On Public Exhibition

Draft Plan of Management for Reddall Reserve, Pelican View Reserve, Picnic Island, Werrang Island, Berageree Island, Graham Park Reserve, Woodford Park and Mrs Halls Park, Lake Illawarra

Exhibition period

From Monday 27 May 2024 – Sunday 23 June 2024

How to make a Submission

Submissions must be received in writing and addressed to
The Chief Executive Officer, Dharawal Country,
Locked Bag 155 Shellharbour City Centre, 2529
or sent by email to council@shellharbour.nsw.gov.au

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

The personal information contained in your submissions is collected by Shellharbour City Council for the purpose of corresponding with you about your submission. If you make an anonymous submission, Council will be unable to contact you further.

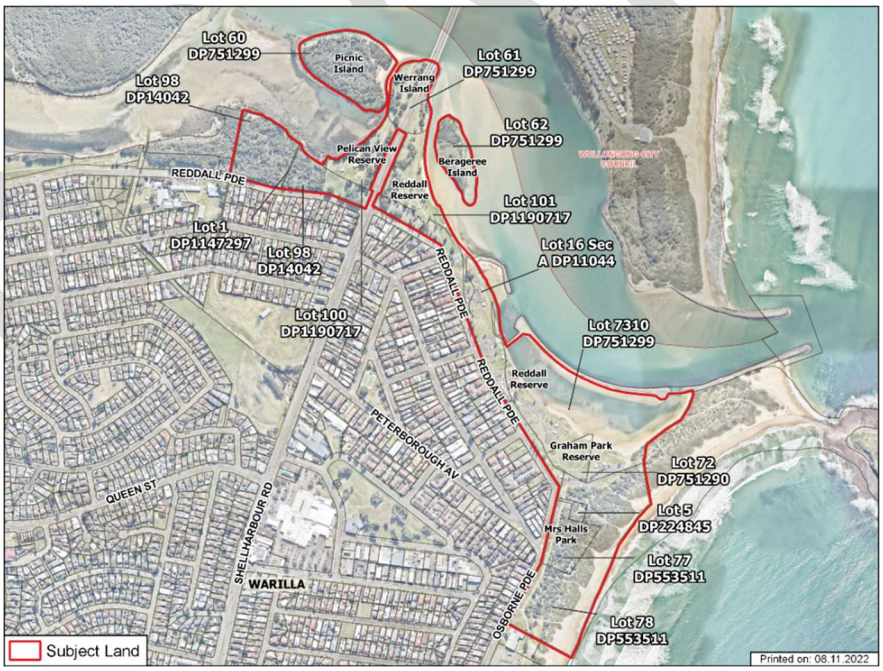
The information is intended for use by Council to assist in its decision making processes. The content of your submission may be summarised and attached to a Council Report and displayed on Councils website, your personal information will not be included. The submission will be stored in Council's electronic records management system. You can apply to Council to access and correct your personal information. Please see Council's Privacy Management Plan available on Council's website or contact Council's Privacy Officer on 4221 6111 for more information.

DRAFT PLAN OF MANAGEMENT

REDDALL RESERVE
PELICAN VIEW RESERVE,
PICNIC ISLAND,
WERRANG ISLAND,
BERAGEREE ISLAND,
GRAHAM PARK RESERVE,
WOODFORD PARK AND
MRS HALLS PARK

(Including Crown Reserves 90194 & 72362)

LAKE ILLAWARRA



Adopted by Council XXXX

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EXECUTIVE SUMMARY

This Plan of Management, adopted on XX/XX/XXXX by Shellharbour City Council, applies to Community land owned by Shellharbour City Council and land owned by the NSW State Government (the Crown). The land owned by the Crown is managed by Shellharbour City Council as Crown Land Manager under the *Crown Land Management Act 2016*. The site includes Reddall Reserve, Pelican View Reserve, Picnic Island, Werrang Island, Berageree Island, Graham Park Reserve, Woodford Park and Mrs Halls Park, located on Reddall Parade and Osborne Parade, Lake Illawarra. This subject area will generally be referred to as "the site" in this Plan of Management.

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

This Plan consolidates and replaces four existing plans of management previously adopted by Council for the Council owned portion of the site.

This Plan should be read in association with the Reddall Reserve Master Plan and Reddall Reserve Master Plan Report dated 24/09/2019 available on Council's website.

Acknowledgement of Country

Shellharbour City Council acknowledges the Traditional Custodians of Dharawal Country and recognises 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.

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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 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. Reserves 90194 and 72362, located in Lake Illawarra, are Crown reserves and are classified as community land under the LG Act. Therefore, this Plan has been prepared to comply with the legislation and to consolidate four existing plans of management for adjoining Council community land previously adopted by Council.

1.1 Corporate objectives

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

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

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 a combination of reserves along the foreshore of Lake Illawarra estuary's southern side. The areas included in this Plan are Reddall Reserve, Pelican View Reserve, Picnic Island, Werrang Island, Berageree Island, Graham Park Reserve, Woodford Park and Mrs Halls Park, located on Reddall Parade and Osborne Parade, Lake Illawarra. It incorporates the Crown Reserves identified as R90194 and R72362 and Council community land.

Part of the site (Reddall Reserve and Werang Island) is considered a passive citywide park in the park hierarchy within the Shellharbour Open Space and Recreation Needs Study 2020. Combined with the adjoining reserves, the site forms a significant regional destination. The site is a combination of Council and Crown owned land, managed by Council as Crown Land Manager. The Crown land is subject to Native Title considerations.

The site stretches along Lake Illawarra estuary and around the coast providing public open space, picnic facilities, amenities, playgrounds, fitness equipment, a boat ramp and fishing table, foreshore, environmental and bushland areas. A kiosk is in the northern area and a netted swimming area is at the southern end. The shared path provides a continuous connection throughout the site, as does a foreshore promenade with extensive views towards Lake Illawarra and the coast.

Information regarding the area in this Plan owned by the NSW State Government (the Crown) is detailed in **Table 1** below:

Crown Reserve Number	R90194	R72362
Reserve names	Picnic Island, Werrang Island, Berageree Island, Pelican View Reserve (part) and Reddall Reserve (part)	Reddall Reserve (part), Graham Park Reserve and Mrs Halls Park (part)
Location	Reddall Parade, Lake Illawarra	Reddall Parade and Osborne Parade, Lake Illawarra
Gazetted Date	24/11/1972	25/07/1947
Reserve Purpose	Public Recreation	Public Recreation
• **Land parcel/s**	• Lot 101 DP 1190717 • Lot 60 DP 751299 • Lot 61 DP 751299 • Lot 62 DP 751299 • Lot 100 DP 1190717	• Lot 77 DP 553511 • Lot 72 DP 751290 • Lot 7310 DP 751299
Area (Ha)	8.8	8.979
LEP zoning	• RE1 - Public Recreation • C2 - Environmental Conservation • SP2 – Infrastructure Zone (classified road)	• RE1 – Public Recreation • W2 – Recreational Waterways
Assigned category/ categories	• Park • Natural Area – Bushland • Natural Area – Foreshore	• Park • Natural Area - Foreshore

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

Information regarding the area in this Plan owned by Shellharbour City Council is detailed in **Table 2** below:

Council owned Reserve Name	Reddall Reserve (part)	Pelican View Reserve (part) including Drainage Reserve	Mrs Halls Park (part)	Woodford Park
Location	Reddall Parade, Lake Illawarra	Reddall Parade, Lake Illawarra	Osborne Parade, Warilla	Osborne Parade, Warilla
Previous PoM adoption date	4 September 2007	22 June 2010	22 June 2010	22 June 2010
Land Parcels	Lot16 Sec A DP 11044	Lot 98 DP 14042 Lot 1 DP 1147297	Lot 78 DP 553511	Lot 5 DP 224845
Area	3.23 Ha	3.47 Ha	6.38 Ha	1903.29 Sqm
LEP Zoning	• RE1 – Public Recreation • W2 – Recreational Waterways	• RE1 – Public Recreation • C2 – Environmental Conservation	• RE1 – Public Recreation	• RE1 – Public Recreation
Assigned categories in previously adopted PoMs to be retained	• Park • Natural Area - Foreshore	• Park • Natural Area – Bushland • Natural Area - Foreshore	• Park • Natural Area – Foreshore • General Community Use	• Park • Natural Area – Foreshore • General Community Use

Table 2 - Information about Council Community reserves covered by this plan of management.

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

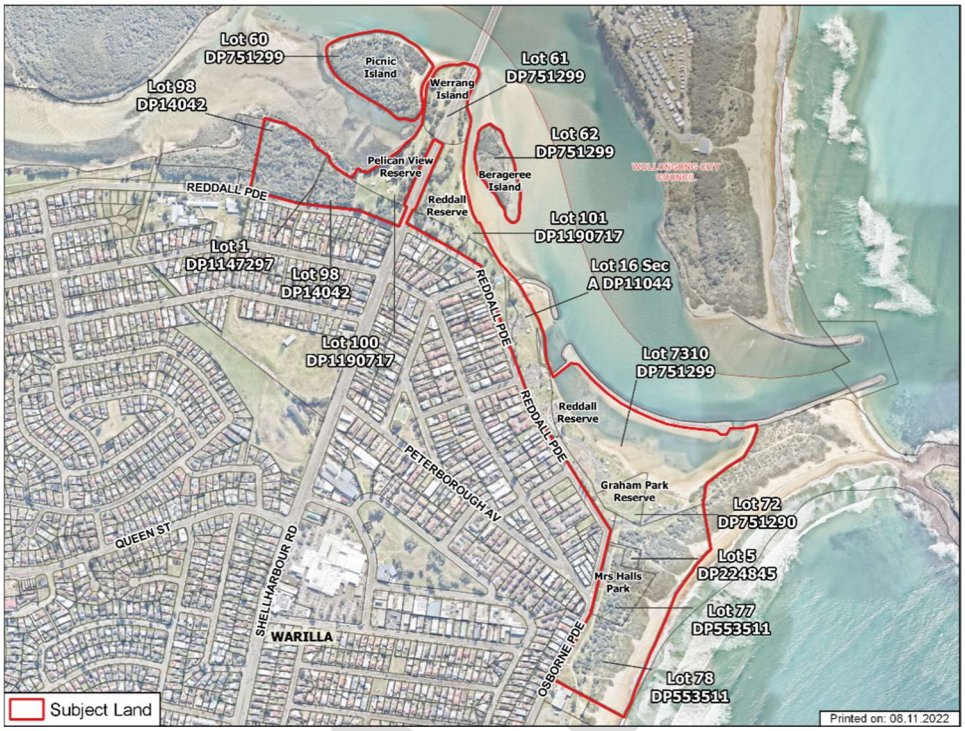


Figure 1 – Land to which this Plan applies.

