DRAFT PLAN OF MANAGEMENT

BEVANS ISLAND,
CROWN RESERVE 40710

LAKE ILLAWARRA

Adopted by Council XXXX

BEVANS ISLAND,
CROWN RESERVE 40710

LAKE ILLAWARRA

DRAFT PLAN OF MANAGEMENT

DRAFT

CONTENTS

EXECUTIVE SUMMARY 5

PART 1: GENERAL INFORMATION 6

1. INTRODUCTION 6
   - 1.1 Corporate objectives 6
   - 1.2 Review of this Plan 6
2. LAND DESCRIPTION 7
   - 2.1 Land to which this plan applies 7
   - 2.2 Owner of the land 8
   - 2.3 Categorisation of the reserve 8
   - 2.4 Zoning of the Reserve 10
   - 2.5 Land Comprising The Habitat Of Endangered Species or Threatened Species 10
   - 2.6 Land Containing Significant Natural Features 11
   - 2.7 Culturally Significant Land 11
3. DEVELOPMENT AND USE 11
   - 3.1 Overview 11
   - 3.2 Condition of the land and structures on adoption of the plan 11
   - 3.3 Use of the land and structures as at the date of adoption of the Plan 12
   - 3.4 Permitted use 12
   - 3.5 Further development 12
   - 3.6 Scale and intensity 12
   - 3.7 Leases, Licences and other Estates 12
   - 3.8 Short Term Casual Purposes 13
   - 3.9 Signs 13
   - 3.10 Easements 13
   - 3.11 Alcohol 14
   - 3.12 Management actions 14
   - 3.13 Fees and charges 14
4. ADDITIONAL MATTERS 14
   - 4.1 Definitions 14
   - 4.2 Native Title Assessment 14
   - 4.3 Community Assistance 14

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND 15

5. CATEGORY: NATURAL AREA 15
6. CATEGORY: NATURAL AREA - BUSHLAND 16
   - 6.1 Introduction 16

DRAFT

6.2 Physical environment 16
6.3 Key issues 18
6.4 Development and use 18
6.5 Express authorisation of leases, licences and other estates - Natural Area – Bushland 19
6.6 Management framework for reserves categorised as Natural Area - Bushland 21

APPENDIX 1: PLAN OF MANAGEMENT LEGISLATIVE FRAMEWORK 24

APPENDIX 2: ABORIGINAL INTERESTS IN CROWN LAND 32

APPENDIX 3: EXISTING LEASES AND LICENCES ON THE SITE 34

DRAFT

EXECUTIVE SUMMARY

This Plan of Management, adopted on XX/XX/XXXX by Shellharbour City Council, applies to Bevans Island, Reddall Parade, Lake Illawarra. It is situated on Crown reserve 40710.

The purpose of this Plan of Management (the Plan) is to provide Council with a framework that enables decisions regarding Bevans Island to be made in a consistent and equitable basis. The Plan meets all the requirements of the *Crown Land Management Act 2016* (CLM Act) and the *Local Government Act 1993* (LG Act) as amended.

Bevans Island is owned by the NSW State Government (the Crown) and is managed by Shellharbour City Council as Crown Land Manager, under the CLM Act.

Acknowledgement of Country

Shellharbour City Council acknowledges the Traditional Custodians of Dharawal Country and recognise their continued connection to the land. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city.

DRAFT

PART 1: GENERAL INFORMATION

1. INTRODUCTION

The *Crown Land Management Act 2016* (CLM Act) commenced on 1 July 2018, introducing legislation to govern the management of Crown land in NSW. Councils will now manage their Crown reserved land as if it were public land under the *Local Government Act 1993* (LG Act). Most of this land is expected to be 'community land' under the LG Act, meaning that Councils will be required to have plans of management in place for the land. Bevans Island is a Crown reserve and is classified as community land under the LG Act. Therefore, this Plan of Management (the Plan) has been prepared to comply with the legislation.

1.1 Corporate objectives

The purpose of this Plan is to provide Council with a framework that enables decisions regarding Bevans Island, to be made in a consistent and equitable basis. The Plan meets all the requirements of the CLM Act and the LG Act, as amended.

Council's vision for Bevans Island recognises the long-term use of the site, as socially, culturally and physically enhancing the community. The site will be managed and maintained according to the categorisation of General Community Use and Natural Area – Bushland as detailed in this Plan.

The Plan incorporates the direction statements within the Shellharbour Open Space and Recreation Needs Study and Strategy. These are:

1. Shape open spaces to encourage public recreation and relaxation,
2. Ensure sports grounds and facilities support active participation,
3. Improve access to aquatic facilities and activities,
4. Encourage sustainable enjoyment of the natural environment,
5. Activate open spaces and facilities to broaden public participation,
6. Work in collaboration with stakeholders to achieve our Strategy,
7. Provide effective management, maintenance, and monitoring.

The Plan is also written to reflect each of Council's core values:
Collaboration – Accountability – Integrity – Respect – Sustainability.

Further information about the legislative context of Crown Reserve Plans of Management can be found in Appendix 1 of this document.

1.2 Review of this Plan

Council reviews plans of management every five years, or as required. Reviewing the Plan is the only way to change the land category, nature and use of the land.

1.3 Community consultation

Shellharbour City Council recognises community participation is an integral aspect of planning and is committed to providing opportunities for the community to be involved in the planning system.

DRAFT

This Plan is required to be placed on public exhibition for a period of 28 days in accordance with the LG Act. The public exhibition will provide opportunity for the community to provide feedback via submissions.

2. LAND DESCRIPTION

2.1 Land to which this plan applies

This Plan applies to Bevans Island, situated on Crown reserve 40710, Reddall Parade, Lake Illawarra. The reserve information is detailed below in Table 1.

