

# Foreshore Reserves Policy

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## 1. Purpose

Foreshore areas represent the transition zone between aquatic and terrestrial ecosystems. They are highly regarded by the community for their social, cultural, and economic values, as well as for their environmental sensitivity and scenic character. Foreshores develop naturally, and are influenced by natural processes (e.g., storm events) and are also impacted on directly and indirectly by human use and surrounding development. Thus, it is essential that a balance is attained, and that risk of impacts is appropriately managed.

The purpose of this policy is to outline Council's direction and requirements in the management of foreshore reserves in order to achieve the aforementioned balance. It aims to provide guidance on the prioritisation associated with the implementation of management actions based on the applicable legislative provisions, and assessment of community, environmental and sustainability values. Management is subject to provisions of the applicable NSW State and Commonwealth legislation, including but not limited to, that as described in Appendix 1.

Where items in this document contradict State or Commonwealth policy or legislation, the provisions of the State or Commonwealth policy or legislation will prevail.

## 2. Statement

### 2.1. Scope

Council's foreshore reserves include Council owned land classified as Community Land – Natural Areas under Section 36 of the *Local Government Act 1993* (NSW). They also comprise Council managed land adjoining recognised water bodies or intermittent watercourses including oceans, estuaries, lakes, rivers, creeks, and wetlands. Accordingly, the policy relates to the whole of a foreshore reserve under Council ownership/management from the land/water transition zone through to the mapped boundary extent, and any immediately adjoining area that may be directly or indirectly impacted on by community use.

The policy also aims to outline management of natural and human impacts on foreshore reserves, to protect the integrity of natural systems and the capacity of the reserves to meet the recreational needs associated with community use.

### 2.2. Background

#### 2.2.1 Community use and value of foreshore reserves

Community use of foreshore reserves encompasses nature-based recreation and social activities by the local community and visitors/tourists. Public values have been considered throughout the development of Plans of Management and have informed the formulation of the provisions and management strategies outlined within this policy.

#### 2.2.2 Cultural significance of foreshore reserves

Foreshore reserves contain areas of cultural significance. Protection of such items is an objective of the Shoalhaven Local Environmental Plan (LEP) and State and Commonwealth legislation as outlined in Appendix 1.

Non-Aboriginal heritage items may include, but are not limited to, wharves, jetties, bridges, landing ramps, seawalls, swimming pools, and saw milling activities. Protection of these heritage items is afforded when listed under Schedule 5 of Council's LEP, the NSW State Heritage Register or the Register of the National Estate.

Aboriginal cultural heritage comprises places, traditions, beliefs, customs, values, and objects that symbolize the living history of past Aboriginal generations and that are of significant cultural and heritage value to Aboriginal people. Aboriginal objects provide physical evidence of the use of an area by Aboriginal people and may comprise shell middens, artefact scatters and axe grinding grooves. An Aboriginal place is an area that has special significance to Aboriginal people through the spiritual, historical, social, educational, natural resource aspect or other use context. It is important that all Aboriginal objects and places are protected, and that Council manages such areas in consultation with Local Aboriginal Land Councils (LALCs), local Aboriginal people, and in accordance with the current State legislation.

Council also acknowledge that Native Title rights may exist over foreshore reserves that are Crown Lands and will follow procedures prescribed in the *Native Title Act 1993* (Cth) when undertaking activities or developments in foreshore reserves.

### **2.2.3 Environmental significance of foreshore reserves**

Foreshore reserves encompass the transitional zone between aquatic and terrestrial environments and are characterised by a variety of complex ecosystems.

Foreshore reserves contain threatened biodiversity listed under State and Commonwealth legislation. This includes Threatened Ecological Communities and threatened species, including endangered and critically endangered flora and fauna. In addition, Shoalhaven's foreshores include important nesting areas utilised by threatened and migratory shorebirds. Migratory shorebirds are the subject of international conventions and established under, or an instrument made under, an international agreement.

Foreshore vegetation helps to mitigate impacts from coastal erosion through soil stabilisation and dissipation of energy from erosion hazards. Vegetation within this transitional zone also provides habitat for terrestrial and aquatic organisms including fish breeding and shorebird nesting sites. Mangroves occurring in these areas have developed specialised adaptations that have permitted their establishment in intertidal areas, thus facilitating a key role in plant community succession creating a natural breakwater that reduces erosion. Any development or activity that may harm mangroves or marine vegetation must be referred to NSW Department of Primary Industries for approval as outlined in Appendix 1.

The protection and enhancement of foreshore reserves is critical to maintain their environmental significance.

### **2.2.4 Collaborative management**

This policy recognises the unique inheritance of foreshore reserves, and that Council has a stewardship responsibility to pass these reserves on to successive generations in a way that will not compromise the integrity or future enjoyment of these areas. In view of the scale and complexity of the foreshore reserves, effective management is dependent on a collaborative approach equally committed to and supported by Council, State and Commonwealth stakeholders, and the community.

A challenge regarding the management of foreshore reserves is to meet the broad expectations of the community, while ensuring that the management actions and public use allowances do not result in the degradation of the natural assets. Council intends to manage foreshore reserves in accordance with this policy, and endeavours to ensure a continued

distribution of appropriately resourced, quality information to improve community understanding, appreciation, and conservation of foreshore reserves.