2.2 Owner of the land

Reserves R90194 and R72362 are owned by the NSW State Government (the Crown) and are 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.

The remainder of the site is owned and managed by Shellharbour City Council as Community land under the LG Act.

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Figure 2 below shows owners of the land and location of the Crown reserves.

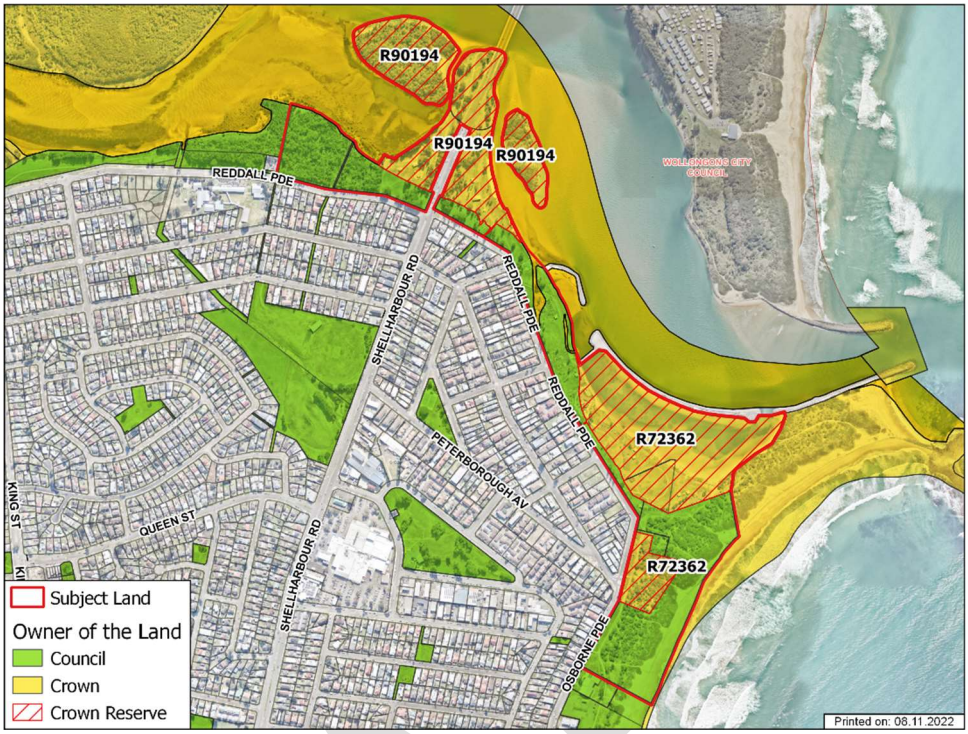


Figure 2 – Owners of the land

2.3 Categorisation of the reserve

Under section 3.23 of the CLM Act and section 36 of the LG Act, Crown land reserves managed by Council and Council owned community land 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, Housing and Infrastructure – 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) the site is categorised into four categories:

- Park
- Natural Area – Foreshore
- Natural Area – Bushland
- General Community use

Some of these categories have been brought across from previously adopted community plans of management (not Crown reserves) which are being consolidated into this Plan.

The site is located along the foreshore of Lake Illawarra, extending around to the northern end of Warilla beach and covers a range of public recreational uses.

Council currently manages and will continue to manage the site in a way that allows the public to utilise the site as for the purpose which is outlined in the core objectives of Park, Natural Area – Foreshore, Natural Area – Bushland and General Community Use. These categories are described in more detail further in the Plan.

See **Figure 3** below for land categories.

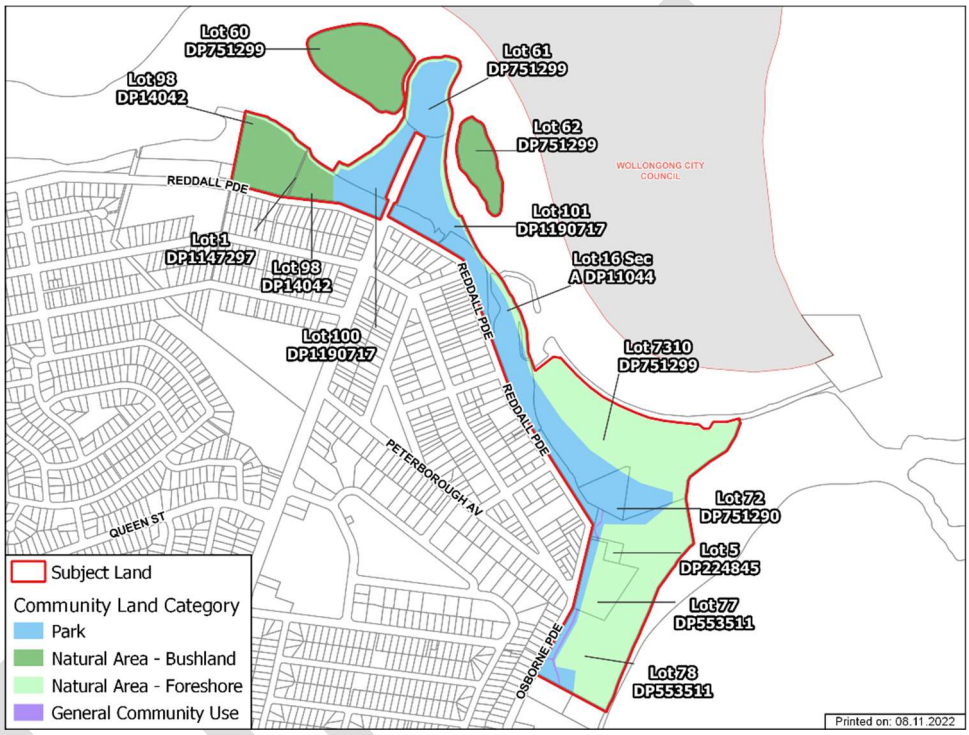


Figure 3 – Land categories

2.4 Zoning of the Reserve

Under the *Shellharbour Local Environmental Plan 2013* (LEP) the site incorporates the following zones:

- RE1 – Public Recreation,
- C2 – Environmental Conservation,
- SP2 – Infrastructure, and
- W2 – Recreational Waterways

Land zones are shown in **Figure 4** below.



Figure 4 – Land Zones

The objectives of the RE1 – Public Recreation zone in the LEP are:

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

The objectives of the C2 – Environmental Conservation 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.

The objectives of the SP2 – Infrastructure zone in the LEP are:

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

The objectives of the W2 – Recreational Waterways zone in the LEP are:

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for the sustainable and viable economic use of Lake Illawarra.

The objectives of each applicable zone must be considered as part of the management of the site. Reference should also be made to the LEP for permissible uses in the zone and other attributes present on the site, including but not limited to Aboriginal heritage, heritage conservation and the presence of acid sulfate soils.

2.5 Land comprising the habitat of endangered species or threatened species

The site incorporate a bushland island west of Shellharbour Road known as Picnic Island. Picnic Island has two records of threatened fauna species, *Pandion cristatus* (Eastern Osprey) and *Chelonia mydas* (Green Turtle) and one record of threatened flora species, *Cynanchum elegans* (White-flowered Wax Plant) and two Endangered Ecological Communities, Swamp Oak Floodplain Forest and Coastal Saltmash. Both are listed under the *Biodiversity Conservation Act 2016*. The island is identified on the Biodiversity Values Map as coastal wetlands. Other vegetation communities mapped on Picnic Island are sea grass meadows and estuarine flats.



Figure 5 - Picnic Island

Another bushland island is located east of Shellharbour Road and is known as Berageree Island. This island has records of Endangered Ecological Community, Swamp Oak Floodplain Forest and a section of Coastal Saltmarsh on the north-eastern edge. Both are listed as Endangered Ecological Communities under the *Biodiversity Conservation Act 2016.* The island is identified on the Biodiversity Values Map as Swamp Oak Floodplain Forest. Other vegetation communities mapped on Berageree Island are sea grass meadows and estuarine flats.



Figure 6 - Berageree Island

Pelican View Reserve, located west of Shellharbour Road, has Endangered Ecological Community, Swamp Oak Floodplain Forest and Coastal Saltmarsh and Freshwater wetlands, both are listed as Endangered Ecological Communities under the *Biodiversity Conservation Act 2016*. Threatened fauna recorded in Pelican View Reserve is *Numenius madagascariensis* (Eastern Curlew). Other vegetation within the site is Phragmites Reedland (Estuarine Alluvial Wetland, Saltmarsh and Seagrass meadows and Estuarine flats.



Figure 7 – Saltmarsh at Pelican View Reserve

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 site has not been identified as an Area of Cultural Significance.

History of the area

Dharawal people have lived on, and with, the shores of Lake Illawarra (Jubborsay) for thousands of years. The Aboriginal community in Shellharbour has a strong affinity with their cultural heritage and Aboriginal places are significant to the community. Several creation stories are linked to the Country on which Shellharbour City resides, including Gang-Man-Gang (Windang Island) and Gurangaty (Lake Illawarra and waterways).

The land on which Reddall Reserve lies today was part of a 2000 acre grant issued to Lt. Col Davey in 1821. It is believed Davey transferred his grant to D'Arcy Wentworth prior to this, and the land became part of D'Arcy Wentworth's Peterborough Estate which totalled 13,050 acres

and stretched from Lake Illawarra in the north to Minnamurra River in the south.

The Peterborough Estate was, in the early days, used as a run for Wentworth's cattle, and to transport Cedar from the Illawarra Escarpment to the harbour at Shellharbour Village, then known as the Village of Peterborough. In 1843, Caroline Chisholm brought 23 families to settle on Clearing Leases on the Peterborough Estate. This allowed families to live rent-free on the condition they clear the land of trees and scrub for future farming.