Reserve Number	40710
Gazetted Date	4/7/1906
Reserve Purpose	Public Recreation
Land parcel/s	Lot 13 DP 751299
Area (Ha)	31.57
LEP zoning	E2 Environmental Conservation
Assigned category/categories	Natural Area - Bushland

Table 1 - Information about reserve covered by this plan of management.

See Figure 1 below for land to which this Plan applies.

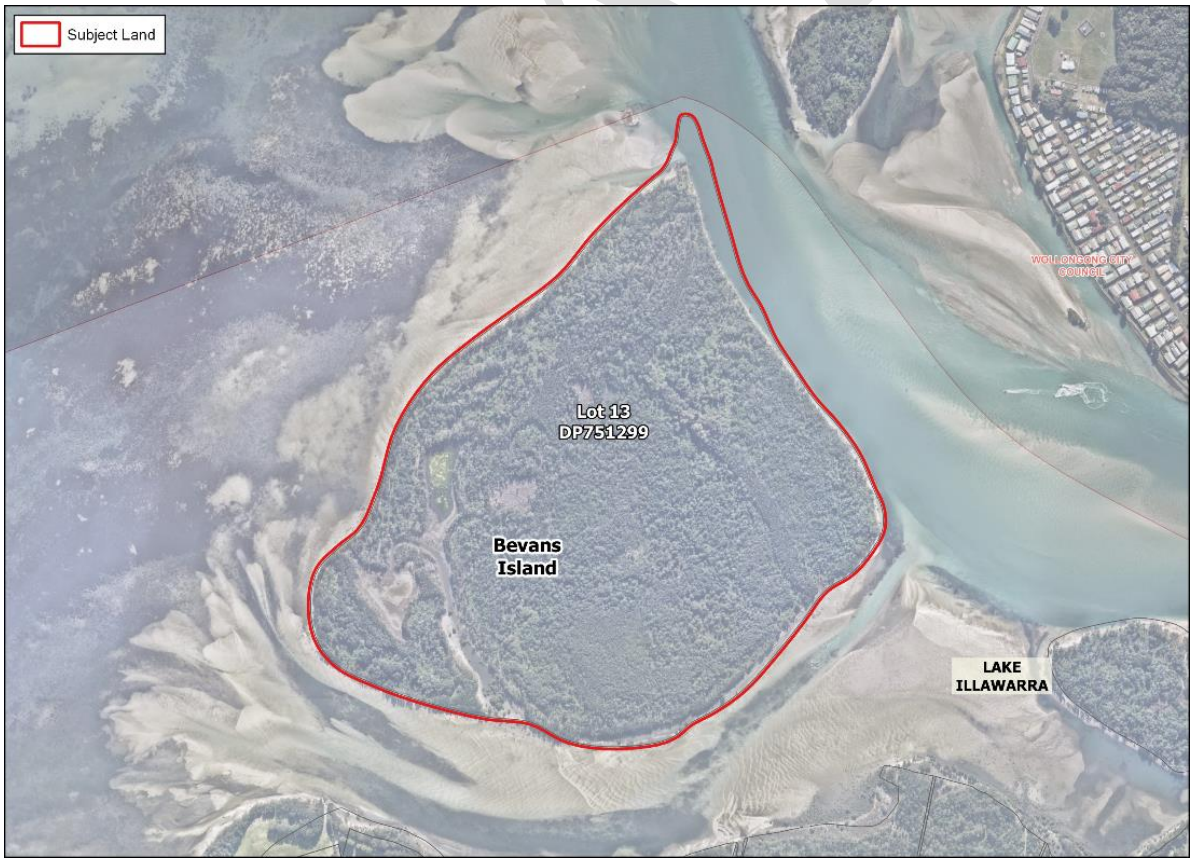

Figure 1 – Land to which this Plan applies

2.2 Owner of the land

Bevans Island is owned by the NSW State Government (the Crown) and is managed by Shellharbour City Council as Crown Land Manager, under the CLM Act. There are restrictions on transfer and management of Crown land under section 2.12 and 3.22 of the CLM Act.

See Figure 2 below showing owners of the land.

