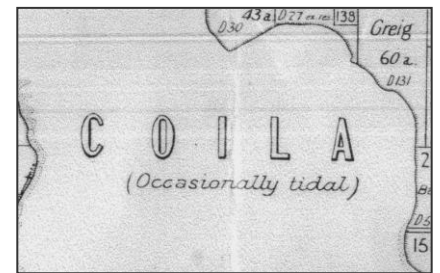
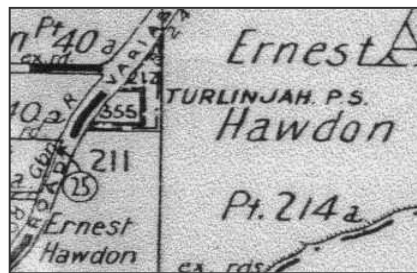
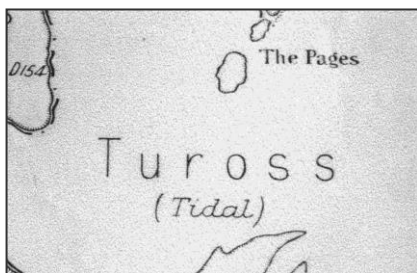
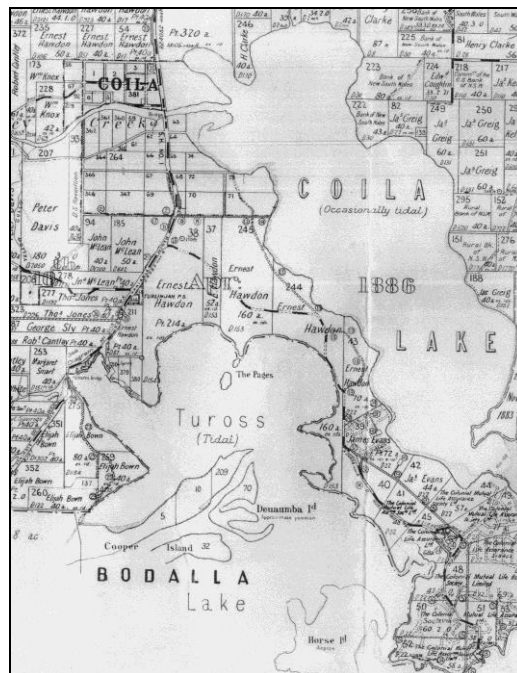




**EUROBODALLA SHIRE COUNCIL**

*Good Government, better living*

# Kyla Park Community Land Areas of Cultural Significance



Plan of Management No. 27

Adopted 9 December 2003

[Amended xx xxxx 2016](#)

Plan of Management No 27.

This Plan of Management "Kyla Park - Areas of Cultural Significance" was prepared by Eurobodalla Shire Council with the assistance of the Kyla Park Steering Committee which comprised of the following members:

Mrs Criss Higgins Horse Agistment Group  
Mr Max Crisp Kyla Park Clusters  
Mrs Kay Crisp Kyla Park Sports Area Management Committee  
Mr Ted Williams Tuross Head Progress Association  
Mrs Maureen Baker Tuross Lakes Preservation Group  
Mr David Campbell Tuross Services Organisations (VRA & Lions Club)  
Mr Mick Ivory Tuross/Coila Lakes Estuary Management Committee

This Plan of Management was adopted at the Works & Facilities Committee on Tuesday 9 December, 2003 and amended xx xxxx 2016.

**This is one of two Plans of Management prepared for Kyla Park Community Land:**

**Plan of Management No 26 - Kyla Park - Foreshore Reserves, Parkland and Boat Ramp**  
**Plan of Management No 27 - Kyla Park - Areas of Cultural Significance**

Any requests for further information regarding this Plan of Management can be addressed to:

Plans of Management Officer  
(Reference: 02.6415)  
Eurobodalla Shire Council  
PO Box 99  
MORUYA NSW 2537

Phone (02) 4474 1000  
Email council@eurocoast.nsw.gov.au

**Table of Amendments:**

No	Exhibition Period (if amendments considered substantial)	Public Hearing Date (for change of categorisation or new categorisation)	Adopted	Land Added-/ <u>Removed</u> (PIN numbers)	Comments
1	N/A	N/A	N/A	N/A	16/5/2005: Clarification of horse agistment licence period Refer to Section 13.3.1.
<u>2</u>	<u>To be inserted</u>	<u>To be inserted</u>		<u>Part PIN 19760 removed</u>	<u>Re-categorise part Lot 77 DP 260321 to be consistent with Kyla Park Sporting Precinct Masterplan (2011); other general updates.</u>

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## 1.0 Introduction – What is a Plan of Management?

Plans of Management are planning documents that outline how Council intends to use, develop and manage Community Land. Community Land is typically recreational areas, natural areas and parks. It may also be land that accommodates public halls, preschools or other developments for general use by the community.

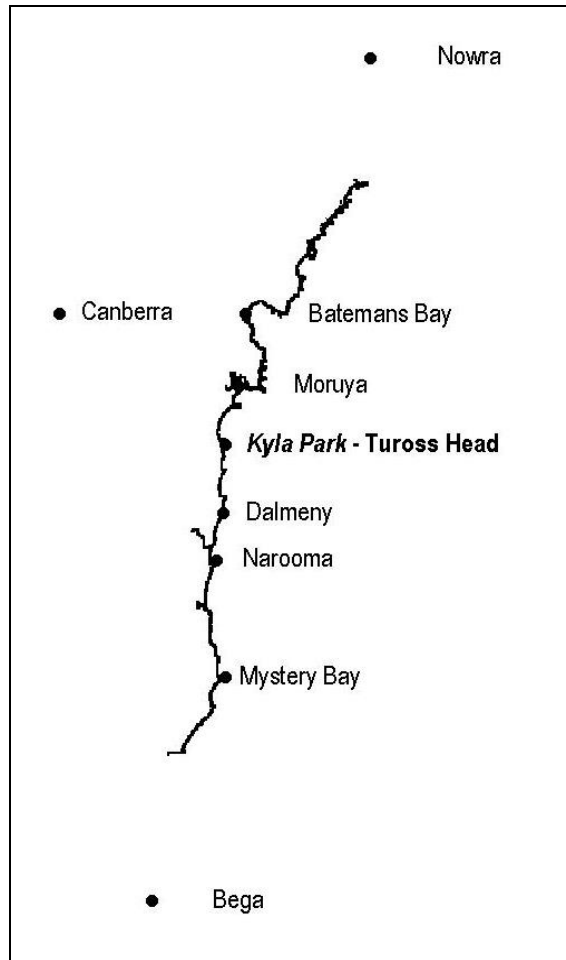
Council is required under the *Local Government Act 1993* to prepare Plans of Management for all of its Community Land and the NSW Coastal Policy 1997 identifies Plans of Management for all coastal Community Land as a strategic action. Plans of Management may be for just one area, several areas, or generic plans that cover a large number of parcels of Community Land in a particular suburb or of a particular category.

Plans of Management indicate what leases and licences or other interests may be granted on Community Land and determine the scale and intensity of the future use and development on the land. Community land must be managed in accordance with a Plan of Management.

As a planning tool Plans of Management provide objectives for the management of the land. 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 grant funding. Projects identified in Plans of Management may also be submitted to Council for funding during the annual review of its Management Plan. Often, having a project identified in a Plan of Management is the first step in seeking funding for its implementation.

Community consultation is an important process in the development of Plans of Management. Draft Plans of Management must be publicly exhibited for a minimum of 28 days and submissions received for a further 14 days. Community input provides detailed local knowledge that informs and assists with the development of the Plan of Management.

**For a summary of the main features of this Plan of Management refer to Section 14.2 – the Kyla Park Landscape Concept Plan on page 49.**



Location map - Kyla Park, Tuross Head

## 2.0 Executive Summary

The land locally known as Kyla Park is situated in the coastal suburb of Tuross Head on the south east coast of New South Wales, approximately 4 ½ hours south of Sydney. The land has been owned by Eurobodalla Shire Council since the late 1970's and early 1980's when the land was subdivided to create four 'cluster' developments of residential lots.

As you drive east from the Princes Highway towards the township of Tuross Head, the vista comprises of the Kyla Park open grazing lands, coastal lakes and mountains. The landscape contributes significantly to a strong sense of arrival to Tuross Head and a 'genius loci' (sense of place) of the area. It has been this way since the 1830's when the land was first cleared for grazing cattle. Its use since then has remained mostly unchanged except for the residential development of 66 rural residential lots.



Figure 1: View south from Hector McWilliam Drive over Tuross Lake



Figure 2: View north from Hector McWilliam Drive over Coila Lake

Kyla Park contributes to the catchments of two adjoining lakes. On the south the land falls to Tuross Lake and on the north to Coila Lake. Tuross Lake and Tuross River are declared recreational fishing havens by NSW Fisheries, so commercial fishing activities (with the exception of Oyster Farming) are prohibited in these water bodies. Coila Lake is not a recreational fishing haven, therefore commercial fishing is permitted in this water body. Both lakes are used for various recreational pursuits.

This Plan of Management addresses specifically the areas of Kyla Park Community Land that are categorised as an Area of Cultural Significance. Following several public meetings and an extensive survey of the local community it was clear that the public's wish for the future management of this land was to maintain the grazing of the land as it has been for the past 150 years.

On further investigation, the historical use of the land for grazing by the noted settler John Hawdon since 1836 was identified as something special and unique to the local area. The continued use of the land for grazing today reflects its historical use and hence its categorisation as an Area of Cultural Significance.

This Plan of Management provides for a 21 year lease for grazing on the main two lots (Lots ~~78 and 79~~ 1 and 2 DP 1081596). It also allows for the short term agistment of horses on Lots 76 and Part lot 77, DP 260321. In this way, the use of the land is maintained in its historical context. Further, the plan also provides for the regeneration, stabilisation and protection of several areas affected by erosion. In this way the land may be maintained in good condition for future graziers and the impacts of erosion on the surrounding terrestrial and aquatic environments will be addressed.

Through the provisions of this Plan of Management, the sense of arrival into Tuross Head will be preserved as an open rural landscape, affording views of Coila and Tuross Lakes, Bingi and Gulaga (Mount Dromedary). The use of the land will reflect its historical use and the natural environment will be enhanced and rehabilitated where appropriate to reinstate its natural state.

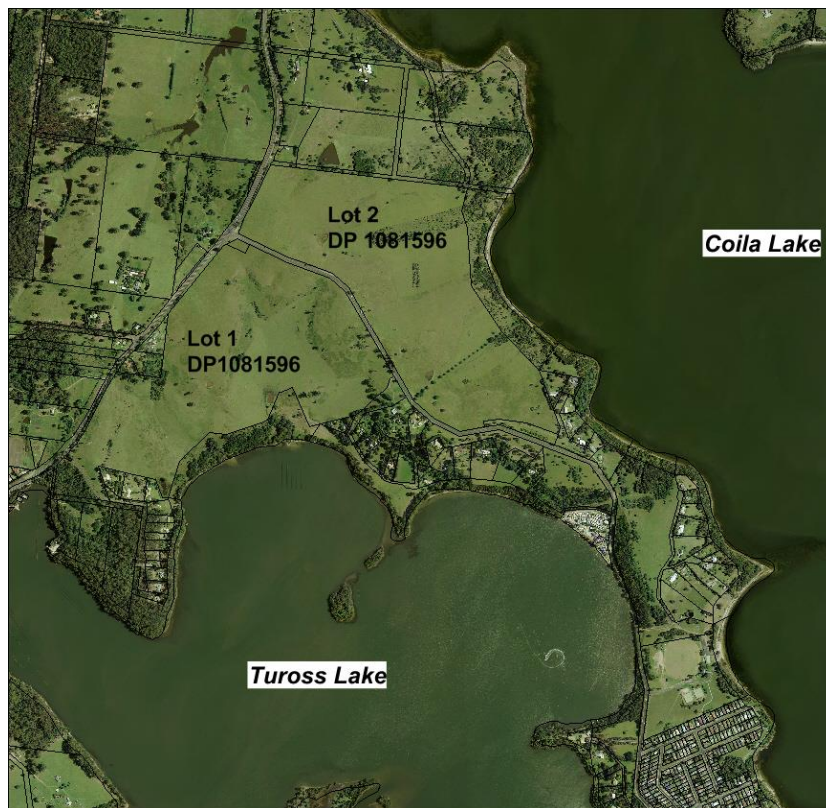


Figure 34: Kyla Park - ~~2010+998~~ Aerial Photograph



### 3.0 Community Consultation

The community has been extensively consulted on the future management of Kyla Park. The following is a timeline of the consultation that Council has conducted in the preparation for this Plan of Management:

14 March 2002	Kyla Park Public Meeting Decision to form Kyla Park Steering Committee with representatives from 7 local interest groups
5 April 2002	First meeting of the Kyla Park Steering Committee
8 November 2002	Kyla Park Community Land Survey sent to all ratepayers (both residents and non-residents) and all non-ratepaying residents
20 November 2002	Kyla Park Public Information Evening
22 November 2002	Shopfront Day - opportunity to ask questions of Council staff at the Tuross local shops
10 January 2003	Shopfront Day - opportunity to ask questions of Council staff at the Tuross local shops
31 January 2003	Surveys returned to Council (29% of surveys were returned)
3 February 2003	Survey results publicised (see below)
20 August 2003 - 19 September 2003	Exhibition Period for the Draft Plan of Management
20 August 2003 - 3 October 2003	Submission Period for the Draft Plan of Management - a summary of the submissions received is included at Attachment 2 on page 53.
9 September 2003	Public Hearing into the re-categorisation of Kyla Park Community Land
9 December 2003	Adoption of the Plan of Management

#### **Kyla Park Community Land Survey**

On 8 November 2002 all residents and ratepayers of Tuross Head were sent an "Options Package". The Options package included:

- "A Guide to Community Land Management - Plans of Management" (a brochure about Plans of Management and Community Land)
- Options Information Leaflet (included information respondents needed to make an informed decision and included guidelines on how to do it - also included a map of Kyla Park)
- Community Survey Response Sheet (this sheet was used to indicate preferences and allowed respondents to add any of their own comments)
- A reply paid envelope

The survey closed on 31 January 2003. A total of 2201 surveys were sent and 625 were returned by the due date.

Respondents were required to select their preferred options for each of the main five lots (Lots 75, 76, 77, 78 & 79) and the Foreshore Lots. *More than one option could be selected for one lot and the same option could also be selected for different lots.* In addition, the Options Information Sheet included information on the financial details, advantages and disadvantages of each option.

The options detailed in the survey were:

Option A:

- Re-categorise land as an "Area of Cultural Significance" for reason of its pastoral history and authorise a lease for grazing on this land.

- Land remains as "Community Land".
- It may be possible to provide limited access to the foreshore through the grazing land.

Option B:

- Offer land to the NSW National Parks and Wildlife Service to become part of Eurobodalla National Park.
- Transfer of land would require negotiation between Council and NSW National Parks and Wildlife Service.
- The views of NSW National Parks and Wildlife Service on their acceptance of this land have not yet been sought.
- The land would become a National Park and could be used for passive recreation - walking to lookouts and the foreshore, bird watching, picnic areas, etc.

Option C:

- Re-classify up to approximately 6 hectares as "Operational Land" and develop as new rural residential lots.
- The land would be comprised of privately owned new rural residential lots.

Option D:

- Land to remain as "Community Land" and categorised as determined through the development of the Plan of Management for Kyla Park Community Land.
- The land to be developed and maintained for community use and environmental protection as appropriate.
- The land could be developed to include walking trails, picnic areas, short term agistment, lookouts, interpretive information, recreational activities, bird watching, environmental education and any other authorised activity proposed in the Plan of Management for Kyla Park Community Land.

**Kyla Park Community Land Survey Results**

The following table illustrates the results of the survey, expressed as a percentage of responses received for each Lot.

	Lot 75	Lot 76	Lot 77	Lot 78	Lot 79	Foreshore Lots
Option A - Grazing on Community Land	14%	18%	22%	<b>58%</b>	<b>59%</b>	
Option B - Offer to NSW National Parks & Wildlife Service	22%	22%	22%	25%	25%	32%
Option C - Develop new rural residential lots	10%	12%	7%	3%	3%	
Option D - Community Use and Environmental Protection	<b>54%</b>	<b>48%</b>	<b>48%</b>	13%	13%	<b>68%</b>
	100%	100%	100%	100%	100%	100%

## 4.0 Key Outcomes

The key outcomes of this plan are:

- To ensure that the use and management of Kyla Park Community Land is in accordance with the Guiding Principles of Ecological Sustainable Development (refer to Appendix B).
- To ensure that the use and management of Community Land is in accordance with core objectives for the management of Community Land as per the Local Government Act 1993.
- To establish what uses are permissible on Kyla Park Community Land.
- To ascertain what improvements could be made to Kyla Park Community Land.
- To respond to the community's values as expressed through the Kyla Park Community Land Survey results in February 2003.

## 5.0 Explanatory Notes

1. This Plan of Management only includes the areas of Kyla Park categorised as an "Area of Cultural Significance".

The *Local Government Act 1993* requires that any land comprising of an area of land categorised as Area of Cultural Significance must be addressed in a Plan of Management specifically for that land.

**Section 36D (2) - Community land comprising area of cultural significance**

(2) *A plan of management adopted in respect of an area of land, all or part of which is land to which this section applies, is to apply to that land only, and not to other areas.*

Refer to Plan of Management No 26 "Kyla Park Community Land - Foreshores, Parkland & Boat Ramp" for the remainder of Kyla Park Community Land.

2. Each reserve is assigned with a unique identification number. This number is generated from Council's central database of land and is called a Property Identification Number (PIN). This number is referred to at various sections of this Plan of Management.
3. The *Local Government Act 1993* is here after referred to as the Local Government Act.
4. The Local Government Act (General) Regulation 1999 is here after referred to as the Local Government Act Regulation.
5. In 2003 the RTA compulsorily acquired a small parcel of land in the north western corner of what was then known as Lot 79 DP 260321. The land was acquired to accommodate a Driver Reviver Station. Once this land was acquired the legal definition of the remaining land changed from Lot 79 DP 260321 to Lot 790 DP 1040710 and then to Lot 1 DP1081596 for the purpose of defining a grazing lease. Throughout this document both all references are used, depending on when that information was developed.

