

Sportsgrounds



Eurobodalla Shire Council Community Land Plan of Management

Adopted 20 December 2006
Ordinary Meeting of Council

This Plan of Management was prepared by Eurobodalla Shire Council.

This plan is the Generic Plan of Management for Community Land Categorised as Sportsground in Eurobodalla Shire Council.

Plan of Management No 29.

Exclusions: This Plan of Management does not refer to Community Land Categorised as Sportsground that is already included in an adopted Single Area Plan of Management, Suburb Plan of Management or any other adopted Plan of Management (see below). Refer to Council's Land Register for a complete listing of Community Land in the Eurobodalla Shire and the corresponding Plans of Management for each parcel of land. A copy of the Land Register is available on request.

As at the date of adoption of this Plan of Management the following land is also categorised as Sportsground but is listed under a different Plan of Management:

Gundry Reserve	refer to the Gundry Reserve Plan of Management (Plan of Management No. 3)
Catalina BMX Track	refer to the Catalina Reserves & the Hanging Rock Boat Ramp Car Park Reserve Plan of Management (Plan of Management No. 21)

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Cover Photos: Cricket at Captain Oldrey Reserve

Auskick at Surfside

Table of Amendments:

No	Exhibition Period (if amendments considered substantial)	Public Hearing Date (for change of categorisation or new categorisation)	Adopted	Land Added (PIN & Lot & DP)	Comments
1	Wednesday 4 October – Friday 17 November 2006	Thursday 19 October 2006, 2pm Council Chambers	14 December 2006	31950 – Lot 2 DP 1062334	Add one parcel of land & categorise - Dalmeny Oval. Recategorise Surf Beach Avenue Reserve.

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1.0 Introduction – What is a Plan of Management?

Council is required under the Local Government Act 1993 to prepare Plans of Management for its Community Land (reserves). The NSW Coastal Policy 1997 also identifies Plans of Management for all coastal Community Land as a strategic action (refer to Section 1.1.4).

Community Land must be managed in accordance with a Plan of Management. The Plan of Management is a planning document that outlines how Council intends to use, develop and manage the land; how leases and licences or other interests are granted on community land; and determines the scale and intensity of current and future use and development on the land.

As a planning tool it provides objectives for the management of the land in the short and long term. This gives both Council and the community goals to work towards in achieving desirable outcomes for the management of the land. A Plan of Management can be used to identify projects that could be achieved through community working groups as well as providing supporting documentation when applying for grants.

Community consultation is an important process in the development of Plans of Management. Community input provides detailed local knowledge that adds value to plan. In this way issues that are of importance to the local community are reflected in the Plan of Management.

2.0 Executive Summary

This Plan of Management addresses Community Land categorised as Sportsground exclusively. There are 15 parcels of Community Land that accommodate a sporting use of some kind. This totals approximately 72 hectares of land. This area may appear low, this is because most sportsgrounds in Eurobodalla Shire are located on Crown Land. In addition Gundry Oval and the Catalina BMX Track are included in other Plans of Management.

Many sports are played in the Shire including Netball, Basketball, Soccer, Australian Rules Football, Rugby League, Cricket, Hockey, Equestrian and Touch Football.

This Plan of Management provides guidelines for how sportsgrounds are to be managed to ensure that the community's needs are best met.

3.0 Desired Outcomes

The desired outcomes of this plan are:

- To establish a set of guidelines for the management of Community Land categorised as Sportsground.
- To provide a framework for the future development and improvement of Sportsgrounds.
- To ensure that the use and management of Community Land is in keeping with The Guiding Principles Of Ecological Sustainable Development (see Appendix 4).

4.0 Explanatory Notes

This Plan does not include Community Land for which a suburb, single area or any Plan of Management has been adopted. As at the date of adoption of this Plan of Management Gundry Reserve and the Catalina BMX Track were covered under different Plans of Management – refer to page 2. For a complete listing of Community Land and the corresponding Plan of Management that governs it, refer to Council's Land Register.

2. Council has assigned each reserve with a unique identification number. This number is generated from Council's central database of land and is called a Property Identification Number (PIN).
3. The Local Government Act 1993 as at 23 August 2006 is hereafter referred to as the Local Government Act.
4. The Local Government Act (General) Regulation 1999 as at 23 August 2006 is hereafter referred to as the Local Government Act Regulation.
5. Many Sportsgrounds in the Eurobodalla Shire Council are located on Crown Land. These reserves are not included in this Plan of Management. Council prepares Plans of Management for Crown Land when requested to do so by the Department of Lands.

5.0 Review Period

This document will need to be reviewed under the following circumstances:

- To authorise a change in the nature and use of the land; and/or
- To change the categorisation of community land; and/or
- To authorise a lease, licence or other estate not already authorised; and/or
- To add new parcels of community land; and/or
- To authorise certain road works; and/or
- To authorise certain new developments; not already authorised in this Plan of Management.

6.0 Community Consultation

The first edition draft of this Plan of Management was exhibited in 2004 from 19 February until 19 March. Submissions were accepted until Friday 2 April 2004. A **Public Hearing** was held on Monday 1 March to discuss the recategorisation of 7 parcels of community land included in the draft Plan of Management. Refer to Appendix B on page 32 for more detailed information.

The second edition draft of this Plan of Management will be exhibited in 2006. Details on the exhibition and submission period and the Public Hearing will be provided once these are determined.

7.0 Legislation and Policies

7.1 Local Government Act

The purposes of the Local Government Act are stated in Section 7. Of particular relevance to this Plan of Management are the purposes identified in sections 7(c) and 7(e).

S 7 (c) to encourage and assist the effective participation of local communities in the affairs of local government.

S 7 (e) to require councils, councilors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities.

Refer to Section 20.0 Appendix A: The Guiding Principles Of Ecological Sustainable Development on page 31.

The requirements for the management of Community Land is covered in Part 2 Public Land Sections 25 – 54(a) of the Local Government Act.

7.2 Coastal Policy 1997

The 1997 NSW Coastal Policy responds to the fundamental challenge to provide for population growth and economic development without putting the natural, cultural and heritage values of the coastal environment at risk. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD) (see page 31).

Community Land Sportsgrounds in Broulee, Dalmeny, Long Beach, Malua Bay, Surfside, Surf Beach, and Tuross Head are within the coastal zone as described by the Coastal Protection Act 1979 (s 4 (a) 3a). This is one kilometre landward of the open coast high water mark (s 4a3a of the coastal protection act 1979).

In addition, part of Kyla Park Oval is located in a sensitive coastal location. This will require that specified types of proposed development on this land may need to be referred to the State Government (Department of Infrastructure Planning and Natural Resources) for comment.

The nine goals of the Coastal Policy are:

Protecting, rehabilitating and improving the natural environment of the coastal zone.

1. Recognising and accommodating the natural processes of the coastal zone.
2. Protecting and enhancing the aesthetic qualities of the coastal zone.
3. Protecting and conserving the cultural heritage of the coastal zone.
4. Providing for ecologically sustainable development and use of resources.
5. Providing for ecologically sustainable human settlement in the coastal zone.
6. Providing for appropriate public access and use.
7. Providing information to enable effective management of the coastal zone.
8. Providing for integrated planning and management of the coastal zone.

Some of the Key Actions of the Coastal Policy that are especially relevant to this Plan of Management include:

- Protection and restoration of important fisheries habitats, such as seagrasses and mangroves.
- SEPP 14 Coastal Wetlands and SEPP 26 Littoral Rainforests will be rigorously enforced and extended where appropriate in recognition that what remains of these valuable ecosystems needs to be fully protected from inappropriate development.

Coastal lands and aquatic environments with conservation values will be assessed and appropriate tenures, reservations, zonings and/or regulations will be put in place to protect them, conserve biodiversity and to protect and ensure the recovery of threatened species.

Water quality in coastal waters, estuaries and rivers will be maintained where it is currently adequate, or improved where it is currently inadequate. This will be addressed through a number of specific actions designed to control discharges from both point and non-point sources, including development and implementation of management and monitoring programs.

Cultural heritage will be protected and conserved through a variety of planning and management programs.