The involvement of community groups and community education is an integral component of Council's management strategy. Community participation is enabled through Council's voluntary Bushcare and Parkcare programs. Voluntary community management action requires direct involvement and participation through one of these registered Bushcare or Parkcare programs.

### **2.2.5 Legislative & policy framework**

The management of public land requires compliance with a suite of State and Commonwealth government legislation and policy. An overview of the relevant legislation and policy is provided in Appendix 1.

## **3. Provisions**

The following policy provisions are based on matters identified through the historic and current management of foreshore reserves. Council's position on these provisions is guided and determined by the relevant legislation as detailed in Appendix 1.

Any activity or development undertaken by Council or by stakeholders (through collaborative management) with potential to impact on Council managed foreshore reserves requires approval by Council and the appropriate NSW State Government Agencies. The activities and developments, include but are not limited to, items as described within Table 1 below. Table 1 is provided as a summary, drawing together matters which are considered highly applicable to the management of foreshore reserves, and to clearly enunciate Council's position on associated challenges, opportunities, and commitment to sustainable management. In cases which are not detailed within this summary, Council's position may be articulated via an adopted Plan of Management, or through other strategic planning or policy documents.

Table 1 – Foreshore Reserves Policy Provisions

Provision	Common management challenges and opportunities	Policy statement
<b>Coastal protection works</b>		
<b>Infrastructure</b>	<p>Risk mitigation developments including seawalls, revetment, retaining walls on or adjacent to coastal foreshore reserves.</p> <p>Developments from adjoining property owners.</p>	<p>Council will proceed to manage the risk of coastal erosion hazards in accordance with the certified Coastal Zone Management Plan (CZMP) and/or Coastal Management Programs (CMPs). Approval pathways will be determined through relevant legislation and applicable environmental planning instruments. Council will work in consultation with NSW State Government Agencies to manage public safety and environmental protection, throughout the planning and implementation coastal protection works for risk mitigation.</p> <p>Coastal protection works undertaken by adjoining property owners will also need to be in accordance with relevant legislation and applicable environmental planning instruments. As such, a Development Application may be required for such proposals with lodgement required via the NSW Planning Portal.</p>
<b>Nature based coastal protection</b>	<p>Works involving the management of coastal hazards and including the maintenance of natural coastal protection buffers (e.g., dune systems, and foreshore vegetation).</p> <p>Implementation of strategies and actions to mitigate risk of impacts on public assets and the environment.</p> <p>Beach erosion remediation including sand nourishment activities and Nature Assisted Beach Enhancement (NABE).</p> <p>Maintenance of foreshore ecosystems for the protection of property and assets from coastal erosion hazards.</p>	<p>Maintenance of foreshore ecosystems for the protection of property and assets from coastal erosion hazards shall be in accordance with Council's applicable certified CZMP or CMP.</p> <p>Where Council is required to revegetate foreshore lands in response to erosion or identified environmental threats, the measures will be in accordance with best practice industry standards for sustainable management and enhancement of biodiversity. Locally endemic vegetation must be used.</p> <p>An appropriate natural vegetation buffer zone will be retained and enhanced on foreshores reserves, where practicable to mitigate risk environmental impacts. Such measures will have the purpose to provide erosion control, habitat enrichment and environmental protection.</p>
<b>Community Engagements</b>		
<b>Education</b>	Community education and distribution of information.	<p>Council will foster a collaborative approach to foreshore reserve management and will endeavour to deliver information to support community education and awareness through the preparation, review, and presentation of appropriately resourced education material.</p> <p>Educational material may be distributed through permanent or temporary signage installation, Council website updates, media content and registered mail outs or flyer distribution.</p>
<b>Collaborative management</b>	Community involvement through participation in Council's care	Council will continue to actively support, promote, and develop 'Care' groups (i.e., Bushcare and Parkcare groups) to continue works and involvement on approved maintenance, restoration, and