## 6.0 Review Period

This document will be reviewed in the event of the requirement to expressly authorise any new lease, licence or other estate on the land not already authorised in this Plan of Management or to authorise a change in the nature and use of any of the Community Land included in this Plan. Refer to sections 35 and 47D of the *Local Government Act* [1993](#).

## 7.0 Community Land included in this Plan of Management

This Plan of Management covers the areas of Kyla Park Community Land that have been categorised as an Area of Cultural Significance (for other areas of Kyla Park Community Land refer to Plan of Management No. 26 - Kyla Park Community Land - Foreshore Reserves, Parkland & Boat Ramp").

### 7.1 Location

Kyla Park Community Land is located in the coastal town of Tuross Head on the south east coast of New South Wales. Tuross Head is approximately 300km south of Sydney.

Map 1 (page 22) and Map 2 (page 39) provide illustrations of the Kyla Park Community Land.

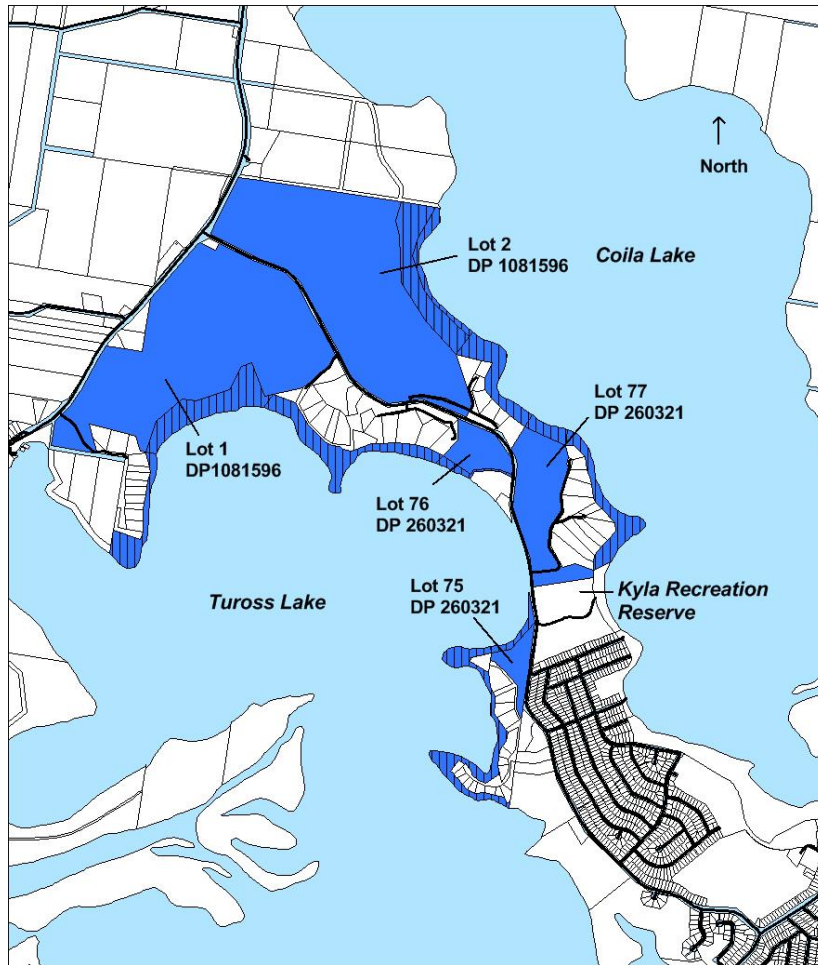


Figure 43: Kyla Park Community Land (foreshore lots are hatched)

### 7.2 Land Classification

All land vested in Council must be classified as either "Community Land" or "Operational Land" under the *Local Government Act 1993*. 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).

Operational Land can be sold, ~~where as~~ whereas Community Land ~~can not~~ cannot. Community Land, however, can be re-classified as Operational Land in which case that land could then be sold. The re-classification of Community Land to Operational Land is done through an amendment to Council's Local Environmental Plan, public notice must be given when Council proposes to re-classify Community Land to Operational Land and it will also require Ministerial consent.

Operational Land can be re-classified to Community Land by a resolution of Council.

All of the land included in this Plan of Management is classified as "Community Land".

### 7.3 Land Ownership

All land included in this Plan of Management is owned by Eurobodalla Shire Council and is listed in Tables A: Listing of Land Included in this Plan of Management (page 21).

### 7.4 'Rights of Carriageway' over Community Land

When Kyla Park was subdivided in the late 1970's and early 1980's easements were created over Lots 75, 77, 78 and 790 to facilitate access to the privately owned rural residential lots on Kyla Park. Refer to Map 1 on page 222 for an illustration of the location of these easements and the four cluster developments to which they provide access.

These easements over the Kyla Park Community Land are for 'right of carriageway' to enable the residents to access their properties. Beyond the boundary of the community land the land is privately owned and the roads that provide access to the properties from this point are private roads. The construction and maintenance of the private roads is financed by the relevant Cluster Company. The location of the private roads is also illustrated on Map 1.

The public has access to all Community Land and any easements over that land, ie. the easements are not for the exclusive use of the person/s benefiting from the 'right of carriageway'. The public does not have unrestricted access to Community Land where that land is leased. Where the land is licensed access may be limited under some circumstances. Private roads are not accessible by the public unless a person has been invited to use the private road.

Where 'rights of carriageway' begin, Cluster Companies should install clear signage indicating that the road is a 'private road' to avoid confusion with the general public regarding the nature of the road.

The 'rights of carriageway' are maintained by the Cluster Companies. This responsibility will continue unless the use of the 'rights of carriageway' substantially change.

### 7.5 Zoning of Kyla Park Community Land

#### 7.5.1 Current Zoning

Kyla Park Community Land is zoned in part under Eurobodalla Shire Council's Rural Local Environmental Plan 1987 and in part under the Eurobodalla Local Environmental Plan 2012. As at the date of adoption of this Plan of Management, the land was zoned as follows:

Eurobodalla Rural Local Environmental Plan 1987

- ~~part~~ Rural (Environmental Constraints and Agriculture) 1a; ~~and part~~
- Rural Small Holdings 1c.

Eurobodalla Local Environmental Plan 2012

- E2 Environmental Conservation

Refer to Table A on page 21 for the listing of land and the zoning that applies to that land as at the date of adoption of this Plan of Management. Map 1: Kyla Park Community Land - Zoning and Property Descriptions on page 22 provides an illustration of this zoning

The following information provides the objectives of the zones that are applicable to Kyla Park Community Land and the types of development that may be permissible on that land.

**ZONE NO. 1(a) (RURAL (ENVIRONMENTAL CONSTRAINTS AND AGRICULTURAL) ZONE)**

1. Objectives of zone

The objectives of this zone are -

(a) to permanently maintain as rural, land -

- (i) having proven or potential agricultural productivity;
- (ii) at risk from bushfire or flooding;
- (iii) remote from existing settlements;
- (iv) for which it is uneconomical to provide public facilities and essential services;
- (v) characterised by steep slopes or other environmental constraints; or
- (vi) having significant scenic, habitat or other natural or cultural conservation value;

(b) on or in relation to land which has proven or potential agricultural productivity -

- (i) to prevent subdivision of land holdings into parcels unsuitable in size or shape for sustained agricultural production;
- (ii) to limit the erection of dwellings to the minimum necessary to maintain or enhance the long term agricultural viability of the land; and
- (iii) to minimise the erection of structures and establishment of permitted non-agricultural uses on better quality agricultural land;

(c) to permit recreational or tourist facilities only where such facilities are related to and compatible with the natural characteristics or rural activity of the zone;

(d) to minimise development on land which has significant environmental constraints or hazards and ensure that any development in these areas makes adequate provision for maintaining environmental quality;

(e) to ensure that subdivision of land in the zone occurs only where it is necessary to maintain or increase agricultural production or to allow the conduct of any use permitted in this zone other than dwelling-houses, dual occupancy, or rural workers' dwellings;

(f) to permit a variety of uses where these are compatible with rural activity and the capability of the land, or require a location remote from urban areas or villages, or both; and

(g) to permit the provision, expansion or maintenance of utility services within this zone.

2. Without development consent

Agriculture (other than animal boarding, breeding or training establishments, building structures ancillary to agriculture, feed lot establishments, activities involving land clearing, pig keeping establishments and poultry farming establishments); forestry (only on Crown timber land as defined in the Forestry Act, 1916).

3. Only with development consent

Agriculture (other than as permitted without consent); airline terminals; airports; bulk stores; bus depots; child care centres; community centres; clubs ancillary to recreation areas or recreation establishments or tourist recreation facilities; depots; drainage; dual occupancy and dwelling-houses (other than as permitted without consent); educational establishments; extractive industries; forestry (other than as permitted without consent); general stores; helipads; heliports; home businesses; hospitals; industries; institutions; junk yards; land clearing; liquid fuel depots; mines; places of assembly; places of public worship; professional consulting rooms; public utility undertakings; racecourses; recreation areas; recreation establishments; recreation facilities ancillary to recreation establishments or tourist recreation facilities; retail plant nurseries; roads; road transport terminals; roadside stalls; rural industries; rural worker's dwellings; sawmills; showgrounds; stock and sale yards; stock transport terminals; timber yards; tourist recreation facilities; utility



*installations; veterinary establishments; waste collection centres.*

4. *Prohibited*  
*Any purpose other than a purpose permitted without development consent or a purpose which is permitted only with development consent.*

**ZONE NO. 1(c) (RURAL SMALL HOLDINGS ZONE)**

1. Objectives of zone  
The objectives of this zone are -
  - (a) to provide opportunities for small scale agricultural activity;
  - (b) to provide residential opportunities while retaining the scenic quality and overall character of the land and the environmental quality of any adjoining waterways, wetlands, rainforest or other environmentally sensitive areas;
  - (c) to ensure that environmental impacts of development and the impact of development on land or activity in surrounding zones are fully considered in advance of any significant development;
  - (d) to ensure that development is compatible in scale and density with the level of essential public services and facilities to be provided;
  - (e) to permit a variety of uses where these are compatible with small scale rural activity or require a location outside urban areas or villages; and
  - (f) to permit the provision, expansion or maintenance of utility services within this zone.
2. Without development consent  
Agriculture (other than animal boarding, breeding or training establishments, feed lot establishments, activities involving land clearing, pig keeping establishments or poultry farming establishments); dwelling-house or dual occupancy not exceeding two storeys on a lot created by a subdivision approved by the Council after the appointed day and on which not more than one dwelling is already erected; forestry (only on Crown timber land as defined in the Forestry Act, 1916); home occupations.
3. Only with development consent  
Any purpose other than a purpose permitted without development consent or a purpose which is prohibited.
4. Prohibited  
Boarding-houses; bulk stores; car repair stations; commercial premises; hotels; industries (other than extractive industries, home industries, or rural industries); junk yards; liquid fuel depots; motor showrooms; residential flat buildings; service stations; shops (other than general stores); tourist accommodation (other than in conjunction with a recreation establishment or tourist recreation facilities); warehouses.

**ZONE NO. E2 (ENVIRONMENTAL CONSERVATION ZONE)**

1. Objectives of zone

- (a) To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- (b) To prevent development that could destroy, damage or otherwise have an adverse effect on those values;
- (c) To identify sensitive coastal lakes, estuaries, wetlands, overland flow paths and riparian zones and those areas at risk from coastline hazards, including sea level rise;
- (d) To protect and improve water quality;
- (e) To protect and enhance the natural environment for recreation purposes; and
- (f) To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

2. Permitted without consent

Environmental protection works.

3. Permitted with consent

Camping grounds; Environmental facilities; Roads; Sewerage systems; Water recreation structures; Water supply systems.

4. Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

~~At the time of development of this Plan of Management Council was in the process of reviewing the 1987 Rural Local Environmental Plan.~~

~~**7.5.2 Proposed amendments to current zoning**~~

~~This Plan of Management recommends that as part of the review of the 1987 Rural Local Environmental Plan (LEP), that the following zoning apply to the Kyla Park Community Land:~~

- ~~▪ All of the land categorised as an "Area of Cultural Significance" Part Lot 78 DP 260321, Part Lot 790 DP 1040710, Lot 77 DP 260321 AND Lot 76 DP 260321, be zoned as **Public Open Space 6a**. This will require an amendment to the Objectives for the zone to allow the agistment of stock on land zoned Public Open Space 6a.~~

~~The following information provides the objectives of the Public Open Space 6a zone that will be applicable to Kyla Park Community Land if that zoning is to take effect (noting that the agistment of stock on this land would need to be addressed as stated above):~~

~~**ZONE NO. 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.~~

~~2. Without development consent~~

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

~~3. Only with development consent~~

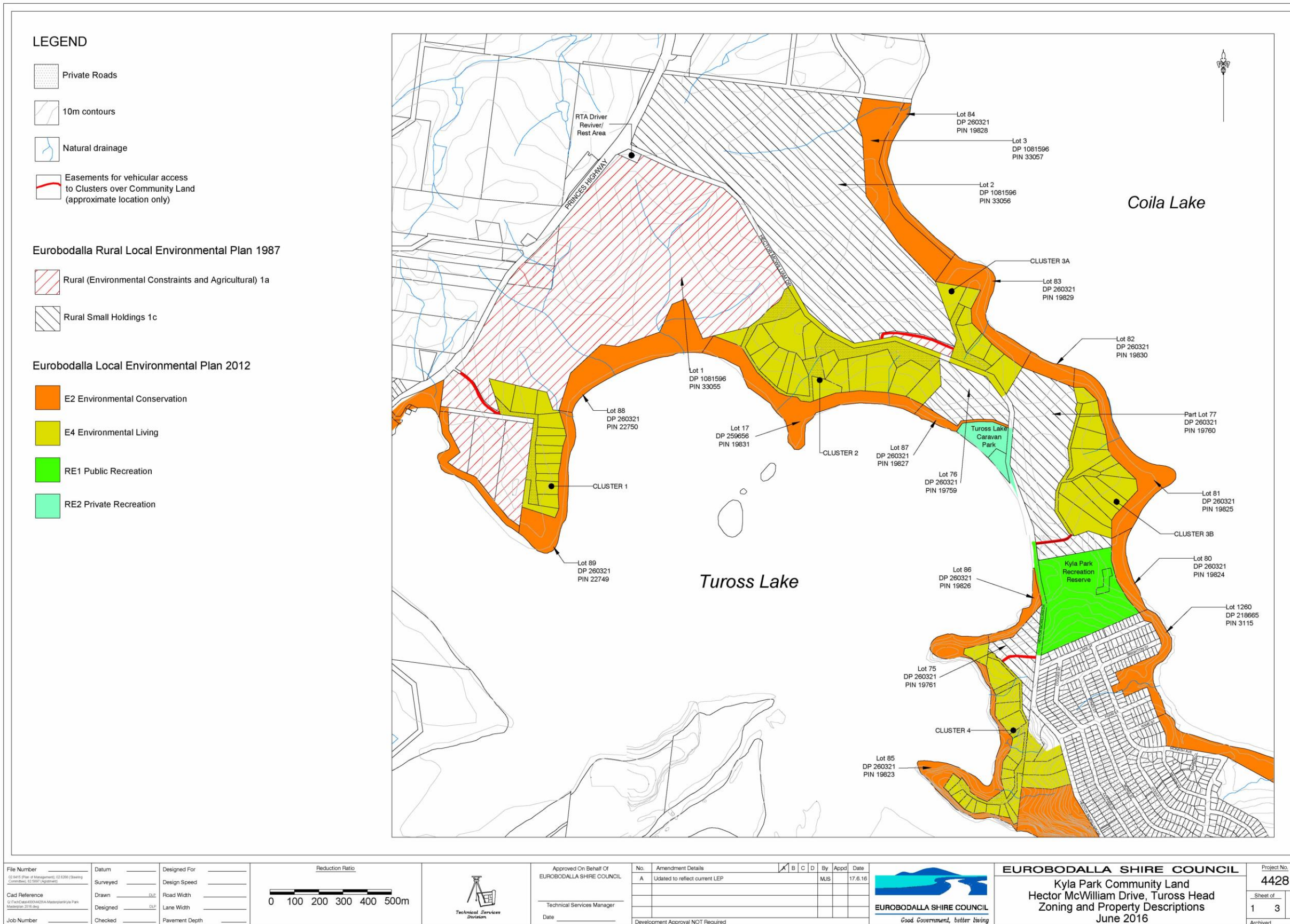
~~Buildings for the purposes of landscaping, gardening or bushfire hazard control; drainage; public utility undertakings; recreation areas; roads; telecommunications facilities.~~

~~4. Prohibited~~

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

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

PIN No	Reserve Name	Categorisation prior to Adoption of this Plan	Categorisation as at date of Adoption of this Plan	Area (ha)	Lot & DP No.	Street Name	Suburb	Zoning & LEP	Restrictions
30871 <a href="#">(now 33055 &amp; 33058)</a>	Southern grazing lot	General Community Use	PART Area of Cultural Significance & PART Park & PART Natural Area: Foreshore & PART Natural Area: Bushland <sup>1</sup>	<del>75.04</del> 73.17	Lot 790: DP 1040710 <a href="#">(now lot 1 DP 1081596)</a>	Hector McWilliam Drive	Tuross Head	<ul style="list-style-type: none"> <li>▪ 1-(c) Rural Small Holdings &amp; 1-(a) Rural (Environmental Constraints and Agriculture)</li> <li>▪ <i>Eurobodalla Rural Local Environmental Plan 1987</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ SEPP 71</li> </ul>
19758 <a href="#">(now 33056)</a>	Northern grazing lot	General Community Use	Area of Cultural Significance & PART Park & PART Natural Area: Foreshore <sup>1</sup>	<del>78.47</del> 70.99	Lot 78: DP 260321 <a href="#">(now Lot 2 DP 1081596)</a>	Hector McWilliam Drive	Tuross Head	<ul style="list-style-type: none"> <li>▪ 1-(c) Rural Small Holdings</li> <li>▪ <i>Eurobodalla Rural Local Environmental Plan 1987</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ SEPP 71</li> </ul>
19759	Reserve between Cluster 2 and the Tuross Caravan Park	General Community Use	Area of Cultural Significance	5.713	Lot 76: DP 260321	Hector McWilliam Drive	Tuross Head	<ul style="list-style-type: none"> <li>▪ 1-(c) Rural Small Holdings</li> <li>▪ <i>Eurobodalla Rural Local Environmental Plan 1987</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ SEPP 71</li> </ul>
19760	Reserve adjacent to Cluster 3 and the Kyla Park Recreation Area	General Community Use	Area of Cultural Significance	16.02	<a href="#">Part Lot 77:</a> DP 260321	Hector McWilliam Drive	Tuross Head	<ul style="list-style-type: none"> <li>▪ 1-(c) Rural Small Holdings</li> <li>▪ <i>Eurobodalla Rural Local Environmental Plan 1987</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ SEPP 71</li> <li>▪ Flooding or Tidal inundation</li> </ul>



Map 1: Kyla Park Community Land - Zoning and Property Descriptions

## 8.0 History of Kyla Park

There are items of Aboriginal and European significance located on Kyla Park Community Land.