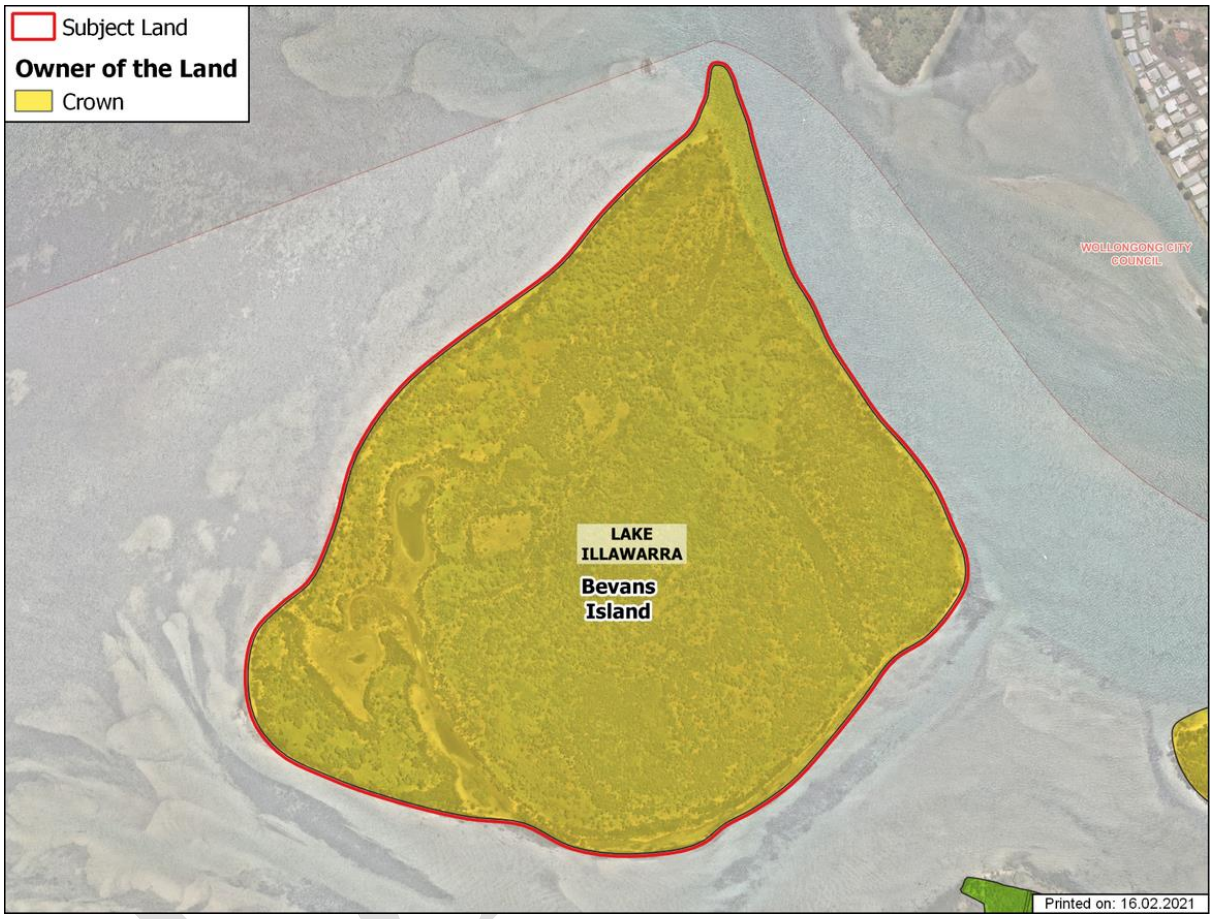

Figure 2 – Owners of the land.

2.3 Categorisation of the reserve

Under section 3.23 of the CLM Act, Crown land reserves managed by Council are required to be categorised into one or more of the following categories according to their purpose:

- Park,
- Sportsground,
- General Community Use,
- Area of Cultural Significance,
- Natural Area – Bushland,
- Natural Area – Wetland,
- Natural Area – Escarpment,
- Natural Area – Watercourse,
- Natural Area – Foreshore.

In accordance with advice from the Department of Planning, Industry and Environment – Crown Lands, the guidelines set out in the *Local Government (General) Regulation 2021*, and Practice Note 1: Public Land Management (Department of Local Government Amended 2000), Bevans Island is categorised as:

- Natural Area - Bushland

Bevans Island is a bushland island that is temporarily accessible depending on the tides. It contains Coastal Saltmarsh, Swamp Oak Floodplain Forest, River-Flat Eucalypt forest (possible in part), Coastal Saltmarsh and Freshwater Wetlands. There is no built foot bridge infrastructure to allow access to the island other than by boat, swimming or at low tide by foot.

The fringing beaches are used for fishing and recreational activities, as well as collection of cockles at low tide. Numerous informal and unmanaged tracks exist on the island allowing access within the deeper vegetation. Vegetation is thick, and in some areas swampy therefore offering minimal recreation accessibility.

Council currently manages and will continue to manage the reserve in a way that allows the public to utilise the site as for the purpose which is outlined in the core objectives of Natural Area - Bushland.

See Figure 3 below for land categories.

