2014 is the primary land use planning document that applies to the Shoalhaven LGA, and therefore to the part of the Reserve subject to this Plan of Management. A particular aim of the Shoalhaven LEP 2014 is to *“protect and promote the use and development of land for arts and cultural activity, including music and other performance arts”*, which is consistent with proposed uses.

Under the Shoalhaven LEP 2014, the majority of the Reserve subject to this Plan of Management (Lot 2 DP 870242) is zoned RE1 Public Recreation, while a small area is zoned C2 Environmental Conservation. Lot 137 DP 720912 is zoned SP2 Infrastructure (Public Purposes). The objectives of these zones, which use of the Reserve will comply with as relevant, are included below:

Zone RE1 Public Recreation

Objectives of zone:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Zone C2 Environmental Conservation

Objectives of zone:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.
- To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.
- To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.

Zone SP2 Infrastructure

Objectives of zone:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Other key site-specific controls associated with the Reserve under Shoalhaven LEP 2014, as well as associated natural hazard constraints, include:

- Terrestrial Biodiversity: Incorporating areas of mangrove habitat along Currumbene Creek and native vegetation around the eastern and northern boundary, including a small area to the west of the museum complex (refer Figure 6).
- Riparian Lands and watercourses: Incorporating areas of mangrove habitat along Currumbene Creek and native vegetation around the eastern and northern boundary with some overlap with Terrestrial biodiversity (refer Figure 6).
- Acid sulfate soils: Including areas where there is risk of acid sulfate soils being close to the ground surface and which may become unstable when exposed to the air (refer Figure 7).
- Heritage: A number of listed heritage items and places are located within the Reserve. These include (refer Figure 8):
 - Lady Denman Heritage Complex (incl. Former Relocated St Georges Basin School Building and former Woollamia Union Church (Significance: Local)
 - Lady Denman Ferry (Significance: State)

It is noted that an amendment to Shoalhaven LEP 2014 associated with heritage listings is on exhibition as at August 2020. This will amend the boundary of the heritage listing to match the western site boundary and correct outdated lot references. An additional four vessels located on the site (the Crest, Kingfisher, Porthole, Seabee Runabout vessels) are now also proposed to be specifically referenced in the heritage item.

- Endangered Ecological Community (EEC): Council’s vegetation mapping shows there is an EEC (Bangalay Sand Forest) located on the site along with a threatened fauna siting on the adjoining land to the north of the Reserve (refer Figure 10).

The Reserve, being within a coastal environment (refer Figure 9), is also subject to flood events the frequency and intensity of which is anticipated to worsen with the impacts of climate change and sea level rise over the longer term. All of the Reserve, with the exception of the roadside edge on the easternmost portion is identified within flood planning mapping for the LGA.



Figure 5: Land use zoning



Figure 6: Vegetation and biodiversity



Figure 7: Acid Sulphate Soils



Figure 8: Heritage



Figure 9: Coastal environment and use



Figure 10: EEC area

3.3.2 Site Specific Directions

Council and the Site Manager (Lady Denman Heritage Complex Huskisson Inc.) have undertaken both generic and detailed site-specific planning for the Reserve. These are based on:

- Strategic business and strategic plans, including the Jervis Bay Maritime Museum Strategic Plan 2021-2024, which covers the majority of the Reserve and which were first prepared in 2016 and subsequently updated in accordance with the Management Agreement.
- Jervis Bay Maritime Museum Conservation Management Plan, prepared by Conservatory One in 2022-2023, which provides additional details on the physical evidence at the property, documents relevant physical evidence for heritage significance assessment, and provides guidelines for future conservation and management of the property.
- Management Agreement covering the majority of the Reserve also came into effect in 2019 with the Site Manager being the Lady Denman Heritage Complex Huskisson Inc.

An outline of these documents is provided below.

Jervis Bay Maritime Museum Strategic Plan (2021-2024)

The Jervis Bay Maritime Museum Strategic Plan was developed by the Site Manager to guide the strategic vision for the area. That vision is *“To be an exciting maritime museum and gallery, innovative in everything we do, with high professional standards and inclusive community practices.”*

The Plan sets out the Themes and Goals that will guide the operations of the Museum over the 2021 to 2024 period, and to be supported by annual business planning. This includes many of the improvements and directions identified within this Plan of Management under the areas of:

- A gathering place for ideas and experiences
- Aboriginal community and cultural diversity
- Our exhibition experiences
- Our rich and diverse collection

- A sustainable future (membership)
- A sustainable future (environment)
- A sustainable future (organisationally).

Key directions that are captured in this Strategic Plan and as relevant to the future directions of this Plan of Management include:

- Continued site planning at greater landscape design and detail
- Evaluation of the need for a new Halloran Archive & Collection building incorporating the latest climate prevention technology and collections management systems
- Multi-use space for events and performance and incorporating an Indigenous Interpretation Centre (wet weather venue)
- Extending the Maintenance shed for better storage or other uses
- A link to Huskisson feasibility project, including directional signage from Huskisson (outside the area subject to this Plan of Management)
- Implementation of the Living Estuary / Pond opening project

These directions (where applicable) are captured within the Future Use Plan at Appendix B, and are generally consistent with this Plan of Management.

Management Agreement (2019)

The Management Agreement which applies to the Reserve area appoints Lady Denman Heritage Complex Huskisson Inc as the Site Manager for an initial term of 20 years (1 July 2019 – 30 June 2039) unless extended or ended earlier as allowed under the agreement.

The Agreement covers roles and responsibilities for the operation and management of the Jervis Bay Maritime Museum and Reserve site including leases (Council to grant and manage) and licences (the Site Manager may grant and manage) as well as asset management and maintenance. While the Site Manager is responsible for the oversight of maintenance, repair and replacement of the Reserve's assets, overall management responsibility including sourcing of funding for works is in partnership with, but lead by, Council. Management is also guided by the JBMM [Jervis Bay Maritime Museum] Asset Management Plan.

Conservation Management Plan (2023)

The objective of the *Jervis Bay Maritime Museum Conservation Management Plan* is to investigate the physical evidence at the property, document relevant physical evidence for heritage significance assessment, and provide guidelines for future conservation and management of the property. The document relates to the Peter Freeman Conservation Architects + Planners document, *A History of the Jervis Bay Maritime Museum*, which was prepared in 2022.

The report identifies a series of existing and potential future opportunities to enhance and improve the heritage value of the site and facilities. It includes reference to this Plan of Management document (in its draft form), including potential future buildings and opportunities to improve access (among others).

The document also emphasises that modifications to anything on the site, including demolition, are to be prefaced by a Statement of Heritage Impact. It quotes "*Such heritage*

impact statements examine the proposed work, and examine the effects, and may provide guidance, in the first instance to the proponent on alternatives, or potential detrimental effects which otherwise may not be easily recognised."

With both local and State Heritage listed elements associated with the site, any future works envisaged by this Plan of Management should be led by the Conservation Management Plan (and its associated documents), with respect to ensuring that the heritage value is both retained and enhanced.