The *Australia ICOMOS Burra Charter (1999)* defines cultural/heritage significance as:

"aesthetic, historic, scientific, social or spiritual value for past, present and future generations. Cultural significance is embodied in the place itself, its fabric, setting, use associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups".

The assessment of Aboriginal archaeological sites is usually based on the following criteria:

- cultural/social significance to the Aboriginal community;
- scientific significance to archaeologists and other researchers;
- public education significance.

The assessment of European historical sites is usually based on the following criteria:

- an item is important in the course, or pattern, of NSW's cultural or natural history;
- an item has strong or special associations with the life or works of a person, or groups of person, of importance in NSW's cultural or natural history;
- an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;
- an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
- an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- an item possesses uncommon, rare or endangered aspects of NSW cultural or natural history;
- an item is important in demonstrating the principal characteristics of its class of NSW's
  - cultural or natural places; or
  - cultural or natural environments.

Before any proposed works take place appropriate measures must be undertaken to prevent any damage to historical items.

### 8.1 Aboriginal & European History of Kyla Park

On 17 June, 2002 Council's Heritage Advisory Committee 2002 endorsed Council's Heritage Advisor's historical report on Kyla Park. The following historical information on Kyla Park is taken from that report.

#### Statement of Significance

The Kyla Park pastoral lands retain remnants of the former Kyla Park farm site. The lands are part of a cultural landscape which has meaningful association with the Brinja Yuin Aboriginal people; and with the 'European' pastoral use of the land for over more than 150 years. The site has a spirit of place which has been retained relatively intact; and free from intrusive development.

The lands have district associations with the Hawdon family who have played a pivotal role in the region's dairying industry. The creation of Kyla Park community residential development with its mix of cluster development and associated open pastoral lands is of social significance, as is the esteem with which the Kyla Park pastoral lands are currently held by the local and regional community.

The lands are likely to be archaeologically rich, particularly in relation to its 'European' pastoral history.

#### Historical Notes

##### *Aboriginal Occupancy*

Tuross Head Peninsula has been continuously occupied by humans for at least the last 6,000 - 7,000 years; the beginning of this period of habitation possibly coinciding with changes in sea level. Aboriginal occupation of Tuross Peninsula and particularly the Tuross Lakes area appears to have been both intense and consistent for the majority of this time as is indicated by the size, depth and apparent antiquity of middens and stone knapping sites found in numerous locations throughout McWilliam Park [an ocean foreshore reserve on the Tuross Peninsula]. The Park and particularly Tuross Head (One Tree Point) area appears to have been a principal camp of the 'Brinja Yuin' people whose area of occupation stretched from Moruya to Narooma. The local 'Brinja Yuin' are reputed to have numbered between 120 and 150 persons (pre-European settlement) within the Tuross Peninsula. The total population of the 'Brinja Yuin' could have been between 1,000 and 1,500 people. In 1847 Aboriginal people from a variety of tribes were rounded up from the local area and placed into a reserve at Turlinjah. These were believed to be the last full-blood Aboriginals that remained.

Aboriginal site use would have typically included food gathering, hunting in the pre-European forest cover over the Peninsula and 'firestick farming'. Ceremonies associated with their culture/spirituality were apparently conducted around Coila lake shore.

#### *Settlement & European Occupancy*

The Tuross Peninsula would have changed dramatically since the first squatter, John Hawdon, acquired 'Kyla' in 1836. Clearing, grazing (the effect of the first hard-hoofed animals on native grasses), introduced plant species and ultimately residential development have changed the landscape of this area radically.

McWilliam Park does, however, still retain a remnant of dunal forest, whether it be natural or regrowth, that gives today's community an insight into the original vegetation and foreshore habitat of the Peninsula.

In more recent times the forethought of Hector McWilliam in the mass planting of Norfolk Island pines through Tuross, has created a distinct post-Aboriginal character for this township that is highlighted in McWilliam Park. Tarandore Point, locally described as Plantation Point, has a grove of mature Norfolk [Island pines](#) planted in north-south rows that create a feeling of peacefulness, strength, solitude and shaded protection under their canopy. Other areas such as those parallel to Tuross Boulevard and Tuross Head itself have benefited from the strong symmetrical lines of these trees by highlighting those elements that they are aligned with.

#### *The Kyla Park Project*

Thus, by the 1970s, the Kyla Park property had been the centre of the Hawdon pastoral and dairy property for over one hundred years, and provided access along the plantation by way of the ridge-top drive to Tuross House and the settlement of Tuross Head. In 1973 the entire Kyla Park property was owned by Kyla Park Pty Ltd of which Mr E.A. Hawdon was the Director. The property was sold later that year.

In 1979 the property was divided by the Camanae Corporation Limited into two lots in order to provide a residential 'cluster' development (now known as Cluster 2) and remnant open space. The Kyla Recreation Reserve was created at the same time. This first cluster, at the northern shore of Tuross Lake was then divided into seventeen lots of which one was a foreshore reserve and another was a reserve along the southern side of Hector McWilliam Drive.

The following year foreshore reserves along Coila and Tuross Lakes were formed along with Clusters 1, 3 and 4, comprising 17, 21 and 20 lots respectively. By transfers registered in July 1981 the Eurobodalla Shire Council became responsible for the remainder of land not included in a cluster development.

Between 1 July 1986 and 30 June 1988 this land was leased to Mr Robert George Cantlay for grazing, at an annual fee of \$6,126.75 [prior to this, A & J Evans leased the land from Eurobodalla Shire Council from approximately 1979 through to 1986]. On 1 August 1988 the lease was taken over by Mr Albert Evans at an annual fee of \$7,000." [Mr Evans is the current licensee as at the date of adoption of this Plan of Management.]



## 8.2 Archaeologist's Report on the Turlinjah Sewerage Scheme

In June 2003 Navin Officer (Heritage Consultants Pty Ltd) conducted a report on the "Archaeological Subsurface Testing of Tertiary Treated Waste Water Pipeline Easement". This report included studying the area of land over which the pipeline easement crosses over parts of Lots 77, 78 and 79 of Kyla Park Community Land.

The report was prompted due to the discovery of Aboriginal artefactual material in the spoil from the excavated pipeline trench near the Kyla Park Recreation Hall near Coila Lake. In accordance with the provisions of the National Parks & Wildlife Act, construction activities were consequently halted at Coila Lake on 24 April 2003. Council then commissioned Navin Officer Heritage Consultants Pty Ltd to prepare a report to document the results of a program of archaeological subsurface testing conducted within the easement of the Turlinjah tertiary treated waste water pipeline.

The Archaeologists tested three sections:

1. The remaining unexcavated pipeline easement in the vicinity of the identified site, *Coila Lake Pipeline* (includes southern end of Lot 77 and the Community Land around the Kyla Park Recreation Hall).
2. The Kyla Park ridge top (Lot 77).
3. The low spurlines adjacent to the valley floor east of Turlinjah, between Hector McWilliam Drive and the Princes Highway (Lot 79).

The specific aims of the test sections was to:

1. Determine if subsurface artefacts were present within the easement test areas.
2. Characterise the nature of any archaeological deposits encountered (within the limitations of the sampling and processing methodology).
3. Identify the need for any further archaeological work, such as salvage excavation.
4. Provide informed mitigative measures and management recommendations for any sites located within the proposed easement.

The results of the tests concluded that no stone artefacts or other cultural material was retrieved from either the Kyla Park ridge top (Lot 77) or low spurline sites (Lot 79).

However, subsurface testing of the Coila Lake (southern end of Lot 77 and the Community Land around the Kyla Park Recreation Hall) section revealed a very dense concentration of Aboriginal artefacts throughout the tested area, with the highest densities found closest to the lakeshore. These densities are comparable to (and even exceed) those of much larger sites similarly excavated and analysed along the south coast. This suggests that the Coila Lake site could also be very large and contain a very large number of artefacts.

The assemblage is highly intact and shows no signs of post-depositional alteration through European or other forms of disturbance, probably owing to the fact that most of the material is quite deeply buried. This suggests that the information potential of the site is very high.

The site is positioned in a distinctive and unusual location between two large estuarine lakes. It is therefore possible that there is no other site like this one on the south coast of New South Wales.

The diversity of manufacturing activities undertaken at the site is large, and is clearly evident even from such a small sample as this. The richness of the assemblage is comparable to that of other large and significant sites on the South Coast.

The subsurface archaeological deposits associated with *Coila Lake Pipeline* are assessed as having high archaeological significance at a local and regional level. This assessment is based on the integrity, density and variety of material at the site and the uncommon occurrence of such (large and undisturbed) sites in similar geographical contexts on the NSW south coast.

The report also concluded that no further archaeological assessment is required for the section of pipeline easement that traverses the Kyla Park ridge top and the section of easement from Hector McWilliam Drive south and west to the Princes Highway.

### 8.3 Heritage Listing

At the Ordinary Meeting of Council on 25 February, 2003 Council resolved that Lots 75, 76, 77, 78 and 79 be listed for consideration on the Heritage Register as part of the Rural LEP review. [Note that Lot 79 is now Lot ~~790-1~~ DP ~~10407101081596~~].

Subsequent to this resolution, in June 2003, Eurobodalla Shire Council prepared a draft local environmental plan to list additional items of environmental heritage on land subject to the Rural Local Environmental Plan 1987. The plan ~~was~~ known as Draft Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 31~~+~~).

The purpose of the plan is to afford legal protection to these heritage items and to offer incentives for their conservation. The plan also aims to update the heritage conservation provisions to reflect the model provisions prepared by the NSW Heritage Office. Included in this draft is Lots 75-78 DP 260321 and Lot 790 DP 1040710 of the Kyla Park grazing lands, Hector McWilliam Drive. The plan was gazetted on 26 November 2004.

### 8.4 Other references

For more information on the history of Kyla Park the following references are recommended:

Gibney, H.J. (1980). Eurobodalla History of the Moruya District, Library of Australian History, Sydney.

Townend, H (2002). The Hawdon Family. Occupation, then ownership of Kyla Park. 1832 to 1973, Moruya & District Historical Society, Moruya.

## 9.0 Vegetation Communities

In May 2000 NSW National Parks and Wildlife Service completed a report in the Terrestrial Ecosystems of the Eurobodalla Local Government Area with assistance from Eurobodalla Council and the Lower South Coast Catchment Management Committee. The report is derived from the Southern Comprehensive Regional Assessment (1997-2000).

Most of the Community Land of Kyla Park has been cleared for over 150 years, however the NSW National Parks and Wildlife Service report found the following vegetation ecosystems are located on the Kyla Park foreshores:

- **FOREST ECOSYSTEM 27: Ecotonal Coastal Swamp Forest - *Casuarina glauca* / *Eucalyptus botryoides***

Ecotonal Coastal Swamp Forest is a medium forest up to 20 metres tall, dominated by *Casuarina glauca*, with *E. botryoides*. The tall shrub layer is a variable mixture of *Banksia integrifolia* and *Acacia longifolia*.

- **FOREST ECOSYSTEM 25: South Coast Swamp Forest complex- *Casuarina glauca* (Category 1) - Vulnerable Vegetation Ecosystem<sup>1</sup>**

South Coast Swamp Forest complex- *Casuarina glauca* is a medium dense forest up to 15 metres tall, dominated by *Casuarina glauca*, with *Acacia sophorae* and *Avicennia marina*. The ground cover is sparse with herbs and graminoids including *Commersonia cyanea*, *Pratia purpurescens*, and *Rhagodia candolleana ssp. candolleana*.

South Coast Swamp Forest complex occurs in less wet situations to vegetation type 24 (**Coastal Wet Heath Swamp Forest - *Casuarina glauca* / *Melaleuca Ericifolia***), in the upper reaches of major river estuaries and tributaries between Seven Mile Beach and Wallaga Lake.

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<sup>1</sup> There are 13 vegetation ecosystems identified as being vulnerable. This is based on the report "**Vulnerable Ecosystems of Eurobodalla Shire**", available from Council's Strategic Planning Unit. Vulnerability is based on the estimated amount of the ecosystem remaining compared to its original extent, the functionality of the ecosystem and the immediate threats it is under. For example, an ecosystem that has been extensively cleared (less than 10% of its original extent remaining), is highly dysfunctional and is under threat due to clearing for rural residential purposes would be classified as vulnerable.

Vulnerable ecosystems are divided into 3 categories: category 1, category 2 and category 3 (from most vulnerable to least vulnerable). It must be emphasised that all categories of vulnerable ecosystems are vulnerable and consideration must be given to retaining them where at all possible.

## 10.0 Community Land Values – the Basis for Management

Ascertaining the community values of land is identifying what the community finds important and special about it.

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.

Table of Values and level of Significance for Kyla Park Community Land

Value & description	Neighbourhood - Local	Suburb	District	Shire	Regional	State
Heritage - Aboriginal	✓	✓	✓	✓	✓	
Heritage - European	✓	✓	✓	✓		
Recreational	✓	✓	✓			
Social	✓	✓	✓			
The Natural Environment	✓	✓	✓	✓		
Visual	✓	✓	✓			

**Where:**

Neighbourhood - Local: the street and surrounding streets  
 Suburb: within the suburb area (ie. within Tuross Head)  
 District: the suburb area and adjacent suburbs (eg. Moruya, Bodalla, Turlinjah)  
 Shire: within the Eurobodalla Shire Local Government Area  
 Regional: within the south coast of NSW  
 State: within the state of NSW

These values assist with the identification of the appropriate Categorisation for the land and provide a guide for identifying the objectives in the Operational Plan for the land.

## 11.0 Legislation, Policies & Professional Advice

### 11.1 Local Government Act

The requirements for the management of community land is covered in "Part 2 Public Land", Sections 25 - 54(a) of the *Local Government Act 1993*.

### 11.2 Local Government Act Regulation

Sections 9 - 26 of the Local Government Act Regulation provides further provisions on the management of community land.

In particular it provides: guidelines for the categorisation of community land; specifies requirements for the preparation of Plans of Management; and, lists approved purposes and requirements for issuing leases and licences.

### 11.3 Coastal Policy 1997

The 1997 NSW Coastal Policy responds to the 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 Appendix B](#)).

Kyla Park Community Land is within the coastal zone as described by the Coastal Protection Act 1979 (s 4 (a) 3a). This is generally land up to one kilometre landward of the open coast high water mark and includes all lakes and estuaries (refer to Section 11.4 below).

The nine goals of the Coastal Policy are:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Recognising and accommodating the natural processes of the coastal zone.
- Protecting and enhancing the aesthetic qualities of the coastal zone.
- Protecting and conserving the cultural heritage of the coastal zone.
- Providing for ecologically sustainable development and use of resources.
- Providing for ecologically sustainable human settlement in the coastal zone.
- Providing for appropriate public access and use.
- Providing information to enable effective management of the coastal zone.
- Providing for integrated planning and management of the coastal zone.

The Coastal Policy details many key actions. The Key Action especially relevant to this Plan of Management is:

- 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.

### 11.4 State Environmental Planning Policy No. 71 Coastal Protection

State Environmental Planning Policy No. 71 (SEPP 71) - Coastal Protection is a key element of the NSW Government's Coastal Protection Package to protect the State's beaches, headlands and other coastal features for future generations. The NSW Minister for Planning determined that the protection of the NSW coast is a matter of environmental planning significance for the State under the *Environmental Planning and Assessment Act 1979*.

The policy has been made to ensure:

- development in the NSW coastal zone is appropriate and suitably located;
- there is a consistent and strategic approach to coastal planning and management; and,
- there is a clear development assessment framework for new development in the coastal zone.

The coastal zone is defined in section 4A of the Coastal Protection Act 1979 (as amended 2002). Generally it includes land that is one kilometre landward of the western boundary of the coastal waters of New South Wales, also, one kilometre landward around any bay, estuary, coastal lake or lagoon, also, follows the length of any coastal river inland generally at a distance of one kilometre from each bank of the river, also, to one kilometre beyond the limit of any recognised mangroves on or associated with the river, or, if there are no such recognised mangroves to one kilometre beyond the tidal limit of the river is shown to the nearest cadastral boundary or easily recognisable physical boundary.

All of the Community Land included in this Plan of Management is included in the coastal zone. In the case of certain development proposals on this land, the provisions of SEPP 71 would apply to all of this land.

#### **11.5 Eurobodalla Rural Local Environmental Plan 1987**

Council adopted the Rural Local Environmental Plan (LEP) in 1987. Council has subsequently made and adopted amendments up to ~~January~~November, 2015~~02~~. Kyla Park is subject to the provisions of this Local Environmental Plan. Refer to Section 7.5 of this Plan on page 15.