Many of the sportsgrounds included in this Plan of Management and located near the coastal zone. Where new developments are proposed Council will assess them, giving consideration to the Coastal Policy. However in some cases assessment may need to be completed by Planning NSW in order to meet the provisions of State Environment Planning Policy No. 71 – Coastal Protection.

7.3 Local Environmental Plans

All of the land included in this Plan of Management is included in either the Urban Local Environmental Plan (LEP) or the Rural Local Environmental Plan. Under these plans land is zoned according to its current or future use. Zoning is the term given to the different areas where different types of development may be allowed to happen. In most cases Community Land is zoned 6a1 Public Open Space in the Urban LEP or 6(a) Public Open Space in the Rural LEP.

7.3.1 Our Towns Tomorrow, Eurobodalla Urban Local Environmental Plan

Council adopted the Urban Local Environmental Plan (LEP) in 1999 and the amendments as of 4 February, 2002.

The Urban LEP states that in regard to development on land zoned 6(a)1 Public Open Space, development by or on behalf of a public authority on Community Land that is consistent with an adopted Plan of Management for that Community Land would be permitted without development consent (s 44 (1)). Similarly the installation of utilities and other works carried out by or on behalf of a public authority involved in landscaping, gardening, bushfire hazard reduction, erosion control or rehabilitation, or drainage will not require development consent.

If the proposed development is not consistent with an adopted Plan of Management but is consistent with the purposes defined in Section 44 (2) of the Urban LEP, it is allowed but will require development consent.

What are the objectives of the 6a1 Public Open Space zone?

The objectives of the 6a1 Public Open Space zone are:

- (a) to recognise the importance of land in the zone as open space and allow a limited range of uses compatible with keeping the land as open space and in public ownership, and
- (b) to permit a range of uses, especially recreational uses, where those uses comply with the plan of management for the land, and
- (c) to allow development on foreshores where that development is water-related and enhances the recreational use or natural environment of the foreshore, and
- (d) to reserve privately owned land that is essential for future public open space and provide for its acquisition by the Council, and
- (e) to ensure that development in areas of environmental significance does not reduce that significance.

What development may be carried out in the 6a1 Public Open Space zone?

- (1) Development for the purpose of the following is allowed without development consent within the 6a1 Public Open Space zone:
- on community land, development by or on behalf of a public authority that is consistent with an adopted plan of management for that community land and, if not so consistent, would be allowed by subclause (2) or otherwise by this subclause,
 - utility installations,
 - works (including land clearing) carried out by or on behalf of a public authority involved in landscaping, gardening, bushfire hazard reduction, erosion control or rehabilitation, or drainage.
- (2) Development for the purpose of the following is allowed only with development consent within the 6a1 Public Open Space zone, but only if it is not included in subclause (1):
- agriculture,
 - aquaculture,
 - caravan parks for short-term residents only,
 - car parks,
 - cemeteries,
 - child care centres,
 - community centres,
 - development by a public authority,
 - dwelling-houses required for the management of the reserve or facilities on the reserve,
 - educational establishments,
 - forestry,
 - helipads for emergency use only,
 - indoor recreation facilities,
 - land clearing,
 - marinas,
 - places of assembly,
 - racecourses,
 - recreation areas,
 - recreation establishments,
 - restaurants,
 - roads,
 - showgrounds,
 - telecommunications facilities,
 - waste collection centres.
- (3) Development not included in subclause (1) or (2) is prohibited within the 6a1 Public Open Space zone.

7.3.2 Eurobodalla Rural Local Environmental Plan

Council adopted the Rural Local Environmental Plan (LEP) in 1987 and the amendments as of 1 December, 2002. Under Rural LEP Public Open Space is zoned 6(a).

What are the objectives of the 6(a) Public Open Space zone?

- 1. Objectives of zone**
The objectives of this zone are -
- (a) to identify land which is owned by Council or the Crown and which has been set aside for use by the public as open space or land in private ownership which is to be acquired by Council for public open space;
 - (b) to permit a range of uses on land within this zone normally associated with public recreation; and
 - (c) to ensure that a range of recreational opportunities is provided that is compatible with the natural environment.

What development may be carried out in the 6(a) Public Open Space zone?

2. Without development consent

Maintenance works for the purpose of gardening, landscaping or bushfire hazard control.

3. Only with development consent

Buildings for the purposes of landscaping, gardening or bushfire hazard control; drainage; public utility undertakings; recreation areas; roads; telecommunications facilities.

4. Prohibited

Any purpose other than a purpose permitted without development consent or a purpose permitted only with development consent.

8.0 Community Land included in this Plan of Management

8.1 Land Ownership

All land included in this Plan of Management is owned by Eurobodalla Shire Council and is listed in Table A: Listing of Land Included in this Plan of Management (Page 12).

8.2 Land Classification

Most land included in this Plan of Management is classified as “Community Land” under the Local Government Act. Some of the land is currently classified as “Operational Land” however, at the adoption of this Plan of Management this land will have been reclassified to Community Land. Council owned land must be classified as either Community Land or Operational Land under the Local Government Act.

The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community Land) and that land which need not (Operational Land).

Community Land ordinarily comprises of land such as a public park or reserve. Operational Land ordinarily comprises of land held as a temporary asset or as an investment, land which facilitates the carrying out by Council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

Community Land cannot be sold, except when it is to become or be added to: a Crown Reserve or; land that is reserved or dedicated under the National Parks and Wildlife Act 1974. Community Land can be re-classified as Operational Land in which case that land can be sold. Public notice must be given when Council proposes to re-classify Community Land.

The use and management of Community Land is to be regulated by a Plan of Management. Until a Plan of Management is adopted, the nature and use of the land must not change.

8.3 Land Zoning

All of the land included in this Plan of Management is zoned under the Eurobodalla Shire Council Urban Local Environmental Plan or the Eurobodalla Shire Council Rural Local Environmental Plan.

Most of the Community Land included in this Plan of Management is zoned 6a1 Public Open Space if included in the Urban LEP or 6(a) Public Open Space if included in the Rural LEP (refer to Section 7.3 on page 8 for more information on this zoning).

However, some land is not appropriately zoned for the type of use that is intended for that land. This Plan of Management recommends that the following land zonings be amended at the next review of the appropriate Local Environmental Plan:

PIN No	Reserve Name	DP & Lot No.	Zoning as at date of adoption of this Plan of Management	Proposed Zoning
21201	Bodalla Sportsground	DP 438760 Lot A	Rural (Environmental Constraints & Agricultural) 1(a)	6(a) Public Open Space Rural LEP
31950	Dalmeny Sportsground (part)	DP 1062334 Lot 2	2t Residential - Tourism	6a1 Public Open Space Urban LEP
28885	Long Beach Recreational Reserve	DP 871237 Lot 1	Rural Small Holdings 1(c)	6(a) Public Open Space Rural LEP
31096	Surfside Recreational Reserve	DP 1044536 Lot 2	2g Residential – General	6a1 Public Open Space Urban LEP
31710	Tilba Sportsground	DP 1058667 Lot 3	Rural (Environmental Constraints & Agricultural) 1(a)	6(a) Public Open Space Rural LEP
19822	Kyla Park Oval (Tuross Head Youth & Sports Club Hall)	DP 604795 Part Lot 91	Rural Small Holdings 1(c)	6(a) Public Open Space Rural LEP