Provision	Common management challenges and opportunities	Policy statement
	<p>programs and considerations of all voluntary management activities.</p>	<p>improvement projects. Community members who wish to contribute to the management of foreshore reserves are encouraged to join the available programs (refer to Council's Bushcare/Parkcare Policy).</p> <p>Voluntary mowing of grass on Council managed land may be endorsed under one of Council's 'Care' programs (Bushcare/Parkcare).</p> <p>Voluntary mowing is not permitted on Community land categorised as 'Natural Area' as defined by the <i>Local Government Act 1993</i> (NSW) and determined by Council land register.</p> <p>Where a member of the public wishes to commence mowing of grass on Council managed land, they must first approach Council for approval and guidance. Such an activity has the potential to compromise the environmental significance of foreshore reserves and may also require approval from State and Commonwealth Government Agencies.</p>
<b>Public Use</b>		
<b>Recreational and social use</b>	<p>Public access to foreshore reserves including pedestrian, vehicle, and all-ability access.</p> <p>Accommodation of activities including walking, swimming, boating, fishing, social gatherings, and other open space activities.</p> <p>Watercraft launching, storage, and parking.</p> <p>Public enjoyment and aesthetic qualities.</p> <p>Community physical and mental health.</p>	<p>Sustainable use of foreshore reserves i.e., where use does not adversely impact on other values and/or other uses, is encouraged.</p> <p>Where there is conflict between uses, legislation will provide the determination to manage the outcome. Implementation of a risk-based assessment approach will be conducted where legislative considerations have been addressed, and further assessment will be sought through engagement of qualified subject matter experts where required.</p> <p>Tree works will be determined in accordance with Council's Tree Management Policy (Public Land).</p> <p>Council shall provide appropriate pedestrian access to enable use of foreshore reserves under Council ownership or management via approved maintained areas, bushwalks and foreshore access tracks.</p> <p>Council recognises water-based activities such as boating, fishing, surfing, and kiting as significant recreational activities directly associated with use of foreshore reserves and that these areas are key sites to accommodate appropriate point of access to the water.</p> <p>Council's formal access tracks are to be utilised for public foreshore access. Use and maintenance of informal foreshore access tracks will not be endorsed or managed by Council.</p>
<b>Boating</b>	<p>Parking and or storage of various watercraft.</p>	<p>Council recognises the social, recreational, operational, and practical benefits of watercraft storage within foreshore reserves. The activity has been historically permitted and will continue to be permitted under the following conditions outlined below.</p> <p>Derelict, abandoned/unused or unauthorised watercraft may be removed and impounded or disposed of by Council as per the <i>Public Spaces (Unattended Property) Act 2021</i> (NSW). Removal and impoundment or disposal of derelict, abandoned/unused and unauthorised craft will be undertaken if after 28 days of the placement of a Notice of Intended Removal, the craft has not been claimed and identified as operable.</p>

Provision	Common management challenges and opportunities	Policy statement
		<p><u>Watercraft</u> includes, but is not limited to, any single or multi-hulled marine vessel, a medium/large trailable vessel, catamaran, sailboard, jet-ski, surfboard, work punt, pontoon, sailboat, rowing skull, inflatable boat, canoe, kayak, and the like.</p> <p><u>Abandoned and derelict watercraft</u> means watercraft stored on foreshore reserves which appears to be unseaworthy by evidence of damage, which may affect vessel flotation and user safety or appears to be abandoned/unused and remains unclaimed after an official Council notice is placed on the craft by Council authorised officers.</p> <p><u>Unauthorised watercraft storage</u> relates to any watercraft stored on foreshore reserves that is:</p> <ul style="list-style-type: none"> <li>- Anchored to vegetation and/or a Council asset that is not provided for that purpose.</li> <li>- Stored on or within an operating Council asset, including but not limited to, a stormwater treatment zone, stormwater outlet, drainage channel.</li> <li>- Council prohibits permanent parking and storage of watercraft on foreshore reserves and within five metres landward of the Mean High-Water Mark.</li> <li>- Directly and indirectly affecting riparian and/or foreshore reserve vegetation.</li> <li>- Restricting open public access or posing a potential public safety hazard.</li> <li>- Identified as a potential environmental and/or public safety hazard.</li> </ul>
<p><b>Companion animals</b></p>	<p>Areas for companion animals in foreshore reserves</p> <p>Horses on beaches</p>	<p>Refer to Council's Access Areas for Dogs Policy for information on the location, and community use requirements, of the off-leash dog and prohibited areas and dog owner responsibilities.</p> <p>Council is committed to taking necessary action by authorised officers to deal with unsupervised domestic animals in foreshore reserves in accordance with the <i>Companion Animals Act 1998</i> (NSW).</p> <p>Shoalhaven City Council does not promote riding horses on beaches and other foreshore areas because of the high potential for, environmental damage, conflict with other users (inclusive of public safety considerations) and damage to access ways. Considerations for safe and responsible riding on foreshore reserves can be found in Council's Fact Sheet for Responsible Horse Riding on Beaches &amp; Foreshores. Consultation with relevant State Government Agencies must occur by horse riders and horse trainers in relation to the procurement of licenses and permits that may be required for this activity to be appropriately permitted.</p>
<p><b>Environmental values</b></p>		
<p><b>Environmental management</b></p>	<p>Vegetation vandalism prevention</p> <p>Natural deposition of organic materials</p> <p>Ecosystem management – vegetation vandalism, biodiversity, weed and vertebrate pest management etc.</p>	<p>Naturally deposited organic materials will be retained within foreshore reserves to provide habitat for dependant organisms. Removal of any naturally deposited organic material will require Council to assess the impacts on infrastructure/utilities, public safety, and the environment, and will require adherence to the applicable legislation and conditions of executed agency licenses/permits.</p> <p>Council considers seaweed and/or other deposits of natural materials on foreshore reserves to be part of natural processes and no intervention is proposed.</p>