On Wentworth's death in 1827, the Peterborough Estate was left in trust to five of his children; Martha, Sophia, Mary Ann, Catherine, and Robert. Martha married John Reddall and the couple inherited the portion of the grant where Reddall Reserves lies today.

The sale of the Peterborough Estate on the south-eastern side of Lake Illawarra in 1921 saw new towns emerge around the lake, and the area became a holiday destination. In 1927, over 2000 holidaymakers camped on the shores at Lake Illawarra South. At night, crowds would gather with flare lamps and lanterns to go in search of delicious lake prawns that could be scooped out with a bucket. In those days, the sand hills at the lake were up to 70 feet high depending on the winds. Locals and tourists would spend hours skiing down the sand hills on cardboard and Masonite offcuts. In later years, some of the sand was used as infill during the construction of the Steel Works. Before Windang Bridge was built in 1938, travelers could only get across the lake entrance at low tide.

In 1985 Shellharbour Council initiated a program to develop the Lake Illawarra Foreshore for recreation purposes. Stage one, completed in 1989 included the construction of a kiosk, amenities block, car park, barbeque facilities, and landscaping. Today Reddall Reserve is visited by thousands of locals and tourists each year. *(Information provided by Shellharbour City Museum)*

In 1985, various dredging and large land reclamation works occurred around Windang Bridge, Picnic Island and Bevans Island.

In 2007, breakwaters north of the site were built, and sediment was dredged from the eastern end of the channel.

These events, natural erosion and changes in tides and wave energy, have altered the physical state of the delta at the lake's entrance.

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The changing physical aspects of the site over times can been seen in the aerial images below:



Figure 8 - Aerial images over time

Aboriginal Significance

Cultural values, including tangible and intangible values, exist in the area. These cultural values include Aboriginal objects and sites, creation narratives associated with place, cultural connections and historical ties to the area and the place as part of the wider cultural landscape. Although past land use has modified parts of the area, there is still a high potential for remnant soil profiles containing Aboriginal objects and sites to be present within the site, particularly Picnic Island, Werrang Island, Berageree Island, Pelican View Reserve, the southern portion of the area as well as parts of Reddall Reserve.

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

Non-Aboriginal Significance

Impressive rows of pines were planted along beach front reserves from the turn of the 20th century, increasing in popularity in the 1920's and 1930's following World War One, to commemorate fallen soldiers, arising from association with 'The Lone Pine'. The Lone Pine was a solitary tree on the Gallipoli Peninsula in Turkey, which marked the site of the Battle of Lone Pine in August 1915.

There are two rows of pine trees in this area listed as significant items of Environmental Heritage under *Shellharbour Local Environmental Plan 2013*. These are:

- Reddall Reserve row of pines
- Pelican Park Pines

Any works proposed should ensure consistency with Chapter 28 - European Heritage, of Shellharbour DCP.

Reddall Reserve Row of Pine Trees

This row of 22 *Araucarua heterophylla* (Norfolk Island Pines) is a major landscape feature which adds significantly to the local environment. These trees are remnants of a time when beautification of reserves and foreshores was undertaken by residents. The trees provide a habitat for fauna and are closely linked to the cultural landscape that defines Shellharbour.



Figure 9 - Reddall Reserve Row of Pine Trees

Pelican Park Pine Trees

These Norfolk Island Pine trees were planted as part of a bicentennial project and are significant in the local environment as major local landmarks. The trees also provide a habitat for fauna and are closely linked to the cultural landscape that defines Shellharbour.



Figure 10 – Pelican Park Pine Trees

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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 Resourcing Strategy addresses 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 the site.

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

Council's Asset Management Plan reports on the current state of Council assets. Asset conditions are assessed as part of comprehensive network inspections. These assessments are undertaken in accordance with the Institute of Public Works Engineering Australasia Practice Notes.

At the date of adoption of this Plan, the main assets identified on the site and their current condition include:

Reddall Reserve/Graham Park Reserve

- Kiosk and amenities – fair condition (due for renewal)
- Foreshore promenade – new/excellent condition
- Carpark – excellent condition
- Lighting – poor to fair condition
- Benches – fair to good condition
- Picnic settings – poor to fair condition
- Water taps – excellent condition
- Water meter – excellent condition
- Street bins – excellent condition
- Park signs – very poor to excellent condition
- Playground equipment – new/excellent condition
- Fitness equipment/ninja course – new/excellent condition
- BBQ – fair to good condition
- Bollards and posts – fair condition
- Power Poles
- Stormwater including pipe – fair to excellent condition
- Footpath – excellent condition
- Fence and gates – very poor to fair condition
- Swim nets – excellent condition
- Disability access – footpath – excellent condition
- Shelters – poor to fair condition
- Softfall – poor to good condition
- Public art – new/excellent condition
- Bike rack – fair/tolerable condition
- Rotunda – fair/tolerable condition
- Retaining wall – fair/tolerable condition
- Boat ramp and jetty – new/excellent condition
- Amenities block – one block new/excellent and one block fair/tolerable condition

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Werrang Island
- Signs – good condition
- Retaining wall – good condition
- Bins – good to fair condition
- Bike rack – good condition
- Picnic tables – good to fair condition
- Public art – good condition
- Memorial rock – good condition
- Bollards – good condition
- Footbridge to Picnic Island – good condition

Picnic Island
- Footbridge to Picnic Island - good condition

Pelican View Reserve
- Footpath – fair condition
- Fencing – good condition
- Bollards – fair condition
- Play equipment with softfall – Fair to poor condition
- Picnic tables – good to fair condition
- Rotunda – good condition
- Bike rack – good condition
- Bin – good condition
- Amenities block – good condition
- Park sign – good condition
- BBQ – fair condition
- Park bench - good condition
- Public art - good condition

Mrs Halls Park and Woodford Park
- Signs – poor to fair condition
- Shared-use pathway – good condition
- Fencing – fair condition

Generally, most of the assets on the site are in good condition with some recently installed new facilities and a few in poor condition.

Vegetation
The vegetation on the site is generally in good condition and well maintained. A more detailed description of significant vegetation can be found in the category sections of this Plan.

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

The site provides a regionally significant area of open space which stretches along the Lake Illawarra estuary. The site is surrounded by Reddall Parade to the south-west and Lake Illawarra to the North-East. The site provides local and regional public open space - turfed area and picnic facilities, beach, boat ramp, shared pathway, playground and fitness equipment as well as foreshore and bushland areas. See **Appendix 3** for current leases and licences on the site.

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Reddall Reserve Master Plan (2019)

Reddall Reserve Master Plan applies to the area of the site that stretches along the Lake Illawarra estuary shown in Figure 11 below. It is a smaller area of land than this Plan of Management applies to, but it is a highly used, significant city-wide park comprising Council and Crown land. The Master Plan identifies opportunities for upgrades and renewals for the site, for example: Playground renewal, public art trail, foreshore promenade redevelopment and kiosk upgrade. At the time this Plan was prepared, these projects were at different phases of development with some having been completed.

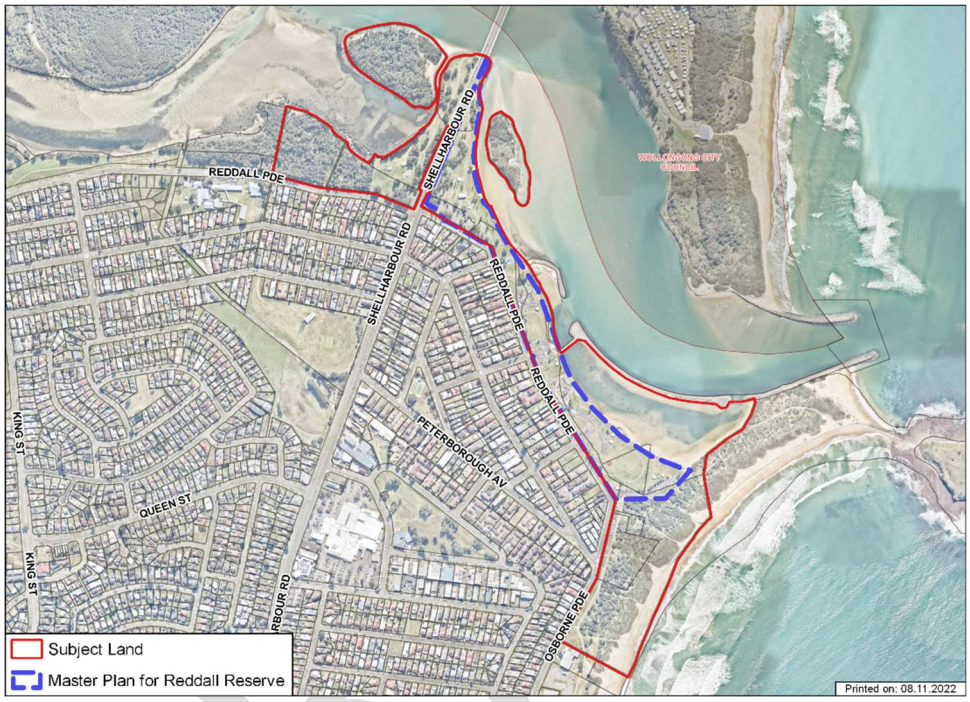


Figure 11 – Reddall Reserve Master Plan area

The area of the site to the west of Shellharbour Road incorporates Picnic Island and Pelican View Reserve (not within the Reddall Reserve Master Plan area). This area has bushland as well as playground, amenities, picnic facilities, shared pathway and public art.

The northern area, east of Shellharbour Road is characterized by large turf areas and large groups of mature trees that encourage intensive picnic activity over the summer months. Facing Berageree Island, a kiosk (due for upgrade at the time this plan was prepared) and amenities block serves the area with an extensive provision of picnic tables, BBQ shelters, and shade trees.



Figure 12 - Existing kiosk due for upgrade

The site's central precinct stretches along the Lake foreshore, offering various activities and experiences. A new playground attracts visitors and residents to this destination. A boat ramp, fishing table and fishing pontoon are near the central car park and are well used.