Table A: Listing of Land Included in this Plan of Management

PIN No	Reserve Name	Categorisation/Classification prior to Adoption of this Plan	Categorisation as at date of Adoption of this Plan ¹	Area	DP & Lot No.	Street Name	Suburb	Zoning as at date of Adoption of this Plan of Management ²
21201	Bodalla Sportsground	Sportsground	Sportsground	3.536 H	DP 438760 Lot A	Princes Hwy	Bodalla	Rural (Environmental Constraints & Agricultural) 1(a)
10323	Captain Oldrey Reserve	Sportsground	Sportsground	7.37 H	DP 245167 Lot 58	47A Elizabeth Drive	Broulee	6a1 Public Open Space
9903	Dalmeny Oval	Sportsground	Sportsground	2.774 H	DP 618340 Lot 32	Mort Avenue	Dalmeny	6a1 Public Open Space
31950	Dalmeny Oval	Not categorised	Sportsground	58m2	DP 1062334 Lot 2	Mort Avenue	Dalmeny	2t Residential - Tourism
28885	Long Beach Recreational Reserve	Sportsground	Sportsground	7.629 H	DP 871237 Lot 1	Blairs Road	Long Beach	Rural Small Holdings 1(c)
17632	Malua Bay Community Reserve	Sportsground	Sportsground	4.066 H	DP 529665 Lot 1156	George Bass Drive	Malua Bay	6a1 Public Open Space
31096	Surfside Recreational Reserve	Sportsground & Natural Area Watercourse	Sportsground & Natural Area Watercourse	5.115 H	DP 1044536 Lot 2	Mundarra Way	North Batemans Bay	2g Residential - General
31098	Surfside Recreational Reserve	Sportsground, Natural Area Watercourse, Natural Area Bushland & General Community Use	Sportsground, Natural Area Watercourse, Natural Area Bushland & General Community Use	9.746 H	DP 1044536 Lot 3	Mundarra Way	North Batemans Bay	6a1 Public Open Space
13174	Surf Beach Avenue Reserve	Sportsground	Sportsground, Natural Area Watercourse, Natural Area Bushland and General Community Use	4.767 H	DP 126070 Lot 1	Surf Beach Avenue	Surf Beach	6a1 Public Open Space
31710	Tilba Sportsground	Sportsground	Sportsground	3.597 H	DP 1058667 Lot 3	Corkhill Drive	Tilba Tilba	Rural (Environmental Constraints & Agricultural) 1(a)
19822	Kyla Park Oval (includes the Tuross Head Youth & Sports Club Hall)	Sportsground	Sportsground	11 H	DP 604795 Part Lot 91	Hector McWilliam Drive	Tuross Head	Rural Small Holdings 1(c)
27311	Tuross Golf Course Reserve (Clubhouse Carpark)	Sportsground	Sportsground	5601 m ²	DP 841484 Lot 50	Monash Avenue	Tuross Head	6a1 Public Open Space
29073	Tuross Golf Course Reserve (Golf Course)	Sportsground	Sportsground	18.45 H	DP 876539 Lot 512	Hector McWilliam Drive	Tuross Head	6a1 Public Open Space
29074	Tuross Golf Course Reserve (Bowling Green Extension)	Sportsground	Sportsground	1018 m ²	DP 876539 Lot 511	Monash Avenue	Tuross Head	6a1 Public Open Space
2715	Tuross Golf Course Reserve (Golf Course)	Sportsground	Sportsground	189.7 m ²	DP 241085 Lot 217	Monash Avenue	Tuross Head	6a1 Public Open Space

¹ Refer to Section 14 on page 27 for more information on Community Land with more than one category.

² Refer to Section 8.3 on page 11 for more information on the zoning of this land.

9.0 Community Land Categorisation

9.1 Categorisation of Community Land

Community Land must be categorised as one or more of the following:

- General Community Use
- A Natural Area (bushland; wetland; escarpment; watercourse; foreshore or other category prescribed by the Regulation)
- A Sportsground
- A Park
- An Area of Cultural Significance

All Community Land in this Plan of Management is categorised as Sportsground.

The Local Government (General) Regulation prescribes the following guidelines for categorising Community Land as sportsground. Council must have regard for these guidelines, however they do not give rise to, or can not be taken into account in, any civil cause of actions. These guidelines are as follows:

Section 11 Guidelines for categorisation of land as a sportsground

Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

Some Sportsgrounds feature the characteristics of other categories. Where there is a significant area featuring other characteristics, the reserve will have more than one category. However, in many cases these other features are small, fragmented or insignificant in the scale of the reserve. In order to retain flexibility for the future use of the reserve, these parcels of Community Land have not been assigned multiple categorisation.

Where Community Land has more than one category applicable, a map is provided at Section 14 (refer to page 27) of this Plan of Management illustrating the extent of each categorisation.

9.2 Public Hearing

This Plan of Management has amended the categorisation of 1 parcel of Community Land and categorised 1 new parcel of land which is to be added to the plan. As such, Council was held a Public Hearing into the re-categorisation of this land on Thursday 19 October 2006. No comments were made at the Public Hearing.

9.3 Core Objectives for the Management of Community Land Categorised as Sportsground

The Local Government Act specifies the Core Objectives for the management of each category of Community Land. Council must use and manage the land in accordance with these Core Objectives. Any lease, licence or other estate granted over the land must be consistent with the Core Objectives for the categorisation applicable to that land.

These Core Objectives are addressed in the Objectives and Performance Targets as defined in Table B: Operational Plan as a guide to determining the management practices required on that land (page .

The core objectives for land categorised as a Sportsground are as follows (Section 36F of the Local Government Act);

36F Core objectives for management of community land categorised as a sportsground

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

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

10.0 Eurobodalla Shire Council Recreational Strategy

As at the date of adoption of this Plan of Management, Council was in the process of developing a Shire wide Recreation Strategy. The aims of the Recreational Strategy are as follows:

- To identify the current recreational activities taking place in the Eurobodalla
- To identify the future recreational needs for the community
- To recommend a course of action to provide for the future recreational needs of the community
- To identify funding strategies and timeframes for development.

11.0 Sportsground Management

Historically, Council had individual Section 355 Management Committees for each sporting complex.

This provided some benefits through the extent of “ownership” by user groups, leading to considerable work being achieved through volunteer effort. Many facilities were either provided or made better by the efforts of individual community groups and this has been well recognised by all involved.

However, this comes at a cost. Those involved are usually the same few who also administer their association and/or club; they can be coach, umpire, transport provider, fund raiser, work with representative teams and, if they can fit it in, a player themselves. Our expectations of the very few is often too high leading inevitably to reduced participation.

Additionally, decisions made by individual sporting teams are not always in the best interests of the overall community.

Similarly, the standards of construction are not always to desirable levels, despite the best efforts of those involved. It is also difficult to put in place appropriate controls to ensure Occupational Health and Safety risks are adequately managed.

Administratively, this system was cumbersome often resulting in clashes at the ends of sporting seasons.

11.1 Sports Liaison Committee

Council has therefore dissolved many of its sportsground management committees, replacing them instead with a Sports Council and a central booking system. The Sports Council has representatives of each sporting association as well as an elected representative.

The Sports Liaison Committee works closely with the professional sporting associations throughout the Eurobodalla Shire in centralising the management of recreational activities. This is working towards improving the distribution of funds throughout the shire for the development, maintenance and management of sporting facilities.

Individual groups are still encouraged to assist with keeping fees low by undertaking routine tasks such as linemarking and the like, but the major works are all now undertaken by Council using appropriately qualified personnel, either using day labour or under contract.

The Sports Council is a Management Committee created under Section 355 of the Local Government Act.

11.2 Management Committees

Council still has a number of Section 355 Committees over individual sportsgrounds. It is intended that these be dissolved and be incorporated into the Sports Council.

Section 355 of the Local Government Act allows Councils to delegate their functions to a Committee appointed by the Council. However, functions it can not delegate include:

- the making of a rate or charge
- the borrowing of money
- the compulsory acquisition of land

- the adoption of financial statements and
- the classification of public land as operational land

Refer to Section 377 of the Local Government Act for a complete list of the functions that Council can not delegate to a Section 355 Committee.

Council has prepared a set of guidelines to assist Management Committees with performing their functions. Copies of the "Management Committee Guidelines" are available from Council.

The following table provides a summary of the existing Management Committees for Community Land Sportsgrounds in Eurobodalla Shire Council as at the date of adoption of this Plan of Management.

Reserve Name	Address	Management Committee/Lease Arrangement
Dalmeny Oval	Mort Avenue, Dalmeny	Dalmeny Oval Management Committee
Malua Bay Community Reserve & the Eurobodalla Croation Bocce Club	George Bass Drive, Malua Bay	Malua Bay Community Centre And Tennis Management Committee. The Eurobodalla Croation Bocce Club is to be managed by Lease Agreement (refer to Section 15.0).
Tilba Sportsground	Corkhill Drive, Tilba Tilba	Tilba Sportsground Management Committee
Tuross Golf Course Reserve & Clubhouse	Monash Avenue	Managed by Lease Agreement (refer to Section 15.0).