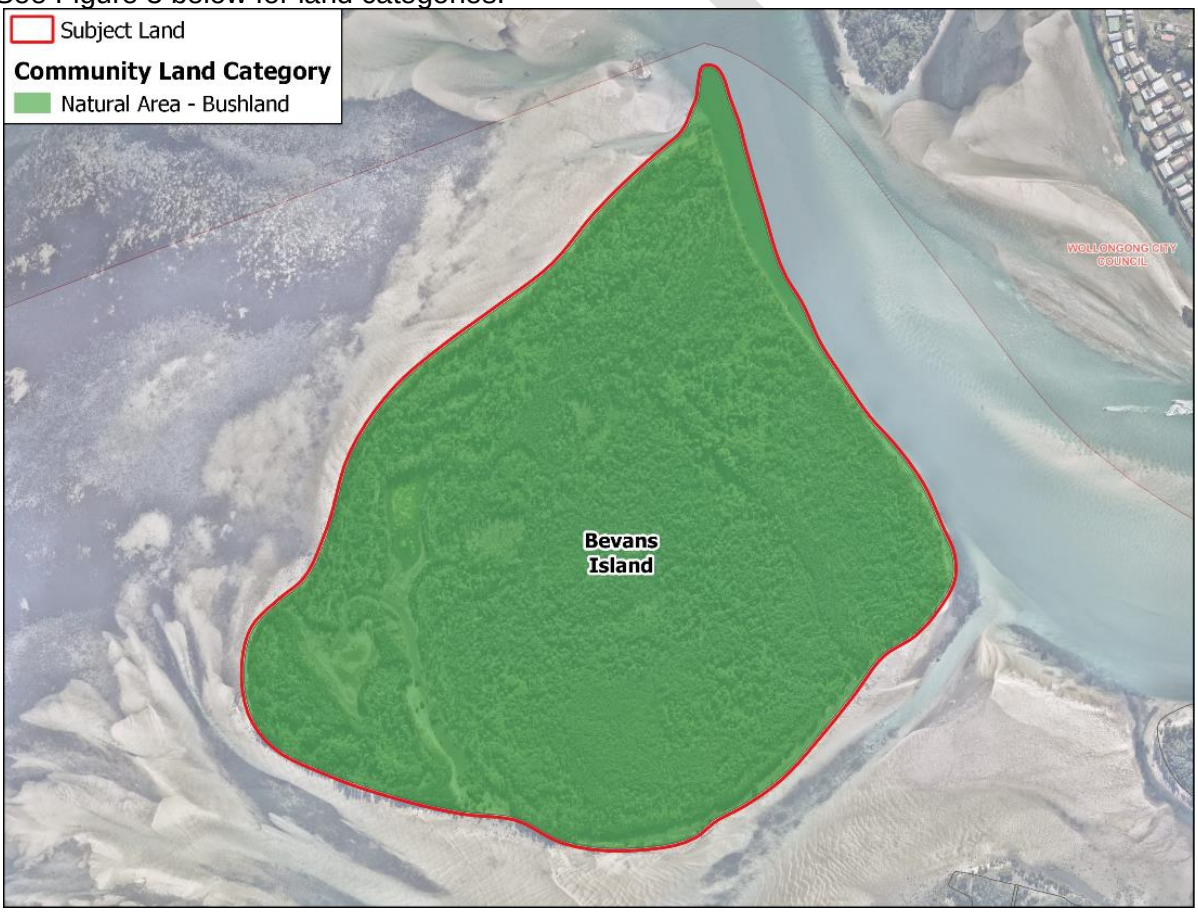

Figure 3 – Land categories

2.4 Zoning of the Reserve

Bevans Island is zoned E2 Environmental Conservation under the *Shellharbour Local Environmental Plan 2013* (LEP). The reserve adjoins other lands zoned W1 – Natural Waterways and W2 – Recreational Waterways. Land zones are shown in Figure 4 below.

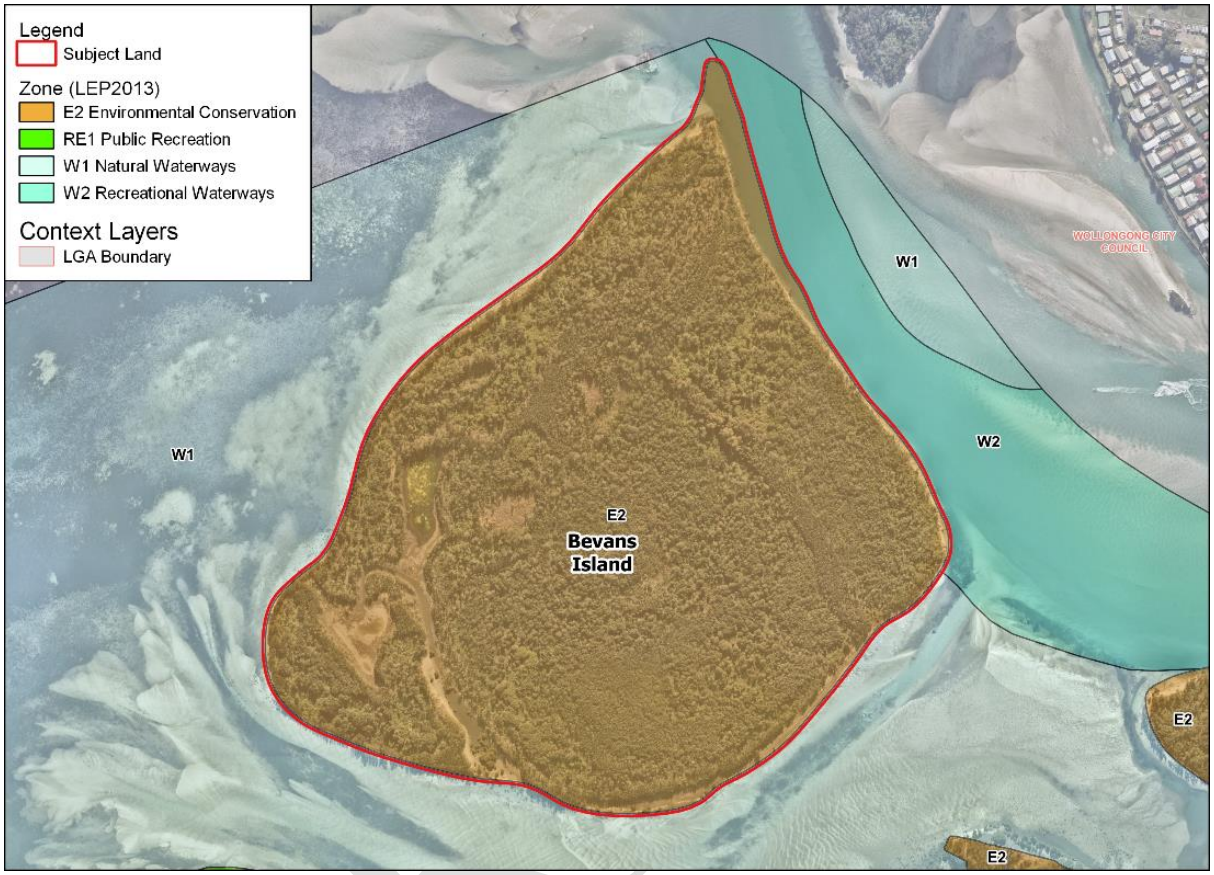

Figure 4 – Land Zones.

The objectives of the E2 zone in the LEP are:

- 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.

Refer to the LEP for permissible uses in the E2 zone and other attributes present on the site, including but not limited to; minimum lot size, Aboriginal heritage, terrestrial biodiversity, and also the presence of acid sulfate soils.

2.5 Land Comprising The Habitat Of Endangered Species or Threatened Species

This area has been identified on the NSW Biodiversity Values Map. The Biodiversity Values (BV) Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing.

The reserve has also been identified as environmentally sensitive land on the terrestrial biodiversity map under the LEP.

Endangered Ecological Communities identified under the Biodiversity Conservation Act 2016 (BC Act) on the island include:

- Coastal Saltmarsh,
- Swamp Oak Floodplain Forest, River-Flat Eucalypt forest (possible in part), and
- Coastal Saltmarsh, Freshwater Wetlands

The Little Tern (*Sternula albifrons)* and the Pied Oster Catcher (*Haematopus longirostris)* which are listed as endangered under the BC Act have been identified to utilise Bevans Island.

2.6 Land Containing Significant Natural Features

The site has not been identified under Section 36 C of the LG Act, with regards to significant natural features.