Provision	Common management challenges and opportunities	Policy statement
	Areas for companion animals in foreshore reserves	<p>Removal of seaweed, seagrass wrack, and/or other deposits of natural materials from foreshore reserves and intertidal zones is subject to the provisions of NSW Department of Primary Industries - Fisheries regulations.</p> <p>Vegetation management and cases of environmental vandalism will be managed in accordance with Council's Tree Management Policy (Public Land) and Vegetation Vandalism Prevention Policy. The latter is to include, but not be limited to, the deliberate removal or damaging of vegetation to improve viewing corridors.</p> <p>Council will work with NSW Department of Planning and Environment on recovery programs for the protection of threatened species and their habitats. Council will collaborate with the State and Commonwealth Government Agencies for the management of threatened and migratory shorebirds breeding and foraging in or near foreshore reserves.</p> <p>Council shall implement weed control programs to meet the relevant legislative requirements and to protect reserves from highly invasive and damaging weeds, including but not limited to Bitou Bush, Boneseed, Sea Spurge and Lantana.</p> <p>Voluntary vegetation management outside of land categorised as Community Land - Natural Area including removal, mowing, slashing, weed control and planting shall only be undertaken by community members under one of Council's 'Care' programs (i.e., Bushcare and/or Parkcare). Voluntary mowing is not permitted on foreshore reserves categorised as 'Natural Area' as defined by the <i>Local Government Act 1993</i> (NSW) and determined by Council land register. Thus, all works are to be undertaken in accordance with the relevant Plan of Management.</p> <p>Council will work with the Local Land Services, other Government Agencies, and stakeholders to help eradicate feral animals from foreshore reserves when their numbers/activities constitute a threat to the health of local plant or animal communities.</p> <p>Council discourages feeding of wildlife on foreshore reserves due to the high risk of adverse impacts on native fauna, and increased risk to safety of the public. Council advises consultation with Wildlife Rescue South Coast should occur where assistance to injured or orphaned native animals is required.</p> <p>Refer to Council's Access Areas for Dogs Policy for information on the location, and community use requirements, of the off-leash dog and prohibited areas and dog owner responsibilities.</p>
<b>Cultural Heritage</b>	Aboriginal cultural heritage Non-Aboriginal cultural heritage	<p>Council is committed to the protection of significant Aboriginal sites and foreshore areas that are of cultural significance to local Aboriginal people.</p> <p>Council will manage Aboriginal heritage sites and foreshore reserves that are of cultural significance in consultation with local Aboriginal people including registered Aboriginal parties and Local Aboriginal Land Councils (LALC) and will endeavour to prevent and remediate impacts on Aboriginal cultural heritage in consultation with relevant State Government Agency stakeholders.</p>
<b>Illegal activities</b>	Environmental vandalism Illegal dumping	<p>Illegal dumping will be managed using available legal provisions and areas impacted from dumping are to be remediated. Fines apply for individuals and corporations caught illegally dumping in the Shoalhaven. Enaction of relevant legislation to prevent illegal dumping is to be</p>

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	<p>Unauthorised encroachments</p> <p>Unauthorised plant, equipment, and vehicular access</p>	<p>undertaken in collaboration with the NSW Environment Protection Authority in the form of Regional Illegal Dumping squads.</p> <p>Unauthorised encroachments are recognised as illegal extensions of property boundaries, buildings, gardens, or other features onto foreshore reserves including storage of personal and commercial items. Unauthorised encroachments, including the installation/construction of unauthorised structures (e.g., stairs, retaining walls and garden furniture) on foreshore reserves is prohibited.</p> <p>Unauthorised access through foreshore reserves by plant, equipment, and vehicles (including, but not limited to, cars, motorbikes, quadbikes etc.) is illegal. Collaboration between Council and the NSW Police Force will be utilised to enable the enactment of all relevant legislation.</p> <p>Council is committed to taking necessary action by authorised officers, and if necessary, taking legal action, to have unauthorised encroachment(s) removed from foreshore reserves and the area restored if such actions are deemed necessary.</p> <p>Incidents of vegetation vandalism will be addressed in accordance with the applicable legislation and Council's Vegetation Vandalism Prevention Policy.</p> <p>Where Council is required to revegetate foreshore lands in response to erosion or other identified environmental threat, revegetation actions will be undertaken on a case-by-case basis as to address specific site environmental requirements and desired outcomes.</p>
<b>Infrastructure</b>		
<b>Council Assets</b>	<p>Stormwater infrastructure</p> <p>Viewing platforms and lookouts</p> <p>Vehicle and pedestrian access</p>	<p>Foreshore reserves play an important and natural role in Council's stormwater management. Stormwater from adjoining residences shall be managed via inter-allotment drainage and should discharge via an approved easement directly into a stormwater facility of Council as permitted by the <i>Local Government Act 1993</i> (NSW). High impact solutions will be considered on a case-by-case basis.</p> <p>Council shall not permit stormwater discharge from new or augmented stormwater systems without a comprehensive assessment of potential erosion impacts. This will comprise the provision of appropriate planning approvals and the enactment of an appropriate level of environmental due diligence to ensure the impact of reticulated stormwater flows on foreshore reserves is as low as reasonably practical.</p> <p>Any new infrastructure proposed to be installed within foreshore reserves shall have due consideration of coastal processes including impacts of climate change, storm events, east coast lows, floods, etc. This may include avoiding areas and types of infrastructure highly susceptible to damage during such events.</p> <p>All vehicle and pedestrian thoroughfare access in foreshore reserves is formalised by Council. Any private vehicle use, including transporting watercraft via a vehicle outside of the formalised vehicle access points is prohibited without authorisation from Council.</p>