12.0 Community Land Sportsgrounds in Eurobodalla – Overview of Facilities

This section provides an overview of the sporting facilities located on Community Land as at the date of adoption of this Plan of Management. The types of sports played on these reserves will change as sporting trends come and go and as the reserves are further developed to accommodate additional users.

Most Sportsgrounds have a Masterplan to guide the future development of the reserve. The relevant Masterplan Number is located below.

12.1 Bodalla Sportsground

Location: On the Princes Highway, south of the township of Bodalla.
 Sports Played: Soccer, Tennis, Cricket, Touch Football.
 Masterplan Number: Plan No: 4185



Bodalla Sportsground Tennis Courts & Club Room



Bodalla Oval Soccer Fields

12.2 Captain Oldrey Reserve

Location: Elizabeth Drive, Broulee.
 Sports Played: Netball, Rugby Union, Soccer and Cricket. The amenities building also includes a Meeting Room that is available for hire to the general public. Play equipment is also located on the reserve.
 Masterplan Number: Plan No: 4152



Captain Oldrey Park Oval



Captain Oldrey Park Netball Courts

12.3

Dalmeny Oval

Location: Corner of Binalong Street and Mort Avenue, Dalmeny.
 Sports Played: Soccer and Cricket.
 Management Committee: Dalmeny Oval Management Committee.
 Masterplan Number: Plan No: 3814



Dalmeny Oval Soccer Fields



Dalmeny Oval Facilities Building

12.4

Long Beach Recreational Reserve

Location: Corner of Cullendulla Drive and Blairs Road, Long Beach.
 Sports Played: Yet to be developed.
 Masterplan Number: Plan No: 3398



Long Beach Recreational Reserve

This land has been acquired for the future development of an active sporting facility at Long Beach.

12.5

Malua Bay Community Reserve

Location: 587 George Bass Drive, Malua Bay.
 Sports Played: Bocce and Tennis. The Tennis amenities building and the Bocce Club have rooms are available for hire.
 Management Committee: Malua Bay Community Centre and Tennis Management Committee. There is no Management Committee for the Bocce Club, this facility is to be managed by lease agreement (however facilities are available to the general public).
 Masterplan Number: Plan No: 3457 & 2365



Malua Bay Reserve Tennis Courts



Malua Bay Reserve Community Centre



Eurobodalla Croatian Bocce Clubhouse
 The Clubhouse is available for hire to the public for functions etc.



Eurobodalla Croatian Bocce Club Playing Area
 Access to the Bocce Club is open to the general public.

12.6

Surfside Recreational Reserve

Location: Mundarra Way, Surfside (North Batemans Bay)
 Sports Played: Soccer, Cricket
 Masterplan Number: Plan No: 4137G



Surfside Recreation Reserve

12.7

Surf Beach Avenue Reserve

Location: Surf Beach Avenue, Surf Beach.
 Sports Played: Pony Club
 Masterplan Number: Plan No: 3181 (*Note: Plan 3181 does not exist. The correct plan number is 4696*)



Surf Beach Oval



Surf Beach Amenities Building

12.8

Tilba Sportsground

Location: Corkhill Drive, Tilba Tilba.
 Sports Played: Netball, Soccer, Cricket, Tennis and Basketball.
 Management Committee: Tilba Sportsground Management Committee.
 Masterplan Number: Plan No: 4306



Tilba Netball Court



Tilba Amenities Building Under construction August 2006

12.9

Kyla Park Oval (includes the Tuross Head Youth & Sports Club Hall)

Location: Hector McWilliam Drive, Tuross Head.
 Sports Played: Cricket, Netball, Tennis, Rugby Union, Junior League. The amenities building includes a Meeting Room that is available for hire to the general public.
 Masterplan Number: Plan No: 4232



Kyla Park Netball Court



Kyla Park Cricket Practice Nets & Oval

12.10

Tuross Golf Course Reserve

Location: Hector McWilliam Drive, Tuross Head.
Sports Played: Golf and Bowling. This reserve includes the Tuross Heads Golf Club.
Management Committee: No Management Committee – this reserve is managed by lease.
Masterplan Number: Plan No: 3699



Tuross Head Country Club Golf Course



Tuross Head Country Club Bowling Green

13.0 Development on Community Land

13.1 Requirements of the Local Government Act

The Local Government Act³ provides clear guidelines on the types of development that are authorised on Community Land.

47E Development of Community Land

- (1) No power of a council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the council, if⁴:
- (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or
 - (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or
 - (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or
 - (d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.
- (2) The following buildings are exempt from the operation of subsection (1) (a):
- (a) toilet facilities,
 - (b) small refreshment kiosks,
 - (c) shelters for persons from the sun and weather,
 - (d) picnic facilities,
 - (e) structures (other than accommodations for spectators) required for the playing of games or sports,
 - (f) playground structures,
 - (g) work sheds or storage sheds,
 - (h) buildings of a kind prescribed by the regulations.
- (3) An "existing area" referred to in subsection (1) (b) does not include the area of any awning, balcony, verandah or other thing that extends beyond the main structural outline of the building.
- (4) A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had been in force at the time it was granted, is void.

13.2 Development on Community Land Sportsgrounds

This Plan of Management authorises all activities that are consistent with the Masterplan for the reserve (refer to Section 13.3 for more information on Masterplans).

However, the proposals of the Masterplan must be consistent with the Core Objectives for Community Land categorised as Sportsground as stated in Section 9.0 of this Plan of Management at page 13. The Masterplan must also be consistent with the provisions of the Operational Plan as stated in Section 14.0 of this Plan of Management at page 23.

Where a project requires Development Consent, the proposal may require public advertisement in accordance with Council policy.

³ Section 47E of the Local Government Act 1993

⁴ Section 47E (1) means that Council must resolve to developments as per 1 (a) - 1 (d). They can not delegate this responsibility to Council staff.

13.3 Masterplans for the Development of Community Land Sportsgrounds

From time to time Council will prepare or update an existing Masterplan for a Sportsground. Masterplans help to ensure that the development of the reserve is holistic – aiming to avoid ad-hoc development and to maximise the multi-use capabilities of facilities.

Masterplans address the issues specific to each Sportsground and provide the Sports Liaison Committee, Management Committees, the wider community and Council with goals to achieve for the future development and improvement of the reserve. They also assist with providing supporting documentation in applications for grant funding.

All Masterplans must be developed in accordance with the Core Objectives for Community Land categorised as Sportsground as stated in Section 9.0 of this Plan of Management at page 13 and with the provisions of this Plan of Management.

Council has developed Masterplans for many of the reserves included in this Plan of Management. Each Masterplan has a unique Plan Number and this is included at section 12 on page 16. If you are interested in the Masterplan for a Sportsground this is the number that you should quote in your request for more information to Council.

Generally, there are three typical situations that lead to the development or review of existing Masterplans for the reserves included in this Plan of Management:

1. When there is funding available to spend on the upgrade of the reserve.
2. Where there is an opportunity to apply for grant or Council funding to develop the reserve, a Masterplan provides the supporting documentation on which to justify the grant/funding application.
3. To establish the boundary of any lease or licence activity on the reserve where it varies from the property boundary.

New or amended Masterplans require the endorsement of the Sports Liaison Committee and adoption by Council.

14.0 Operational Plan

14.1 Basis for Management

Land management issues change over time, depending on the needs of the community. However, communities change – what may be important in the present may be less important in the future. Values however, tend to transcend the everyday issues of land management and set a more strategic vision for the management of the land. Where singular issues may be really important in the short term, the overriding values attached to the land will tend to be relevant for a longer period. Whatever holds value and importance today, is likely to be similarly important in the future.

How can values be implemented in land management? Once values and their level of significance are determined, land maintenance and development practices that reflect these values may then be implemented.