At as the date of adoption of this Plan of Management, Council was in the process of reviewing this Local Environmental Plan.

#### **11.6 ~~Eurobodalla~~Eurobodalla Acid Sulphate Soils Policy**

Kyla Park contains acid sulphate soils and is subject to the provisions of this policy.

The Eurobodalla Acid Sulphate Soils Policy was adopted on 22 October 2002 under Section 149 of the Environment Planning and Assessment Act 1979 and Schedule 4 of the Environment Planning and Assessment Regulation 2000.

The term acid sulphate soils refers to soils that contain iron sulphides which, when exposed to oxygen generate sulphuric acid. The majority of potential acid sulphate soils were formed by natural processes and usually occur in low lying parts of the coastal floodplains, rivers and creeks. Due to flooding and erosion sulphidic sediments may also be found in coastal sediments, usually below the water table.

Any lowering of the ~~watertable~~water table or physical disturbance of the soil will result in the exposure of the iron sulphate sediments to oxygen and oxidation to create acid sulphate soils. These soils and water runoff have a detrimental ~~affect~~effect on natural ecosystems. The purpose of this policy is to prevent and minimise the environmental consequences caused by the exposure of potentially acid sulphate soils.

The objectives of this policy are to:

- i) manage the disturbance of potential and/or actual acid sulphate soils in the Eurobodalla Shire Council local government area to minimise impacts on natural ~~waterbodies~~water bodies and wetlands and on agricultural, fishing, aquaculture, urban and infrastructure activities;
- ii) require special assessment of certain development requiring consent on land identified as being subject to risks associated with the disturbance of potential and/or actual acid sulphate soils.

Where development consent is required for works on land to which this policy applies Council must consider:

- a) preliminary soil assessment to ascertain the presence or absence of acid sulphate soils within the area of proposed works, unless the applicant agrees that acid sulphate soils are present within the area of proposed works; and
- b) where the preliminary soil assessment ascertains, (or the applicant agrees) that acid sulphate soils are present, the adequacy of an acid sulphate soils management plan prepared in accordance with *Acid Sulphate Soils Assessment and Management Guidelines*; and
- c) the likelihood of the proposed works resulting in the oxidation of acid sulphate soils and the discharge of acid water from the area of proposed works; and
- d) any comments received from any relevant public authority the Council may consult with in respect of the application.

## 11.7 Coastal Lakes - Independent Inquiry into Coastal Lakes - Final Report

In April 2002 an Independent Public Inquiry into Coastal Lakes was completed on behalf of the Healthy Rivers Commission of New South Wales.

The final report classified both Tuross and Coila Lakes as featuring "Healthy Modified Conditions". Noting that this classification for Tuross Lake was a provisional classification which warrants more detailed assessment.

The final report identified the following features for both lakes:

Natural Sensitivity Risk:           Coila - "extreme"  
  Tuross - "high"

Existing Condition (Stress):           Coila Lake Catchment - "largely unmodified"  
  Tuross Lake Catchment - "largely unmodified"  
  
  Coila Lake Condition - "slightly affected"  
  Tuross Lake Condition - "slightly affected"

Recognised Conservation Value:   Coila Lake - "moderate"  
  Tuross Lake - "high"

The report recommended the following "Indicative Actions" (those most likely to be necessary and effective) for these lakes:

- *Apply and enforce controls for any new development (eg urban, rural residential, intensive agriculture, forestry, mining and aquaculture) to keep their impacts on lake/catchment health within limits that are determined to be sustainable for each lake.*
- *Adjust entrance intervention to protect critical ecosystem processes (such as bird breeding events). Require any new assets that are prone to water damage, significant inconvenience or which may exacerbate public health problems when lake water levels are high, to be designed in ways that do not necessitate opening a lake entrance artificially, except where it is determined that reinstatement of natural processes in the longer term is not cost effective. In such cases, any new assets must be designed in ways that are commensurate with those determined for existing assets, subject to satisfying any additional requirements that may arise as a result of a predicted rise in sea (and lake) water levels.*
- *Progressively implement an integrated, cost effective program to mitigate the impacts of all existing sources of wastewater. Exclude new industrial and sewage discharge or overflows and apply stringent controls for on site systems, boats and stormwater.*
- *Progressively implement a program to rehabilitate natural riverine corridors.*
- *Enhance management of fishing (such as by-catch devices).*
- *Encourage use of best farming and forestry practices commensurate with the risks to lake/catchment health.*
- *Control commercial and recreational uses of a lake water\_body in ways that are commensurate with protecting lake health and to ensure compatibility between different uses, including appropriate zonings.*
- *Protect river flows in tributary streams and waters within a lake, including carefully assessed limitations on existing licences for water extraction during periods of very low and low stream flows. The limits should be commensurate with the risks to each lake's health and should be sufficient to satisfy the needs of water users. Prohibit new licences for water extraction or storage of low stream flows and freshwater within a lake. Apply stringent controls on any saline extractions.*

## 11.8 Safeguarding Environmental Conditions for Oyster Cultivation in New South Wales

This report was produced by Ian White (MSc, PhD, FTSE) of the Centre for Resource and Environmental Studies, Australian National University in 2001 for the New South Wales Healthy Rivers Commission.

The overall aim of the report was to provide independent, strategic advice on actions that are required within estuaries and their catchments to safeguard environmental conditions for oyster cultivation, where this is realistically possible.<sup>2</sup>

The report identifies the following threats to growing healthy oysters in NSW:

*"Pollution of estuaries from point discharges is of principal concern including broken, leaking or overflowing sewer mains, septic tank discharges, industrial and agricultural chemical discharges, urban stormwater outlets, agricultural drains in acid sulfate soils. Diffuse sources of excess nutrients and pollutants, such as agricultural runoff. Land reclamation, engineering works, over-fishing, boating, waste disposal sites, weed infestation and the clearance of catchments, particularly riparian zones all represent major threats to the health of estuaries and oyster production."*

Tuross Lake supports an oyster industry and the management of Kyla Park Community Land needs to ensure continued high water quality for the future of this industry.

### **11.9 Tuross Estuary and Coila Lake Estuary Management Plan**

As at the date of adoption of this Plan of Management the draft Tuross Estuary and Coila Lake Estuary Management Plan (prepared by WBM Oceanics) was pending final adoption.

The plan makes recommendations that impact on the future management and maintenance of Kyla Park Community Land. Strategy W-3 states that *Preservation or revegetation of foreshores around the Tuross estuary and Coila Lake* is a priority strategy that will have a significant and beneficial impact on the local ecological value of the area.

The basis that the draft Estuary Management Study uses for defining an appropriate width riparian corridor is the *Rivers and Foreshores Improvement Act 1948*. A riparian zone is defined in this act as being 40 metres wide and applies to the land 40 metres either side of any stream of water, whether perennial or intermittent, as well as any coastal bay, inlet or lake. This definition does not necessarily take into account local issues such as soil stability and susceptibility to erosion.

### **11.10 Assessment of Fauna Habitat Linkages and Considerations for Management: Select Rural Residential Areas in Eurobodalla Shire**

A report was prepared by Gaia Research for Council in 2001 entitled *Assessment of Fauna Habitat Linkages and Considerations for Management: Select Rural Residential Areas in Eurobodalla Shire*.

In relation to the protection of threatened species habitat, the report recommended that rural residential areas should have buffer zones for riparian corridors on creeks, rivers, wetlands and lakes. The report recommended a minimum distance of 60m either side of a creek to retain a reasonable amount of vegetation for habitat protection. Corridors around lakes were recommended to be a minimum 100m.

### **11.11 Hydrological Aspects of Planning for Development in Rural 1C Areas of the Eurobodalla Local Government Area**

Emmet O'Loughlin, former CSIRO Hydrology Scientist prepared a report on the *Hydrological Aspects of Planning for Development in Rural 1C Areas of the Eurobodalla Local Government Area*. This report analysed catchment hydrology and looked at 3 main issues:

- How soil moisture varies across landscapes from point to point and how this is affected by vegetation;
- Riparian areas with high moisture levels that are sensitive to disturbance;
- How changes in forest cover affect streamflow.

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<sup>2</sup> White, Ian (2001). *Safeguarding Environmental Conditions for Oyster Cultivation in New South Wales*, NSW Healthy Rivers Commission. Page 6.



Some drainage lines are more or less permanently wet, while others become dry intermittently. The wetter soils are structurally weaker than dry soils, so they are more prone to collapse, and incipient gully formation is more likely to occur in these locations. Wetter parts of the landscapes, and therefore be given a higher degree of protection than where dry soils are.

The soil wetness patterns and their seasonal variation can be used to define the locations where drainage lines and watercourses should be protected from disturbance. This can be done by retention or re-establishment of riparian vegetation and exclusion of livestock.

The report by O'Loughlin identifies 2 different levels of protection along drainage lines.

- Primary zones which are permanently wet areas
- Secondary zones which are intermittently wet areas

The report recommends that the buffer width on each side of a primary drainage line be 30 metres, and 20 metres on each side of a secondary drainage line. The drainage lines identified in the attached map of Kyla Park are generally secondary drainage lines that are intermittently wet.

#### **11.12 Recommendations for Kyla Park Plan of Management - Department of Sustainable Natural Resources**

In June 2003 the Department of Sustainable Natural Resources provided a report detailing recommendations for the management of Kyla Park Community Land.

These recommendations were as follows:

- **Riparian Buffer Zones**

Endorsement of the recommended buffers widths from Emmet O'Loughlin's and GAIA's reports. These being:

1. Primary buffer of 100m along the foreshore of the Tuross River (Coila and Tuross Lakes) to provide for fauna habitat, protection of water quality and erosion minimisation.
2. Secondary buffer of 20m on either side of identified drainage lines for protection of water quality and erosion minimisation.

- **Vegetation Management**

1. Vegetated buffer zones to **exclude** stock are not advised, except in newly planted areas for an initial period of approximately three years. DSNR recommends a crash grazing regime within buffer zones. The duration and intensity of crash grazing regimes may vary from year to year, and depend on prevailing site conditions ie soil moisture, vegetation growth, weed establishment and broader farm management practices.
2. All buffer areas should have provisions for managing stock access and maintenance requirements.
3. Revegetation of all stratum (ground, shrub & tree) using local indigenous species is advised.
4. Rabbit control will be required prior to revegetation works.
5. After stock removal, allow for natural vegetation regeneration to occur within littoral and immediate foreshore zone. Replant in areas where self-recruitment does not occur.
6. Consider establishing vegetated zones along the road corridor (Hector McWilliam Drive). These would link drainage line and lake foreshore remnants, enhancing corridor function.

7. Consider vegetation islands separate to buffer zones. Isolated paddock trees have potential to set seed in the absence of grazing stock.
8. Foreshore vegetation protection should be encouraged within non-rural environments surrounding the Lakes, as a matter of social equity and achievement of broader scale environmental benefits.

- **Soil Conservation**

9. Soil conservation works will be required to halt nick point migration in Lot 78. Works may include battering, and the construction of small dams and contour banks.
10. The operation and design of internal fences will need review and upgrading, as part of the rehabilitation and foreshore protection program.
11. The *Kyla Park* area has been assessed<sup>3</sup> as having limited acid sulphate soil risk. However, care should be taken in any earth moving activities on the lake foreshore (if required), particularly operating with submerged sediments.
12. All drainage line excavations and modifications should cease immediately, unless other wise advised from relevant/experienced authority.

### **11.13 Sustainable Grazing - Best Practice Management for Kyla Park - NSW Agriculture**

In April 2003 NSW Agriculture provide advice on best practice management and livestock carrying capacity for Kyla Park. The advice included the following:

- An inspection of the land shows most of the area to be basaltic soil with varying degrees of rockiness. This is a major limitation to cultivation particularly on the higher ridges and to varying degrees throughout the property. The lower areas appear to be less rocky although this may be only because surface rocks have been picked up and only field inspection or cultivation will reveal the real extent of the rockiness.
- The vegetation on the area appeared to be the remnants of old improved pastures that through time had reverted to a mixture of native and improved pastures. There were very few legumes suggesting little fertilizer having been applied over a significant period. The predominant species included (blackberries and bracken were also present):
  - Red grass (*Bothriochloa sp.*)
  - Silver Tussock (*Poa labillardieri*)
  - Parramatta grass (*Sporobolus sp.*)
  - Kangaroo grass (*Themeda australis*)
  - Blady Grass (*Imperata sp.*)
  - Couch (*Cyndon dactylon*)
  - Bergalia Tussock (*Carex longebrachiata*)
  - Kikuyu (*Pennisetum clandestinum*)
- The simplest form of improvement to increase carrying capacity would be to introduce legumes and apply phosphorus and sulphur fertilizer. This could easily be done by applying in autumn following good rains.
- Legumes should be inoculated and lime pelleted prior to broadcasting with the fertilizer. This should be followed each year by applications of 100-150 kg/ha single superphosphate in autumn or spring.
- Stock access to the lakes should be restricted to prevent stock fouling the lake with excrement and also fertilizer should not be applied to any area for 30-50m from the lakes to prevent nitrification, ie. a buffer strip to reduce nutrients entering the water.
- Blackberries and bracken should be treated in the first year, the most suitable product being metsulfuron methyl. Blackberries should be treated each year with a registered herbicide.
- The above measures should about double the existing stocking rate (stocking rate was approximately 80 as at the date of adoption of this Plan of Management) through greater growth and better quality pastures.
- Establishing pastures through direct drill or cultivation on lower slopes may be possible but only after a thorough assessment of the rockiness of these areas. The

<sup>3</sup> 1997, Bodalla/Nerrigunyah Acid Sulphate Soil Risk Map - Edition Two. NSW Department of Land & Water Conservation.

extra cost of this pasture improvement establishment may not be justified over the semi-improvement suggested above.

#### **11.14 Aboriginal Consultation and History of Kyla Park**

In August 2003 Cobowra Local Aboriginal Land Council provided the following advice on the Aboriginal significance of Kyla Park Community Land.

The Kyla Park Community Land included in this Plan of Management includes several Aboriginal sites that have been identified and recorded by NSW National Parks. However, it is likely that there may be more unrecorded significant sites over this land.

As the archaeologist who advised on the Turlinjah Sewerage Scheme confirmed, there is a significant Aboriginal site located on the Council Community Land around the Kyla Park Recreational Hall. This site extends up the hill into the Kyla Park Community Land that is included in this Plan of Management. This site was described by the archaeologist as "comparable to that of other large and significant sites on the South Coast" (refer to Section 8.2 for more information).

Cobowra Local Aboriginal Land Council recommend that prior to works requiring ground disturbance, Cobowra Local Aboriginal Land Council be notified of any such works. The Local Aboriginal Land Council may then seek to be further involved in the assessment of the proposed activity by conducting a site assessment on the impact of the activity on any Aboriginal site.

A Consent to Destroy may then be required to undertake the works. The conditions of the Consent to Destroy may require that an Aboriginal Site Officer, appointed by the relevant Local Aboriginal Land Council/s, must be on site to monitor the works and to salvage/collect any artefacts as appropriate.

Cobowra Local Aboriginal Land Council highly recommended that a comprehensive Site Assessment be completed for all of the Kyla Park Community Land included in this Plan of Management to identify and record all Aboriginal sites.

#### **11.15 Managing Bush Fire Risk to Dwellings in Kyla Park Clusters**

During the public consultation for this draft Plan of Management, some property owners in the Kyla Park Clusters expressed concern regarding a possible increase in the risk of bush fire as a result of the categorisation of the foreshores as Natural Area Foreshore (refer to Section 12.0 Community Land Categorisation on page 37 for more information). Refer to Map 1 on page 22 for an illustration of the location of the four cluster developments.

In response to these concerns, Council's Senior Strategic Planner and the Fire Control Officer of the Eurobodalla Rural Fire Service together prepared a report titled "*Managing Bush Fire Risk to Dwellings in Kyla Park Cluster*". This report examines the risk of bush fire to residents and aims to:

- Assess the legislative / regulatory background associated with preventing bush fire risk.
- Determine the impact of proposed revegetation activities on bush fire risk posed to community assets at Kyla Park.
- Identify strategies to limit the spread of wildfire in riparian corridors along Coila and Tuross Lakes.

In conclusion, the report recommended a number of strategies that could be adopted to minimise the risk of bush fire in Kyla Park. These are summarised as follows:

- Ensuring revegetation activities are located at a distance far enough from dwellings so as not to increase the level of bush fire attack above the category low, as defined in *Planning for Bush Fire Protection Guidelines* (NSW RFS, 2001)
- The revegetation plan for the riparian buffers will take the "ladder effect" into account. The revegetation will occur so that there is a low level ground cover, for example *Lomandra sp.*, and an upper canopy tree layer such as *Casuarina sp.* There will be no mid-level tall shrub layer. This will reduce the ability of a bush fire to spread from the ground cover into the canopy. If it does ignite the canopy, the lack of a mid-level tall shrub layer will be unlikely to sustain a bush fire in the canopy.
- Revegetation plan will produce woodland, not a forest.
- Fire resistant plant species will be incorporated into revegetation plan.
- NSW RFS could issue bush fire hazard reduction certificates under the Bush Fire Environmental Assessment Code for clusters 1, 3A, 3B and 4 to create asset protection

zones between 25m - 40m (depending on slope - refer to figure 3) around dwellings where appropriate and where the landowner desires this.

- Management of existing vegetation inside the no revegetation zone on both private property and Council reserve should be continued, but in accordance with the *Guidelines for Asset Protection Zones*, (NSW RFS, 2003). This practice should not continue where it is impinging on the 10m minimum riparian zone required in section 4.2 of the Bush Fire Environmental Assessment Code.
- Once the foreshore reserves adjacent to the Kyla Park grazing lands have been revegetated and the trees are suitably established a regime of crash grazing will be adopted. This will have the effect of managing ground cover and fuel load to reduce the ability of bush fire to spread along this foreshore reserve.
- Maintenance of view corridors that require a minimum of 10m wide ground cover riparian vegetation and may include strategically located trees that do not impact on the view.