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		<p>Council prohibits unauthorised vehicles on foreshore reserves and does not permit vehicular access into private properties via foreshore reserves under the <i>Local Government Act 1993</i> (NSW).</p> <p>Development of private and or informal access tracks to beaches and foreshore reserves is prohibited.</p>
<b>Illegal activities</b>	<p>Unauthorised structures</p> <p>Informal coastal access tracks</p>	<p>Encroachments and unauthorised structures shall not be permitted. Council will implement relevant regulatory processes to have encroachments removed and action will be prioritised based on an assessment of safety and environmental risk.</p> <p>Council will not investigate boundary adjustments affecting foreshore reserves to allow the retention of encroachments and unauthorised structures.</p>
<b>Additional Provisions</b>		
<b>Aboriginal Land Claims and Native Title</b>	Developments and activities	Council shall consider the effect and potential risks of placing infrastructure and services in reserves where Aboriginal Land and Native Title Claims exist, e.g., loss of the infrastructure or requirement to compensate if claims are successful.

## **4. Implementation**

The City Development Directorate (Environmental Services), City Services Directorate (Works and Services) and Media and Communications will administer this policy.

## **5. Review**

The Environmental Services Department will review this policy within one year of the election of a new Council.

## APPENDIX 1 – LEGISLATIVE & POLICY FRAMEWORK

Legislation and policy (current, 2022) influencing the management of Council owned, and managed foreshore reserves, include but is not limited to, the items as described below. A summary is included to indicate applicability and relevance.

Legislation & Policy	Statement	Applicable items
<b>Commonwealth Legislation</b>		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	This Act is the relevant Commonwealth environment and heritage legislation. The Act identifies Matters of National Environmental Significance that trigger a referral to the Commonwealth Government.	Matters of National Environmental Significance identified under this Act which are applicable to management of Council foreshore reserves include: <ul style="list-style-type: none"> <li>- Migratory species protected under international agreements. These include the Japan-Australia Migratory Bird Agreement (JAMBA) and the China-Australia Migratory Bird Agreement (CAMBA), and native migratory species identified in a list, such as the Republic of Korea-Australia Migratory Bird Agreement (RoKAMBA).</li> <li>- Listed threatened species and ecological communities</li> <li>- National Heritage places</li> </ul>
<i>Native Title Act 1993</i>	This Act recognises traditional interests in land of Aboriginal and Torres Strait Islander people and provides an avenue for land title claims against Crown Land.	The Native Title Claim (NC2017/003 South Coast People, registered 31/1/2018) is within the Shoalhaven Coastline. No determinations regarding this claim have been made to date.  Shoalhaven City Council will follow internal procedures for Native Title through consultation with Council Property Officers to demonstrate compliance with the Act.
<b>NSW Legislation</b>		
<i>Local Government Act 1993</i>	This Act provides Council with guidelines to ensure all Community Land is appropriately categorised as one or more of the following – Sportsground, Park, Natural Area, General Community Use and Area of Cultural Significance. Natural Areas must be further categorised as bushland, wetland, escarpment, or foreshore.  Section 48 provides that Council has ‘default’ responsibility for certain public reserves, which Council is not the appointed Crown Land Manager under the <i>Crown Land Management Act 2016</i> . This includes certain foreshore reserves.	The core objectives for management of Natural Area community land categorised as foreshore are: <ul style="list-style-type: none"> <li>- To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the role of foreshore reserves as a transition area, and</li> <li>- To facilitate the ecologically sustainable use of the foreshore, and to mitigate impacts on the foreshore by community use.</li> </ul> Any improvements to land to which Council has responsibility under s.48 of the Act remain the property of the Crown and any subsequent landowners.  Management of unauthorised encroachments and illegal activities on foreshore reserves will be determined under the provisions of this Act.

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Legislation & Policy	Statement	Applicable items
<p><i>Crown Land Management Act 2016</i></p>	<p>Council is the appointed Crown Land Manager for certain Crown Reserves under this Act.</p>	<p>Many of Council's managed foreshore reserves throughout the Shoalhaven Local Government Area is Crown Land.</p> <p>For Council to implement any works on Crown Land that is not under Council management the following will apply:</p> <ul style="list-style-type: none"> <li>- Where a Plan of Management exists for Crown Land it may identify and authorise certain works that can be undertaken by a public authority and the pre-conditions (if any) for implementing those works.</li> <li>- Where there is no Plan of Management and works are undertaken on Crown Land, Council must obtain a licence (or other lawful authority) under section 5.21 of the Act from NSW Crown Land prior to the commencement of works.</li> </ul> <p>Otherwise, Council can manage its Crown Land Reserves as if it were community land as set out in the <i>Local Government Act 1993</i>. In addition, any unauthorised activities within lands covered by this Act will involve collaboration with NSW Crown Land to enable the implementation of comprehensive compliance functions, and thus to prevent reoccurrence.</p>
<p><i>Coastal Management Act 2016</i></p>	<p>This Act provides requirements and guidance for management of coastal areas by Councils and other authorities.</p>	<p>The objects of this Act are directly applicable to the management of Council's foreshore reserves as the reserves encompass the coastal management areas as defined by the Act.</p> <p>There is a legislative requirement for Councils to develop Coastal Management Programs (CMPs) to outline management objectives, roles, and responsibilities for the coastal environment within their jurisdiction, to replace the pre-existing Estuary Management Plans and Coastal Zone Management Plan (CZMP).</p> <p>While in the process of developing CMPs, Council manages the coast in accordance with the CZMP which was developed under the now superseded <i>Coastal Protection Act 1979</i>.</p>
<p><i>Fisheries Management Act 1994</i></p>	<p>This Act contains provisions for the conservation of fish stocks, key fish habitat (KFH), biodiversity, threatened species, populations, and ecological communities. It regulates the conservation of fish, marine vegetation and some aquatic macroinvertebrates, and the development and sharing of the fishery resources of NSW.</p>	<p>Some developments and activities within foreshore reserves may be at the discretion of NSW Department of Primary Industries (DPI) Fisheries, as determined by the provisions of the Act.</p> <p>NSW DPI is responsible for the management of fish and marine vegetation, including mangroves, under this Act. Any development or activity that may harm mangroves must be referred to NSW DPI for approval.</p> <p>A permit from NSW DPI Fisheries, will be required for any development or activity involving:</p> <ul style="list-style-type: none"> <li>- Dredging or reclamation of land below the highest astronomical tide (HAT) as defined under the Act.</li> <li>- Dredging and reclamation in non-tidal waterways and for harm to marine vegetation (including above HAT).</li> </ul>