14.2 Community Values of land Categorised as Sportsground

Ascertaining the community values of land is identifying what the community finds important and special about it. The following values have been identified for Community Land categorised as Sportsground:

- Recreational
- Health
- Environmental
- Lifestyle
- Economic (ie regional events attracting visitors to the area)
- Social

14.3 The Operational Plan

The Operational Plan identifies management issues for the reserves and is presented as Table B: Operational Plan (page 12-17). The information is presented as required by the Local Government Act whereby:

<u>Objective</u>	‘Objective’ is an end towards which efforts are directed. In this section the Core Objectives as defined in the Local Government Act are used to determine the objectives.
<u>Performance Targets:</u>	‘Performance Target’ is an objective or goal to be performed
<u>Means of Achievement:</u>	How Council or the community can achieve the objective and performance targets
<u>Manner of Assessment:</u>	How Council can assess the performance of the means of achievement

The Objectives in the Operational Plan are based on the Core Objectives for the Management of Community Land categorised as Sportsground (as per Section 36 of the Local Government Act). Refer to Section 9.0 on page 13 for more information on the categorisation of Community Land included in this Plan of Management.

Note that there are many Council Development Control Plans, policies and strategies that also identify how Council reserves are to be managed.

14.4 Table B: Operational Plan

	Objective Is an end towards which efforts are directed	Performance Targets – Project Is an objective or goal to be performed	Means of Achievement How Council or the community can achieve the objective and performance targets	Manner of Assessment How Council can assess the performance of the means of achievement	Priority L-M-H Ongoing
14.4.1	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games. ⁵	Provide adequate vehicular access and parking for users whilst minimising any impact on the Reserve and surrounding residents. Safe entry and exit to/from Reserves.	Parking provided for reserves where there is a recognised need for parking. Parking areas landscaped to enhance and improve the visual impact of car parks and vehicular access routes. Provide some shade for vehicles. Appropriate vegetation selection to maintain sight lines through the car park. Parking restricted to identified areas with vehicular barriers and fencing in place. Access to parking areas clearly signed.	Adequate parking provided for users. Minimal impact on reserves, some shade provided for vehicles, increased use of reserves. Safe vehicular movement to, from and within reserves.	O
		Provide a coherent pedestrian network to and through reserves connecting with streets and other destinations.	Pedestrian access pathways provided where there is recognised need to promote pedestrian movement through reserves. Installation of signage to guide pedestrian movement.	Safe pedestrian movement through the area increased.	O
		To provide for appropriate outdoor advertising .	Follow the provisions of the Outdoor Advertising Signs Development Control Plan.	Outdoor advertisements comply with the provisions of the Outdoor Advertising Signs Development Control Plan.	O
		To identify the boundary between private and public land.	Survey property boundaries and install markers at appropriate locations.	The boundary between private and public land clearly defined.	L
		To provide for bush fire management.	Comply with the requirements of the Rural Fire Service and/or Council's Fire Mitigation Officer.	Risk of bush fire is minimised.	H
		To remove encroachments onto Community Land.	Enact Section 124 of the Local Government Act to have encroachments removed.	Encroachments identified and removed.	H
		To manage the natural environment in accordance with best practice and the principles of Ecologically Sustainable Development.	Use of environmentally friendly products in sportsground maintenance and management. Ensure users groups are informed of the potential impacts on the environment.	Minimal impact on the environment surrounding the sportsground.	O

⁵ Section 36F (a) of the Local Government Act.

	Objective Is an end towards which efforts are directed	Performance Targets – Project Is an objective or goal to be performed	Means of Achievement How Council or the community can achieve the objective and performance targets	Manner of Assessment How Council can assess the performance of the means of achievement	Priority L-M-H Ongoing
		To provide for equal access to facilities.	Identify where equal access is not provided and upgrade access to accommodate equal access.	Access to facilities accommodates all levels of ability.	H
		To provide facilities to enhance the enjoyment of Community Land.	Complete Masterplans for Sportsgrounds as required to identify facilities required. Seek funding from Council and/ or other sources.	Masterplans developed that identify and provide for the required facilities to meet the needs of user groups.	O
		To obtain funding to improve Community Land.	Seek funding from Council and/or other sources.	Funding applications successful.	H
		To plan for the future requirements of the community for Sportsgrounds.	Develop a Recreational Strategy to consider the future recreational needs of the community and include reference to Council's Section 94 Plan.	Recreational Strategy developed and adopted by Council.	H
			Develop Masterplans with reference to the Recreational Strategy and in consultation with user groups, endorsed by the Sports Liaison Committee and adopted by Council.	Masterplans developed as required. Refer also to Section 13.3.	H
		To maintain Community Land as required.	Routine inspections and audits of sportsgrounds. Address identified deficiencies.	Sportsground maintained as required and sporting uses able to continue with minimal delays and manageable risks.	O
		To support Management Committees operating on Community Land.	Provide a contact person within the Council for Management Committees to liaise with. Make copies of the Management Committee Guidelines easily available.	Management Committees operating successfully and complying with the Management Committee guidelines	O
14.4.2	To ensure that such activities are managed having regard to any adverse impact on nearby residences. ⁶	Have regard for neighbourhood amenity when approving activities on Sportsgrounds.	Consider consultation with adjacent land owner when the nature of activities on Sportsground is to change.	Sporting activities taking place with minimal complaints from adjacent land owners.	H
		Have regard for neighbourhood amenity during the design of Masterplans.	Consider consultation with adjacent land owners during the development of Masterplans for the site.	Sporting activities taking place with minimal complaints from adjacent land owners.	H

⁶ Section 35 F (b) of the Local Government Act.

15.0 Leases and Licences

The exclusive occupation of Community Land is prohibited unless authorised by a lease or licence. The only exception authorised by the Local Government Act is the occupation or use of part of a site by a duly appointed manager of a senior citizens' centre or home or community care facility. Also the Local Government (General) Regulation may prescribe circumstances where exclusive occupation is authorised without a lease, licence or other estate (refer to Section 47D of the Local Government Act).

15.1 Existing Leases & Licences

The following leases and licences were in effect as at the date of this Plan of Management:

Table C: Existing Leases & Licences

PIN No.	Legal Definition	Type of Agreement	Expiry Date	Activity	Location	Lessee/Licensor
29073	DP 876539 Lot 512	Lease	31 May 2011	Golf Course	Hector Mcwilliam Drive Tuross Head	Tuross Head Country Club
29074	DP 876539 Lot 511	Lease	31 May 2011	Bowling Green	Monash Avenue Tuross Head	Tuross Head Country Club
27311	DP 841 484 Lot 50	Lease	31 May 2011	Golf Club Carpark	Hector Mcwilliam Drive Tuross Head	Tuross Head Country Club
2715	DP 241085 Lot 217	Lease	31 May 2011	Golf Course	Monash Avenue Tuross Head	Tuross Head Country Club

There are no other existing leases, licences or other estates granted on any of the land included in this Plan of Management at the time of writing this plan.

15.2 Authorised Leases, Licences or Other Estates

This Plan of Management authorises the granting of a lease to the Eurobodalla Croation Boce Club on part of the Malua Bay Community Reserve (Lot 1156 DP 529665).

It is anticipated that the current leases for the Tuross Head Country Club Golf Course (2), Bowling Green and Carpark will be renewed. This will be subject to Council resolution prior to the expiry date of the current lease agreements.

Further, this Plan of Management authorises the granting of any lease, licence or other estate on land included in this Plan of Management only where that lease, licence or other estate is:

1. consistent with the Core Objectives for land categorised as Sportsground being:
 - to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games (Section 36F of the Local Government Act); and
2. consistent with the provisions of the Local Government Act.

15.3 Procedures for issuing leases and licences

The Local Government Act prescribes strict measures that govern the issuing of leases, licences and other estates. Sections 46, 46A, 47, 47A and 47B are reproduced at Appendix C (refer to page 33) of this Plan of Management.

Sections 24, 25 and 26 of the Local Government (General) Regulations also provide more guidance on the issuing of leases, licences and other estates on Community Land. These are reproduced at Appendix D (refer to page 38) of this Plan of Management.