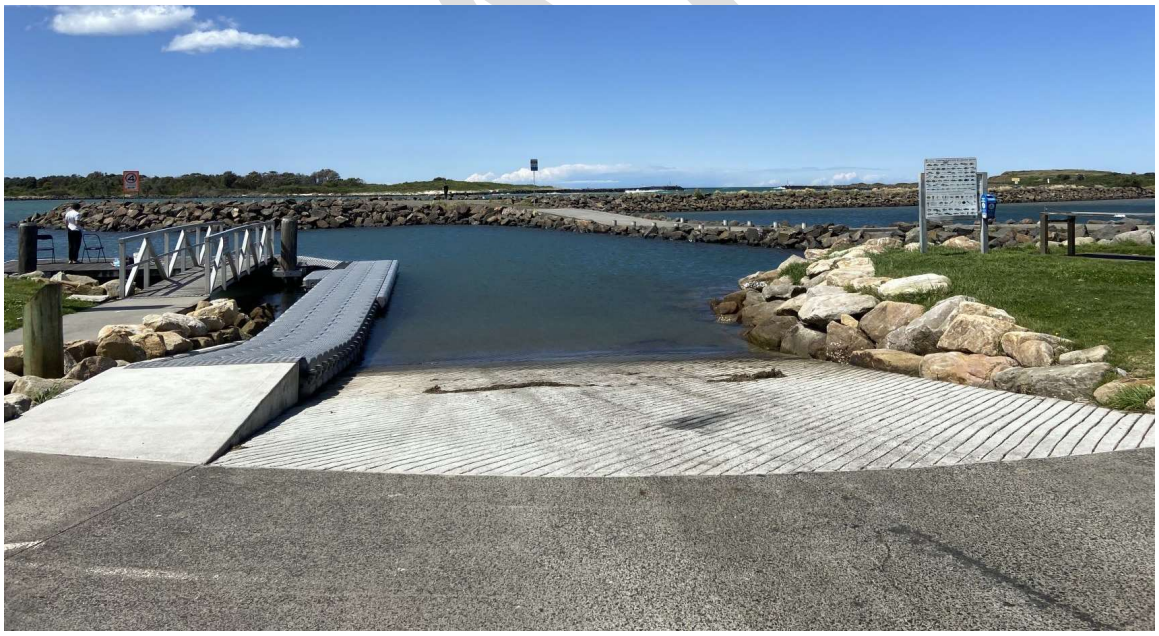


Figure 13 - Boat ramp/fishing table/pontoon

The Reddall Reserve Master Plan identified the need for playground renewal. When this Plan of Management was prepared, the new play space was recently completed and officially opened 29 September 2022. The design of the main central play space has been inspired by the local story of 'The Red Lamp' and caters to a range of ages and abilities.



Figure 14 – New playspace – photo credit Eddie Hu

Foreshore Promenade

The Reddall Reserve Master Plan identified the foreshore promenade for renewal. The replacement provides new and improved foreshore seating, increased pedestrian accessibility, safeguard against shoreline erosion, reduced maintenance and provides greater connection to the wider Reserve. When this Plan of Management was prepared, the promenade's construction had just been completed.

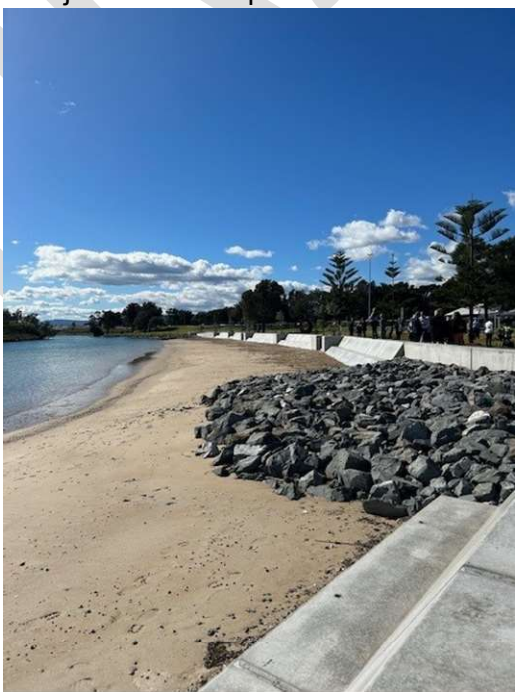


Figure 15 – Foreshore Promenade

Use of the site is enhanced by the shared pathway. It provides a continuous connection throughout the site and facilitates active transport, passive recreational uses, and connectivity to adjoining reserves.



Figure 16 - Shared pathway

The south-eastern part of the site is activated by a protected beach with netted swimming area and amenities.



Figure 17 - Netted swimming area

Adjoining the protected beach and netted swimming area is Graham Park Reserve (part of Reddall Reserve). This area is used for large events which requires flexible open space. Other facilities in this part of the site include picnic and BBQ areas, carparking, amenities and shared pathway.



Figure 18 - Picnic areas at Graham Park Reserve

Lake Illawarra Art Trail

The Lake Illawarra Art Trail is at various locations along the shared pathway around the foreshore of the site. It reflects local history, Aboriginal heritage, flora and fauna. The artworks are created by local artists in collaboration with the community in response to the lake, its history and its people.



Ghost Trees by Buckmaster Lizzie and Robert Nancarrow



Fauna by the Lake by The Shellharbour Woodcarvers



Prawn Run by XYZ Dimensions



Synergy by Kane Minogue



Split by David Bell



Burri Burri by Jodi Edwards and Theresa Ardler in collaboration with Julie Squires

Figure 19 – Examples from Lake Illawarra Art Trail

The south-eastern area of the site incorporates Mrs Halls Park and Woodford Park. This area is open space which provides access to Warilla beach and includes coastal dunal formation.



Figure 20 - Access to Warilla beach

3.4 Permitted use

The purpose of the site is for public recreation, the assigned categories are Park, Natural Area – Foreshore, Natural Area - Bushland and General Community Use. This purpose and categories align with the site's past and current use and corporate objectives.

Refer to the LEP for permissible uses in the RE1 – Public Recreation, C2 – Environmental Conservation, SP2 – Infrastructure, and W2 – Recreational Waterways zone and other attributes present on the site, including but not limited to minimum lot size, height of buildings, floor space ratio, terrestrial biodiversity, Aboriginal

heritage, heritage conservation and the presence of acid sulfate soils.

3.5 Further development

Further development may be considered along with maintenance of existing infrastructure if it is consistent with the categories and purpose for the site and relevant legislation such as the LG Act, *Native Title Act 1993,* and the CLM Act.

The general types of uses which may occur on community land categorised as Park, Natural Area – Foreshore, Natural Area – Bushland and General Community Use, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this Plan.

Reddall Reserve Kiosk upgrade

The Reddall Reserve Kiosk was identified as a key improvement area in the Reddall Reserve Master Plan. This upgrade will improve the offering to the site and create a building that is more sensitive and integrated to the unique setting. At the time this Plan of Management was prepared, the kiosk upgrades were in the concept design phase.

3.6 Scale and intensity

The site attracts visitors from the local area and wider region. The intensity with which this site is used is dependent on varying factors such as weather, day of the week and holidays.

The site will continue to be used for public recreation, with public right of access to all outdoor areas.

3.7 Leases, Licences and other Estates

This Plan expressly authorises leasing, licensing or granting of any other estate over the site for any community purpose as determined by Council. Any agreement which may be entered into will be in accordance with the 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 site, provided that:

- The purpose is consistent with the site's 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.

Examples of purposes for which leases and licences may be issued over the different categories are listed in tables 4, 8, 12 and 15 in this Plan.

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

3.8 Short Term Casual Purposes

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

- the playing of a musical instrument, or singing, for fee or reward,
- engaging in a trade or business,
- 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.

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 (on Crown land), 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

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

3.11 Alcohol

Council's alcohol-free zones and alcohol prohibited areas can be seen on Council's website. 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 for (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 site, these are outlined in Council's Fees and Charges Schedule. Applications must be lodged with Council for reserve hire.

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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.

Where a plan of management covers both Crown and Council owned land, native title assessment and advice for any activity is only required for the Crown land portion of the site.

See Appendix 2 for more information regarding Aboriginal Interests in 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.

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PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

5. CATEGORY: PARK

5.1 Introduction

Part of the site is categorised as Park and is shown **in Figure 21 – Category: Park** below.

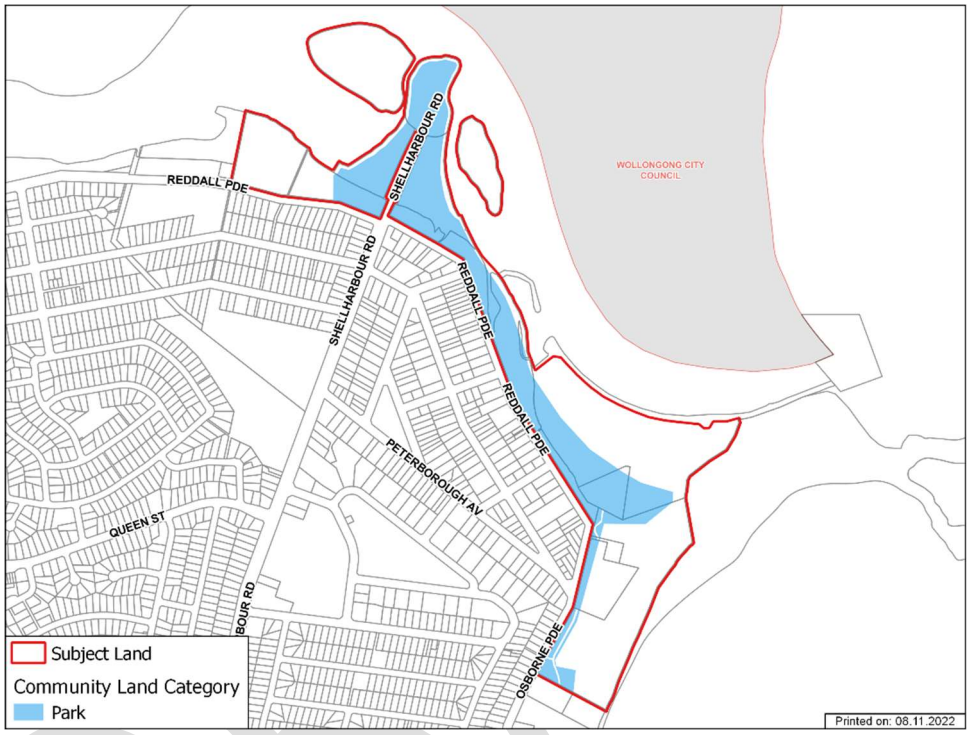


Figure 21 – Category: Park

The photos below show examples of areas along the site that are categorised as Park.