Strategic Business and Master Plan (2016)

Whilst noting the above documents provide further detail and precedence to the 2016 Strategic Business and Master Plan, this document provides for the original basis for site planning and direction over subsequent years (and including as the basis for the Future Use Plan provided in Appendix B). This document sought to balance the extensive use of the reserve, including its public open space and built community facility components.

It recognised the importance of more formalised access from Dent Street, allowing at grade pedestrian accessibility to the pond, mangrove boardwalk and built facilities from its eastern entrance. It also sought to ensure that future buildings were set back from Currambene Creek, retaining open and accessible areas for the public. These key attributes, as well as the future development plans of the museum and gallery facilities, remain consistent with current plans.

Open Coast and Jervis Bay Coastal Management Program

This coastal management program being developed under the *Coastal Management Act 2016*, seeking to achieve the objects of that Act and to preserve the social, cultural, economic, and environmental values of Shoalhaven's coastal zone. Whilst the *draft Open Coast and Jervis Bay Coastal Management Program* (November 2023) does not specifically cover the Lady Denman Reserve area, it does recognise that the site is part of the Coastal Use, Coastal Environmental and in proximity to coastal wetlands. It identifies that future coastal management programs will be initiated for Currambene Creek (among others).

3.3.3 Other Legislation

Aboriginal Lands Rights Act 1983 (NSW) & Native Title Act 1993 (Commonwealth)

It is noted that part of Lot 137 DP 720912 is the subject of Aboriginal Land Claim No. 25675 under the *Aboriginal Lands Rights Act 1983*. The outcome of the Claim has not been determined as of July 2020.

The Reserve is also part of the South Coast Peoples Native Title Determination Area lodged with the Federal Court and accepted by the Native Title Registrar on 31 January 2018.

The *Crown Lands Management Act 2016* requires Council to nominate a "Native Title Manager" to provide advice on conducting activities which may impact Native Title. Written advice from the "Native Title Manager" is also required for Plans of Management.

Known Aboriginal Places should be registered on the Aboriginal Heritage Information Management System (AHIMS) and are protected by the *National Parks & Wildlife Act 1974*.

Three Aboriginal sites have been recorded on or near Lot 2 DP 870242 though the precise location of these is not disclosed in this document. Future detailed planning for the site will need to ensure that this is carefully considered in site design. Appropriate assessment including an Aboriginal Heritage Impact Permit (AHIP) will need to be undertaken with respect to detailed project planning where any impacts are anticipated.

Due Diligence Assessment for the Protection of Aboriginal Objects was carried out by on-site Cultural Heritage Management in 2019, (Assessment No: A075) on behalf of the Jervis Bay Maritime Museum (LDHCH).

Development / Activity related legislation

A range of other legislation also applies to the management of public land. Application of these will typically depend on the activities or uses being undertaken, and the attributes of the land - for example, the presence of native vegetation. Legislation that is typically relevant to the land management process includes:

- *Environmental Planning & Assessment Act 1979* and the Environmental Planning Instruments (EPIs) that it enables including:
 - Shoalhaven Local Environmental Plan (LEP) 2014 (as discussed in Section 3.3.1 above)
 - Shoalhaven Development Control Plan (DCP) 2014
 - relevant State Environmental Planning Policies (SEPPs), including *SEPP (Transport and Infrastructure) 2021*, *SEPP (Vegetation in Non-Rural Areas) 2017* and *SEPP (Resilience and Hazards) 2021*
- *Coastal Zone Management Act 2016*
- *Fisheries Management Act 1994*
- *Marine Estate Management Act 2014* and associated regulations including the *Marine Estate Management Regulation 2017* and *Marine Estate (Management Rules) Regulation 1999i*, particularly in the context of the pond area and adjoining Jervis Bay Marine Park
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
- *National Parks & Wildlife Act 1974*
- *Heritage Act 1997*

3.3.4 Reclassification

This is the first time the land has been classified as "Community" land under the *Local Government Act 1993*. As such there is no intention to reclassify the land at the current time.

3.3.5 Review of this plan

This Plan of Management is to be reviewed after a 10-year period.

3.3.6 Community consultation

The development of this Plan of Management has built on previous consultation and engagement relating to business planning for the site and is consistent with Council's

Community Strategic Plan. Further consultation has also been undertaken with Council and the Site Manager in the preparation of this Plan of Management.

In addition, this Plan of Management was exhibited in its draft form in accordance with Section 38 of the *Local Government Act 1993*. This entailed Council giving public notice of the draft Plan, exhibiting it for a minimum of 28 days, and providing an opportunity for the community to respond for a period of not less than 42 days.

The Draft Lady Denman Reserve Plan of Management was exhibited from 18 September to 16 October 2023. A total of four written submissions were received from adjoining residents, the Site Manager, and the Department of Primary Industries - Jervis Bay Marine Park. Issues raised by the submissions included:

- Need to update key references and images used in the document for currency
- Inclusion of references to marine park legislation and recognition of the importance of adjoining marine environment
- Concern over traffic and parking within Dent Street, including impacts created by other nearby uses
- Desire for access to be focused through the northern portion of the site, and
- Recognition of the negative impact of continued fish feeding within the pond area.

Where applicable, changes have been included within the Plan of Management to reflect these submissions, noting that some issues, such as access and parking arrangements, will continue to be considered through subsequent environmental assessments associated with future works.

4. Existing Use and Broad Future Directions

This section provides an overview of the current and future use of the site in general terms. It has a particular focus on the existing situation and the broad opportunities for the future. Part 2 of this document also provides greater detail as to the future ongoing development and management priorities, key issues to be considered and a management framework for the Reserve.

4.1 Overview

Council is responsible for a broad range of public land, including land owned by Council, as well as Crown owned land for which Council has management responsibilities. Council manages these reserves through a range of in-house services delivery teams that undertake general maintenance and improvements over time as well as administer various management agreements - including the overarching Management Agreement with the Site Manager.

Council also operates an asset management framework that seeks to meet its legislative and regulatory requirements which emphasise prudent resource usage whilst limiting impact on natural resources. In this case Council's asset management requirements for built assets, including buildings and structures are included in the Asset Management Plan prepared by the Site Manager as delegated under the Management Agreement. Both the current and future assets within the Reserve would be subject to this management regime.

4.2 Existing Site and Asset Condition

4.2.1 General Features

The Reserve's location on the edge of the Huskisson urban area and setting next to native vegetation and the vegetated tidal zone of the Currambene Creek dominate and define its setting. The manmade elements led by the Museums and Galleries building complex are the central focus. In addition to the main Museums and Galleries buildings, a number of ancillary and heritage buildings are also contained on the site, along with a central protected fish enclosure, landscaped gardens, seating, BBQ areas, lighting, footpaths and the like. The Reserve is accessed via two main vehicular access points, from Woollamia Road to the west and Dent Street to the south, which is complemented by formal and informal pedestrian access points.

4.2.2 Existing Buildings and Other Features

The Reserve buildings and other infrastructure most notably includes the Jervis Bay Maritime Museum and Gallery which was renamed in 2015 from the Lady Denman Museum and Heritage Complex, and the Museum of Jervis Bay, Science and the Sea. The Reserve is open to the public, with paid access to the Museum and the Halloran Collection presented in the Science and the Sea Gallery, which are generally open daily from 10am to 4pm. Key building and features of the site are shown in site images at Figure 11 and Figure 12.