The report is reproduced in full at Section 21.0 Appendix D on 59 of this Plan of Management.

#### **11.16 Legislation, Policies & Professional Advice - Conclusion**

As demonstrated in the above legislation, policies and professional advice there is a strong case for promoting and ensuring the protection of the lakes adjoining Kyla Park Community Land and rehabilitating the terrestrial environment especially where the Community Land is to be grazed.

Section 7 (e) of the Local Government Act requires councils, councillors and council employees to have regard to the principles of Ecologically Sustainable Development in carrying out their responsibilities.

The precautionary principle of Ecologically Sustainable Development states:

*"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"*

All of the above legislation, policies and professional advice recommend and/or support an increase in the size of the foreshore buffer zones. Therefore, in the absence of any advice to the contrary, this Plan of Management provides for widened foreshore reserves where adjacent to the Kyla Park grazing land (the width of the foreshore reserves now varies from 45m to 200m depending on the topography, existing features, environmental conditions, existing fencelines, and areas of erosion). Further it provides for environmental regeneration and rehabilitation of the foreshores and select areas of the grazing land.

For an illustration of the widened foreshore reserves refer to Map 2: Community Land Categorisation on page 39. The areas categorised as Natural Area Foreshore adjacent to and incorporating parts of Lots 78 and 790 illustrates the extent of the new foreshore buffer zones.

## 12.0 Community Land Categorisation

### 12.1 Categorisation of Community Land

The Local Government Act requires that community land be categorised as one or more of the following:

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

Some parcels of land may have more than one category applicable and not all categories need to be represented.

All of the Kyla Park Community Land categorisation has been reviewed in the development of this Plan of Management. The categorisation of some reserves has been changed to a more appropriate category (refer to Table A on page 21). The Local Government Act requires that a Public Hearing must be held when Community Land is re-categorised. This Public Hearing was held during the public exhibition of this document as per the requirements of the Local Government Act.

### 12.2 Public Hearing into the Re-categorisation of Community Land

The Local Government Act requires that a Public Hearing must be held when Community Land is re-categorised. This Public Hearing was held during the public exhibition of this document on 9 September 2003 as per the requirements of the Local Government Act.

The conclusion from the Public Hearing report stated:

*The Public Hearing has been held in accordance with the relevant sections of the Local Government Act to consider recategorisation of the community land known as Kyla Park at Tuross Head.*

*The Hearing was well attended by local residents and a number of management issues were discussed in the context of the Draft Plans of Management No. 26 and 27.*

*There was no objection to the proposed categories for the different reserves which will more accurately reflect the core objectives.*

*The period for public submissions will continue until 3<sup>rd</sup> October after which the Council may decide to amend the Draft Plans or to adopt them without amendment as the Plans of Management for Kyla Park.*

### 12.3 Kyla Park Community Land Recategorisation

Kyla Park Community Land features the following categories of Community Land:

- Natural Area: Foreshore (refer to Plan of Management No.26 for this land)
- Natural Area: Bushland (refer to Plan of Management No.26 for this land)
- General Community Use (refer to Plan of Management No.26 for this land)
- Park (refer to Plan of Management No.26 for this land)
- Area of Cultural Significance

Refer to Map 2 - Community Land Categorisation on page 39 for an illustration of the categorisation of the Kyla Park Community Land as at the date of adoption of this Plan of Management.

For the land not categorised as an Area of Cultural Significance, refer to Council's Plan of Management No. 26 "Kyla Park - Foreshores, Parkland and Boat Ramp".

## 12.4 Core Objectives for the Management of Community Land

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.





The Core Objectives are addressed in the Objectives and Performance Targets as defined in 14.4: Operational Plan as a guide to determining the management practices required on that land (page 44).

The Core Objectives for the Kyla Park Community Land included in this Plan of Management are as follows:

**36H Core objectives for management of community land categorised as an area of cultural significance**

- (1) *The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.*
- (2) *Those conservation methods may include any or all of the following methods:*
  - (a) *the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,*
  - (b) *the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,*
  - (c) *the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,*
  - (d) *the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),*
  - (e) *the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*
- (3) *A reference in subsection (2) to land includes a reference to any buildings erected on the land.*

**LEGEND**

-  10m contours
-  Natural drainage
-  Private Roads
-  Easements for vehicular access to Clusters over Community Land (approximate location only)

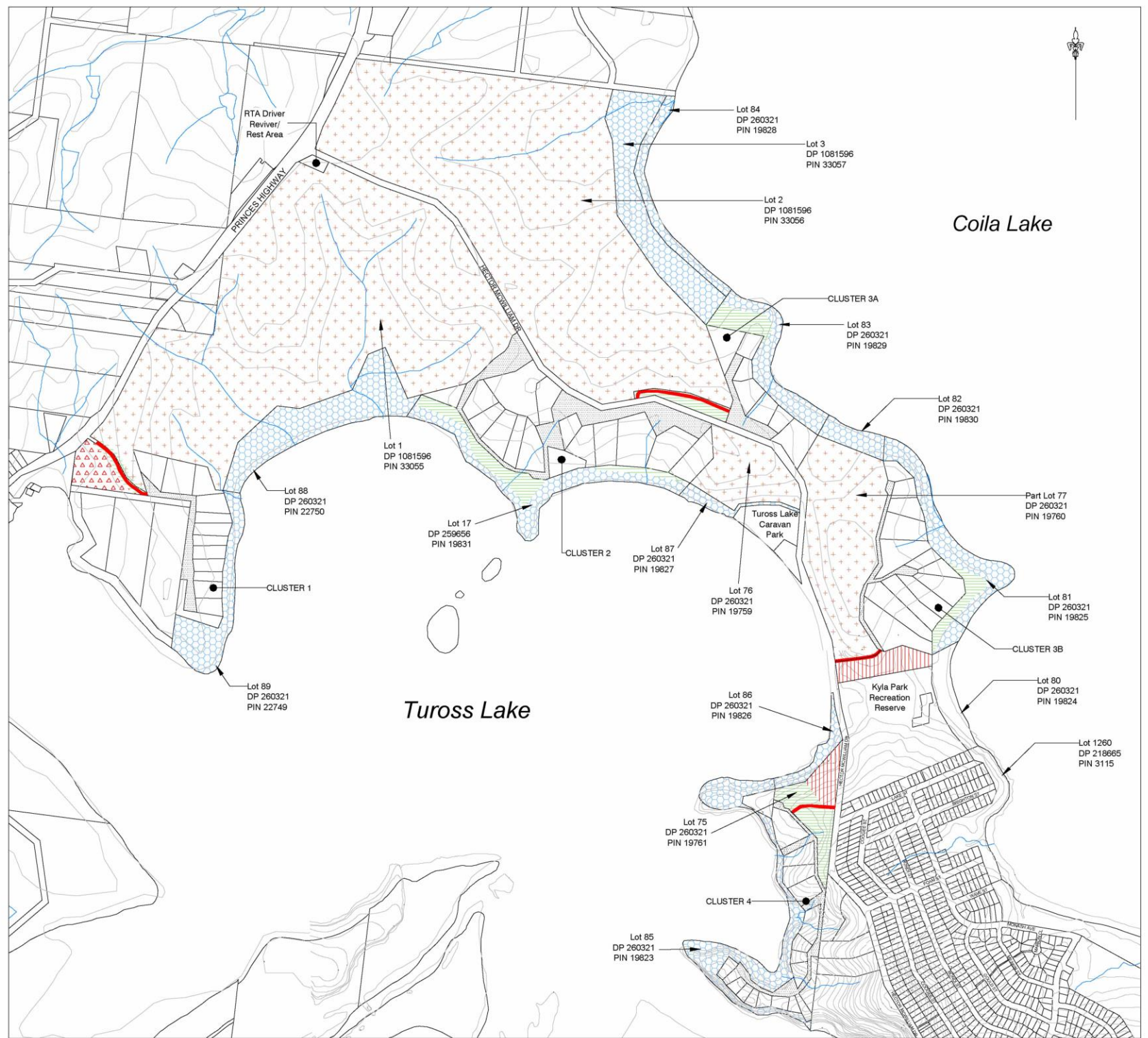
**COMMUNITY LAND CATEGORISATION**



-  Area of Cultural Significance
-  Natural Area Foreshore
-  Park
-  General Community Use
-  Natural Area Bushland

**PLANS OF MANAGEMENT**

Kyla Park Community Land is incorporated into two Plans of Management:

- (1) Plan of Management No. 26 - Foreshore Reserves, Parkland & Boat Ramp  
This includes all Community Land NOT categorised as an Area of Cultural Significance
- (2) Plan of Management No. 27 - Areas of Cultural Significance  
This includes all Community Land categorised as an Area of Cultural Significance



File Number 02 8415 (Plan of Management), 02 6306 (Sealing Certificate), 02 5587 (Agreement)	Datum Surveyed	Designed For Design Speed	Reduction Ratio 0 100 200 300 400 500m	 Technical Services Division	Approved On Behalf Of EUROBODALLA SHIRE COUNCIL Technical Services Manager Date	No. Amendment Details A Updated to reflect current LEP	By MJS Date 17.6.16	 EUROBODALLA SHIRE COUNCIL Good Government, better living	<b>EUROBODALLA SHIRE COUNCIL</b> Kyla Park Community Land Hector McWilliam Drive, Tuross Head Community Land Categorisation Plan June 2016	Project No. <b>4428</b> Sheet of 2 3 A Set A Archived
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**Map 2: Community Land Categorisation**

## 13.0 Leases, Licences and other Estates

Leases, licences and other estate may only be granted on Community Land in accordance with the provisions of the Local Government Act and Local Government Act Regulation. The Act requires that leases, licences and other estates be expressly authorised in a Plan of Management.

### 13.1 Existing Leases, Licences and other Estates<sup>4</sup>

As at the date of adoption of this Plan of Management there were no existing leases or other estates on land included in this Plan of Management (Refer to Section 7.0 on page 14 for a listing of the land included in this Plan of Management).

As at the date of adoption of this Plan of Management there was a licence agreement for the agistment of stock on Lot 78 DP 260321 and Lot 790 DP 1040710. The licence operates on a month to month basis.

### 13.2 Authorised Leases

This Plan of Management authorises the granting of a lease for grazing on the Part Lot 78 DP 260321 (now lot 2 DP 1081596) and Part Lot 790 DP 1040710 (now lot 1 DP 1081596) which is categorised as an "Area of Cultural Significance" for the purpose of providing continuous protective care and maintenance of the physical material of the land and maintaining the physical material of the land in its existing state<sup>5</sup>. For the purposes of this Plan of Management the existing state of the land is a pastoral property. Any works and/or improvements that enhance the use of the land as a pastoral property is consistent with the provisions of this Plan of Management and in particular the Core Objectives for the management of the land.

Sections 46, 46A, and 47 of the Local Government Act provide strict provisions for the granting of leases on Community Land. Some of the provisions include: the term of the lease may be no greater than 21 years<sup>6</sup>, the lease may only be granted by tender<sup>7</sup> and notice of a proposal to offer lease must be publicly advertised<sup>8</sup>. For details of the provisions of 46, 46A and 47 refer to Appendix C.

The lease for grazing is to include provisions to cover the following issues:

- Ensure that the land is managed in accordance with best practice management for grazing.
- Ensure that the land is managed in accordance with the principles of Ecological Sustainable Development (refer to Appendix B).
- Ensure that the grazing of land categorised as Natural Area is only permissible with written authority from Council and in accordance with the core objectives for land categorised as Natural Area (ie. crash grazing).
- Ensure that the grazing of protected areas (areas identified as requiring erosion remediation) is only permissible with written authorisation from Council.
- Ensure that the land is managed to ensure viable agricultural activities.
- Ensure that access through lots 78 and 790 is available for Council to access the foreshores lots.
- Ensure that the lessee has a Certificate of Currency for a Public Liability Policy. This insurance must note Council as principal and be in accordance with Council's current practice.
- Ensure that the land is managed in accordance with land categorised as an "Area of Cultural Significance", as follows:

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<sup>4</sup> Estate includes interest, charge, right, claim, demand, lien and encumbrance, whether at law or in equity (as per Interpretation Act 1987 S 21(1)).

<sup>5</sup> Refer to Local Government Act, Section 36H 2(a) & 2(e).

<sup>6</sup> Refer to Local Government Act, Section 46 (3)

<sup>7</sup> Refer to Local Government Act, Section 46A

<sup>8</sup> Refer to Local Government Act, Section 47



**36H - Core objectives for management of community land categorised as an area of cultural significance**

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
  - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
  - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
  - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
  - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
  - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

### 13.3 Authorised Licences and other Estates

Estate includes interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity (as per Interpretation Act 1987 S 21(1)).

#### 13.3.1 Licences for Kyla Park Horse Agistment

This Plan of Management authorises the granting of licences for the purpose of agistment of horses on ~~lot~~ 76 & part of lot 77 DP 260321, Kyla Park.

Licences for horse agistment may be granted (a) for a purpose prescribed by the categorisation of the land (S 46 (1) (b) (i)); or alternatively (b) for a short-term, casual purpose prescribed by the Local Government Act Regulation (S 24 (1)) as follows:

- (a) The agistment of horses on this land will facilitate the core objectives for the management of the land. The land is categorised as an "Area of Cultural Significance" and the agistment of horses is consistent with providing for "the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance" (S 36H 2(a) Local Government Act). Licences for the agistment of horses must be for a term not greater than 5 years (S 47A) and must comply with the provisions of the Local Government Act.

OR

- (b) Alternatively, the Local Government Act Regulation requires that licences for agistment may be granted on a short-term, casual basis (s24 (1)). The Local Government Act Regulation also precludes the erection of any building or structure of a permanent nature on the Community Land (s 24 (2)).

Each Agistor will be required to apply to Council for a licence to agist their horse on Lot 76 DP 260321 and/or part Lot 77 DP 260321. The licence fee will be determined by Council and published in its schedule of fees and charges in the Management Plan.

Each Agistor will be required to provide Council with a Certificate of Currency for a Public Liability Policy. This insurance must note Council as principal and be in accordance with Council's current practice.

### 13.3.2 Other Licences and other Estates

This Plan of Management authorises the granting of any other licence or other estate on Community Land included in this plan, only where the purpose for which it is granted is consistent with the core objectives for the categorisation of that land.

The purpose of any other licence or other estate must meet the provisions of the Local Government Act and Local Government Act Regulation.

### 13.4 Kyla Park Horse Agistment Management Committee

The Kyla Park Horse Agistment Management Committee will be established as per Section 355 of the Local Government Act to oversee the agistment of horses on ~~lot~~ 76 DP 260321 & ~~part lot~~ 77 DP 260321 of Kyla Park.

Expressions of Interest will be sought for interested persons to be nominated for positions on the Kyla Park Horse Agistment Management Committee. Once Expressions of Interest are received, Council will appoint the appropriate persons to the Management Committee. Advertisements calling for Expressions of Interest will be published in the local newspapers.

The Management Committee will be required to abide by Council's Management Committee Guidelines. In addition the Management Committee will have the following responsibilities - including but not limited to:

- administering allocated funds raised from the agistment of horses on the maintenance and management of ~~lot~~ 76 DP 260321 and ~~part lot~~ 77 DP 260321;
- ensuring that the land is managed in accordance with the provisions of this Plan of Management;
- ensuring that the land is maintained in a safe condition for horse agistment;
- ensuring that the land is secure and gates are locked;
- ensuring that the land and fences are inspected weekly and records are kept of inspections;
- ensuring that the land is used for agistment purposes only;
- ensuring that the land is not used for any events;
- ensuring that the historic well located on Lot 77 DP 260321 is conserved and maintained in accordance with any requests from Council;
- ensuring that no buildings or structures of a permanent nature are erected on the land;
- ensuring that the land is managed in accordance with the Core Objectives for the land which is categorised as an "Area of Cultural Significance". The core objectives are as follows:

**36H - Core objectives for management of community land categorised as an area of cultural significance**

- (2) *The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.*
- (2) *Those conservation methods may include any or all of the following methods:*
- (a) *the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,*
  - (b) *the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,*
  - (c) *the reconstruction of the land, that is, the returning of the land as nearly as*

- possible to a known earlier state,*
- (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),*
  - (f) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*

*(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.*

## 14.0 Community Land Management

### 14.1 Operational Plan - Explanatory Notes

The Operational Plan identifies management issues for the reserves and is presented as 14.4: Operational Plan (page 45-48). The information is presented as required by the Local Government Act whereby:

<u>Objective:</u>	'Objective' is an end towards which efforts are directed
<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

### 14.2 Kyla Park Landscape Concept Plan

The Kyla Park Landscape Concept Plan provides an illustration of Kyla Park Community Land and the kinds of activities that have been authorised for the future in the Operational Plan.

Authorised projects will require further investigation, cost estimates and detailed designs to facilitate their construction.

The Landscape Concept Plan is located at page 4949 of this Plan of Management.

### 14.3 Funding

As at the date of adoption of this Plan of Management, there has been no funding allocated for the projects identified in the Operational Plan.

Funding may be available from the following:

- Council resolving to allocate funds for projects through the annual review of Council's Management Plan;
- The income from the lease for grazing on land categorised as an Area of Cultural Significance;
- The income from the agistment licences on land categorised as an Area of Cultural Significance,
- Applications for grant funding of projects.

The costs associated with the projects identified in this Plan of Management will change over time. As applications are made for funding, cost estimates for the projects will be developed at that time to reflect the most up-to-date costs associated with implementing the project.

As such, there are no cost estimates provided in this Plan of Management as they will only be current as at the date of adoption of this plan. Projects may not be initiated for some time in the future at which point any cost estimates prepared at the date of adoption of this Plan of Management would be out of date.