Figure 22 – Examples of areas categorised as Park

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

Is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

The category of Park applies to mostly landscaped areas of Reddall Reserve, leading out to Werrang Island, part of Pelican View Reserve, Graham Park Reserve and a small amount of grassed area of Mrs Halls Park and Woodford Park. It is used for public recreation and is therefore categorised as Park.

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

a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
b) To provide for passive recreational activities or pastimes and for the casual playing of games, and
c) To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

5.2 Key issues

The key issues associated with the land categorised as Park within the site include but are not limited to:

Linkages to Other Land
The shared-use pathway connects foreshore areas around Lake Illawarra extending around the coast, past Warilla Beach and into Shellharbour. This pathway is an important community facility and should be maintained to an appropriate standard for use.

Type and Distribution of Facilities
Reddall Reserve and Werrang Island are classified as a passive citywide park, attracting visitors from a wider region. It includes significant public facilities for the Shellharbour area and should be maintained to an appropriate standard for use.

Traffic/carparking
During peak holiday periods there is an influx of visitors to the site, bringing traffic congestion and an insufficient number of parking spaces. This leads to unauthorised parking on the site. Appropriate methods of minimising unauthorised carparking should be considered during peak holiday periods.

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. The CMP should be read in conjunction with this Plan.

Heritage Considerations
Rows of pine trees on Reddall Reserve and Pelican View Reserve have been identified for their heritage significance. Any works proposed should ensure consistency with Chapter 28 - European Heritage, of Shellharbour DCP.

Aboriginal Heritage Considerations
Aboriginal sites have been identified in the area. Any works proposed on the site should ensure consistency with Chapter 27 – Aboriginal Heritage, of Shellharbour DCP.

Reddall Reserve Master Plan (2019)
Reddall Reserve Master Plan applies to the area that stretches along the Lake Illawarra estuary. It is a smaller area than this Plan of Management applies to, but it is a highly used, significant city-wide park, comprising of Council and Crown land. The Master Plan identifies opportunities for upgrades and renewals for the site, for example: Playground renewal, public art trail, foreshore promenade redevelopment and kiosk upgrade. The Reddall Reserve Master Plan should be read in conjunction with this Plan of Management.

5.3 Development and use

The large open spaces on the site are well utilised particularly over the summer months. The site includes Reddall Reserve which is a regional destination; with visitors coming in from all around the Illawarra and beyond. The current use of the land categorised as Park is public recreation associated with play and fitness, picnicking, boating, fishing and some larger community events.

Developments and uses on the site must be consistent and permissible under the Local Environmental Plan (LEP) and State Environmental Planning Policies (SEPPs) applicable to

this site. These activities or developments must also be consistent with the land categorisation and reserve's purpose.

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 Park and the forms of development which generally associate with those uses are set out in **Table 3**. 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
• Active and passive recreation including children's play and cycling • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings • Low intensity commercial activities (e.g. recreational equipment hire) • Filming and photographic projects • Busking • Public address (speeches) • Community gardening NB: Some of the uses listed above require a permit from the council.	• Development for the purposes of improving access, amenity and the visual character of the park, e.g paths, public art, pergolas • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts • Amenities to facilitate the safe use and enjoyment of the park e.g. picnic tables, BBQs, sheltered seating areas • Kiosk or refreshment areas including external seating • Lighting, seating, toilet facilities, courts, paved areas • Hard and soft landscaped areas • Storage sheds • Bridges, observation platforms • Work sheds, storage sheds or fencing required in connection with the maintenance of the land • Car parking and loading areas • Commercial development which is sympathetic to and supports use in the area, e.g. hire of recreation equipment • Community gardens • Heritage and cultural interpretation, e.g. signs • Advertising structures and signage (such as A-frames and banners) that: • relate to approved uses/activities • are discreet and temporary • are approved by the council • Bio-banking and carbon sequestration initiatives • Water saving initiatives such as stormwater harvesting, rain gardens and swales • Energy saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage

Table 3 - Possible permissible use and development of community land categorised as Park by Council or the Community

5.4 Express authorisation of leases, licences and other estates – Park

This plan of management expressly authorises the issue of leases licences and other estates over the land categorised as Park. **Table 4** provides some possible types of purposes for which tenure may be granted. The following table does not guarantee approval and is not an exhaustive list.

Type of tenure arrangement	Maximum term	Examples of purposes for which tenure may be granted
Lease	As per statutory requirements	• kiosk areas, including seating and tables • management of court facilities • hire or sale of recreational equipment
Licence	As per statutory requirements	• outdoor kiosk seating and tables • management of court or similar facilities • hire or sale of recreational equipment
Short-term licence	As per statutory requirements	• Community events and festivals • the playing of a musical instrument, or singing for fee or reward • Picnics and private celebrations such as weddings and family gatherings • Filming, including for cinema/television • Conducting a commercial photography session • Public performances • engaging in an appropriate trade or business • Delivering a public address • Community events • Fairs, markets, auctions and similar activities
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 4 – Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park

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5.5 Management framework for land categorised as Park

The Action Plan (**Table 5**) 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**
Encourage the appropriate use of the land	To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Ensure pedestrians can access the open space unimpeded. Effective signage to encourage responsible usage and management. Investigate and implement methods of minimising unauthorised carparking on the land.	Park is well used by a range of user groups. Unauthorised carparking on the land is minimised.
Facilities on the land	To provide for passive recreational activities or pastimes and for the casual playing of games.	Maintain seating, shelters, path, and carpark on the land. Manage open areas to provide a safe, pleasing and beneficial opportunity for the conducting of active and passive recreation.	Facilities upgraded and maintained as required. No negative reports from park users.
Improvements to the land	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	By generally maintaining the area in a neat, tidy and safe condition. Undertake appropriate maintenance and upgrades to facilities. By mowing the area on a regular basis necessary to achieve a reasonable standard of presentation. By removing refuse and waste material from the area on a regular basis. By maintaining buildings, fences and other structures to keep them clean, tidy, safe and in a presentable condition.	Park is well maintained and looked after; rubbish removed. Park is well used by a range of user groups. Inspections are made by appropriate Council staff when required.

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		Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers.	
Aboriginal Heritage	To preserve the Aboriginal heritage significance of the land.	Any works proposed should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour DCP.	Refer to applicable recommendations.
Lake Illawarra Coastal Management Program (CMP)	Reduce threats to Lake Illawarra.	Implement recommendations from the Lake Illawarra CMP.	Recommendations from CMP are implemented.
Reddall Reserve Master Plan	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Implement recommendations from the Reddall Reserve Master Plan subject to permissibility and development consent.	Facilities upgraded and maintained as required. Park is well used by a range of user groups.

Table 5 - Action Plan for land categorised as Park

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6. CATEGORY: NATURAL AREA

Part of the site is categorised as Natural Area which is further defined and categorised as Foreshore and Bushland. The categories of the site are shown in **Figure 3** – Land Categories. The Natural Area category includes the natural foreshore and bushland area along Lake Illawarra and the northern end of Warilla Beach.

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.

These parts of the site include bushland and foreshore areas of Picnic Island, Berageree Island, part of Pelican View Reserve, the foreshore of Reddall Reserve including the netted swimming area on the eastern end and the sand dunes and foreshore of Mrs Halls Park and Woodford Park. The areas are considered natural bushland and the natural foreshore of Lake Illawarra and Warilla Beach and are 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 Foreshore and Bushland outlined in this Plan.

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7. CATEGORY: FORESHORE

7.1 Introduction

Part of this site is categorised as Natural Area - Foreshore. These areas are shown in **Figure 23 – Category: Natural Area - Foreshore** below. The Foreshore area is the land situated on the water's edge of Lake Illawarra, the netted swimming area on the eastern end of Reddall Reserve and the sand dune and northern end of Warilla Beach.

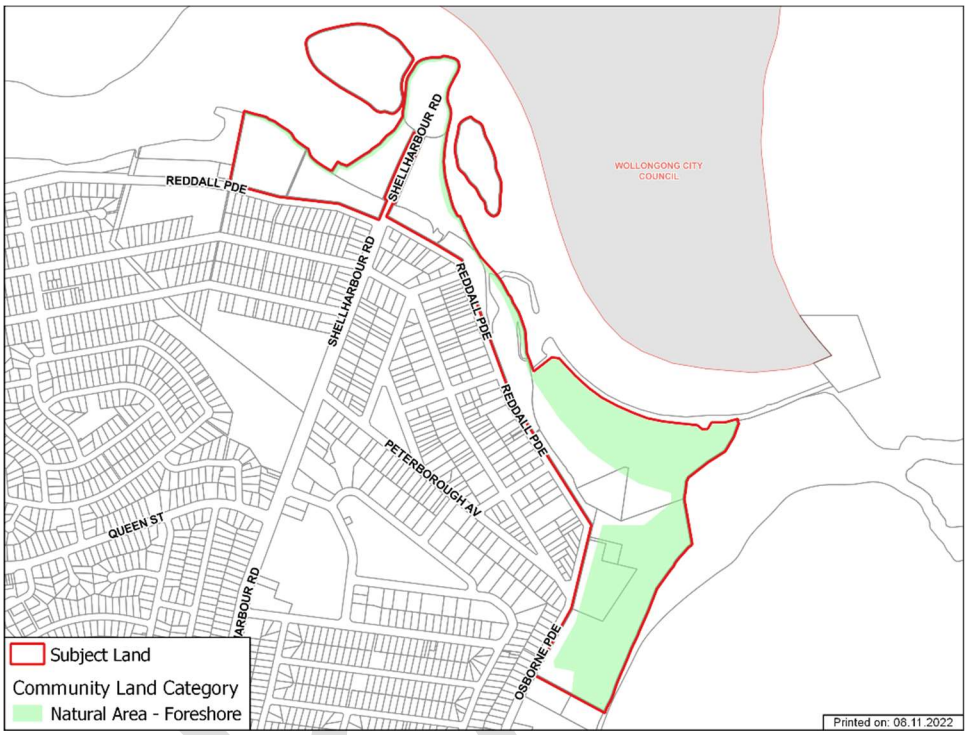


Figure 23 – Category: Natural Area – Foreshore

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The photos below show examples of areas the site categorised as Natural Area – Foreshore.