View looking south west towards old school building and open air boat display/repair area



Seating and wharf area overlooking the manmade pond area with lighthouse lantern behind



Path to boat shed and boardwalk across the eastern end of the pond area



Old Woollamia Church building on the western side of the Reserve



Boat sheds on the northern edge of the pond area



Covered gazebo / stage / BBQ area on northern side of the pond area

Figure 11: Existing buildings and other site features



View South west to the main building across the pond area



View of the southern end of the main museum building



Main entry feature at entrance to Museums and Galleries



View of eastern entrance to museum building - along path from Keith Moore Habitat Garden



View looking north-east across drainage swale towards main entry to museum building



View from deck of museum building to the east across Keith Moore Habitat Garden (pond area and lighthouse behind)

Figure 12: Existing buildings and other site features

Further details of existing facilities and services are provided in the following tables, with an existing site plan showing all buildings and site context provided at Appendix A.

4.2.3 Use of the land and structures

| Facility | Details |
|---|--|
| Jervis Bay Maritime Museum and Gallery, incorporating the following areas: | |
| <ul style="list-style-type: none"> ○ Lady Denman Ferry area ○ Vera Hatton Gallery and the Kingfisher Gallery ○ Theatrette ○ Preservation Room ○ Gift Shop ○ Visitors Information Centre | <p>Long Gallery and Ferry – Home of the heritage listed Lady Denman Ferry and associated Long Gallery which runs alongside the ferry space. The space is available for hire as a unique informal stand-up area as well as being a key attraction associated with the Museum.</p> <p>Vera Hatton Gallery and the Kingfisher Gallery– The Galleries host a variety of changing home-grown and traveling exhibitions. The space is contained over a single room of more than 100m² of space. The Gallery can be hired for exhibitions, events and like activities.</p> <p>Theatrette – The theatrette is designed to host meetings, conference or presentations and can be hired by the public. It contains projector, screen, and integrated audio and wireless connectivity.</p> <p>Preservation Room – Containing climate controlled and open air storage and workspaces for research, cataloguing and maintenance of the collections.</p> <p>Gift shop – Main entry and gift shop area providing a range of specialist and general merchandising associated with the facility and Jervis Bay area.</p> <p>Visitors Information Centre - Located at the building entry.</p> |
| <ul style="list-style-type: none"> ○ Museum of Jervis Bay, Science and the Sea ○ The Halloran Collection: Science and the Sea Surveyors Gallery ○ Halloran Archives (upstairs rooms) | <p>The Halloran Collection: Science and the Sea – Is an internationally significant collection which provides a diverse assortment of objects ranging from a world-renowned collection of navigation instruments to naval swords, maritime artefacts and artworks.</p> <p>Surveyors Gallery – Features a collection of surveying instruments originally belonging to HF Halloran, an influential town planner and developer in NSW during the first half of the 20th century. His son Warren developed the collection into one of international significance.</p> <p>Halloran Archives (upstairs rooms) – A significant collection of business papers and other artefacts comprising a singular historic business archive for the Shoalhaven and other land development areas and including a reference library - Henry Powell Library.</p> |

| Facility | Details |
|--|--|
| <ul style="list-style-type: none"> ○ Jervis Bay History Gallery | <p>Located in the original building, the Gallery outlines the history of the local Jervis Bay area including the story of the Shoalhaven Aboriginal people and the early days of settlement when shipbuilding at Huskisson became the first major industry.</p> |
| <p>Administration and storage spaces</p> | <p>The buildings contain several administration and storage spaces, including those used for administering the Reserve, the Museums and Gallery, research and restoration projects, as well as archives for the storage of artefacts and documents.</p> |
| <p>Vessel restoration area</p> <ul style="list-style-type: none"> ○ Timber framed building partially over the pond area ○ Slipway and open style covered area where current projects (boats) are located ○ Timber boat carcass demonstrating structural make-up of boat | <p>A strong component of the day to day activities from a boat building perspective. Provides for an extensive outdoor restoration space with access to the pond area.</p> <p>Includes the Alf Settree Boatshed in celebration of the master ship builder of the local area. Alf was heavily involved in the early set-up and development of the then Lady Denman Museum and supervised the construction of the boatshed.</p> |
| <p>Pond and lighthouse area</p> <ul style="list-style-type: none"> ○ Man-made pond enclosure with controlled water release to Currumbene Creek ○ Cape St George Lighthouse Lantern Gallery | <p>The pond area is a gazetted Fish Reserve, managed by the Reserve and the New South Wales Department of Fisheries. It is a tidal enclosure providing a habitat for species from several habitat zones in Jervis Bay.</p> <p>The recently constructed/placed 1859 Cape St George Lighthouse Lantern Gallery adjoins the pond. The Lantern Room was originally from the Cape St George Lighthouse, and the new installation has been designed to reflect the same proportions of the Crookhaven Heads Lighthouse, where the Lantern was operational for over 70 years.</p> |
| <p>Other Heritage buildings</p> <ul style="list-style-type: none"> ○ Former school buildings ○ Former Woollamia Church | <p>Two former school buildings (from original Wandandian and St Georges Basin Public Schools and relocated to site in 1993) are now used by community groups (such as the Jervis Bay and Basin Arts Inc.) and for other Reserve activities, including for hire for workshops, seminars and meetings.</p> <p>Former Woollamia Church (constructed in 1935 and moved to the site in 1995) is used occasionally for meetings and events (e.g. small weddings).</p> |

| Facility | Details |
|---------------------------------|---|
| Maintenance Workshop | This large steel building measuring approximately 9.0 x 14.5m and is located on the western boundary of the site (adjoining Woollamia Road). The shed is connected to power and stores machinery, tools, a paint locker, general storage and a kitchen with cold and hot water. |
| Pavilion | An open sided undercover area including an electric BBQ and built in edge seating. The pavilion is set within an open grassed area with views over the pond area, the Keith Moore Habitat Garden and the Boathouse/restoration area. It can be hired for events and activities such as outdoor wedding ceremonies, parties, family occasions and outdoor classes. |
| Picnic Areas | The western side of the museums/galleries building hosts a large grassed picnic space and open area with several tables and seating, as well as a BBQ shelter. An open grassed drainage swale runs through the area, directing water past the northern side of the museums/galleries building. |
| Wirreecoo Wildflower Garden | Established in 1985 by members of the Australian Plant Society (Nowra Group), much of the garden was destroyed by bushfire in 2001, with reconstruction being undertaken and a theme adopted - "Linking Local Flora to Fauna" to highlight the connection of local wildlife to indigenous plants of the area. |
| Keith Moore Habitat Garden | Developed as an Australian native garden located on the eastern side of the main museums/galleries building and implemented in 2007 using native plants and based on a Jervis Bay design theme. The area expanded on a smaller wetland/frog habitat and is an accessible garden adjoining the pond and restoration areas. |
| Aboriginal Arts and Crafts shop | The Aboriginal arts and crafts shop sells art works and artefacts by the local Timbery family and others. |
| Amenities Block | A public amenities block is located on site and is maintained by Council rather than the Site Manager. The aging facility contains men's and women's facilities, as well as a separate disabled toilet and storage. |
| Wharf and pond boardwalk | The wharf, adjoining eastern entry of the museum and gallery, is a seating area overlooking the pond, which has recently been upgraded and connected with a boardwalk style walkway that extends along the western and southern edges of the pond, and ultimately linking to the mangrove boardwalk identified below. |