2.7 Culturally Significant Land

Under Section 36D of the LG Act, the reserve has not been identified as an Area of Cultural Significance.

Aboriginal Significance
An AHIMS (Aboriginal Heritage Information Management System – Department of Environment and Heritage) search, identified the presence of four shell middens on Bevans Island.

The 1987 *Archaeological Survey Along the Southern Foreshore of Lake Illawarra, and on Bevans, Picnic, Berageree and Werrang Islands* by Mary Dallas Consulting Archaeologist, identified five shell midden sites on Bevans Island.

Any works proposed should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour Development Control Plan (DCP).

Non-Aboriginal Significance
Bevans Island is not listed as a locally significant item of environmental heritage under *Shellharbour Local Environmental Plan 2013* (LEP).

3. DEVELOPMENT AND USE

3.1 Overview

Council's Resourcing Strategy ensures sufficient financial and human resources exist to provide services and infrastructure assets expected by the community. The Long-Term Financial Plan, Asset Management Strategy, and Workforce Management Plan contained within the strategy address strategies and actions contained within the Community Strategic Plan. These strategies and actions are then implemented through the Delivery Program and Operational Plan. The Resourcing Strategy ensures Council has an ongoing commitment to the maintenance of this reserve.

3.2 Condition of the land and structures on adoption of the plan

At the date of adoption of this Plan, there were no built assets identified on the site.

DRAFT

The bushland island consists of thick vegetation, in some areas swampy. Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans. Swamp Oak Floodplain Forest has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species.

3.3 Use of the land and structures as at the date of adoption of the Plan

The reserve is used by the public for recreational activities such as fishing, collecting cockles and other foreshore marine molluscs, the beaches are popular for sunbathing and picnicking.

The island is temporarily accessible depending on the tides. There is no built foot bridge infrastructure to allow access to the island other than by boat, swimming or at low tide by foot.

Numerous informal and unmanaged tracks exist on the island allowing access within the deeper vegetation. Vegetation is thick, and in some areas swampy therefore offering minimal recreation accessibility.

See Appendix 3 for current leases and licences on the site.

3.4 Permitted use

The purpose of Bevans Island is for public recreation and conservation, the assigned category is Natural Area - Bushland. The purpose and category align with the reserve's past and current use and corporate objectives. Refer to the LEP for permissible uses in the E2 zone and other attributes present on the site, including but not limited to; minimum lot size, Aboriginal heritage, terrestrial biodiversity, and also the presence of acid sulfate soils.

3.5 Further development

Further development may be carefully considered along with maintenance of existing infrastructure if it is consistent with the categories and purpose for the reserve and relevant legislation such as the LG Act*, Native Title Act 1993,* and the CLM Act, also taking into consideration the cultural and environmental values of the island.

The general types of uses which may occur on community land categorised as Natural Area - Bushland, and the forms of development generally associated with those uses, are set out in a table in the Natural Area - Bushland category section in this Plan.

3.6 Scale and intensity

Bevans Island's current use is for conservation and passive recreational activities such as fishing, collecting cockles and other marine molluscs, the beaches are popular for sunbathing and picnicking.

Bevans Island is a bushland island that is temporarily accessible depending on the tides. There is no built foot bridge infrastructure to allow access to the island other than by boat, swimming or at low tide by foot. Vegetation is thick, and in some areas swampy therefore offering minimal recreation accessibility.

The reserve will be used in future for public recreation, with public right of access to all outdoor areas.

3.7 Leases, Licences and other Estates

DRAFT

This Plan expressly authorises leasing, licensing or granting of any other estate over this reserve for any community purpose as determined by Council. Any agreement which may be entered into will be in accordance with relevant section of the LG Act (s. 46 and 47) and in consideration of native title implications for Crown land.

This Plan expressly authorises the issue of leases, licences and other estates over the reserve, provided that:

- The purpose is consistent with the reserve purpose of the land.
- 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 LG Act 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 for Crown land can be validated by the provisions of the *Native Title Act 1993*.
- 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 LG Act or the *Local Government (General) Regulation 2021*.
- 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.
- Council Crown Land Managers have obtained written advice from a qualified Native Title Manager that any proposed lease or licence arrangements comply with any applicable provisions of the *Native Title Act 1993* for Crown land.

Tables in the relevant category sections of this Plan further identify the purposes for which leases and licences may be issued over the reserve.

3.8 Short Term Casual Purposes

Subject to Council approval, the following short term casual purposes may be allowed if considered appropriate:

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

3.9 Signs

Council uses signs to regulate the activities carried out on community land and to provide educational information. All Council signs erected under Part 9 of the CLM Act, plus reserve name signs and traffic and safety signs, are permissible. Council must approve all other signs, including design before erection. All signs must be sympathetic to their environment in their design, construction and location.

3.10 Easements

DRAFT

Council reserves the right to grant easements as required for utilities and access.

3.11 Alcohol

Council can declare the area an alcohol-free zone under Chapter 16, Part 4 - Street Drinking (s.642-648) of the LG Act.

3.12 Management actions

Management actions must be consistent with those outlined in this Plan. Council shall provide (when required) the construction and maintenance of utility services, provision and maintenance of wetlands, floodways, cycle ways, vehicular access ways and the granting of easements.

3.13 Fees and charges

Council fees and charges may apply for specific uses of the reserve, these are outlined in Council's Fees and Charges Schedule. Applications must be lodged with Council for reserve hire.

4. ADDITIONAL MATTERS

4.1 Definitions

The terms used within this Plan are to be understood as they are presented in the LG Act. For terms which require further definition, please see the *Interpretations Act 1987*.

4.2 Native Title Assessment

The CLM Act provides new direction for the management of Crown Land and Council is now responsible for compliance with Native Title legislation for the Crown land that it manages.