16.0 Community Land Categorised in more than one Category

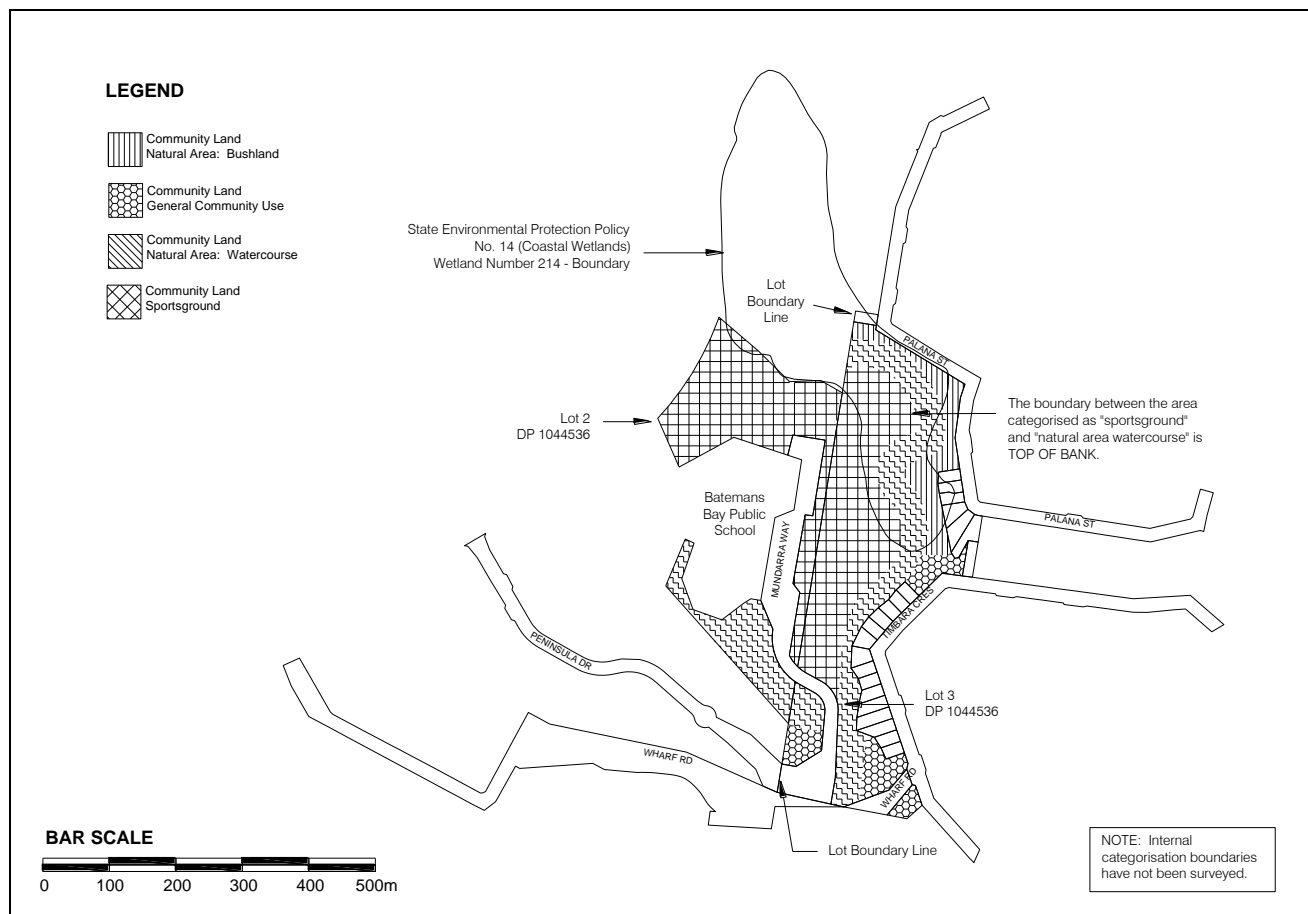
Section 21 of the Local Government (General) Regulation requires that an area of Community Land, or parts of an area of Community Land, that feature more than one category must be clearly identified by a map or otherwise.

Refer to Table D for a list of the land included in this Plan of Management that has more than the category of Sportsground applicable.

Table D: Land with Multiple Categorisation

Map No.	PIN No	Lot DP	Reserve Name	Categorisation as at date of Adoption of this Plan
1	31096	DP 1044536 Lot 2	Surfside Recreational Reserve	Sportsground & Natural Area Watercourse
1	31098	DP 1044536 Lot 3	Surfside Recreational Reserve	Sportsground & Natural Area Watercourse & Natural Area Bushland & General Community Use
2	13174	DP 126070 Lot 1	Surf Beach Avenue Reserve	Sportsground, Natural Area Watercourse, Natural Area Bushland and General Community Use

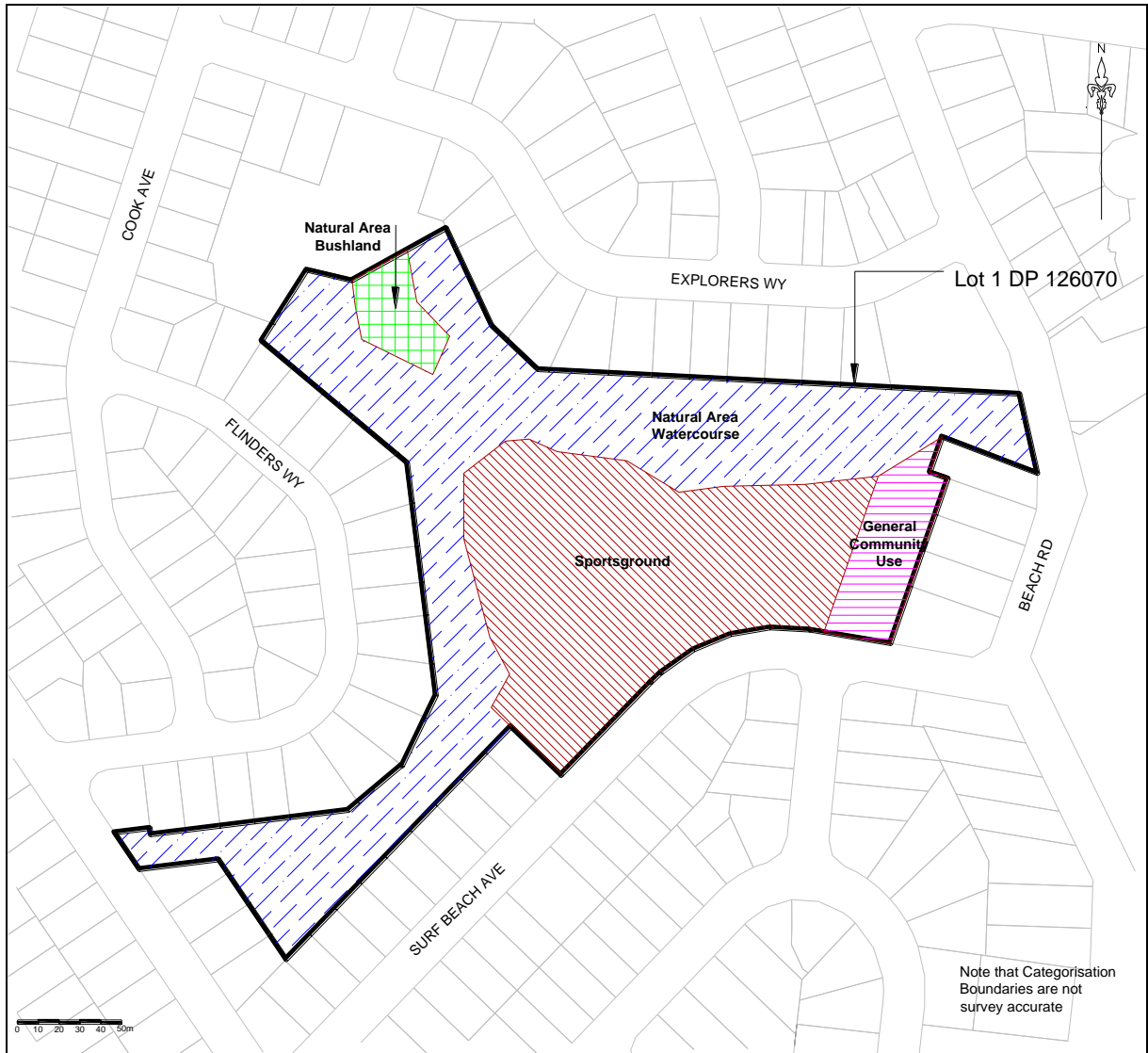
Map 1: Surfside Recreational Reserve



Notes:

1. As at the date of adoption of this Plan of Management the boundary of the SEPP 14 Wetland was under review.

Map 2: Surf Beach Avenue Reserve



17.0 Activities on Community Land that require the consent of Council

There are certain activities on Community Land that require the consent of Council⁷.