| Facility | Details |
|--|---|
| Mangrove boardwalk and bushwalking trail | The boardwalk (largely rebuilt in 2023) is a 1.4km elevated walk through the mangrove community on Currambene Creek which is outside of the part of the Reserve that is subject to this Plan of Management but is part of the wider Lady Denman Reserve. From the Boardwalk visitors can see Grey Mangroves, River Mangroves, bird species, crabs and other flora and fauna. A bushwalk trail is also located to the west of the boardwalk and north of the museums/galleries building. |

4.2.4 Permitted Use and Future Use

As outlined, the Reserve contains several buildings and other infrastructure which is used by a number of groups, most notably housing the Museums and Galleries. Warren Halloran was an important and long-term stakeholder in the Reserve. It is noted the Executors of the Estate of Warren Halloran advised the licence that existed in conjunction with building space within the Reserve, between Warren Halloran and Council, terminated when Warren Halloran passed away in January 2020.

Core users of the site, or parties with an interest in the site, include:

- NSW Government - who own the land which is managed as a Crown Reserve
- Shoalhaven City Council - who manages the Reserve as Crown Land Manager under the *Crown Land Management Act 2016*
- Lady Denman Heritage Complex Huskisson Inc. - who are the Site Manager and operate the facilities located on the site on behalf of Council, including the Museums and Galleries (under the Management Agreement)
- Halloran Collection Committee - who are appointed by the Incorporated Body and are an advisory body for the Jervis Bay Trust Fund (JB Trust) (including the "Halloran Collection")
- Djiriba Waagura - who conduct a range of experiences that aim to revitalise and strengthen Aboriginal cultural on the NSW South Coast

Others have occasional use of the site and these relationships, activities and the role of various parties are identified throughout this document.

The Reserve holds a range of activities and events, some being regular and others being one off or more ad-hoc in nature. These include, or have previously included:

- Jervis Bay Maritime Museum Produce and Craft Markets: Held on the first Saturday of the month. During summer months, October – April these are Twilight Markets (3-7pm) and in the winter they are morning markets (10-3pm). Stalls include a range of arts and crafts, home wares, gifts and local produce. Live music is also often on offer.
- Jervis Bay Maritime Museum: the main building on site housing the ferry, shop, various galleries and the museum itself
- Art exhibitions: including the various Author Boyd exhibitions, photographic exhibitions, as well as numerous local and regional artists

- Music and cultural events such as the Women's Wellness Festival and Winter Sea Change Festival and jazz concerts
- Children's events including book launches / readings
- Antiques Fair and other like events
- Regular community group activities including U3A, art classes and Yoga groups who regularly use the Classrooms and a range of senior's organisations who use the site for outings and picnics
- Education Sector use both the Museum and the site for a range of educational purposes
- Private functions such as food & wine events, birthday parties and weddings utilising the gardens/ grounds, old Woollamia Bush Church and outdoor pavilion
- Other bookings and functions associated with the range of buildings on offer.

At the current time, uses are undertaken within the Reserve in accordance with relevant policies and procedures of Council. Permissibility of uses are guided by the Shoalhaven LEP 2014, the public purposes of the reserve (being "Public Recreation and additional purposes of Community Purposes, Environmental Protection, Tourist Facilities and Services") and the needs of the broader community.

Formal use of the site is generally managed in accordance with Management Agreement and lease and licence arrangements as outlined in Section 3.3.2 and Section 7.

In the future, there is potential for the scale and intensity of use of the Reserve to increase over time. These uses would generally be as identified by the site Strategic Plan and Reserve Future Use Plan included at Appendix A, along with any subsequent investigations and processes to implement activities identified in this Plan of Management. These uses will most likely include:

- Retention of all current uses, generally in the same or similar locations to existing
- Expansion of current use to include a range of new related activities including community, cultural and tourism focussed commercial uses associated with the redevelopment of identified facilities, for purposes such as café / dining, events, small scale retail or related uses, health and wellbeing practices, and the like.

Part 2: Achieving Desired Directions



5. Rationale and Direction for Future Use

This section establishes the rationale for why the proposed future directions for the Lady Denman Reserve are being pursued. In doing so it considers the way that the land has been categorised and the public purposes which have been established. It also explores the key issues with the site and how these are to be managed into the future.

This section is supported by and references the Future Use Plan included as Appendix B.

5.1 Identification of Land Category

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. More specific management objectives must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2021*. The core objectives for each category are set out in the *Local Government Act 1993*. The guidelines and core objectives for the "General Community Use" category which applies to the subject land is set out below.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the area. The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate.

As previously outlined, the part of the Lady Denman Reserve (formally known as Crown Reserve 96376) covered by this Plan of Management is categorised as "General Community Use". This category provides for a relatively wide range of functions, which best encompasses the variety of activities and uses that occur across the Reserve at various times of the year. The "core objectives" that are associated with this category are outlined below.

Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

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

5.2 Council's strategic objectives and priorities

The Reserve is subject to a range of Council strategy objectives and priorities, as well as statutory controls, as previously referenced in Section 3. Based on these overarching directions, Council, in consultation with the community and site stakeholders, has developed the following values and site-specific objectives to identify the priorities and aspirations of the community and the delivery of a vision for the future.

5.3 Key Values

The Lady Denman Reserve is valuable to the community for a number of reasons. The core Reserve values are highlighted below.



Key objectives that will drive the future use and development for the Reserve, are:

- i. Make attractive and accessible facilities available to locals and visitors to present the natural environment, maritime and cultural heritage of Jervis Bay and its surrounds
- ii. Encourage visitation to the Reserve by leveraging the reputation of the existing museums and galleries infrastructure as a unique local, regional, state and national facility
- iii. Encourage visitation for the purposes of nature-based experiences
- iv. Encourage visitation through the addition of uses and events that are attractive to the local community, as well as local through to international tourism
- v. Continue to support the Reserve as a cultural and community hub for the local area, that can be more widely recognised and utilised by the local community
- vi. Develop and improve access to the Reserve to create a more dynamic and cohesive Reserve environment for the community, tourists, visitors and events opportunities

- vii. Provide a platform for developing a level of financial sustainability for the Reserve and which meets its asset management needs into the future
- viii. Work with the Site Managers to ensure the Museum has the facilities and environment needed for it to maintain and develop its reputation as a best practice regional museum and gallery.

These objectives build on and apply over and above the “General Community Use” Core Objectives that apply to Reserve.