Council is required to undertake steps to identify if any activities that they do, or do not allow on Crown land, will have native title implications, what provisions of the *Native Title Act 1993* will validate the activity and what procedures should be taken in relation to a particular activity prior to its commencement.

Council must receive written advice from its Native Title Manager in relation to certain activities and acts it intends to carry out on Crown land.

4.3 Community Assistance

Council will encourage, where appropriate community assistance in the development of new facilities as well as maintenance of existing facilities through the co-operation and assistance of local groups.

DRAFT

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

5. CATEGORY: NATURAL AREA

Bevans Island is categorised as Natural Area which is further defined and categorised as Bushland. The category of Bevans Island is shown in Figure 3 – Land Categories.

The guidelines for categorisation of land as Natural Area are outlined in Part 4, Division 1 of the *Local Government (General) Regulation 2021*. The Regulation states that land should be categorised as Natural Area under section 36(4) of the LG Act if the land:

Whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the LG Act.

The reserve is a bushland island that contains thick vegetation consisting of Coastal Saltmarsh, Swamp Oak Floodplain Forest, River-Flat Eucalypt forest (possible in part), Coastal Saltmarsh and Freshwater Wetlands and is therefore categorised as Natural Area.

The core objectives for the management of land categorised as Natural Area are:

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

This section should be read in conjunction with the land's sub-category of Bushland outlined in this Plan.

DRAFT

6. CATEGORY: NATURAL AREA - BUSHLAND

6.1 Introduction

Bevans Island is categorised as Natural Area – Bushland. This area is shown in Figure 3 - Land Categories. Bushland is the sub-category to the Natural Area category and covers the same area.

The guidelines for categorisation of land as Bushland under clause 107 of the *Local Government (General) Regulation 2021* are if the land contains primarily native vegetation and that vegetation –

(a) is the natural vegetation or a remainder of the natural vegetation of the land, or
(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.

The reserve is a bushland island, dominated by intact native vegetation representative of Coastal Saltmarsh, Swamp Oak Floodplain Forest, River-Flat Eucalypt forest, Coastal Saltmarsh, Freshwater Wetlands and is therefore categorised as Bushland.

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

(a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
(c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
(d) to restore degraded bushland, and
(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
(f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
(g) to protect bushland as a natural stabiliser of the soil surface.

6.2 Physical environment

Topography
The topography of Bevans Island is a series of dune ridges, swales and swamps on Quaternary marine sands.

Hydrology/Flooding
The hydrology of Bevans Island is directly influenced by the ocean and lake entrance tides. All or part of the land has been identified within the Lake Illawarra Flood plain Risk Management Study and Plan 2012 as flood prone. Councils' Floodplain Risk Management Development Control Plan (DCP) will apply to the site.

DRAFT

Soils
The soils of Bevans Island are deep siliceous sands. Podzols (a type of soil characteristic of coniferous forest regions having a greyish-white colour in its upper leached layers) occur on ridges. Acid peats occur in swamps and humus podzols occur in swales.
The reserve contains Class 1 & 2 Acid sulfate soils.

Vegetation
The vegetation present on the island includes:
- Coastal Saltmarsh dominated by *Baumea juncea*,
- Sea Rush (*Juncus krausii subsp. australiensis*),
- Samphire (*Sarcocornia quinqueflora subsp. quinqueflora)*,
- Marine Couch (*Sporobolus virginicus*),
- Streaked Arrowgrass (*Triglochin striata*),
- Knobby Club-rush (*Ficinia nodosa*),
- Creeping Brookweed (*Samolus repens*),
- Swamp Weed (*Selliera radicans*),
- Seablite (*Suaeda australis)* and
- Prickly Couch (*Zoysia macrantha*).

Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans. Swamp Oak Floodplain Forest has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species and River-Flat Eucalypt forest (in part). The most widespread and abundant dominant trees include:
- Forest Red Gum *(Eucalyptus tereticornis),*
- Cabbage Gum *(E. amplifolia),*
- Rough-Barked Apple *(Angophora floribunda)*
- Broad-Leaved Apple *(A. subvelutina),*
- Blue Box *(Eucalyptus baueriana),* and
- Bangalay *(E. Botryoides).*

Freshwater Wetlands, Phragmites Reedland containing:
- Water Couch (*Phragmites australis aspalum distichum*),
- Swamp Rice-Grass (*Leersia hexandra*),
- Mud Grass (*Pseudoraphis spinescens*) and
- Tussock Sedge (*Carex appressa*).

Endangered Ecological Communities on the island include:
- Coastal Saltmarsh,
- Swamp Oak Floodplain Forest, River-Flat Eucalypt forest (possible in part),
- Coastal Saltmarsh, Freshwater Wetlands.

Fauna
The island is an excellent small bird habitat. The thick understory vegetation, small hallows and fissures in the Swamp Oak are suitable for Micro-bats and reptiles. The island is a shore and migratory bird breeding habitat.

Threatened species identified on the island include:
- Pied Oystercatcher (habitat and direct sightings), and
- Little Tern (nesting habitat and direct sightings).

DRAFT

6.3 Key issues

The key issues associated with the land categorised as Natural Area - Bushland within Bevans Island include but are not limited to:

Protect Biodiversity
Ensure biodiversity is protected and ecosystem function is maintained as well as possible. The reserve is identified as environmentally sensitive land on the terrestrial biodiversity map under the LEP. Refer to the LEP for clauses relating to terrestrial biodiversity.

Maintain Natural State
Protect the natural state and setting of the island. Bevans Island is identified as Coastal Wetlands under *State Environmental Planning Policy (Coastal Management) 2018* (Coastal SEPP). The Coastal SEPP applies to Bevans Island and must be taken into consideration when managing this reserve. The Coastal SEPP aims to manage development in the coastal zone and protect the environmental assets of the coast.

Provide Community Use while minimising disturbance
To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.

Aboriginal Heritage Considerations
Bevans Island contains four identified Aboriginal heritage sites on the AHIMS register.