The Local Government Act requires that a person may carry out the following activities on Community Land Sportsgrounds only with prior approval by Council:

- Engage in a trade or business
- Direct or procure a theatrical, musical or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment
- For fee or reward, play a musical instrument or sing
- Set up, operate or use a loudspeaker or sound amplifying device
- Deliver a public address or hold a religious service or public meeting

In some cases Council may have a regulation or a local policy that has been adopted under Part 3 of the Local Government Act that allows the activity to be carried out without Council approval.

The above activities must be consistent with the Core Objectives for the categorisation of the land.

⁷ Section 68 of the Local Government Act 1993

18.0 Dedication of Community Land as Public Road

There are many ways in which a Council can create public roads. However, the Local Government Act places some restrictions on the creation of public roads on Community Land. These restrictions are as follows⁸:

47F Dedication of community land as public road

- (1) Community land may not be dedicated as a public road under section 10 of the Roads Act 1993 unless:
- (a) the road is necessary to facilitate enjoyment of the area of community land on which the road is to be constructed or of any facility on that land, and
 - (b) the council has considered means of access other than public road access to facilitate that enjoyment, and
 - (c) there is a plan of management applying only to the land concerned and provision of the public road is expressly authorised in the plan of management.
- (2) Subsection (1) does not apply to:
- (a) a dedication of land for the purpose of widening an existing public road, or
 - (b) a dedication of land for the purpose of other roadworks of a minor character, authorised by the plan of management applying to the land, in respect of existing roads, or
 - (c) a dedication of land for the purpose of a road that is the subject of an order under Division 1 of Part 5 of the Roads Act 1993 .

19.0 Government Acts and other documents relevant to this document

Environmental Planning and Assessment Act 1979
Eurobodalla Shire Council's Policies, Development Control Plans and other documents
Eurobodalla Shire Council Urban Local Environmental Plan
Eurobodalla Shire Council's Section 53 Land Register
Interpretation Act 1987
Local Government (General) Regulation 2005
Local Government Act 1993
NSW Coastal Policy 1997
Rural Fires Act 1997

⁸ Section 47F of the Local Government Act 1993

20.0 Appendix A: The Guiding Principles Of Ecological Sustainable Development

Eurobodalla Shire Council has adopted a Sustainable Living Policy that addresses the seven principles of ecologically sustainable development. As part of its code of practice these guiding principles are considered in preparing all plans and strategies, and assessing the merit of public and private investment in built and social infrastructure. The seven principles and the extent to which they have been considered, have been met and applied in preparing this plan are detailed below.

THE PRECAUTIONARY PRINCIPLE

The precautionary principle. - where there are threats of serious or irreversible damage to the community's ecological, social or economic systems, a lack of complete scientific evidence should not be used as a reason for postponing measures to prevent environmental degradation. In some circumstances this will mean actions will need to be taken to prevent damage even when it is not certain that damage will occur.

THE PRINCIPLE OF INTERGENERATIONAL EQUITY

The principle of intergenerational equity. - the present generation should ensure that the health, integrity, ecological diversity, and productivity of the environment is at least maintained or preferably enhanced for the benefit of future generations.

THE PRINCIPLE OF CONSERVING BIOLOGICAL DIVERSITY AND ECOLOGICAL INTEGRITY

The principle of conserving biological diversity and ecological integrity. - aims to protect, restore and conserve the native biological diversity and enhance or repair ecological processes and systems.

THE PRINCIPLE OF IMPROVING THE VALUATION AND PRICING OF SOCIAL AND ECOLOGICAL RESOURCES

The principle of improving the valuation and pricing of social and ecological resources. - the users of goods and services should pay prices based on the full life cycle costs (including the use of natural resources at their replacement value, the ultimate disposal of any wastes and the repair of any consequent damage).

THE PRINCIPLE OF ELIMINATING OR REDUCING TO HARMLESS LEVELS

The principle of eliminating or reducing to harmless levels - any discharge into the air, water or land of substances or other effects arising from human activities that are likely to cause harm to the environment.

THE PRINCIPLE OF ENCOURAGING A STRONG, GROWING AND DIVERSIFIED ECONOMY

The principle of encouraging a strong, growing and diversified economy - promotes local self reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.

THE PRINCIPLE OF PROVIDING CREDIBLE INFORMATION IN OPEN AND ACCOUNTABLE PROCESSES

The principle of providing credible information in open and accountable processes - encourages and assists the effective participation of local communities in decision making.

20.0 Appendix B: Community Consultation – 2004 Edition

SUBMISSIONS - during the submission period of the 2004 Edition of this Plan of Management, two submissions were received as follows:

1. Surfside Sports Complex Management Committee

- 1.1 Requested that the boundary between the area categorised as “Sportsground” and the adjacent area categorised as “Natural Area Watercourse” be the TOP OF BANK.

Response: Categorisation map amended to note that the boundary between the area categorised as “Sportsground” and the adjacent area categorised as “Natural Area Watercourse” be the TOP OF BANK. Refer to page 30 of the Plan of Management.

- 1.2 Requested that the boundary of the SEPP 14 Wetland be reviewed to reflect the actual boundary of the wetland.

Response: Council staff are aware that the boundary of the SEPP 14 wetland is inaccurate. The process of amending the boundary is a lengthy one, however steps will be taken to engage the Department of Infrastructure, Planning and Natural Resources in reviewing this boundary. A note has been added to the Plan of Management indicating that the boundary of the SEPP 14 wetland is under review.

2. Tuross Lakes Preservation Group Inc

- 2.1 Requested that all sportsgrounds located within the coastal zone be noted in the Plan of Management.

Response: The Plan of Management has been amended to indicate all of the sportsgrounds that are located within the coastal zone as follows (refer to page 7 of the Plan of Management – Kyla Park is the only one):

“Community Land Sportsgrounds in Broulee, Dalmeny, Long Beach, Malua Bay, Surfside, Surf Beach, and Tuross Head are all located within the coastal zone as described by the Coastal Protection Act 1979 (s 4 (a) 3a). This is one kilometre landward of the open coast high water mark (s 4a3a of the coastal protection act 1979).”

- 2.2 Requested that all sportsgrounds located within a sensitive coastal location be noted in the Plan of Management.

Response: The Plan of Management has been amended to indicate all of the sportsgrounds that are located within a sensitive coastal location (refer to page 7 of the Plan of Management):

“... part of Kyla Park Oval is located in a sensitive coastal location. This will require that specified types of proposed development on this land may need to be referred to the State Government (Department of Infrastructure Planning and Natural Resources) for comment.”

- 2.3 Requested that Council review the way stormwater is being directed from the surrounding areas to the Tuross Head Country Club Golf Course. Council could also assist the Tuross Country Club to develop management policies for handling the drainage lines in a more sustainable manner.

Response: These issues will be considered for funding as a project under the Integrated Water Cycle Management Strategy.

20.0 Appendix C: Leases, Licences and Other Estates on Community Land – Requirements of The Local Government Act

The following sections are reproduced from the Local Government Act.

S 46 Leases, licences and other estates in respect of community land—generally

- (1) A lease, licence or other estate in respect of community land:
- (a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or
 - (a1) may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider, or
 - (b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
 - (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
 - (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
 - (iii) for a short-term, casual purpose prescribed by the regulations, or
 - (iv) for a residential purpose in relation to housing owned by the council, or
 - (v) (repealed)
 - (c) may be granted in order to allow a filming project to be carried out, whether or not the project is in accordance with the plan of management or is consistent with the core objectives of the categorisation of the land concerned, but may not otherwise be granted.
- (2) Despite subsection (1), a lease, licence or other estate in respect of community land may be granted for a purpose mentioned in subsection (1) (b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this Part, of its categorisation.
- (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years.
- (4) The following purposes are prescribed for the purposes of subsection (1) (b) (i):
- (a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
 - (i) public recreation,
 - (ii) the physical, cultural, social and intellectual welfare or development of persons,
 - (b) the provision of public roads.
- (5) Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.
- (6) A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

S 46A Means of granting leases, licences and other estates

A plan of management is to specify, in relation to the community land to which it applies, any purposes for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part 3.