5.4 Key Management Issues

Based on consultation activities associated with the Reserve and its various uses over several years, along with direct consultation undertaken in the preparation of this Plan of Management with the Site Manager and other stakeholders, there are a number of key management issues that have been identified. In addition to the ongoing protection, management and maintenance of the site, these key issues primarily relate to enabling or supporting the key values identified in Section 5.3 above.

With a spatial framework in place as generally set out in the Future Use Plan included at Appendix B, this section seeks to establish the directions for key management issues to enable the progression of this plan in a managed and co-ordinated way. This then leads into the overall Management Framework which takes the form of the Implementation Action Plan presented in Section 7 of this Plan of Management. The following key management issues are further explored in the following table:

- o Maintain and grow tourism and provide cultural amenity and engagement for the local community
- o Improve usage of infrastructure
- o Administer the management agreement
- o Manage user groups, leases and licences
- o Improve promotion and awareness
- o Integrate, protect and enhance natural features
- o Manage water movement
- o Integrate, protect and enhance heritage and culture

| Management Issue | Description | Desired Direction |
|--|--|--|
| <p>1. Maintain and grow tourism and provide cultural amenity and engagement for the local community</p> | <p>The central attraction of the Reserve is the museum and gallery which is a tourism drawcard for the area.</p> <p>The wider site is also a popular location for events and hosts a range of markets, music and cultural activities and events.</p> <p>Small private functions also occur in part of the Reserve, such as weddings.</p> | <p>Implementation of the Plan of Management (and supporting documents, such as the Management Agreement and Jervis Bay Maritime Museum Strategic Plan) in coordination and support with Council's tourism and community development areas to increase visitation numbers and events.</p> <p>Events permitted via the booking process, where consistent with this Plan of Management and subject to approval where required (i.e. for larger scale events).</p> <p>Council policy regarding alcohol in public places also applies including applications for licences and exemptions.</p> |
| <p>2. Improve usage of infrastructure</p> | <p>The Reserve contains a variety of community buildings such as the church, old school rooms and the museums and galleries buildings as well as outside spaces.</p> <p>Use of these could be improved to cater to broader spectrum of the community and improve the 'cost per visit' of the running and maintenance of the Reserve.</p> | <p>Collaborative approach to management, consistent with Council policies and the Site Manager's role.</p> <p>Implementation of the JBMM Strategic Plan for the Reserve in addition to support for ongoing and casual user groups, programming of events and promotion of the site, as well as coordination across various internal Council units.</p> <p>Usage of available spaces to be taken into account in any planning for modification or additional infrastructure.</p> |
| <p>3. Administer the management agreement</p> | <p>Management of the Reserve (excepting some obligations regarding assets) is delegated to the Site Manager under a Management Agreement.</p> <p>Administering this agreement requires ongoing communication and coordination between the Site Manager and Council.</p> | <p>Clear contact points are available within Council and the Site Manager, including two-way communication approach to administration and implementation of the Management Agreement.</p> |

| Management Issue | Description | Desired Direction |
|---|--|---|
| 4. Manage user groups, leases and licences | <p>The Reserve has a range of user groups and lease and licence holders associated with it in addition to the Site Manager.</p> <p>The administration of appropriate agreements and arrangements enables access in a fair and transparent manner.</p> | <p>Ensure the appropriate agreements (or alternative agreed arrangements) are in place, responsibility for management of the agreements is clear and ongoing compliance with terms is monitored.</p> <p>Aim to enable access in a safe and coordinated manner as well as provide a clear understanding of roles and responsibilities e.g. maintenance, conflict with other uses, costs etc.</p> |
| 5. Improve promotion and awareness | <p>The Reserve caters for both locals and visitors. Consistent and accessible information both on site and online regarding availability of spaces, permitted activities and wayfinding signage to ensure equitable access are important to ensure the area is used to its full potential.</p> | <p>Increase community awareness of the Reserve including natural areas, open space resources, facilities available to the community as well as the offerings of the museums and galleries.</p> <p>This may include ensuring identifying signage, availability of accurate information online, and promotion and programming of activities and uses.</p> |
| 6. Integrate, protect and enhance natural features | <p>A variety of natural and modified vegetation types and plantings form important parts of the Reserve from planted gardens to remnant established native vegetation.</p> | <p>Maintenance regime, planting, infrastructure provision and permitted access, use or development is reflective of the status of the vegetation present with involvement by volunteer groups encouraged.</p> |
| 7. Manage water movement | <p>The site contains a number of drainage lines and easements as well as being flood prone.</p> <p>The pond area has been identified as in need of proactive management and remediation due to its proximity to the pristine waterways of the Currumbene Creek and Jervis Bay.</p> | <p>Use and development is considerate of water and its movement in the landscape and maintenance is adaptable to changing seasonal conditions.</p> <p>Options for rehabilitation and opening of the pond to be investigated.</p> <p>Development and use consistent with site constraints such as flooding and stormwater flows.</p> |
| 8. Integrate, protect and enhance heritage and culture | <p>The Reserve is subject to Heritage provisions and contains heritage listed items such as the Lady Denman ferry which need to be considered in the ongoing maintenance and development.</p> <p>Historic connection and long-term use of the Reserve by local Aboriginal families and elders.</p> | <p>Maintenance, conservation and any development works that are conducted are able to satisfy all relevant heritage requirements, which may include strategies, studies, other Council policies and approvals processes (including under the <i>Heritage Act 1977</i>).</p> <p>Continued collaboration with the local Aboriginal families and other Aboriginal groups who are connected with the Reserve.</p> |

5.5 Management framework

The overarching framework for the management of the site is established under the Management Agreements as identified in Section 3.3.2. The Management Agreement appoints Lady Denman Heritage Complex Huskisson Inc as the Site Manager for an initial term of 20 years (1 July 2019 – 30 June 2039) unless extended or ended earlier as allowed under the agreement.

The Agreement covers roles and responsibilities for the operation and management of the Jervis Bay Maritime Museum and Reserve site including leases (Council to grant and manage) and licences (the Site Manager may grant and manage) as well as asset management and maintenance. While the Site Manager is responsible for the oversight of maintenance, repair and replacement of the Reserve's assets, overall management responsibility including sourcing of funding for works is in partnership with, but lead by, Council. Management is also guided by the JBMM [Jervis Bay Maritime Museum] Asset Management Plan.



6. Development and Use

6.1 Current use of the land

Existing use of the land subject to this Plan of Management, including its condition and structures, are provided in Section 4.2. This use provides for a vibrant and active area with a range of formal and informal uses regularly occurring.