The preservation of the Aboriginal heritage significance needs to be taken into consideration when managing this reserve.

Weed invasion
Weed invasion occurs on the island from Asparagus Fern and Bitou Bush.

Erosion
Erosion is occurring, especially on the northern edge of the island. There is a wind erosion hazard, due to non-cohesive soil, very low available waterholding capacity, sodicity, salinity and low fertility of the soil.

Feral Species
Feral species can be a problem on the island such as cats and foxes preying on shore bird nests. Feral animals such as foxes will go over to the island at low tide.

Acid Sulfate Soils
Class 1 and 2 Acid Sulfate Soils occur on the site. Any risk of exposure needs to be considered with any proposed works or developments.

6.4 Development and use

Bevans Island is a bushland island that is temporarily accessible depending on the tides. There is no built foot bridge infrastructure to allow access to the island other than by boat, swimming or at low tide by foot. The fringing beaches are used for fishing and recreational activities, as well as collection of cockles at low tide. Numerous informal and unmanaged tracks exist on the island allowing access within the deeper vegetation. Vegetation is thick, and in some areas swampy therefore offering minimal recreation accessibility.

DRAFT

Developments and uses on the reserve must be consistent and permissible under the LEP and SEPPs applicable to this site. These activities or developments must also be consistent with the land categorisation.

Council approval may be required prior to any development or improvement made to Community Land.

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.

The general types of uses which may occur on community land categorised as Natural Area – Bushland, the forms of development which generally associate with those uses, as set out in detail in Table 2. The facilities on community land may change over time, reflecting the needs of the community. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.

Purpose/Use	Examples of development to facilitate uses
• Preservation of the council's natural heritage including the identified endangered ecological communities • Preservation of biological diversity and habitat • Providing a location for relaxation and passive informal recreation • Walking/hiking • Guided bushwalks • Environmental and scientific study • Bush regeneration works • Carbon sequestration • Bio-banking • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction.	• Visitor facilities • Low-impact walking trails • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms, signs • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage

Table 2 - Possible permissible uses and development of community land categorised as Natural Area - Bushland

6.5 Express authorisation of leases, licences and other estates - Natural Area – Bushland

This plan of management expressly authorises the issue of leases licences and other estates over the land categorised as Natural Area – Bushland. Table 3 provides some possible types of purposes for which tenure may be granted. The following examples in the table does not guarantee approval as this is subject to site suitability and assessment. It is not an exhaustive list.

DRAFT

Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
Lease	As per statutory requirements	• walkways, pathways, bridges, causeways • observation platforms, signs • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licence	As per statutory requirements	• walkways, pathways, bridges, causeways • observation platforms, signs • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short-term licence	As per statutory requirements	• the playing of a musical instrument, or singing, for fee or reward • engaging in a trade or business, including boat hire, scientific studies and surveys or similar • the playing of a lawful game or sport • the delivery of a public address • commercial photographic sessions • picnics and private celebrations such as weddings and family gatherings • filming sessions including the temporary erection or use of any building or structure necessary to enable a filming project to be carried out

DRAFT

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 LG Act.

Table 3 – Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Bushland.

6.6 Management framework for reserves categorised as Natural Area - Bushland

The Action Plan (Table 4) is prepared in accordance with Section 36 of the LG Act and identifies the:

- Broad management issues,
- Objectives and performance targets of the Plan with respect to the land,
- Means by which Council proposes to achieve the Plan's objectives and performance targets; and
- The manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

Management Issues	**s.36(3)(b) Objectives and performance targets**	**S. 36(3)(c) Means of achievement of objectives**	**s.36(3)(d) Manner of assessment of performance**
Biodiversity	To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.	Undertake an effective targeted weed control program to ensure survival of key native vegetation.	That inspections are made by appropriate Council staff when required.
Natural State	To maintain the land, or that feature or habitat, in its natural state and setting.	By carrying out foreshore maintenance and restoration work in accordance with Council's available resources. Weed control. Removal of waste.	That inspections are made by appropriate Council staff when required.
Restoration	To provide for the restoration and regeneration of the land.	If needed, consider planting appropriate species.	That inspections are made by appropriate Council staff when required.
Appropriate Community Use	To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by	Ensure safety, access and inclusion are key considerations in the provision of any assets or facilities.	Whether there are complaints from users. That inspections are made by appropriate

DRAFT

	human intrusion.	Provide appropriate signage to avoid disturbance of the foreshore.	Council staff when required.
Aboriginal Heritage	To preserve the Aboriginal heritage significance of the site.301`A	Any works proposed should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour DCP.	Refer to applicable recommendations.
Ecological and Threatened Species Management	To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*. Note: The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016.*	Undertake land management, restoration and maintenance in accordance with the relevant plans as outlined in legislation, including the *Biodiversity Conservation Act 2016.*	Land management, restoration and maintenance is in accordance with the relevant plans as outlined in the legislation. The plans are kept relevant and reviewed as required.
Ecological Biodiversity	To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.	Responsible use of chemicals (fertilisers, weedicides).	That inspections are made by appropriate Council staff when required. Weed control, re-establishment of bushland maintained and/or showing positive responses to any planting and on-ground action.
Values of the land	To protect the aesthetic, heritage, recreational, educational and scientific values of the land.	Undertake a targeted control of priority weeds which threaten the native shrub lands and trees.	Weed control, re-establishment of bushland maintained and/or showing positive responses to any planting and on-ground action.
	To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.	Promote these values to the local community, aimed at fostering involvement of school children and the wider community in helping achieve the objectives and responsibilities of Council as and Crown Land Manager.	Community involved in active management of the island. Sense of “local ownership” proliferates
Bushland	To restore degraded	Undertake a targeted	Weed control, re-