**14.4 Operational Plan - Land categorised as "Area of Cultural Significance"**

	<b>Core Objective</b>	<b>Objective</b> Is an end towards which efforts are directed	<b>Performance Targets - Project</b> Is an objective or goal to be performed	<b>Means of Achievement</b> How Council or the community can achieve the objective and performance targets	<b>Manner of Assessment</b> How Council can assess the performance of the means of achievement	<b>Priority</b>
14.4.1	<p><b>36H Core objectives for management of community land categorised as an area of cultural significance</b></p> <p>(1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p>	As per core objective.	<p>Issue a 21 year lease for grazing on Part Lot 78 DP 260321 (now lot 2 DP 1081596) –and Part 790 DP 1040710 (now lot 1 DP 1081596).</p> <p>Land is managed in accordance with best practice principles for both environmental management and agricultural management.</p>	<p>Meet the provisions of Sections 46, 46A and 47 of the Local Government Act 1993 in providing the lease for grazing on this land.</p> <p>Lease to provide for the sustainable and viable environmental and agricultural management of the land.</p>	<p>21 lease issued for grazing.</p> <p>Land managed in accordance with the provisions of the lease.</p>	H
		To identify and record all Aboriginal sites on the Kyla Park Community Land included in this Plan of Management	<p>Appropriate Local Aboriginal Land Council/s be engaged to provide a full Site Assessment and accompanying report of the Aboriginal significance and Aboriginal sites.</p>	<p>Application for funding from Council sources.</p> <p>Application for funding from grant sources.</p>	<p>Site Assessment &amp; Report of Aboriginal significant sites and history completed for Kyla Park Community Land.</p>	L
		To preserve and conserve Aboriginal sites.	<p>That the appropriate legislation and due process is followed to preserve and conserve Aboriginal sites.</p> <p>That consultation with Local Aboriginal Land Councils takes place to facilitate appropriate development with minimal impact on Aboriginal sites.</p>	<p>Notify the appropriate Local Aboriginal Land Council/s of the proposal.</p> <p>Local Aboriginal Land Council/s may then be engaged to provide a site assessment to identify and record any Aboriginal sites in the vicinity of the proposed project.</p> <p>Consent to Destroy may be issued in accordance with the provisions of the <i>National Parks &amp; Wildlife Act 1974</i>.</p> <p>Consent to Destroy may require the presence of an Aboriginal Sites Officer appointed by the relevant Local Aboriginal Land Council/s during the carrying out of any works to monitor the impact on the Aboriginal sites and to salvage/collect any artefacts as appropriate.</p>	<p>Local Aboriginal Land Council/s are informed of projects that may cause disturbance to Aboriginal sites.</p> <p>Projects completed successfully in accordance with the relevant provisions of the <i>National Parks &amp; Wildlife Act 1974</i>.</p>	H

**14.4 Operational Plan - Land categorised as "Area of Cultural Significance"**

	<b>Core Objective</b>	<b>Objective</b> Is an end towards which efforts are directed	<b>Performance Targets - Project</b> Is an objective or goal to be performed	<b>Means of Achievement</b> How Council or the community can achieve the objective and performance targets	<b>Manner of Assessment</b> How Council can assess the performance of the means of achievement	<b>Priority</b>
14.4.2	<p><b>36H Core objectives for management of community land categorised as an area of cultural significance</b></p> <p>(2) Those conservation methods may include any or all of the following methods:</p> <p>(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,</p>	As per core objective.	<p>Issue a 21 year lease for grazing on Part Lot 78 DP 260321 (<a href="#">now lot 2 DP 1081596</a>) and Part Lot 790 DP 1040710 (<a href="#">now lot 1 DP 1081596</a>).</p> <p>Grant licences for the agistment of horses on <a href="#">lot 76</a> and <a href="#">part lot 77</a> DP 260321.</p> <p>Land is managed in accordance with best practice.</p>	<p>Meet the provisions of Sections 46, 46A and 47 of the <i>Local Government Act 1993</i> in providing the lease for grazing and licences for horse agistment on the land.</p> <p>Lease to provide for the sustainable and viable environmental and agricultural management of the land.</p> <p>Management Committee established to ensure sustainable management of <a href="#">lot 76</a> and <a href="#">part lot 77</a> DP 260321 used for horse agistment.</p>	<p>21 lease issued for grazing.</p> <p>Land managed in accordance with the provisions of the lease.</p> <p>Horse agistment carried in accordance with licences and the requirements of the Management Committee.</p>	H
		As per core objective	Water quality of Tuross and Coila Lakes is not affected by grazing on Kyla Park Community Land.	Carry out regular testing of nutrient levels in both lakes. If tests provide positive, the method of grazing should be re-assessed.	Any impact or potential impacts on the water quality of Tuross and Coila Lakes is identified as soon as possible.	H
14.4.3	(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,	N/A				

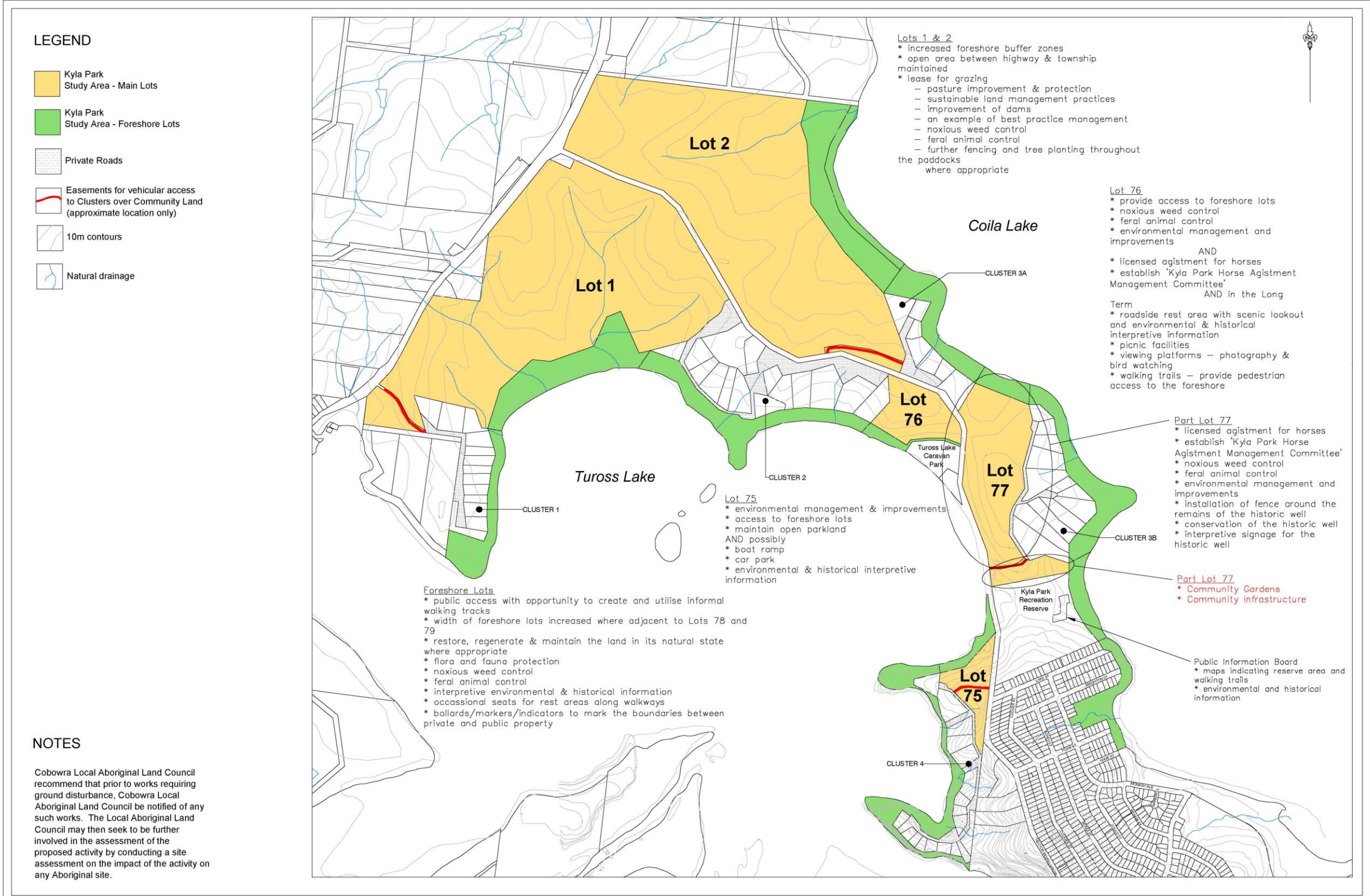
**14.4 Operational Plan - Land categorised as "Area of Cultural Significance"**

	<b>Core Objective</b>	<b>Objective</b> Is an end towards which efforts are directed	<b>Performance Targets - Project</b> Is an objective or goal to be performed	<b>Means of Achievement</b> How Council or the community can achieve the objective and performance targets	<b>Manner of Assessment</b> How Council can assess the performance of the means of achievement	<b>Priority</b>
14.4.5	(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,	Reinstate the natural environment where appropriate.	Rehabilitate areas of erosion and bank instability. Revegetate areas as appropriate.	<ul style="list-style-type: none"> <li>▪ Develop restoration, regeneration, management and maintenance schedules for the land.</li> <li>▪ Application for funding from Council sources.</li> <li>▪ Application for funding from grant sources.</li> <li>▪ Utilisation of allocated funds raised from the lease for grazing on Lots 78 &amp; 790.</li> <li>▪ Local fund raising.</li> <li>▪ Involve local Landcare, Clusters and other interest groups in assisting and participating in restoration/ revegetation projects.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Successful applications for funding.</li> <li>▪ Successful implementation of restoration, regeneration, management and maintenance projects.</li> <li>▪ Inspections of the land highlighting issues that require to be resolved.</li> <li>▪ Noxious weed and feral animal control programs in place. A reduction in noxious weeds and feral animals.</li> </ul>	H
14.4.6	(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),	To provide for the public's enjoyment of the cultural significance of the land.	Develop a roadside rest area on Lot 76 with scenic lookout and environmental and historical interpretive information.	<ul style="list-style-type: none"> <li>▪ Application for funding from Council sources.</li> <li>▪ Application for funding from grant sources.</li> <li>▪ Utilisation of allocated funds raised from the lease for grazing on Lots 78 &amp; 790.</li> <li>▪ Local fund raising.</li> <li>▪ Involve local Landcare, Clusters and other interest groups in assisting and participating in restoration/ revegetation projects</li> </ul>	Appropriate use of the land as a roadside rest area and scenic lookout.	L

**14.4 Operational Plan - Land categorised as "Area of Cultural Significance"**

	<b>Core Objective</b>	<b>Objective</b> Is an end towards which efforts are directed	<b>Performance Targets - Project</b> Is an objective or goal to be performed	<b>Means of Achievement</b> How Council or the community can achieve the objective and performance targets	<b>Manner of Assessment</b> How Council can assess the performance of the means of achievement	<b>Priority</b>
14.4.7	(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.	As per core objective.	<p>Issue a lease for a period of up to 21 years for grazing on the Part Lot 78 DP 260321 (<a href="#">now lot 2 DP 1081596</a>) and Part Lot 790 DP 260321 (<a href="#">now lot 1 DP 1081596</a>) categorised as an "Area of Cultural Significance".</p> <p>Grant licences for the agistment of horses on <a href="#">lots</a> 76 and <a href="#">part lot</a> 77 DP 260321.</p> <p>Land is managed in accordance with best practice principles for both environmental management and agricultural management.</p>	<p>Meet the provisions of Sections 46, 46A and 47 of the Local Government Act 1993 in providing the lease for grazing and licences for horse agistment on the land.</p> <p>Lease to provide for the sustainable and viable environmental and agricultural management of the land.</p> <p>Management Committee established to ensure sustainable management of <a href="#">lots</a> 76 and <a href="#">part lot</a> 77 DP 260321 used for horse agistment.</p>	<p>21 lease issued for grazing.</p> <p>Land managed in accordance with the provisions of the lease.</p> <p>Horse agistment carried in accordance with licences and the requirements of the Management Committee.</p>	H
14.4.8	<p><b>36H Core objectives for management of community land categorised as an area of cultural significance</b></p> <p>(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.</p>					





Map 3: Kyla Park Landscape Concept Plan

#### 14.5 Application for Grant Funding

There are opportunities for Council and community groups to apply for grant funding to carry out projects described in the Operational Plan and on the Kyla Park Concept Plan. Two programs that allocate funding for environmental projects are the Environment Protection Authority's Environmental Trust (NSW government) and the Natural Heritage Trust's Envirofund (Commonwealth government).

In July, 2003 the Tuross Lakes Preservation Group Inc. (TLPG) submitted a grant application to the Environmental Trust (Restoration and Rehabilitation section) for funding to carry out 'Rehabilitation of lake foreshores and Kyla Park grazing land, Tuross' (note - this does not include the areas of foreshore in front of Cluster residential developments). The application was compiled after consultation with Council staff and taking into account policies and professional advice included at Section 11.0 of this Plan of Management. Expressions of support were also received from the Mayor and local community organisations.

Total funding requested was \$74,236 (\$49,956 year 1, \$24,280 year 2), with cash and in-kind contributions from Council, TLPG and other community groups (including volunteer labour) valued at \$31,650, giving a total project value estimated at \$105,886. Funding would provide new fencing to increase the size of the foreshore reserves as per the categorisation of Natural Area Foreshore in this Plan of Management, and fencing around eroded sections of drainage lines on Lot 78 & 790 (now lots 1 & 2), at an estimated cost of \$28,736 (3282m of best quality ironbark posts drilled through for 5 strand wire @ \$8.25 per lineal metre including GST + 10 gates @ \$166 each). The remainder of funding would be used to carry out earthworks on drainage lines and eroded areas (diversion banks, reshaping and/or rockfill), replanting in fenced off areas, and project information signs. A project officer would organise field days for landcare, schools, community and the Estuary Management Committee, and give logistic support to the project management team.

If the grant application is successful the project will significantly assist Council with *rehabilitated* land on which to negotiate a grazing lease, and with foreshores managed to provide environmental protection of the lakes.

## 15.0 References

Coastal Lakes - Independent Inquiry into Coastal Lakes - Final Report. Available at [www.hrc.nsw.gov.au/site/pdf/reports/coastal\\_final.pdf](http://www.hrc.nsw.gov.au/site/pdf/reports/coastal_final.pdf)

Morgan, J (2003). Riparian Buffer Recommendations for Kyla Park, Eurobodalla Council Strategic Planning Unit.

Navin Officer (2003). Archaeological Subsurface Testing of Tertiary Treated Waste Water Pipeline Easement.

Planning for Bushfire Protection - A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners. Produced by NSW Rural Fire Service in collaboration with PlanningNSW, 2001. Available at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

Safeguarding Environmental Conditions for Oyster Cultivation in New South Wales. Available at [www.hrc.nsw.gov.au](http://www.hrc.nsw.gov.au).

State Environmental Planning Policy No. 71 Coastal Protection - Explanatory notes. Available at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Terrestrial Ecosystems of the Eurobodalla Local Government Area, Report of the Eurobodalla LGA Vegetation Mapping Project, derived from the Southern Comprehensive Regional Assessment (1997 - 2000).

Townend, H (2002). The Hawdon Family. Occupation, then ownership of Kyla Park. 1832 to 1973, Moruya & District Historical Society, Moruya.

## 16.0 Attachment 1: Community Consultation Proceedings

### What the Community Wants - from community petition February 2000

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*"Earlier this year there was overwhelming support shown by our community, via letters to the media, letters and deputations to Council and by the large number attending the public meeting in the Tuross Head Progress Hall, for the retention of the above land as Community Land, for the many benefits it offers our town.*

*It would be a cost-effective way of managing this land if the major portion of the lots currently grazed by cattle and horses under a short-term arrangement, can be offered by public tender for long-term leasing, with conditions requiring sustainable management practices, including weed control. We urge you to approach the Minister for Local Government for his consent in this matter.*

*Development of a specific Plan of Management, which includes areas for long-term grazing, would meet the needs of the community by also providing an attractive rural landscape as a buffer between the highway and the township, opportunities for public pedestrian access to the foreshores and a roadside rest area in a suitable viewing location."*

### What the Community Wants - from Public Meeting 14 March 2002

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- Agistment of horses in smaller paddocks
- Boat ramp with boat storage area
- Community gardens
- Designated walking trails
- Extend/additional clusters
- Extra 100m foreshore reserve
- Golf Driving Range
- How do we pay for it?
- Improvement of dams and fencing
- Manage the weeds
- Model aeroplane flying
- Other rural uses in the future
- Parks and gardens
- Protection of bird life and animals
- Treated water
- Wind generating towers (power generation)

### Resolution of Council - Ordinary Meeting of Council 25 February 2003

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W1 KYLA PARK PLANS OF MANAGEMENT  
THAT:

1. Two draft Plans of Management be prepared for Kyla Park to facilitate:
  - widened foreshore reserves for environmental protection of the lakes;
  - grazing on the remainder of Lots 78 and 79;
  - a range of community activities on Lots 75, 76 and 77.
2. The Kyla Park Steering Committee be invited to second the necessary professional advice and help determine suitable categories for the Kyla Park Community Land and the location of the boundary between the grazing area and the widened foreshore reserves.
3. The Kyla Park Steering Committee members be formally thanked for their contribution to date and be invited to continue their involvement in the development of the Kyla Park Plans of Management.

4. Lots 75, 76, 77, 78 and 79 be listed for consideration on the Heritage Register as part of the Rural LEP review.

(The Motion on being put was declared **CARRIED**.)

## 17.0 Attachment 2: Summary of Submissions

The draft Plans of Management were on exhibition from Wednesday 20 August until Friday 19 September at the following locations:

Council's Main Administration Office - Moruya  
Council's Website - [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au) (go to: *publications* → *strategic plans* → *plans of management*)  
Council's Depots - Batemans Bay & Narooma  
Visitor Information Centres - Batemans Bay & Narooma  
Libraries - Moruya, Narooma & Batemans Bay  
Batemans Bay Community Centre  
Moruya Community Centre  
7<sup>th</sup> Wave Café, Tuross Head  
Surf & Turf Pizzeria & Café, Tuross Head  
Sails at Tuross Take Away & Café

Copies of the plans were also available by email or mail on request.