Figure 24 – Examples of areas categorised as Natural Area – Foreshore

The guidelines for categorisation of land as Foreshore under section 36(5) of the LG Act are if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

These areas of the site are the foreshore of Lake Illawarra and extend to the netted swimming area at the eastern end of Reddall Reserve. It also includes a large portion the sand dunes of Woodford Park and Mrs Halls Park and the northern end of Warilla Beach. The area forms a transition zone between the aquatic and terrestrial environment and is therefore categorised as Foreshore.

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

(a) 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 foreshore's role as a transition area, and
(b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

7.2 Physical environment

Various aspects of the physical environment of the foreshore areas are described in the table below:

Reserve	Topography	Hydrology/ Flooding	Soils	Vegetation	Fauna
Part of Reddall Reserve (Lot 101 DP 1190717)	Coastal plain on Lake Illawarra foreshore. Mostly flat, sloping very gently northeast and with slight undulations. Small scarp (<1m) at shoreline.	Water drains to the lake	Up to 40cm of sh5 (sh5 soil type - very sticky strongly pedal dull reddish brown sandy clay loam subsoil) overlies >50cm of sh4 (sh4 soil type - brown strongly pedal clay subsoil). Bundary is clear (Red Podzolic Soils more frequently occuring on drainage plains). Total Depth is >100cm. Southern margin of site mapped as Class 2 Acid Sulfate Soils, remaining site mapped as Class 1 Acid Sulfate Soils.	Sparse canopy formed by scattered plantings of Casuarina glauca, Banksia integrifolia, Araucaria heterophylla, Brachychiton acerifolius, and a single Ficus macrophylla. The only vegetation present aside from these trees is mown exotic parkland grasses.	Very limited habitat present; Casuarina glauca may provide some foraging and shelter for birds and bats; Ficus macrophylla may provide foraging for Grey-Headed Flying-Fox.
Werrang Island	The topography varies from level plains to undulating terrain.	Water drains to the lake	Quaternary marine sands. Class 1 and 2 Acid sulphate soils.	Scattered Swamp Oak Casuarina glauca (swamp oak) is the dominant species and Coastal Banksia, Norfolk Island Pines. Phragmite and Grey Mangroves fringing water edges. Predominantly mown exotic grass park and recreational area.	Restricted to mature trees, no hollow observed, however bark fissures and thick canopy of Norfolk Island Pines providing shelter and nesting opportunities. Minimal thin strip of shore vegetation providing foraging and nesting opportunity.
Pelican View Reserve	Mostly flat, sloping very gently northwest; small scarp (<1m) at shoreline.	Water drains to the lake	Up to 40cm of sh5 (sh5 soil type - very sticky strongly pedal dull reddish brown sandly clay loam subsoil) overlies >50cm of sh4 (sh4 soil type - brown strongly pedal heavy clay subsoil). Boundary is clear (Red Podzolic Soils) with localised Prairie Soils more frequently occurring on drainage plains. Total depth is 100cm. Southern margin of site mapped as class 3 Acid Sulfate Soils, remaining of site mapped as Class 1 Acid Sulphate Soils.	Dominantly mown exotic parkland grass, with EEC - Swamp Oak Floodplain Forest and Coastal Saltmarsh and Freshwater wetlands. Remnant or planted Casuraina glauca Eucalyptus botryoids, and Banksia integrifolia, as well as planted Araucaria heterophylla. Lake shore fringed with Avicennia marina Phragmites australis, Atriplex australascia, Sarcocornia quinqueflora, Suaeda australis, Tetragonia tetragonoides, Picinia nodosa, and occasional Breynia oblongifolia, Pittosporum undulatum, and exotic Lantana camara.	The sand and shoreline vegetation provide habitat for marine /tidal invertebrates and foraging for coastal birds; the remnant Casuarina glauca may provide roosting and foraging habitat for birds and bats.
Mrs Halls Park/ Woodford Park	This reserve consists of the dune and hind-dune of the Coastal Plain. The	Tidally influenced with water draining to the ocean	More than 200cm of loose pale brown siliceous sand occurs over all foredunes. In some sheltered situations where	Low canopy consisting of Leptospermum and Banksia integrifolia with occasional emergent Eucalyptus botryoides and Casuarina glauca.	The dunal vegetation provides nesting and foraging habitat for a number of small-medium bushland birds and

	dune ridge runs north-south in the eastern third of the site, the land slopes away gently east and west on either side.		vegetation has not been disturbed, surface soil texture may approach that of loamy sand and have a slight accumulation of organic matter (Siliceous Sands and occasional Calcareous Sands). There is a small portion of soil on the western site mapped as Class 3 Acid Sulfate Soil.	Midstory of Acacia longifolia subsp. Sophorae. Understory consists of Lomandra longifoloa Tetragonoides, and Rhagodia candolleana, as well as weedy annuals and Asparagus aethiopicus; foredune vegetation in primarily Spinifex sericeus and Caropbrotus glaucescens. Mowed exotic grass between footpath and road.	migratory shorebirds, small reptiles, as well as a variety of introduced mammal species.

Table 6 – Foreshore Physical Environment

7.3 Key issues

The key issues associated with the land categorised as Natural Area – Foreshore within the site include but are not limited to:

Protection of Biodiversity
Ensure biodiversity is protected and ecosystem function is maintained. The relevant Ecological and Bushfire Plans of Management for Picnic Island and Pelican View Reserve should be read in conjunction with this Plan.

A small part of the land categorised as Foreshore 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 of the foreshore of Lake Illawarra and coast. The Coastal Dune Management Plan 2018 should be read in conjunction with this Plan.

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/or mitigate any disturbance caused by humans.

Transitional Area
Maintain the foreshore as a transition area between the aquatic and terrestrial environment.

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

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. The Lake Illawarra CMP should be read in conjunction with this Plan.

Shellharbour Coastal Zone Management Plan 2018 (CZMP)
The CZMP applies to part of the site (Mrs Halls Park and Woodford Park). It defines the level of risk from coastal hazards and provides a coordinated approach to the management of these hazards. It provides guidance for future management and strategic land use planning of the Shellharbour coastal zone to ensure growth and development without putting at risk the

natural, cultural and heritage values of the coast. The Shellharbour CZMP should be read in conjunction with this Plan.

Coastal Management Program
Councils are required to prepare a Coastal Management Program (CMP) under the Coastal Management Act 2016, transitioning away from the existing Coastal Zone Management Plan. This Act is all about the unified management of the coast across NSW aiming to keep our coast ecologically sustainable so the social, cultural and economic wellbeing of NSW is maintained. At the time this Plan of Management was prepared, the CMP was being prepared.

Aboriginal Heritage Considerations
Any works proposed on the site should ensure consistency with Chapter 27 – Aboriginal Heritage, of Shellharbour DCP.

Reddall Reserve Master Plan (2019)
Reddall Reserve Master Plan applies to the area that stretches along the Lake Illawarra estuary. It is a smaller area than this Plan of Management applies to, but it is a highly used, significant city-wide park comprising Council and Crown land. The Master Plan identifies opportunities for upgrades and renewals for the site, for example: Playground renewal, public art trail, foreshore promenade redevelopment and Kiosk upgrade. At the time this Plan was written, these upgrades and renewals were at varying stages. The Reddall Reserve Master Plan should be read in conjunction with this Plan of Management.

7.4 Development and use

The land categorised as Natural Area – Foreshore within this site is the natural foreshore of Lake Illawarra and the northern end of Warrilla Beach. The current use of the site categorised as Natural Area – Foreshore is for public recreation including picnicking, and to provide access to areas for swimming, surfing, fishing and boating.

Note: The beach and netted swimming area at the eastern end of Reddall Reserve is for recreational enjoyment that is free of dogs.

Developments and uses on the site 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 – Foreshore and the forms of development which generally associate with those uses are set out in **Table 7**. 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 area's natural heritage including the identified endangered ecological communities	• Visitor facilities: picnic tables, BBQs, sheltered seating areas, lighting, Low-impact walking trails

• Preservation of biological diversity and habitat • Providing a location for formal and informal recreation • Walking and cycling • Environmental and scientific study • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction	• Interpretive signage • Water-saving initiatives such as rain gardens, swales and sediment traps • Energy-saving initiatives such as solar lights and solar panels • Bridges, observation platforms • Work sheds, storage sheds or fencing required in connection with the maintenance of the land • Bicycle/boat hire or similar • 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 7 - Possible permissible use and development of community land categorised as Natural Area – Foreshore

7.5 Express authorisation of leases, licences and other estates - Natural Area – Foreshore

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Foreshore. **Table 8** 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.

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	• the playing of a musical instrument, or singing, for a fee or reward

	requirements	• engaging in a trade or business, such as bicycle/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
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 8 – Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Foreshore

7.6 Management framework for reserves categorised as Natural Area - Foreshore

The Action Plan (**Table 9**) 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.	That inspections are made by appropriate Council staff when required.

		Weed control. Removal of waste.	
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 human intrusion.	Ensure safety, access and inclusion are key considerations in the provision of any assets or facilities. Provide appropriate signage to avoid disturbance of the foreshore.	Whether there are complaints from users. That inspections are made by appropriate Council staff when required.
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.
Transition Area	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 foreshore's role as a transition area.	By carrying out foreshore maintenance and restoration work in accordance with Council's available resources. Rubbish removal Weed control	That inspections are made by appropriate Council staff when required.
Ecologically Sustainable Use	To facilitate the ecologically sustainable use of the foreshore, and to	Inform the community in good faith, regarding any issues associated with the foreshore in terms of the	Community knowledge about foreshore management issues

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	mitigate impact on the foreshore by community use.	key management issues.	and responding by contributing positively to outcomes. Monitor any negative or positive change/impacts that may occur on the ecological value of the land categorised as foreshore.
Aboriginal Heritage	To preserve the Aboriginal heritage significance of the land.	Any works proposed should ensure consistency with Chapter 27 - Aboriginal Heritage, of Shellharbour DCP.	Refer to applicable recommendations.
Lake Illawarra Coastal Management Program (CMP)	Reduce threats to Lake Illawarra.	Implement recommendations from the Lake Illawarra CMP	Recommendations from the CMP are implemented.
Shellharbour Coastal Zone Management Plan 2018 (CZMP)	Provides a coordinated approach to the management of coastal hazards	Implement recommendations from the CZMP where applicable	Recommendations from CZMP are implemented where applicable.
Reddall Reserve Master Plan	To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Implement recommendations from the Reddall Reserve Master Plan subject to permissibility and development consent.	Facilities upgraded and maintained as required. Park is well used by a range of user groups.