6.2 Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in the Table below. The facilities on community land may change over time, reflecting the needs of the community.

| Purpose/use, such as... | Development to facilitate uses, such as... |
|---|---|
| <p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings with specialised community uses such as:</p> <ul style="list-style-type: none"> ○ exhibitions, artefact storage and related gallery / museum uses ○ educational centres, including information and resource centres ○ meetings (including for social, recreational, educational or cultural purposes) ○ workshops ○ functions ○ commercial uses, such as café or kiosks, retail sales associated with the museum / gallery or similar ○ casual or informal recreation ○ concerts, including all musical genres ○ performances (including film and stage) ○ fairs and parades ○ leisure or training classes ○ designated group use ○ entertainment facilities | <p>Development for the purposes of social, community, cultural and recreational activities, such as galleries, museums and educational facilities.</p> <p>Development includes:</p> <ul style="list-style-type: none"> ○ provision of buildings or other amenity areas to facilitate use and enjoyment by the community ○ development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a display) ○ landscaping and finishes, improving access, amenity and the visual character of the area ○ environmental initiatives such as rain gardens and solar panels ○ car parking and loading areas ○ advertising structures and signage that: <ul style="list-style-type: none"> - relate to approved uses/activities - are discreet and temporary - are approved by the council ○ locational, directional and regulatory signage. |

More specifically, this Plan of Management enables the development and use of the Reserve, consistent with the:

- Land use zoning of the site under Shoalhaven LEP 2014 and relevant provisions of Shoalhaven DCP 2014
- Public purposes of the Crown reserve (being “Public Recreation with the Additional Purposes of Community Purposes, Environmental Protection, Tourist Facilities and Services”)

- “General Community Use” land category assigned to the site under this Plan of Management and in accordance with the *Local Government Act 1993*
- This Plan of Management
- Future Use Plan, as presented in this Plan of Management, but with its basis in the adopted Strategic Business and Master Plan originally developed for the site in 2016
- Management Agreement (2019) between Shoalhaven City Council (as the appointed Crown Land Manager) and the Lady Denman Heritage Complex Huskisson Inc. (as the Site Manager), including associated Strategic Plan and Business Plans developed consistent with this agreement
- Conservation Management Plan for the site developed in 2023
- Outcomes of the Open Coast and Jervis Bay Coastal Management Program or other subsequent coastal management programs as they apply to the area
- Wider Council planning priorities and directions

The intent of the Future Use Plan (refer Appendix B) is to respond to the key values and site-specific objectives outlined Section 5.3 above. Key directions include:

- Balancing cultural use and natural attributes of the site: By acknowledging the waterfront location and facilitating a wide range of uses and functions in a relatively compact area, the longer-term retention and expansion of the Museum operations can be integrated with and protect adjoining natural areas. This may include the opening of the pond to Currambene Creek following appropriate best practice guidance and in accordance with required approvals (recognising the presence of the Jervis Bay Marine Park).
- Consolidating use areas: A range of opportunities exists to be more interconnected and to see creation of consolidated precincts within the site. Areas near the pond are more amenable to events such as markets, weddings or “long table’ pop up lunches and dinners. Potential expansion and/or creation of indoor cultural spaces to the south and west of the main building would consolidate Aboriginal cultural tourism and arts and maritime heritage facilities and ensure best practice museum and gallery elements can be achieved.
- Integrating the site and its surrounds: The area currently contains some relatively disconnected facilities, with poor wayfinding to adjoining areas and engagement within the site. This could be assisted by improved access arrangements, signage and reinforcement of use areas, with a particular emphasis on meeting modern accessibility standards.

Other minor developments may also be required from time to time that are not directly identified by the Future Use Plan or this Plan of Management. Such development should be integrated with the directions and intent of the Future Use Plan so as to not impact on its future implementation or intended outcomes.

Provided development and use is consistent with the requirements outlined above, this Plan of Management does not prevent the implementation of infrastructure under the following:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021* - provides for certain infrastructure developments to be “exempt development”, “complying

development”, “development permitted without consent” or “development that is permitted with consent”. Division 12 of the SEPP applies to parks and other public reserves and includes a wide range of infrastructure developments for sport and recreation activities.

- Division 1 of Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* - provides for a range of activities to be exempt including:
 - Temporary event signs
 - Community notice and public information signs
 - Tents, marquees or booths for community events
 - Stage or platforms for community events

7. Leases, Licences and Other Estates

Under section 46(1)(b) of the *Local Government Act 1993*, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purposes, the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances, a licence or short-term licence or hire agreement will be issued.

7.1 Leases and licences authorised by the Plan of Management

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land covered by the Plan of Management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Commonwealth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983*, the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted

- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*, and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land categorised as General Community Use, listed in the table below.

| Type of tenure arrangement | Purpose for which tenure may be granted |
|----------------------------|---|
| Lease | <ul style="list-style-type: none"> ○ cultural purposes, including museums, galleries, concerts and productions ○ recreational purposes, including fitness classes, physical exercise and games ○ educational purposes, including education classes and workshops ○ kiosk, café and refreshment purposes ○ commercial retail uses associated with the facility (e.g. sale of gallery / museum goods) |
| Licence | <ul style="list-style-type: none"> ○ cultural purposes, including museums, galleries, concerts and productions ○ recreational purposes, including fitness classes, physical exercise and games ○ educational purposes, including education classes and workshops ○ kiosk, café and refreshment purposes ○ sale of goods or services that are ancillary to community land use and reserve purpose |
| Short-term licence | <ul style="list-style-type: none"> ○ public speeches, meetings, seminars and presentations, including educational programs ○ functions (including commemorative functions, book launches, film releases, and similar activities) ○ displays, exhibitions, fairs and shows ○ events (including weddings, corporate functions, and community gatherings) ○ concerts and other performances, including both live performances and film ○ broadcasts associated with any event, concert, or public speech ○ engaging in an appropriate trade or business delivering community events, auctions, markets and similar activities ○ scientific studies and surveys or similar ○ equipment hire or similar ○ temporary erection or use of any building or structure |
| Other estates | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the <i>Local Government Act 1993</i> . |

Existing leases, licences and other estates authorised under this Plan of Management include:

- Lady Denman Heritage Complex Huskisson Incorporated - Site Management Agreement - 20 years from 01 July 2019 to 30 June 2039

It is further noted that a short-term licence with Djiriba Waagura to undertake Aboriginal cultural programs and experiences at the site has now lapsed. A future tenure arrangement will be considered for this use, pending the POM's adoption.

8. Implementation Action Plan

This section provides an ongoing management framework for the implementation of this Plan of Management. This framework is identified through the "action plan" presented overleaf, which includes the minimum requirements of the *Local Government Act 1993*.

References to various elements included within the Implementation Action Plan are further explained below:

Management Issue: Refers to the issues identified in Section 5.4 of the Plan of Management.

Objectives and Performance Targets: Refers to the objectives for General Community Use that are nominated in Section 5.1, and for the site specifically in Section 5.3. It also provides performance targets that can be used to measure outcomes. This is in accordance with Section 36(3)(b) of the *Local Government Act 1993*.

Means of achievement of objectives: Refers to options available to undertake actions that seek to meet the objectives. This is in accordance with Section 36(3)(c) of the *Local Government Act 1993*.