Submissions were accepted from Wednesday 20 August until Friday 3 October. During the submission period 39 written submissions were received.

### Summary of comments from submissions\*:

Total submissions received	38	%
Total submissions supporting the Plans of Management	27	71%
Total submissions concerned about risk of bush fire from foreshore revegetation/restoration	10	26%
Total submissions with other issues	9	24%

\*Authors who wrote more than one submission on the same issue were only counted once.

### Main issues addressed in submissions:

- Maintenance of foreshore reserves
- Risk of bush fire
- Private fences located near lake
- Private assets on reserve
- Playground on community land
- Vehicular access to clusters
- Access signage
- Proximity of development of community land from private property boundaries
- Future rubbish on Lot 76
- Future undesirable activity on Lot 76
- How will horse agistment work?
- Public access to foreshores
- Access to Lot 75 for boat ramp
- Insurance for clusters mowing on community land
- Responsibilities of the lessee for fencing
- Consultation with residents for revegetation
- Widening foreshores
- Erosion problems
- Impact of boat ramp on environment

## 18.0 Appendix A: Community Stakeholders & Interest Groups

Bodalla Local Aboriginal Land Council  
Coastwatchers  
Cobowra Local Aboriginal Land Council  
Eurobodalla Natural History Society  
Horse Agistment Group  
Kyla Park Recreation Reserve Management Committee  
Moruya & District Historical Society  
Kyla Park Cluster 1  
Kyla Park Cluster 2  
Kyla Park Cluster 3  
Kyla Park Cluster 4  
Tuross Lakes Preservation Group  
Tuross Lakes Progress Association  
Moruya Lions Club  
Tuross VRA  
Tuross/Coila Lakes Estuary Management Committee

## **19.0 Appendix B: 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.

The following sections are reproduced from the Local Government Act 1993.

**Section 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.

**Section 46A Means of granting leases, licences and other estates**

- (1) 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.



**Section 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.
- (2) 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.
- (6) 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.

## Managing Bush Fire Risk to Dwellings in Kyla Park Clusters

Report prepared jointly by Eurobodalla Shire Council and the NSW Rural Fire Service, Eurobodalla District.

### Foreword

This report has been jointly prepared by the Strategic Planning Unit, Eurobodalla Shire Council and the NSW Rural Fire Service, Eurobodalla District. The report aims to: Assess the legislative/regulatory background associated with preventing bush fire risk. Determine the impact of proposed revegetation activities on bush fire risk posed to community assets at Kyla Park. Identify strategies to limit the spread of wildfire in riparian corridors along Coila and Tuross Lakes.

Prepared by:

Jeff Morgan  
Senior Strategic Planner  
Eurobodalla Shire Council  
Service

Ron Clarke  
Fire Control Officer  
Eurobodalla District, NSW Rural Fire

### 20.1 Introduction

The Kyla Park Plan of Management will result in the establishment of vegetated riparian buffers along public land foreshores of Tuross and Coila Lakes. Concern has been expressed by some residents of the Kyla Park clusters that this will create a bush fire risk to life and property. This joint report aims to:

- Assess the legislative / regulatory background associated with preventing bush fire risk.
- Determine the impact of proposed revegetation activities on bush fire risk posed to community assets at Kyla Park.
- Identify strategies to limit the spread of wildfire in riparian corridors along Coila and Tuross Lakes.

### 20.2 Legislative/Regulatory Background Associated With Preventing Bush Fire Risk

There are a number of legislative / regulatory measures that control and assist with planning to reduce bush fire risk to life and property. These are summarised below as they relate to Kyla Park.

#### **20.2.1 Environmental Planning & Assessment Act 1979**

The *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* made a number of amendments to the *Environmental Planning & Assessment Act 1979*. To summarise the major amendments, the act now requires the identification and certification of Bush Fire Prone Land by the Commissioner of the NSW Rural Fire Service. This has occurred and will be discussed in the section headed "Bush Fire Prone Land".

Secondly, development consent on land identified as bush fire prone land cannot be granted unless the development is consistent with the specifications and requirements of the document *Planning for Bush Fire Protection* (NSW RFS, 2001) or Council has consulted with

the NSW RFS. This is only relevant to Kyla Park for development requiring consent - such as dwellings, dual occupancies etc. Planning for Bush Fire Protection is not applicable to activities that do not require consent or to bush fire hazard reduction activities.

### 20.2.2 Rural Fires Act 1997

The *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* made a number of amendments to the *Rural Fires Act 1997*. To summarise the major amendments relevant to Kyla Park, the act now provides the following:

- An environmental planning instrument cannot prohibit, require development consent for or otherwise restrict the doing of managed bush fire hazard reduction work on land other than excluded land (land to which SEPP 14 - Coastal Wetlands or SEPP 26 - Littoral Rainforests applies). (section 100C)
- Part 5 of the EP&A Act does not apply to or in respect of managed bush fire hazard reduction work carried out on land other than excluded land (ie a Review of Environmental Factors is not required) if the work is in accordance with a Bush Fire Risk Management Plan, there is a bush fire hazard reduction certificate in force and the work is carried out in accordance with a bush fire code. (section 100C).
- For bush fire hazard reduction on private property landowners must apply to the local authority, in this case the NSW RFS.
- The NSW RFS can produce a Bush Fire Environmental Assessment Code to allow the issuing of bush fire hazard reduction certificates. In the absence of this code, or to land to which the code does not apply, Part 5 of the EP&A Act will apply (ie a REF would be required). The RFS have produced this code which commenced on 1 July 2003.

### 20.2.3 Bush Fire Prone Land 2003

Bush Fire Prone Land Maps for the Eurobodalla Shire were certified by the Commissioner of the NSW RFS on 26 August 2003. Prior to this interim bush fire prone land maps were held by Council since August 2002. The figure below indicates land in the Kyla Park area that has been identified and certified as Bush Fire Prone Land by the Commissioner of the Rural Fire Service.

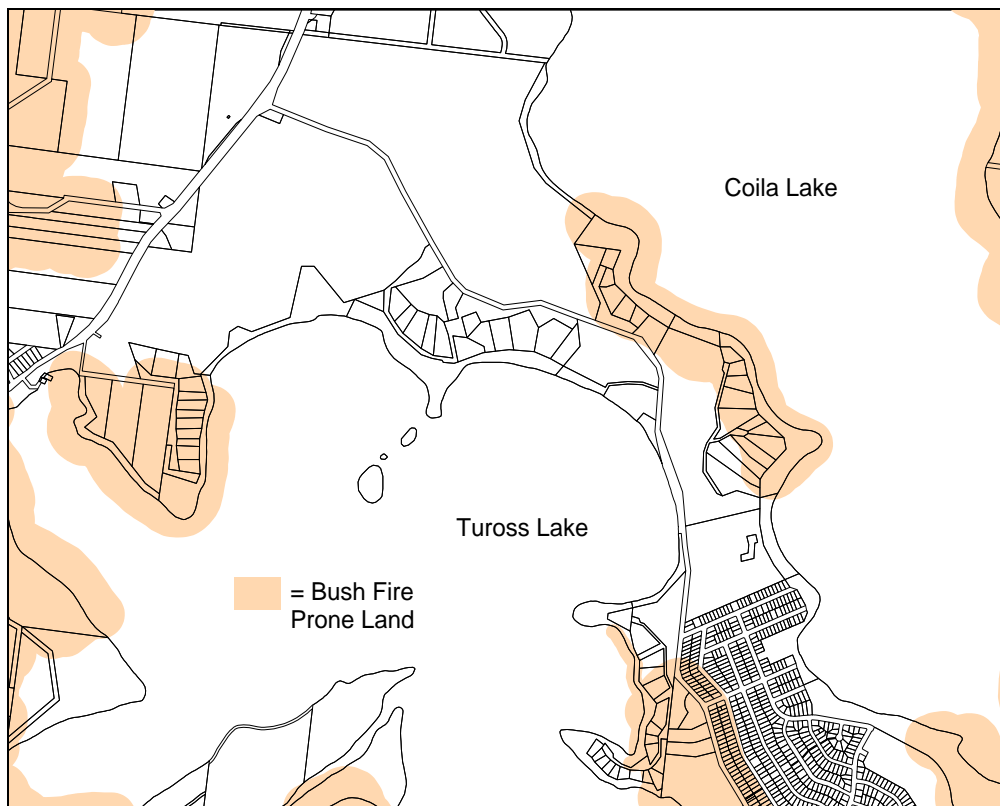


Figure 1 Kyla Park Bush Fire Prone Land

From the map above clusters 1, 3A, 3B and 4 are identified as being either partly or wholly located on Bush Fire Prone Land. The implications of this are that any future

development must be in accordance with *Planning for Bush Fire Protection* (NSW RFS, 2001), or Council must have consulted with the NSW RFS. The second implication is that any managed bush fire hazard reduction work carried out must be in accordance with a bush fire hazard reduction certificate issued in accordance with the *Bush Fire Environmental Assessment Code* (NSW RFS, 2003).

#### 20.2.4 Planning for Bush Fire Protection Guidelines, NSW RFS 2001

Development consent on land identified as bush fire prone land cannot be granted unless the development is consistent with the specifications and requirements of the document *Planning for Bush Fire Protection* (NSW RFS, 2001) or Council has consulted with the NSW RFS. This is only relevant to Kyla Park for development requiring consent - such as dwellings, dual occupancies, extensions etc. Planning for Bush Fire Protection is not applicable to activities that do not require consent or to bush fire hazard reduction activities. For new development in Kyla Park in bush fire prone areas, the following minimum asset protection zones would be required (for development adjoining woodland, assuming level 3 construction standard):

Slope	APZ =	IPA+	OPA
Hazard upslope 5°-0°	30 m	20m	10m
Hazard downslope 0°-5°	35 m	25m	10m
Hazard downslope 5°-10°	40 m	30m	10m

(APZ = Asset Protection Zone; IPA = Inner Protection Area; OPA = Outer Protection Area)

**Figure 2 Asset protection zones for new development**

Planning for Bush Fire Protection Guidelines are useful for determining the category of bushfire attack for a site. Table A3.3 from the guidelines, reproduced as Figure 6 in this report, provides a method for assessing the category of bushfire attack that a dwelling would be exposed to depending on the adjoining vegetation type, distance to the vegetation and slope of the site. This table will be utilised in this report to determine the minimum buffers recommended between existing dwellings at Kyla Park and revegetated buffers to ensure no greater than a low level of bushfire attack for existing dwellings.

#### 20.2.5 Bush Fire Environmental Assessment Code for Asset Protection Zones and Strategic Fire Advantage Zones, NSW RFS 2003

The Bush Fire Environmental Assessment Code for Asset Protection Zones and Strategic Fire Advantage Zones commenced on 1 July 2003. The purpose of this Code is to provide a streamlined environmental assessment process for use by issuing authorities and certifying authorities in determining applications for a bush fire hazard reduction certificate. The Code applies to asset protection zones and strategic fire advantage zones for residential buildings and other significant buildings identified in the local bush fire risk management plan.

There are a number of statements in the code that are relevant to Kyla Park.

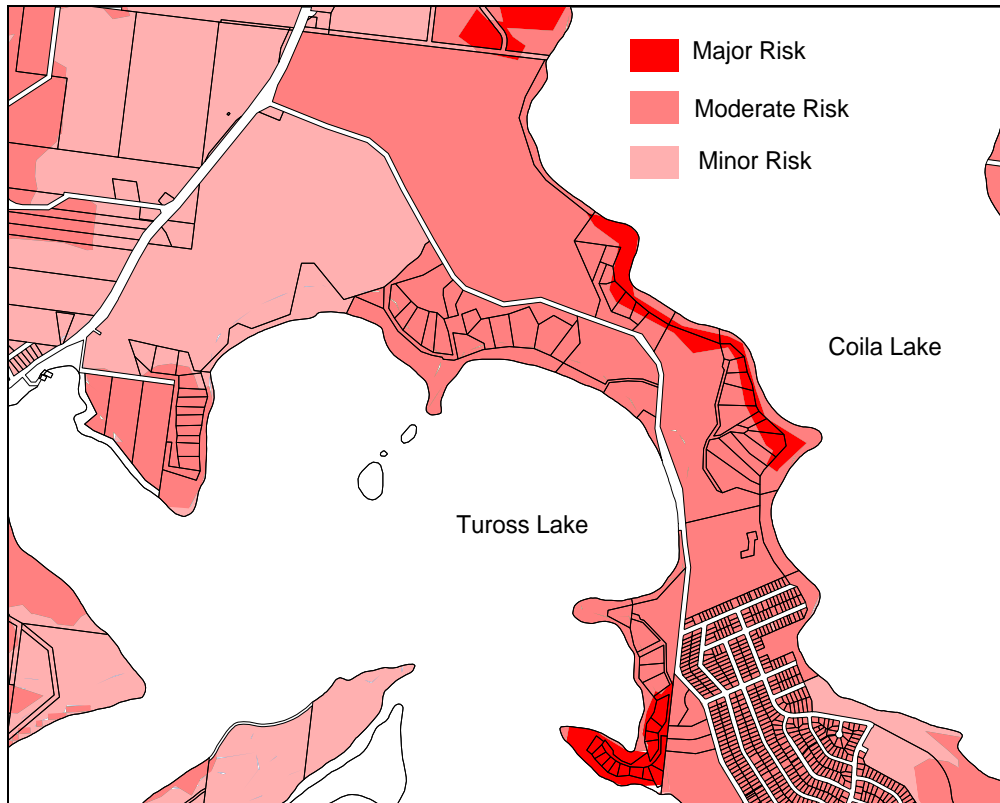
- Section 2.4 Land to which the code does not apply  
The following categories of land do not require approval under this Code:
  - (a) land where a development consent already applies for the provision and maintenance of an asset protection zone and the work is in accordance with the consent;
  - (b) land supporting isolated areas of vegetation including:
    - vegetation not mapped on a local authority's bush fire prone land map; or
    - strips of vegetation less than 20m wide associated with a road, rail, river and stream corridors.
  
- Section 2.7 Previous development consents and approvals  
If a pre-existing development consent exists for the land on which the work is proposed and the development consent allows for the provision of an asset protection zone and the work is in accordance with the consent, a bush fire hazard reduction certificate is not required.  
A bush fire hazard reduction certificate shall not require the clearance of a riparian area subject to a permit under Part 3A of the *Rivers and Foreshores Improvement Act, 1948*.
  
- Section 3.1.1 Size of works permitted within an asset protection zone  
The maximum width of the proposed works must be within the distances described in the table below for habitable buildings and 10 metres for all other buildings.

Slope	Distance*
Hazard upslope (<18°)	20 metres
Hazard downslope 0°-5°	25 metres
Hazard downslope 5°-10°	30 metres
Hazard downslope 10°-15°	40 metres
Hazard downslope 15°-18°	50 metres

\* provided distance does not infringe on minimum 10m riparian buffer as required by section 4.2 below.

**Figure 3 Maximum width of Asset Protection Zones under Bush Fire Environmental Assessment Code**

- Section 4.2 Standards for the protection of riparian buffers  
Any stream, river, wetland or lake marked on a topographic map and within the proposed treatment area must have a riparian buffer zone. Bush fire hazard reduction work is therefore to be excluded from all vegetation adjacent to a water body (ie the riparian buffer zone) in the following manner. The minimum width for exclusion zones of hazard reduction works are:
  - 10 metres from the highest bank or shore (or mean high water for tidal waters) on either side for asset protection zones.



**Figure 4 Bush Fire Risk to Community Assets**

The majority of land at Kyla Park is categorised as moderate, minor and major risk to community assets, in that order. When focusing on the Kyla Park clusters, land is categorised as being of moderate risk, with a smaller amount of land being categorised as major risk. Under the bushfire risk management plan, both major and moderate risk to community assets requires the provision of asset protection zones around buildings of value as a risk management strategy. In terms of prioritising areas for implementation of risk management strategies in the Shire, Kyla Park is priority 3 (on a scale from 1 - highest to 5 - lowest page 47 of Eurobodalla Bush Fire Risk Management Plan).

**20.3 Impact of Proposed Revegetation Activities on Bush Fire Risk Posed to Community Assets at Kyla Park**

The key question to be asked by this analysis is what will the impact of the proposed revegetation activities be on the bush fire risk posed to community assets (specifically dwellings & other buildings) at Kyla Park. This question is answered by determining the minimum separation (buffer) distances required between existing dwellings and a bush fire hazard (vegetation), to ensure a low level of bushfire attack, as defined by the NSW RFS in *Planning for Bush Fire Protection Guidelines, 2001*. A low level of bush fire attack would result in insignificant ember attack and radiation no greater than 14.5 kilowatts per square metre. Due to bushfire and vegetation management practices proposed (discussed in section 4), it is unlikely that a wildfire of intensity greater than 14.5 kilowatts per square metre would occur.

A low level of bush fire attack would result in minimal attack from radiant heat and flame due to the distance of the site from the vegetation, although some attack by burning debris is possible. There is insufficient threat to warrant specific construction requirements (NSW RFS, 2001).

For vegetation category woodland:

- Slope 0 - 5 degrees, low bush fire attack is achieved when distance from vegetation is greater than 30m but not greater than 50m
- Slope 5 - 15 degrees, low bush fire attack is achieved when distance from vegetation is greater than 50m but not greater than 80m

Therefore where slope is predominantly 0 - 5 degrees, no revegetation should occur within 30m to 50m of dwellings. Where slope is predominantly 5 - 15 degrees, no revegetation should occur within 50m to 80m of dwellings. Revegetation outside of these zones would be of a woodland vegetation category.