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Legislation & Policy	Statement	Applicable items
		<ul style="list-style-type: none"> <li>- Direct or indirect adverse impacts on mangroves and marine vegetation.</li> </ul>
<p><i>National Parks and Wildlife Act 1974</i></p>	<p>NSW Department of Planning and Environment administers this Act, which manages:</p> <ul style="list-style-type: none"> <li>- Conservation of nature</li> <li>- Conservation of objects, places, and features of cultural value</li> <li>- Public appreciation, understanding and enjoyment of nature and cultural heritage</li> <li>- Land reserved under this Act.</li> <li>- Aboriginal objects and places</li> </ul>	<p>The protection of items under this Act applies to community land as well as National Park or Crown Land.</p> <p>This Act stringently controls activities carried out in designated parks, reserves, and Aboriginal areas. This Act also requires consideration of impacts on all native birds, reptiles, amphibians, mammals, and Aboriginal objects that are protected under the Act.</p> <p>Activities and developments in foreshore reserves will be subject to the provisions as described under this Act specifically relating to threatened species, endangered ecological communities, and cultural heritage items which are known to be present in foreshore reserves. Approvals issued by Heritage NSW including Aboriginal Heritage Impact Permits (AHIPs) may be required.</p>
<p><i>Biodiversity and Conservation Act 2016</i></p>	<p>The purpose of this Act is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of Ecologically Sustainable Development.</p> <p>The Act outlines protection of threatened species, populations or ecological communities, or their habitats, and delivers a strategic approach to biodiversity conservation in NSW whilst supporting improved farm productivity and sustainable development.</p>	<p>The following principles of Ecologically Sustainable Development will apply to the management of foreshore reserves:</p> <ul style="list-style-type: none"> <li>- to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and</li> <li>- to support biodiversity conservation in the context of a changing climate, and</li> <li>- to regulate human interactions with wildlife by applying a risk-based approach, and</li> <li>- to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and</li> <li>- to support and guide prioritised and strategic investment in biodiversity conservation, and</li> <li>- to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and</li> <li>- to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation</li> </ul> <p>Any proposed development or activity on foreshore reserves will be subject to Section 7.3 of this Act, which describes the requirements for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities or their habitats. A threatened species licence, relating to impacts on a class of biodiversity conservation licence under Part 2 of this Act, may be required if an action is likely to result in:</p> <ul style="list-style-type: none"> <li>- harm to an animal that is a threatened species or part of a threatened ecological community</li> <li>- picking a plant that is a threatened species or part of a threatened ecological community</li> </ul>