Manner of assessment of performance: Refers to the ways that performance or success of the management process will be measured. This is in accordance with Section 36(3)(d) of the *Local Government Act 1993*.

| Management Issue | Objectives and Performance Targets | Means of achievement of objectives | Manner of assessment |
|---|---|---|---|
| 1. Maintain and grow tourism and provide cultural amenity and engagement for the local community | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (ii) (iii) (iv) (v) (vi) (vii) (viii)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ Increase visitation rates to the area ○ Increase the number of events undertaken within or adjoining the Reserve ○ Increase physical and online accessibility to collections | <ol style="list-style-type: none"> 1. Maintenance of current facilities prior to new development 2. Plan for and develop new facilities that meet user requirements (including online) and in accordance with the intent of the Future Use Plan 3. Provision of specific infrastructure to facilitate future use opportunities | <ul style="list-style-type: none"> ○ Tourism data for the area ○ Number of events held within or adjoining the Reserve ○ Services provided for event purposes ○ Extent of access online, including school and university groups |
| 2. Improve usage of infrastructure | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (ii) (iii) (iv) (v) (vi) (vii) (viii)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ New and existing facilities are able to be integrated through careful site planning and detailed design ○ Ongoing operation of the site is well co-ordinated, promoted and meets public and user needs | <ol style="list-style-type: none"> 1. Business planning continues to be undertaken to review future opportunities associated with the Museum to identify future use directions, reuse of existing space and re-development of buildings / infrastructure 2. Ongoing review and design work involves relevant user groups and community | <ul style="list-style-type: none"> ○ New Landscape Master Plan developed ○ Implementation of Strategic Plan and Business Plans ○ Development and use in accordance with Future Use Plan ○ Projects implemented to improve accessibility |
| 3. Administer the management agreement | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (ii) (iii) (iv) (v) (vi) (vii) (viii)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ Site Manager and Council have clear and defined roles established under the Management Agreement | <ol style="list-style-type: none"> 1. The Management Agreement is reviewed and updated as required 2. Communication and coordination between Council and the Site Manager will be facilitated by Council to best meet the needs of user groups and the broader community | <ul style="list-style-type: none"> ○ Site Management Agreement is administered as per terms ○ Mechanisms for effective communication and coordination between Council and the Site Manager are in place |

| Management Issue | Objectives and Performance Targets | Means of achievement of objectives | Manner of assessment |
|---|--|---|--|
| 4. Manage user groups, leases and licences | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (ii) (iii) (iv) (v) (vi) (viii)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ User groups activities occur within the context of site user agreements with Council and/or Site Manager | <ol style="list-style-type: none"> 1. Council and the Site Manager will ensure that use of the site is conducted in accordance with appropriate user agreements 2. Council, in conjunction with respective user groups and relevant legislation, will determine the appropriate user agreements to be utilised. 3. User agreements will include but are not limited to: <ul style="list-style-type: none"> ○ Commercial entities and activities including events, retail and food outlets, and other uses such as equipment hire and the like ○ Community groups and related activities | <ul style="list-style-type: none"> ○ Regular site users are captured within a user agreement with Council or as otherwise recognised under subsequent agreements ○ Legislative requirements are met |
| 5. Improve promotion and awareness | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (ii) (iii) (iv) (v) (vi)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ Access and delineation between public space and the museums and galleries are clear for the general public ○ Signage is effective in the communication of upcoming events and activities that are occurring at the site over time ○ Information regarding the site and its activities and uses is readily available | <ol style="list-style-type: none"> 1. New works are integrated as funding opportunities arise and in accordance with the Future Use Plan 2. Where applicable, signage is maintained and updated to communicate regular events and activities 3. Council enables cross promotion of events and activities as well a booking processes | <ul style="list-style-type: none"> ○ Signage meets design requirements and able to facilitate the communication of upcoming events and activities ○ Public event opportunities are delivered as integral components of various areas |

| Management Issue | Objectives and Performance Targets | Means of achievement of objectives | Manner of assessment |
|---|--|--|--|
| 6. Integrate, protect and enhance natural features | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (iii) (vi)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ Use of areas reflects and responds to their natural assets and constraints ○ Natural elements of the site are retained and integrated into use activities wherever possible | <ol style="list-style-type: none"> 1. Appropriate detailed assessments are undertaken of natural areas to ensure proposed uses are appropriate and managed in ways that respond to natural area needs 2. Where terrestrial biodiversity environments are identified in the LEP, mechanisms are put in place to maintain biodiversity, protect and enhance these areas 3. Areas of cultural and heritage significance are recognised, and appropriate consultation undertaken with relevant user groups as required 4. Maintain or reduce energy, water and waste consumption | <ul style="list-style-type: none"> ○ Environmental assessment is undertaken prior to development or disturbance of natural areas in accordance with relevant legislation ○ Water and energy use are monitored, and waste audits undertaken |
| 7. Manage water movement | <p>Core Objectives: GCU (a) (b)</p> <p>Plan of Management Objectives: (i) (iii) (v) (vi)</p> <p>Performance Targets:</p> <ul style="list-style-type: none"> ○ Use of areas reflects and responds to the waterside location, drainage and movement constraints ○ The pond is managed within the context of the wider marine environment | <ol style="list-style-type: none"> 1. Investigations and remediation are undertaken according to the best practice needs and approvals associated with the pond 2. Flooding and drainage are considered in use and development in accordance with relevant legislation | <ul style="list-style-type: none"> ○ Rehabilitation and opening of the pond are investigated and implemented if possible |

| Management Issue | Objectives and Performance Targets | Means of achievement of objectives | Manner of assessment |
|---|--|---|---|
| 8. Integrate, protect and enhance heritage and culture | Core Objectives: GCU (a) (b) Plan of Management Objectives: (i) (ii) (iii) (iv) (v) (vi) Performance Targets: <ul style="list-style-type: none"> ○ Use of areas reflects and responds to their heritage assets and constraints ○ Cultural elements of the site are retained and integrated into use activities wherever possible | <ol style="list-style-type: none"> 1. Areas of cultural and heritage significance are recognised, and appropriate consultation undertaken with relevant user groups as required 2. The cultural value of the site is expanded and celebrated through ongoing site planning and activities | <ul style="list-style-type: none"> ○ Aboriginal cultural and other interpretation opportunities are realised |

9. Plan Administration and Management

Council will administer this Plan of Management in conjunction with its other Plans of Management for individual sites and generic plans that incorporate a range of categorised lands. Funding for ongoing development of the Reserve, generally in accordance with the Future Use Plan in Appendix B will be subject to the considerations of Council, management interests of the museums and galleries, and the competing pressures for project funding.

Efforts have been made to secure external funding for the current and future projects and these opportunities will continue to be pursued. This will include both State and Federal programs, with funding opportunities and efforts to be co-ordinated with user groups as required.

It is intended that the Plan of Management will be reviewed within 10 years of the date of endorsement by Council.