Table 9 - Action Plan for land categorised as Natural Area - Foreshore

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8. CATEGORY: BUSHLAND

8.1 Introduction

Picnic Island, Berageree Island and part of Pelican View Reserve are categorised as Natural Area – Bushland. This area is shown in **Figure 25 – Category: Natural Area – Bushland** below**.**

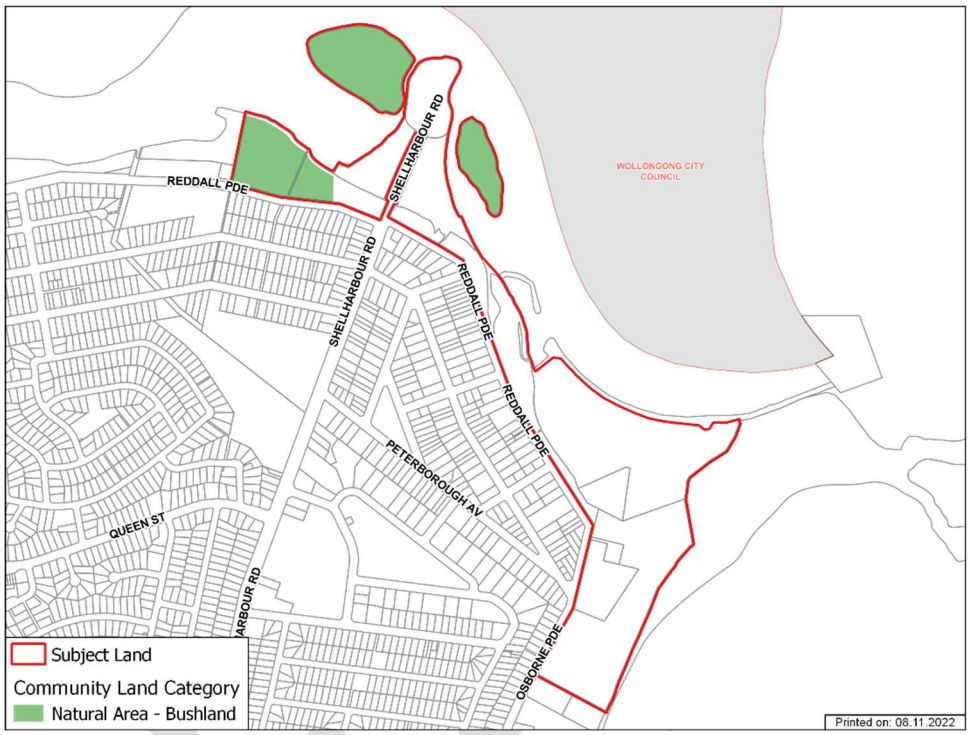


Figure 25 – Category: Natural Area – Bushland

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The photos below show examples of areas along the site categorised as Natural Area – Bushland.



Figure 26 – Examples of areas categorised at Natural Area - Bushland

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.

This part of the site includes Picnic Island, Berageree Island and part of Pelican View Reserve. It is 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.

8.2 Physical environment

Various aspects of the physical environment of the bushland areas are described in the table below:

Reserve Name	Topography	Hydrology/ Flooding	Soils	Vegetation	Fauna
Picnic Island	Mostly flat with slight undulations; relief varies up to 2m locally at erosion scarps on northern side.	Tidally influenced with water draining to the lake.	Up to 30cm loose dull yellow sand overlies <20cm bright yellowish brown clayey sand. Boundaries are sharp to clear. Total depth is <300cm. Class 1 and 2 Acid Sulfate Soils.	The vegetation communities present include two Endangered Ecological Communities - Coastal Swamp Oak Forest EEC and Coastal Coastal Saltmarsh EEC, along with Coastal Headland Banksia Scrub, weeds and exotics, with Seagrass Meadows, and Estuarine Alluvial Wetlands immediately adjacent within the lake shore. There are two records of threatened flora species (both White-Flowered Wax Plants Cynanchum elegans). Canopy is dominated by Banksia integrifolia with scattered Casuarina Glauca, with a sub-canopy of Pittosporum undulatum and Acacia maidenii and more rarely Guioa semiglauca and Podocarpus elatus. Understory is primarily Acacia longifolia var. Sophorae, Breynia oblongifolia, and weedy Lantana camara. The Saltmarsh areas in the tidal zone, particularly on the eastern end of the site, are primarily Avicennia marina and Casuarina glauca with Phragmites australis, Atriplex australasica, Sarcocornia quinqueflora, Suaeda australis, and Juncus krausii.	The vegetation on the site provides nesting and foraging habitat for a range of small-large birds and possibly bats, as well as small reptiles and possibly frogs. The tidal beach and saltmarsh areas provide foraging for shorebirds and waders. One record of threatened fauna species (Eastern Osprey, *Pandion cristatus*).
Berageree Island	Flat vegetated sand island, with strong fringing tidal influences.	Tidally influenced with water draining to the lake.	Deep (>150cm) Siliceous Sands.	Dominated by Coastal Swamp Oak Forest Endangered Ecological Community on the island along with Estuarine Lagoons and Channels with	Dense regenerating Swamp Oak Floodplain, and thick sedge and reedlands provide nesting habitat

	Connected to the mainland at low tide by shifting sand bars.			Phragmites and coastal sedges and rush thick in sections, Seagrass Meadows and Estuarine Flats, Saltmarsh, Casuarina glauca (swamp oak) is the dominant species.	along with hollows located in dead Banksia trees. The island would provide suitable migratory shorebird nesting locations potentially predator free from the mainland. Birds of prey and marine mamals would also use the habitat on Berageree Island.
Pelican View Reserve	Mostly flat, sloping very gently northwest; small scarp (<1m) at shoreline.	Tidally influenced with water draining to the lake.	Up to 40cm of sh5 (sh5 soil type – very sticky strongly pedal dull reddish brown sandy clay loam subsoil) overlies >50cm of sh4 (sh4 soil type – brown strongly pedal heavy clay subsoil). Boundary is clear (Red Podzolic Soils with localised Prairie Soils more frequently occurring on drainage plains. Total depth is 100cm. Southern margin of site mapped as class 2 Acis Sulfate Soils, remaining of site mapped as Class 1 Acid Sulphate Soils.	Open space parkland is dominantly mown exotic grass, with remnant or planted Casuraina glauca Eucalyptus botryoids, and Banksia integrifolia, as well as planted Araucaria heterophylla. Lake shore fringed with Avicennia marina Phragmites australis, Atriplex australascia, Sarcocornia quinqueflora, Suaeda australis, Tetragonia tetragonoides, Picinia nodosa, and occasional Breynia oblongifolia, Pittosporum undulatum, and exotic Lantana camara. The natural bushland areas are listed Endangered Ecological Community vegetation, Swamp Oak Floodplain Forest and Coastal Saltmarsh.	The sand and shoreline vegetation provide habitat for marine /tidal invertebrates and foraging for coastal birds; the remnant Casuarina glauca may provide roosting and foraging habitat for birds and bats. Listed on Intramaps and bionet is Commonwealth status critically endangered Numenius madagascariensis (Eastern curlew). Other species recorded are Limosa lapponica Bar – tailed Godwit, Egretta novaehollandiae (White faced heron), Poliocephalus poliocephalus (Hoary-headed grebe), Casmerodius modesta (eastern Grey egret), Pelecanus conspicillatus (Australian Pelican).

Table 10 – Bushland Physical Environment

All or part of the site has been identified within the Lake Illawarra Flood Plain Risk Management Study and Plan 2012 as flood prone. Any works proposed on the site should ensure consistency with Chapter 24 – Floodplain Risk Management, of Shellharbour Development Control Plan (DCP).

8.3 Key issues

The key issues associated with the land categorised as Natural Area - Bushland within Picnic Island, Berageree Island and Pelican View Reserve include but are not limited to:

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

The relevant Ecological and Bushfire Plans of Management for Picnic Island and Pelican View Reserve should be read in conjunction with this Plan of Management.

Maintain Natural State
Protect the natural state and setting of the bushland areas. Berageree Island, Picnic Island and part of Pelican View Reserve is identified as Coastal Wetlands under *State Environmental Planning Policy (Coastal Management) 2018* (Coastal SEPP). The Coastal SEPP applies to the area and must be taken into consideration when managing this site. The Coastal SEPP aims to manage development in the coastal zone and protect the environmental assets of the coast.

Minimising disturbance of the natural area
Minimise disturbance to natural areas while providing a level of community use.

Acid Sulfate Soils
Class 1, 2 and 3 Acid Sulfate Soils occur on the site. Any risk of exposure needs to be considered with any proposed works or developments.
Class 1: are likely to be found on and below the natural ground surface.
Class 2: are likely to be found below the natural ground surface.
Class 3: are likely to be found beyond 1 metre below the natural ground surface.
Class 4: are likely to be found beyond 2 metres below the natural ground surface.
Class 5: Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land.

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. The CMP should be read in conjunction with this Plan.

Aboriginal Heritage Considerations
Any works proposed on the site should ensure consistency with Chapter 27 – Aboriginal Heritage, of Shellharbour Development Control Plan (DCP).

8.4 Development and use

Berageree Island, Picnic Island and part of Pelican View Reserve are areas of natural bushland. There is a built foot bridge to Picnic Island to allow pedestrian access. Access to Berageree Island is by boat, swimming or at low tide by foot. The fringing beaches are used for fishing and recreational activities. The bushland section of Pelican View Reserve can be accessed from the park area or the shared path along Reddall Parade.

Developments and uses on the site 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 and the forms of development which generally associate with those uses are set out in **Table 11**. 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 area'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 such as picnic tables, and lighting • 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 11 - Possible permissible uses and development of community land categorised as Natural Area - Bushland

8.5 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 12** 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.