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		<ul style="list-style-type: none"> <li>- damage to the habitat of a threatened species or threatened ecological community</li> <li>- damage to a declared area of outstanding biodiversity value.</li> </ul>
<i>Marine Estate Management Act 2014</i>	This Act applies to all marine waters, estuaries, and coastal areas and the six marine parks in NSW. It aims to achieve strategic, integrated management of marine waters.	The Shoalhaven Local Government Area contains the Jervis Bay Marine Park, and parts of the Batemans Bay Marine Park. Where activities or developments take place within either of these marine parks, or on foreshore reserves adjacent to the Marine Park boundaries, consultation with the Marine Estate Management Authority will be required.
<i>Environmental Planning and Assessment Act 1979</i>	<p>This Act includes the following objectives:</p> <ul style="list-style-type: none"> <li>- to encourage the proper management, development, and conservation of natural ... resources ...for the purpose of promoting the social and economic welfare of the community and a better environment.</li> <li>- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.</li> </ul>	For activities and developments within foreshore reserves the required environmental assessment to be carried out for the proposal will be defined under this Act. Any change in the use of a foreshore reserve that requires a development application (DA) includes an environmental assessment of the proposed activity under Part 4 of this Act as part of the DA (Statement of Environmental Effects). A Review of Environmental Factors (REF) under Part 5 of this Act must be prepared for those proposed activities that do not require development consent and must take into account environmental factors in accordance with section 171 of the <i>Environmental Planning and Assessment Regulation 2021</i> (NSW)
<i>Protection of Environment Operations Act 1997</i>	This Act is a key component of the NSW Government's legislation to protect the environment. This Act regulates and controls pollution of land, air, water, and the emission of noise and provides for environment protection licences, notices, and offences. The NSW Environment Protection Authority is the primary environmental regulator for New South Wales established under this act.	Investigations of all pollution incidents within foreshore reserves will be determined under the provisions of this Act. Council will actively collaborate with the NSW Environmental Protection Authority in the form of Regional Illegal Dumping Squads in the prevention and management of illegal dumping within foreshore reserves.
<i>Water Management Act 2000</i>	The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.	<p>Specific to the management of foreshore reserves the object of this Act include the following principles:</p> <ul style="list-style-type: none"> <li>- to apply the principles of ecologically sustainable development.</li> <li>- to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality.</li> <li>- to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation, and its native fauna.</li> </ul>
<i>Public Spaces (Unattended Property) Act 2021</i>	This objective of this Act is to encourage persons responsible for property to act quickly and responsibly to mitigate risks to access, safety and	Derelict, unused, unattended, or unauthorised articles within foreshore reserves may be removed, taken into possession, or disposed of by Council under the provisions of this Act.



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	<p>amenity that may arise from the property being left unattended, and to ensure public spaces can continue to be used, shared and enjoyed by the community and visitors as a whole</p> <p>This legislation empowers authorities and their authorised officers to help manage unattended property in public places. This Act ensures owners and other responsible persons to be accountable for their items or animals or face strong regulatory action.</p>	
<i>Public Spaces (Unattended Property) Act 2021</i>	<p>The objects of this Act are to empower authorised persons to impound and deal with animals and articles in public places and places owned or under the control of certain public authorities if, in the case of animals, they are unattended or trespassing or, in the case of articles, they have been abandoned or left unattended.</p>	<p>Derelict, abandoned/unused or unauthorised articles within foreshore reserves may be removed, impounded, or disposed of by Council under the provisions of this Act.</p>
<i>Heritage Act 1977</i>	<p>This Act is concerned with all aspects of the conservation of heritage places and objects.</p> <p>In this Act, "State heritage significance" in relation to a place, building, work, relic, moveable object, or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item.</p> <p>"Local heritage significance," in relation to a place, building, work, relic, moveable object, or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item.</p>	<p>There are heritage sites within foreshore reserves which are to be managed in accordance with the provisions of this Act.</p>
<i>Contaminated Land Management Act 1997</i>	<p>This Act establishes a process for investigating, managing, and remediating contaminated land.</p>	<p>Where contamination is known to be present but does not pose an unacceptable risk to human health and the environment under the current or proposed land use, management of the contamination and identification of remediation requirements may be dealt with by the local Council under the planning and development framework of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<i>Companion Animals Act 1998</i>	<p>An Act to provide for the identification and registration of companion animals and for the duties</p>	<p>Management of areas for companion animal use within foreshore reserves will be in accordance with the Act.</p>

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	and responsibilities of their owners; and for other purposes.	
<i>Rural Fires Act 1997</i>	<p>Section 63(1) of this Act states:</p> <p><i>“It is the duty of a Public Authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the spread of a bush fire on or from:</i></p> <ul style="list-style-type: none"> <li>a) <i>any land vested in or under its control or management, or</i></li> <li>b) <i>any highway, road, street, land or thoroughfare, the maintenance of which is charged to the authority.”</i></li> </ul>	<p>Foreshore reserves may contain areas whereby bushfire risk mitigation measures are required to be implemented including creation or maintenance of Asset Protection Zones.</p> <p>Bushfire hazard reduction works to be carried out on foreshore reserves will be subject to the provisions of this Act.</p> <p>Implementation and management of bushfire Asset Protection Zones (APZs) on foreshore reserves is guided by Council’s Creation of an APZ over Council Owned or Managed Land Policy. Council will maintain APZ’s in accordance with the Shoalhaven Bush Fire Risk Management Plan (RFS, 2018).</p>
<b>NSW Environmental Planning Instruments (EPI) and Policies</b>		
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Chapter 2 – ‘Infrastructure’ contains planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.	Land use planning including the development and redevelopment, (delivery and maintenance) of public infrastructure present in foreshore reserves will be determined by the development provisions under this EPI.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 2 – ‘Coastal management’ contains planning provisions for land use planning within the coastal zone consistent with the <i>Coastal Management Act 2016</i>	<p>This EPI outlines the integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> by managing development in the coastal zone and protecting the environmental assets of the coast.</p> <p>Land use planning in the coastal zone including the delivery of coastal protection works will be determined by the development provisions under this EPI.</p>
Shoalhaven Local Environmental Plan 2014	<p>Shoalhaven Local Environmental Plan (LEP) 2014 details the rules and guidelines for the management and control of development in our city and region through land zoning.</p> <p>It specifies what development types are permissible in each zone, including their legal definitions, and sets out the key development standards and provisions to address local land constraints.</p> <p>Heritage items, heritage conservation areas and archaeological sites are listed under Schedule 5 – Environmental Heritage of this EPI.</p>	A handful of land in Shoalhaven is “deferred” from the Shoalhaven LEP 2014. The Shoalhaven Local Environmental Plan 1985 applies to development within certain “deferred areas” within the Shoalhaven (Culburra Beach, Wollumboola, Kinghorn and Callala Bay). The Shoalhaven Interim Development Order No.1 applies to part of the “deferred” land at Sussex Inlet.