- (2) Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.
- (3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

S 47 Leases, licences and other estates in respect of community land — terms greater than 5 years

- (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
 - (a) give public notice of the proposal, and
 - (b) exhibit notice of the proposal on the land to which the proposal relates, and
 - (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
 - (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

A notice of the proposal must include:

- information sufficient to identify the community land concerned
 - the purpose for which the land will be used under the proposed lease, licence or other estate
 - the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
 - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
 - a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.
- (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
 - (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
 - (5) If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.
 - (5) If the council applies for the Minister's consent, it must forward with its application:
 - a copy of the plan of management for the land
 - details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
 - a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
 - a copy of the newspaper notice of the proposal
 - a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
 - a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.
 - (7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.
 - (8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:

- (a) subsections (1), (2) and (6) have been complied with, and
 - (b) such consent would not contravene section 46, and
 - (c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).
- (9) The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).
- (10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or
 - (b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.

S 47A Leases, licences and other estates in respect of community land — terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
- (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
 - (b) section 47 (9) has effect with respect to the Minister's consent.

S 47AA	Special provisions for leases, licences and other estates granted for filming projects
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- 1) A council that proposes to grant a lease, licence or other estate in respect of community land under section 47A in order to allow a filming project to be carried out on community land:
 - (a) that is critical habitat (as defined in section 36A (1)), or
 - (b) that is directly affected by a recovery plan or threat abatement plan, as referred to in section 36B (2), or
 - (c) that is declared to be an area of cultural significance under section 36D (1) because of the presence on the land of any item that the council considers to be of Aboriginal significance, must, in addition to complying with section 47A, notify or advertise the proposal in the manner prescribed by the regulations for the purposes of this section.
- (2) Despite section 47A (2), a council that is of the opinion that a filming project proposed to be carried out under a lease, licence or other estate granted under section 47A will have a minor impact on the environment and on public amenity may state in the notice of the proposal required by section 47A (2) that submissions in writing may be made to the council concerning the proposal within a period, not less than 7 days, specified in the notice.
- (3) Regulations may be made for or with respect to guidelines that must be taken into consideration by councils in determining whether to grant a lease, licence or other estate in respect of community land in order to allow a filming project to be carried out on the land.

S 47B	Lease or licence in respect of natural area
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- (1) A lease, licence or other estate must not be granted, in respect of community land categorised as a natural area:
 - (a) to authorise the erection or use of a building or structure that is not a building or structure of a kind prescribed by this section or the regulations, or
 - (b) to authorise the erection or use of a building or structure that is not for a purpose prescribed by this section or the regulations.
- (2) A lease, licence or instrument granting any other estate is void to the extent that its provisions are inconsistent with this section.
- (3) In this section, "erection" of a building or structure includes rebuilding or replacement of a building or structure.
- (4) The following buildings and structures are prescribed for the purposes of subsection (1) (a):
 - (a) walkways,
 - (b) pathways,
 - (c) bridges,
 - (d) causeways,
 - (e) observation platforms,
 - (f) signs.
- (5) The following purposes are prescribed for the purposes of subsection (1) (b):
 - (a) information kiosks,
 - (b) refreshment kiosks (but not restaurants),
 - (c) work sheds or storage sheds required in connection with the maintenance of the land,
 - (d) toilets or rest rooms.
- (6) Despite subsection (1), a lease, licence or other estate may be granted, in respect of community land categorised as a natural area, to authorise the erection or use of any building or structure necessary to enable a filming project to be carried out, subject to the conditions prescribed by subsection (7) and the regulations. (7) It is a condition of any lease, licence or other estate referred to in subsection (6):
 - (a) that any building or structure so erected must be temporary in nature, and
 - (b) that as soon as practicable after the termination of the lease, licence or other estate:

- (i) any building or structure erected must be removed, and
- (ii) any damage to the land caused by the erection or use of a building or structure must be made good, and
- (iii) the land must be restored as nearly as possible to the condition that it was in at the time the lease, licence or other estate was granted, at the expense of the person to whom the lease, licence or other estate was granted.

S 47C Sublease of community land

- (1) In addition to any restrictions created by the lease, community land that is the subject of a lease cannot be sublet for a purpose other than:
 - (a) the purpose for which, as notified under section 47 (2), the land was to be used under the lease, or
 - (b) a purpose prescribed by the regulations.
- (2) A lease is void to the extent that its provisions are inconsistent with this section.

S 47D Occupation of community land otherwise than by lease or licence

- (1) The exclusive occupation or exclusive use by any person of community land otherwise than in accordance with:
 - (a) a lease, licence or estate to which section 47 or 47A applies, or
 - (b) a sublease or other title directly or indirectly derived from the holder of such a lease, licence or estate, is prohibited.
- (2) This section does not apply to:
 - (a) the occupation or use of part of the site of a senior citizens' centre or home or community care facility by a duly appointed manager of the centre, or
 - (b) the occupation or use of community land by persons, and in circumstances, prescribed by the regulations.

20.0 Appendix D: Leases, Licences and Other Estates on Community Land – Requirements of The Local Government (General) Regulation

The following sections are reproduced from the Local Government (General) Regulation.

S 24 Leases, licences and other estates in respect of community land

- (1) For the purposes of section 46 (1) (b) (iii) of the Act, the use or occupation of community land for the following events is prescribed as a purpose in respect of which a council may grant a licence in respect of community land on a short-term, casual basis:
- (a) the playing of a musical instrument, or singing, for fee or reward,
 - (b) engaging in a trade or business,
 - (c) the playing of a lawful game or sport,
 - (d) delivering a public address,
 - (e) commercial photographic sessions,
 - (f) picnics and private celebrations such as weddings and family gatherings,
 - (g) filming,
 - (h) the agistment of stock.

S 25 Exemptions from section 47A of the Act (Leases, licences and other estates in respect of community land—terms of 5 years or less)

- (1) Leases, licenses and other estates granted for the following purposes are exempt from the provisions of section 47A of the Act:
- (a) residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council,
 - (b) the provision of pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land,
 - (c) use and occupation of the community land for events such as:
 - (i) a public performance (that is, a theatrical, musical or other entertainment for the amusement of the public),
 - (ii) the playing of a musical instrument, or singing, for fee or reward,
 - (iii) engaging in a trade or business,
 - (iv) playing of any lawful game or sport,
 - (v) delivering a public address,
 - (vi) conducting a commercial photographic session,
 - (vii) picnics and private celebrations such as weddings and family gatherings,
 - (viii) filming,
 - (d) the purpose referred to in clause 24 (3).
- (2) However, the use or occupation of community land for events listed in subclause (1) (c) is exempt only if:
- (a) the use or occupation does not involve the erection of any building or structure of a permanent nature, and
 - (b) in the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and
 - (c) in the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

S 25A Additional notifications in relation to certain filming projects

- (1) This clause prescribes, for the purposes of section 47AA of the Act, the additional manner of notification or advertisement of a council's proposal under section 47A of the Act to grant a lease, licence or other estate in respect of community land in order to allow a filming project to be carried out on that community land.
- (2) If the community land is:
 - (a) critical habitat (as defined in section 36A (1) of the Act), or
 - (b) directly affected by a recovery plan or threat abatement plan (as referred to in section 36B (2) of the Act), written notice is to be given to the Director of the National Parks and Wildlife Service.
- (3) If the community land is declared to be an area of cultural significance under section 36D (1) of the Act because of the presence on the land of any item that the council considers to be of Aboriginal significance:
 - (a) written notice is to be given to the Local Aboriginal Land Council for the area in which the land is situated, and
 - (b) an advertisement is to be placed in a newspaper circulated across the State that is primarily concerned with issues of interest to Aboriginal people.
- (4) A notice and an advertisement required by this clause must include the matter specified in section 47 (2) of the Act (subject to section 47AA (2) of the Act).

S 26 Sublease of community land

For the purposes of section 47C (1) (b) of the Act:

- (a) refreshment kiosks, dances and private parties are prescribed as purposes for which community land that is leased for a surf life-saving club or a sporting club may be sublet, and
- (b) a croquet club is prescribed as a purpose for which community land that is used as a bowling club may be sublet.