DRAFT

	bushland.	control of priority weeds which threaten the native shrublands and trees. Responsible use of chemicals (fertilisers, weedicides).	establishment of bushland maintained and/or showing positive responses to any planting and on-ground action.
	To protect existing landforms such as natural drainage lines, watercourses and foreshores.	Ensure risk of exposure of acid sulfate soils is thoroughly considered (as required in LEP). Adopt weed control and tree replacement strategies. By carrying out foreshore maintenance and restoration work in accordance with Council's available resources.	Weed control, re-establishment of bushland maintained. That inspections are made by appropriate Council staff when required. Foreshore of island is maintained.
	To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.	Ensure tree planting occurs routinely to replace those that are either dead or dying. Facilitate natural regeneration processes by controlling weeds.	Footprint of existing tree belts maintained into the future, with improved quality/composition/diversity within. Weed control, re-establishment of bushland maintained and/or showing positive responses to any planting and on-ground action.
Erosion Control	To protect bushland as a natural stabiliser of the soil surface.	Ensure risk of exposure of acid sulfate soils is thoroughly considered (as required in LEP). Adequately consider any proposed development, ensuring the objectives of reserve management are not compromised.	Minimal soil erosion occurring from or within the bushland area. That inspections are made by appropriate Council staff when required.
Lake Illawarra Coastal Management Program (CMP)	Reduce threats to Lake Illawarra.	Implement recommendations from the Lake Illawarra CMP	Recommendations from the CMP are implemented.

Table 4 - Action Plan for land categorised as Natural Area - Bushland.

DRAFT

APPENDIX 1: PLAN OF MANAGEMENT LEGISLATIVE FRAMEWORK

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.

Local Government Act 1993

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

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

Section 36 of the 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 are
e. a of cultural significance
f. general community use.

DRAFT

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 PoM must be made for land declared:

- 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))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of public land

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 and 46) 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

DRAFT

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

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 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, licensed 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

The Commonwealth *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 PoM.

The following is a list of documents that have a direct association with this PoM:

Shellharbour Local Environmental Plan 2013 (LEP)

Shellharbour Local Environmental Plan 2013 guides planning decisions for the city through zoning and development controls, which provide a framework for the way land can be used.

Shellharbour City Local Strategic Planning Statement 2020

The Shellharbour City Local Strategic Planning Statement (LSPS) guides the future of land use planning in the City and provides guidance on meeting our changing needs, managing land use planning challenges and will assist us to further develop the local character of Shellharbour now and into the future. The LSPS identifies a land use planning vision, supported by planning priorities and actions which inform Council planning, decisions and with managing the future growth of our City based on economic, social and environmental needs over the next 20 years.

Planning Priority 3 of the LSPS 'Deliver high quality, well-connected and integrated, green spaces' requires Council to continue to review and update plans of management for Community land.

Shellharbour Open Space and Recreation Needs Study and Strategy 2020
Council's Open Space and Recreation Needs Study and Strategy guides how Council will plan, implement and manage current and future open spaces and sport, recreation and aquatic facilities across the Shellharbour Local Government Area. This study provides a hierarchy of parks which assists with decision making and planning.

Lake Illawarra Coastal Management Program 2020 - 2030
The Lake Illawarra Coastal Management Program (CMP) is a long-term strategy for the coordinated management of the Lake. It includes a set of actions to reduce threats to the Lake. The actions are to be implemented by a range of land managers over the next 10 years.

Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

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

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

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

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*.

DRAFT

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

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.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this 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 and may relate to community land categorised as cultural significance or natural area.

Crown Land 2031: State Strategic Plan for Crown Land.

The State Strategic Plan for Crown land sets the vision, priorities and overarching strategy for the management of Crown land and outlines timeframes and outcomes.

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 no. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area – Bushland.

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

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.

State Environmental Planning Policy (Coastal Management) 2018

This policy applies to land within the coastal zone.

Other relevant legislation, policies and plans

Biosecurity Act 2015
Catchment Management Authorities Act 2003
Companion Animals Act 1998
Council plans, strategies, policies, procedures and guidelines, generally as amended
Disability Discrimination Act 1992
Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)
Local Land Services Act 2013
Operations Act 1997
Pesticides Act 1999
Protection of the Environment Operations Act 1997
Protection of the Environment Operations (Noise Control) Regulation 2008
Public Works Act 1912 (as amended)
Retail Leases Act 1994
Rural Fire Regulation 2002
Shellharbour Development Control Plan
Shellharbour Asset Management Plan
Soil Conservation Act 1938
Telecommunications Act 1997 (Cth)
NSW Invasive Species Plan 2008-2015
National Local Government Biodiversity Strategy
NSW Biodiversity Strategy

The list above is not exhaustive. Depending on the nature of the land subject to a plan of management, there may be other relevant legislation, policies and procedures that need to be considered. Further advice on this can be sought by contacting Council.

DRAFT

APPENDIX 2: ABORIGINAL INTERESTS IN CROWN LAND

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

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

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 PoM, 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.

Native Title Claim of the South Coast People

The Yuin group of Aboriginal peoples along the south coast of NSW lodged a native title claim with the Federal Court on 3 August 2017. The South Coast people's claim covers 16,808 sq. km, extending south from Sydney to Eden, along the south coast of NSW and west towards Braidwood and also extends three nautical miles into the ocean. Shellharbour LGA is one of six councils within this area.

The claim does not affect freehold land but does extend to national parks, state forests, Crown land and council-managed Crown land and reserves. The claim includes the exclusive or non-exclusive right to access, to remain in and use the land and waters for any purpose, to take resources and to maintain and protect places and objects of significance.

DRAFT

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, Industry and Environment 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.

At the time of preparing this plan of management, Crown reserves within Shellharbour LGA are affected by an undetermined Aboriginal land claim (claim number 42453, lodged 15/12/2016). Council has considered the claim in development of this plan of management.

DRAFT

APPENDIX 3: EXISTING LEASES AND LICENCES ON THE SITE

Group/organisation	Type of Tenure	Term
Nil		

(Current as at the date of adoption of the Plan)

DRAFT