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<i>NSW Wetlands Policy 2010</i>	<p>The NSW Wetlands Policy promotes the sustainable conservation, management, and use of the state's wetlands. It stresses the need for all stakeholders to work together to protect wetlands and their catchments.</p> <p>This Policy provides guiding principles for all government agencies to adopt for when making decisions on wetland management and conservation</p>	<p>There are areas classified as wetland adjacent to Council foreshore reserves, and the following principles from the policy are applicable to the management of these foreshore reserves:</p> <ul style="list-style-type: none"> <li>- Floodplains should be managed to maintain the natural distribution of water to and from wetlands, and to allow for the movement of aquatic biota (animal and plant life)</li> <li>- Land management practices should maintain or improve wetland habitats, ecosystem services and cultural values.</li> <li>- Degraded wetlands and their habitats should be rehabilitated, and their ecological processes improved as far as is practicable.</li> </ul>
<b>Council Policies and Plans of Management</b>		
Access Areas For Dogs Policy	The purpose of the <i>Access Areas for Dogs Policy</i> is to define Council's off-leash, on-leash, and prohibited dog areas.	Access areas for dogs with Council's foreshore reserves will be managed in accordance with this Policy.
Bushcare/Parkcare Policy	The purpose of the Bushcare/Parkcare Policy is to describe the vision, aims and objectives of Bushcare and Parkcare and to define the roles and responsibilities of Council, staff and the volunteers involved in these two programs.	Collaborative community involved management of foreshore reserves is determined by the provisions outlined in this Policy.
Vegetation Vandalism Prevention Policy	The purpose of the <i>Vegetation Vandalism Prevention Policy</i> is to discourage vandalism of trees and vegetation across the Local Government Area.	Vegetation vandalism within foreshore reserves will be managed in accordance with this policy.
Tree Management Policy (Public Land)	<p>This policy applies to tree management on all land Council owns and/or manages including:</p> <ul style="list-style-type: none"> <li>- Road reserves of which Council is the Roads Authority</li> <li>- Crown reserves of which Council is the manager</li> </ul>	<p>Council recognises the value of trees for the provision of visual amenity, shade, fauna habitat, soil stability, erosion protection etc. and places a high importance on the protection and retention of trees.</p> <p>Council also recognises the need to remove or prune trees where circumstances warrant such action e.g., protection of life and property.</p> <p>Trees on foreshore reserves will be managed in accordance with this policy.</p>
Community Land Plans of Management	A Plan of Management is a document that guides the management of categories, or specific areas, of Community Land as per <i>Local Government Act 1993</i> (NSW).	Where there exists a Plan of Management applicable to a particular foreshore reserves or generic category of land within foreshore reserves, the areas will be managed in accordance with these plans.

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Estuary Management Plans	Estuary Management Plans provide a comprehensive and integrated set of strategies to enhance, protect and conserve the natural resources of a specific estuary system and its catchments to ensure that its use is ecologically sustainable in the long term. These plans will be replaced by Coastal Management Programs.	<p>Council has adopted Plans for the following estuaries which are adjacent to foreshore reserves:</p> <ul style="list-style-type: none"> <li>- Currarong Creek</li> <li>- St Georges Basin</li> <li>- Swan Lake and Berrara Creek</li> <li>- Tabourie Lake</li> <li>- Burrill Lake</li> <li>- Lake Conjola</li> <li>- Narrawallee Inlet</li> </ul>
Entrance Management Policies/Plans	Council, in partnership with State Government agencies and relevant stakeholders, has developed entrance management policies/plans.	<p>Entrance management for estuaries adjacent to Council foreshore reserves will be managed in accordance with the following:</p> <ul style="list-style-type: none"> <li>- Burrill Lake Interim Entrance Management Policy (2008)</li> <li>- Currarong Creek Entrance Management Plan (2007)</li> <li>- Lake Conjola Interim Entrance Management Policy (2013)</li> <li>- Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)</li> <li>- Swan Lake Entrance Management Policy (2008)</li> <li>- Tabourie Lake Entrance Management Policy (2019)</li> </ul>
Management of Mobile Food Vending Vehicles on Council Owned or Managed land – Local Approvals Policy 2016	This policy provides guidance for assessing food and beverage outlets which may be acceptable and those which may not be acceptable on Crown reserves	<p>In determining whether an applicable proposal is appropriate for within a foreshore reserve the following will be assessed:</p> <ul style="list-style-type: none"> <li>- The facility should enhance the public use of the reserve and not become the focus of the reserve.</li> <li>- The integrity of the reserve in terms of its public purpose and environmental qualities should be preserved; and</li> <li>- The public's right of access to the reserve should be preserved.</li> </ul>