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

8.6 Management framework for reserves categorised as Natural Area - Bushland

The Action Plan (**Table 13**) 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 human intrusion.	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 Council staff when

		Provide appropriate signage, fencing or other measures to avoid disturbance of the natural area.	required.
Aboriginal Heritage	To preserve the Aboriginal heritage significance of the site.	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). Restricting access to key areas.	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. 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.	Undertake a targeted control of priority weeds which threaten the native shrub lands and trees. 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.	Weed control, re-establishment of bushland maintained and/or showing positive responses to any planting and on-ground action. Community involved in active management of the land. Sense of “local ownership” proliferates

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Bushland	To restore degraded bushland. To protect existing landforms such as natural drainage lines, watercourses and foreshores. 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.	Undertake a targeted control of priority weeds which threaten the native shrublands and trees. Responsible use of chemicals (fertilisers, weedicides). 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. Ensure tree planting occurs routinely to replace those that are either dead or dying. Facilitate natural regeneration processes by controlling weeds.	Weed control, re-establishment of bushland maintained and/or showing positive responses to any planting and on-ground action. Weed control, re-establishment of bushland maintained. That inspections are made by appropriate Council staff when required. Foreshore of island is maintained. 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 site 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 13 - Action Plan for land categorised as Natural Area - Bushland

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9. CATEGORY: GENERAL COMMUNITY USE

9.1 Introduction

Part of the Council Community land for Mrs Halls Park and Woodford Park is categorised as General Community Use. The categories are shown in **Figure 27 – Category: General Community Use** below. The General Community Use category is located along the shared-use pathway area.

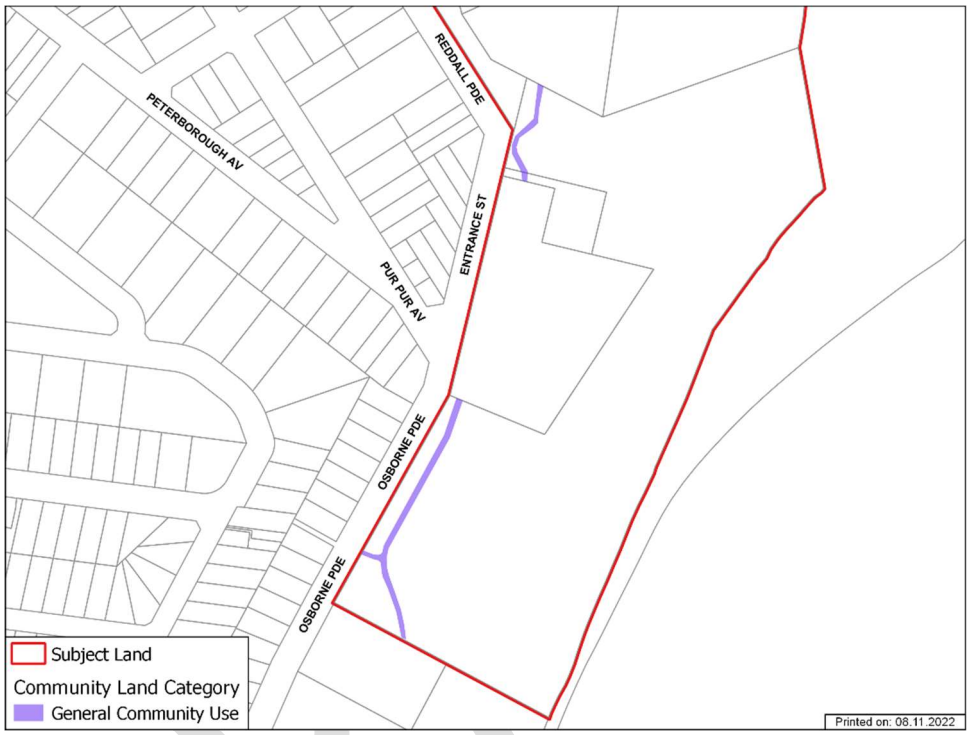


Figure 27 – Category: General Community Use

NOTE: This category is brought across from the previously adopted Council Community Land Plans of Management for reserves which are being consolidated into this Plan.

The photo below shows an example of shared pathway categorised as General Community Use.



Figure 28 – Example of area categorised as General Community Use

The guidelines for categorisation of land as General Community Use under clause 106 of the *Local Government (General) Regulation 2021* are if the land:

(a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
(b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

The category of General Community Use applies to the shared pathway on the Council owned portion of Mrs Halls Park and Woodford Park.

NOTE: This category is brought across from the previously adopted Council Community Land Plans of Management for reserves which are being consolidated into this Plan.

The core objectives of the LG Act for the management of land categorised as General Community Use are:

To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public

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

9.2 Key issues

The key issues associated with the land categorised as General Community Use include but are not limited to:

Impact on residence
Council will, as far as possible, consult with adjoining owners in respect of activities on the land which may affect them.

Access to Site
Ensure continued access to the site to enable its use for the purpose of General Community Use for all residents, including those with a disability.

Public Safety
Ensure and maintain public safety of persons using the land. Passive surveillance of the site will be enhanced with increased usage.

General Maintenance
Ensure general maintenance of the site to facilitate use by the community.

Aboriginal Heritage Considerations
Any works proposed on the site should ensure consistency with Chapter 27 – Aboriginal Heritage, of Shellharbour Development Control Plan (DCP).

9.3 Development and use

The current use of the land categorised as General Community Use within the site is a shared-use pathway and landscaped/mowed grass. The shared use pathway was in excellent

condition at the time this plan was adopted and the grass cover adjoining the pathway was generally good.

The pathway is used by pedestrians, strollers, rollerbladers, skateboarders and cyclists along the foreshore of Lake Illawarra. The land provides for active transport and recreational opportunities and is part of the shared pathway that extends around Lake Illawarra and the coast to Shellharbour.

Developments and uses on the site 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 General Community Use, and the forms of development generally associated with those uses, are set out in **Table 14**. 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	Development to facilitate uses
Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.	Development for the purposes of social, community, cultural and recreational activities. Development may include: • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • locational, directional, regulatory and interpretive signage.

Table 14 - Possible permissible uses and development of community land categorised as General Community Use

9.4 Express authorisation of leases, licences and other estates – General Community Use

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as General community Use. **Table 15** provides some possible types of purposes for which tenure may be granted. The following table does not guarantee approval and is not an exhaustive list.

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As per statutory	• cultural purposes, including concerts, dramatic

	requirements	productions and galleries • recreational purposes • sporting uses developed/operated by a private operator • commercial retail uses associated with the facility (e.g. sale or hire of sports goods)
Licence	As per statutory requirements	• recreational purposes • sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	As per statutory requirements	• the playing of a musical instrument, or singing, for fee or reward, such as busking or concerts, • engaging in a trade or business, such as community events, auctions, markets, book launches, film releases, displays, exhibitions, fairs, fashion parades, shows and similar activities. • the playing of a lawful game or sport, • the delivery of a public address, such as speeches, meetings, seminars, presentations and educational programs. • commercial photographic sessions, • picnics and private celebrations such as weddings and family gatherings, • filming sessions, such as broadcasts associated with any event, concert or public speech. • Other uses consistent with the purpose, category and objectives of the reserve.
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 15 – Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

9.5 Management framework for reserves categorised as General Community Use

The Action Plan (**Table 16**) 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.

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Management Issues	Objectives and performance targets s.36(3)(b)	Means of achievement of objectives s.36(3)(c)	Manner of assessment of performance s.36(3)(d)
Facilities	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.	Implement strategies to maintain the site, and ensure all associated services are safe, accessible and inclusive of the needs of the whole community. Provide and maintain the shared use pathway to a satisfactory standard.	Natural and built services meet the needs of the community. That inspections are made by appropriate Council staff when required. Whether there are complaints from users.
Tenures	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).	Advertise, promote and manage tenures accordingly.	Monitor tenures.
Landscaping	To provide a well-maintained site.	By maintaining the area in a neat, tidy and safe condition in accordance with Council's Service Level Agreement (SLA).	That inspections are made by appropriate Council staff when required.

Table 16 - Action Plan for land categorised as General Community Use

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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 area of cultural significance
e. general community use.

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

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

Additionally, under section 36 of the LG Act, a site-specific 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 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 Plan.

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

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.

Reddall Reserve Master Plan
Reddall Reserve Mater Plan applies to the area that stretches along the Lake Illawarra estuary. The Master Plan identifies opportunities for upgrades and renewals for the site for example – playgrounds renewal, public art trail, foreshore promenade redevelopment and kiosk upgrade.

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.

Shellharbour Coastal Zone Management Plan 2018 (CZMP)
The CZMP applies to part of the subject land (Mrs Halls Park and Woodford Park). It defines the level of risk from coastal hazards and provides a coordinated approach to the management of these hazards. It provides guidance for future management and strategic land use planning of the Shellharbour coastal zone to ensure growth and development without putting at risk the natural, cultural and heritage values of the coast.

Coastal Management Program
Councils are required to prepare a Coastal Management Program (CMP) under the Coastal Management Act 2016, transitioning away from the existing Coastal Zone Management Plan. This Act is all about the unified management of the coast across NSW aiming to keep our coast ecologically sustainable so the social, cultural and economic wellbeing of NSW is maintained. At the time this Plan of Management was prepared, the CMP was being prepared.

Ecological and Bushfire Plan of Management – Pelican View Reserve 2018 – as amended

Ecological and Bushfire Plan of Management – Picnic Island 2015 – as amended

Coastal Due Management Plan 2018 – as amended

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*.

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 Plan of Management.

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in Non-Rural Areas
This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

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Chapter 6 - Bushland in urban areas
This policy deals with bushland in urban areas, so is applicable to Plans of Management for community land categorised as Natural Area – Bushland.

Chapter 8 - Sydney Drinking Water Catchment
This policy 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 (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure
This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 - Coastal Management
This policy applies to land within the coastal zone.

Other relevant legislation, policies and plans

Biosecurity Act 2015
Catchment Management Authorities Act 2003
Coastal Crown Land Guidelines
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.

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.

Aboriginal Land Rights

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

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Housing and Infrastructure 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.

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APPENDIX 3: EXISTING LEASES AND LICENCES ON THE SITE

Group/organisation	Location	Crown/ Council land	Type of Tenure	Term
Reddall Reserve Kiosk	Lot 101 DP 1190717	Crown	Temporary Licence Agreement	Holding over period
Stand Up Paddle Board	Lot 101 DP 1190717	Crown	Licence	4 years until 20/12/25

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

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