Appendix A – Site Plan



NOTES

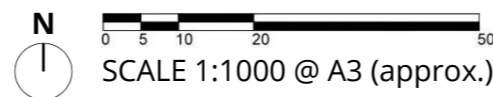
- 1. Parking and access from Woollamia Road** - 20 parking spaces within a vegetated setting. Wirreecoo Wildflower Garden on entry walk to Museum.
- 2. Service vehicle and staff parking** - Gravel parking area for staff parking and access to museum and gallery for exhibitions and servicing.
- 3. Jervis Bay Maritime Museum and Gallery building** - Museum and gallery building containing collection management centre, Vera Hatton Gallery, theatre and main gift shop, entry and visitor information.
- 4. Lady Denman Ferry building** - Museum building containing the Lady Denman Ferry and associated information / displays.
- 5. Original museum building** - Original museum display area including History Gallery, administration, and conservation store.
- 6. Halloran Collection area** - Halloran Collection area - 'Science and the Sea'.
- 7. Eastern museum entry and platform** - Includes recently rebuilt jetty platform, being the main area overlooking the pond. External display area also present.
- 8. Boathouse restoration area** - Hands-on boat building and restoration area including associated slipway and boat display.
- 9. Pavilion** - Open style pavilion adjoining the Keith Moore Habitat Garden and pond area. Popular for weddings and events.
- 10. Access to boardwalk** - Recently upgraded pathway to north to access walking track along creek and boardwalk area beyond.
- 11. Pond area** - Feature element of the grounds, associated with original Ferry arrival and now for boat display.
- 12. Picnic and lighthouse area** - Open grassed area adjoining pond, includes recently installed '1959 Cape St George Lighthouse Lantern Gallery' and new boardwalk adjoining pond.
- 13. Parking and access from Dent Street** - Two gravel parking areas providing at grade access to the grounds off Dent Street.
- 14. Former caretakers' cottage (now removed)**
- 15. Aboriginal art & craft building** - Building used as local art and craft shop associated with local Aboriginal groups.
- 16. Historic school buildings** - Relocated to the site from local schools and new used for community-based activities.
- 17. Amenities block** - Public facility in basic condition.
- 18. Picnic area** - Open area utilised for picnics and markets. Poor drainage and natural swale through area.
- 19. Historic Church** - Former Woollamia Church relocated in 1995 for occasional small events and weddings.
- 20. Maintenance shed**
- 21. Personal water craft launch area** - Passive water craft launch area (e.g. kayaks) at end of Dent Street (outside of Reserve).
- 22. Community Centre** - Existing community centre on adjoining crown land (outside of Reserve).

LEGEND

- RESERVE BOUNDARY
- BUILDINGS / STRUCTURES
- EXISTING CONCRETE PATHWAYS
- EXISTING VEHICLE ACCESS

**LADY DENMAN RESERVE
PLAN OF MANAGEMENT**

MARCH 2024



PLAN 01 - EXISTING SITE PLAN



Appendix B – Future Use Plan



NOTES

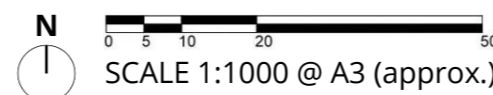
- 1. Parking and access** - Generally retained and improved to maintain natural entry feel. Some additional parking potential where impacts can be minimised.
- 2. Service vehicle access and parking** - Improve with potential to increase access and size for greater use to meet future demand.
- 3. Potential expansion area** - Additional building and space to accommodate ongoing growth and use consistent with events and activities undertaken in association with the site.
- 4. Original museum and Lady Denman buildings** - Retained and improved to accommodate ongoing museum and gallery activities.
- 5. Function and events space** - Area to north of pond with potential to be used as hireable open space for events such as weddings. Retained for public access when not otherwise used.
- 6. On-water display** - Establish accessible on-water area for display of water craft and for external access pending pond opening (subject to Marine Park and other approvals).
- 7. Pond opening** - Potential to open pond to Currumbene Creek to enable waterway access (subject to Marine Park and other approvals).
- 8. Public open space** - Predominantly public open space area retained and improved to include museum related infrastructure, gathering space (e.g. yarning circle) and other events / related external activities.
- 9. Eastern entry forecourt** - Improve access and reinforce opportunity for activities and to activate the eastern forecourt space. Potential location for pop-up/permanent café or similar, including alfresco space and .
- 10. Consolidated parking area** - With removal of caretakers' cottage, consolidate and formalise parking area to accommodate long-term growth and equitable access arrangements (subject to approvals).
- 11. Potential expansion area** - Potential area for multi-use theatre style building, in conjunction with indigenous cultural tourism area or related use activity subject to detailed master planning. Includes integration of new public amenities.
- 12. Consolidated community use area** - Relocate historical classrooms and other buildings as applicable to consolidate as a community precinct with connection to both museum/gallery and adjoining community centre.
- 13. Existing open space area** - Predominantly public open space area retained and improved to include museum related infrastructure, events and related external activities.
- 14. Retained vegetation** - Generally retain existing vegetation and tree canopy to maintain an enclosed and natural feel for the facility.
- 15. Storage expansion** - Potential to expand storage areas subject to approvals.

LEGEND

- RESERVE BOUNDARY
- POTENTIAL FUTURE BUILDING AREAS
- POTENTIAL FUTURE FORMALISED PARKING AREAS

**LADY DENMAN RESERVE
PLAN OF MANAGEMENT**

MARCH 2024



PLAN 02 - FUTURE USE PLAN



Appendix C – Plan of Management Legislative Framework

PLAN OF MANAGEMENT LEGISLATIVE FRAMEWORK - OVERVIEW

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

Key legislation

Local Government Act 1993 (NSW)

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be used in accordance with:

- o the plan of management applying to that area of community land, and
- o any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- o the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the LG Act provides that a plan of management for community land must identify the following:

- 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 the council proposes to achieve the plan's objectives and performance targets,
- d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific plan of management must be made for land declared:

- o as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- o by council to contain significant natural features (section 36C(2))
- o by council to be of cultural significance (section 36D(2)).

Land classification

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the Crown Land Management Act 2016 (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46a and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period

from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Crown Land Management Act 2016 (NSW)

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as appointed Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Native Title Act 1993 (Commonwealth)

The *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this plan of management (refer to Section 3.3 for details).

Other state and Commonwealth legislation

Environmental Planning and Assessment Act 1979 (NSW)

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983 (NSW)

The Aboriginal Land Rights Act 1983 (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974 (NSW)

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance.

Coastal Management Act 2016

The *Coastal Management Act 2016* (CM Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The CM Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW.

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the Native Vegetation Act 2003, Threatened Species Conservation Act 1995, the Nature Conservation Trust Act 2001, and the animal and plant provisions of the National Parks and Wildlife Act 1974. While The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The *Biodiversity Conservation Act 2019* (BC Act) covers conservation of threatened species, populations and ecological communities, and the protection of native flora and fauna.

Certain weeds are also declared noxious under this BC Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Transport & Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

Other legislation

Other potentially relevant legislation includes, but is not limited to:

- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Protection of the Environment Operations Act 1997*

Appendix D – Aboriginal interests in Crown Land

ABORIGINAL INTERESTS IN CROWN LAND

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The *Crown Land Management Act 2016* recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Commonwealth *Native Title Act 1993* and the NSW *Aboriginal Land Rights Act 1983*.

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a plan of management, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Housing and Infrastructure (Crown Lands) is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

localé consulting

T 0419 700 401

A 1/27 River Street Woolgoolga NSW 2456

P PO Box 53 Woolgoolga NSW 2456

E info@localeconsulting.com.au

W www.localeconsulting.com.au