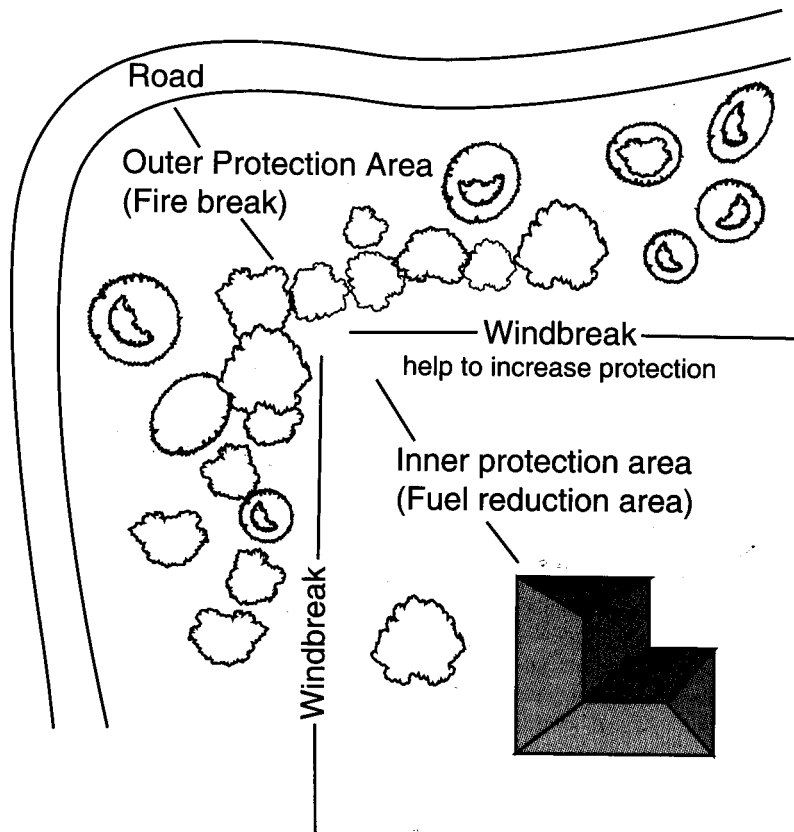
To accompany this measure, NSW RFS could issue bush fire hazard reduction certificates under the Bush Fire Environmental Assessment Code for clusters 1, 3A, 3B and 4 to create asset protection zones between 25m - 40m (depending on slope - refer to figure 3) around dwellings where appropriate and where the landowner desires this. A bush fire hazard reduction certificate under the Bush Fire Environmental Assessment Code cannot be issued for cluster 2 as it is not identified as bush fire prone land. For hazard reduction clearing on properties on cluster 2 a Review of Environmental Factors would be required.

Many properties in the Kyla Park clusters already contain vegetation within the no revegetation zones identified above. This zone is either completely contained within the property boundary or part on the property and part on the Council reserve. Management of this existing vegetation inside the no revegetation zone should be continued, but in accordance with the *Guidelines for Asset Protection Zones*, (NSW RFS, 2003).

The major objective of management of this no revegetation zone should be to ensure that fuels are discontinuous, that is, the vegetation does not provide a path for the transfer of fire to the asset from the surface to the tree canopy or through the canopy.

The major method of managing bush fire fuel in this no revegetation zone will be to continue current practices - for landholders to continue to rake and manually remove fine fuels and to continue mowing of grass. However where this practice is occurring within 10m of the waters edge, a minimum of a 10m wide (measured from high water mark) riparian zone is to be maintained. This 10m zone would be revegetated with ground covers and may include strategically located trees. This will improve the integrity of the riparian buffer yet still maintain the amenity for residents. In the event of a fire, tree crowns will rarely carry a fire without a significant fuel loading on the ground providing supporting fuel & heat (NSW RFS, 2003).

Existing trees on properties in Kyla Park can also act as windbreaks, trapping embers and flying debris, which would otherwise reach a dwelling (NSW RFS, 2003), as indicated in figure 5 below. By reducing wind speed, a row of trees also slows the rate of spread of a bush fire and a dense foliage traps radiant heat, lowering the bush fire intensity.





**Figure 5 Use of existing trees as windbreaks to reduce bushfire attack (NSW RFS, 2003)**

To be effective, a windbreak should:

- Be located on the side of the property from which extreme fire weather normally approaches;
- Be of sufficient length;
- Be located at a distance of 1 to 3 times the height of fully grown trees;
- Use smooth bark eucalyptus or deciduous trees; allow 50 - 60% of wind to pass through.

*Table A3.3 – New South Wales  
Determination Of Category Of Bushfire Attack For A Site*

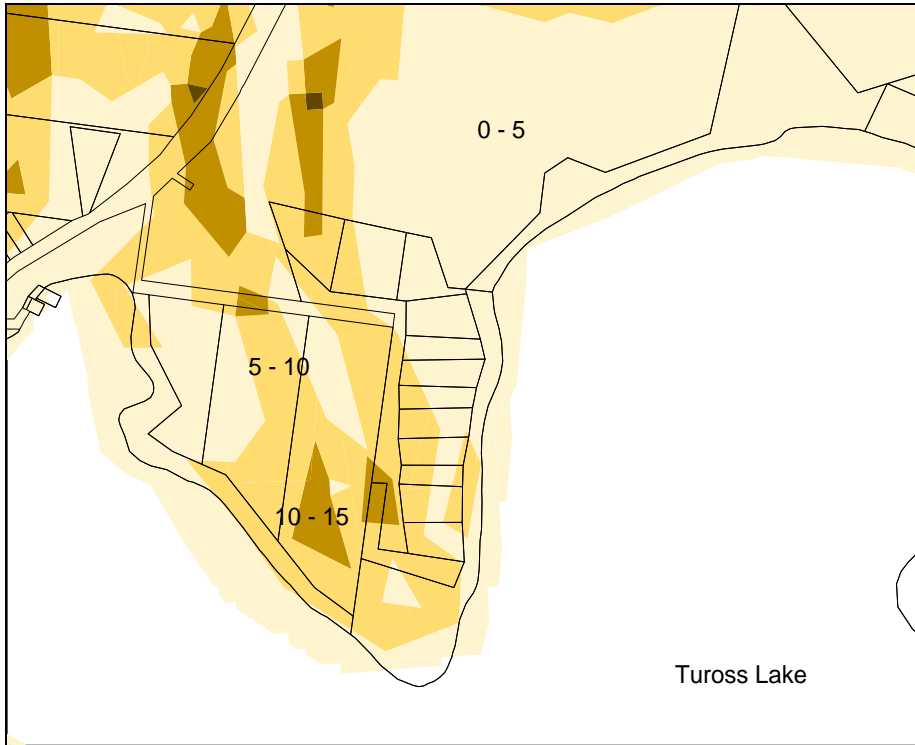
Distance from vegetation	Less than 20m		From 20m but not greater than 30m			Greater than 30m but not greater than 50m			Greater than 50m but not greater than 80m			Greater than 80m but not greater than 100m		
	All slopes	Greater than 15°	Greater than 5° but not greater than 15°	0 to 5°	Greater than 15°	Greater than 5° but not greater than 15°	0 to 5°	Greater than 15°	Greater than 5° but not greater than 15°	0 to 5°	Greater than 15°	Greater than 5° but not greater than 15°	0 to 5°	
Slope	Category of Bushfire Attack													
Vegetation	Category of Bushfire Attack													
Forest	FZ	FZ	FZ	Ext	FZ	Ext	High	Ext	Ext	Med	Ext	High	Low	
Woodland	FZ	FZ	Ext	Med	Ext	High	Low	Ext	Low	Low	Med	Low	Low	
Shrub/Heath	FZ	FZ	FZ	Ext	FZ	Ext	High	Ext	High	Med	High	High	Low	
Mallee/Mulga	FZ	Med	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	
Rainforest	FZ	High	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	
Grassland	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	
Non-vegetated	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	

Bushfire attack categories:  
 Low = Low    Medium = Med    High = High    Extreme = Ext    Flame Zone = FZ

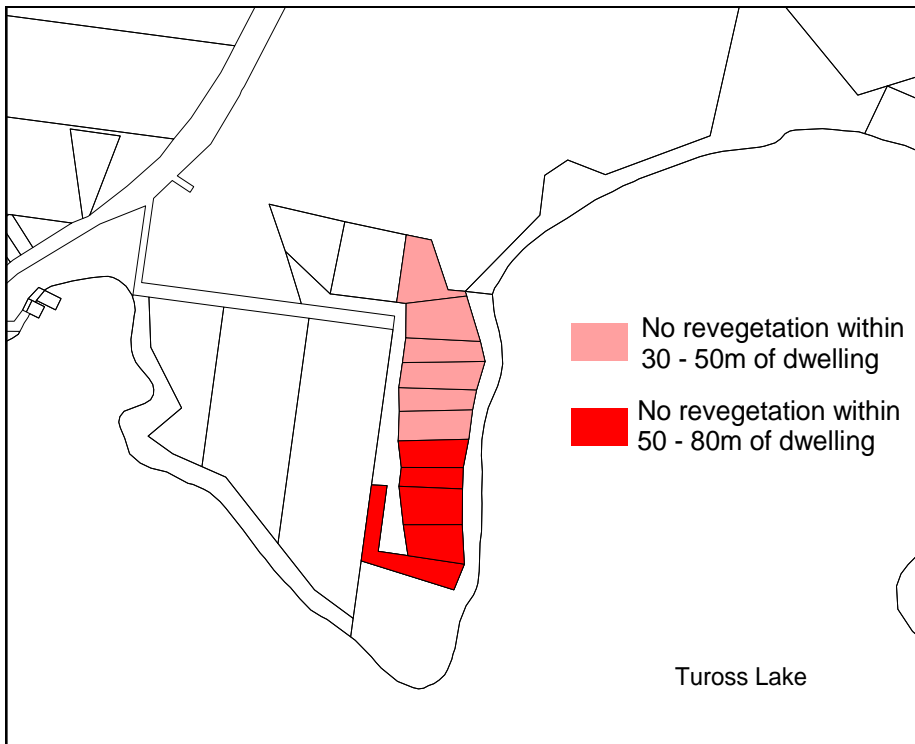
NOTES:

1. Categories of Bushfire Attack are based upon a Fire Danger Index (FDI) of 80 and fuel loads for NSW vegetation. The Table has been provided by NSW Rural Fire Service. The fire behaviour models are described in Appendix E to AS3959. Forest includes pine plantations but does not include rainforest.
2. The expected fire behaviour for each category is:
  - Low** insignificant ember attack, radiation no greater than 14.5 kWm<sup>-2</sup> or is greater than 100 metres from all woody vegetation.
  - Medium** significant ember attack, radiation heat greater than 14.5 kWm<sup>-2</sup> and no greater than 16 kWm<sup>-2</sup>. (Level 1 AS3959 – 1999)
  - High** significant ember attack, possible flame contact, radiation heat greater than 16 kWm<sup>-2</sup> and no greater than 21 kWm<sup>-2</sup>. (Level 2 AS3959 – 1999)
  - Extreme** significant ember attack, possible flame contact, radiation heat greater than 21 kWm<sup>-2</sup> and no greater than 31 kWm<sup>-2</sup>. (Level 3 AS3959 – 1999)
  - Flame Zone** within the Flame Zone and/or greater than 31 kWm<sup>-2</sup>, therefore construction outside the scope of AS3959 – 1999.

**Figure 6 Determination of Category of Bushfire Attack for a Site (NSW RFS, 2001)**



**Figure 7 Kyla Park Cluster 1 Slope Map**



**Figure 8 Kyla Park Cluster 1 Restrictions on Extent of Riparian Revegetation**

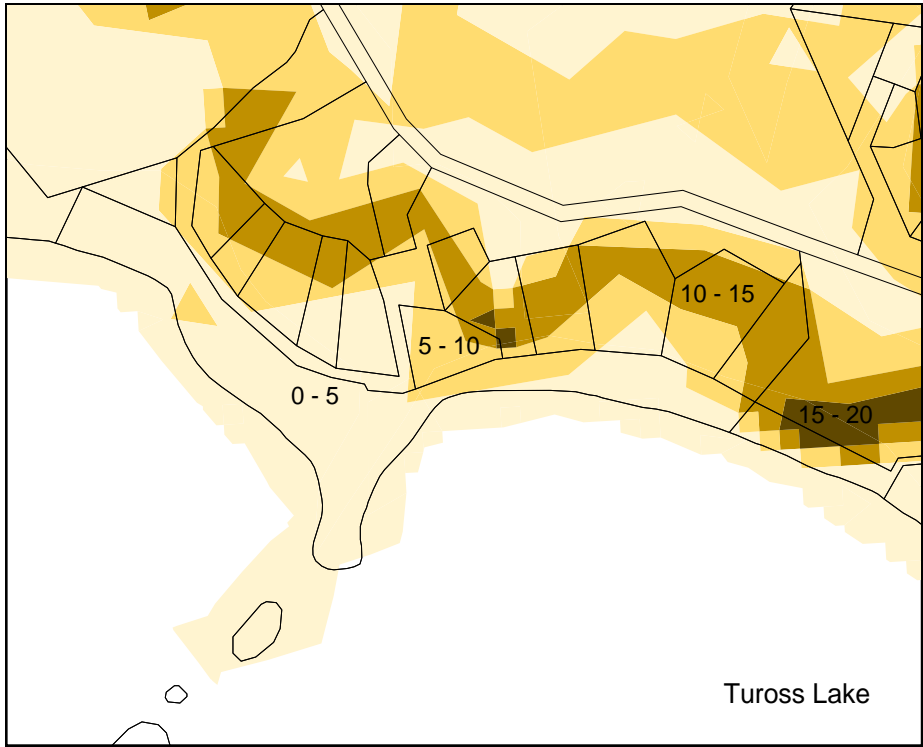


Figure 9 Kyla Park Cluster 2 Slope Map

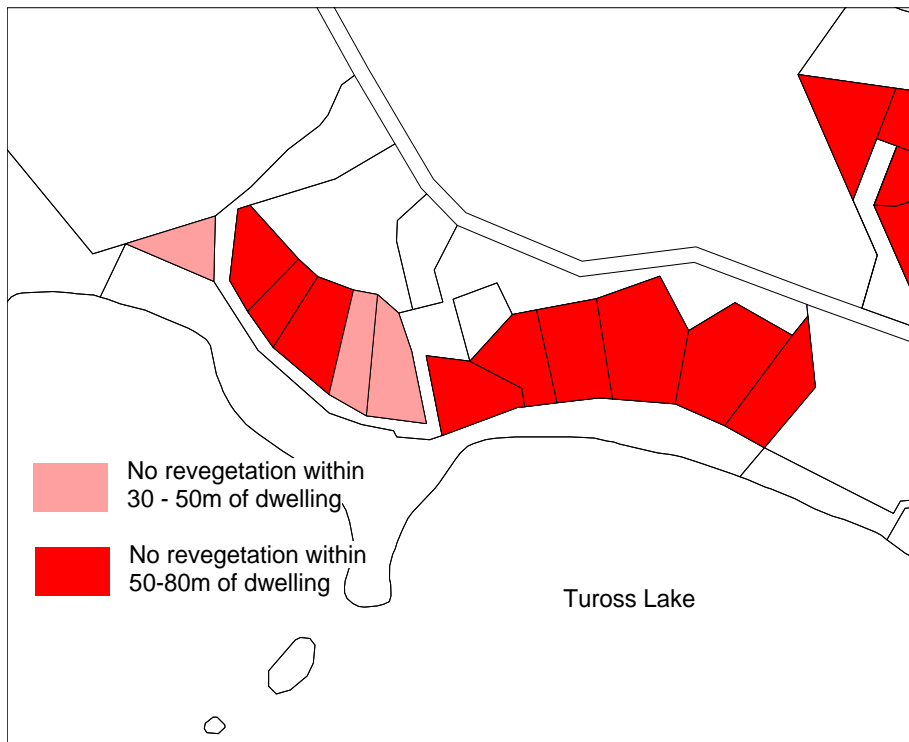


Figure 10 Kyla Park Cluster 2 Restrictions on Extent of Riparian Revegetation

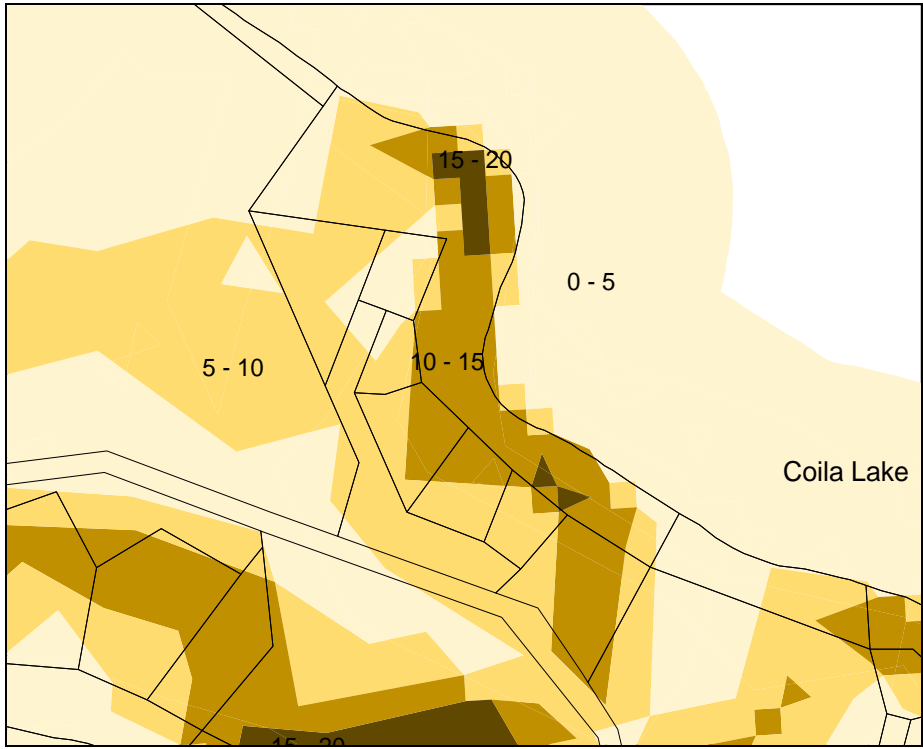


Figure 11 Kyla Park Cluster 3A Slope Map

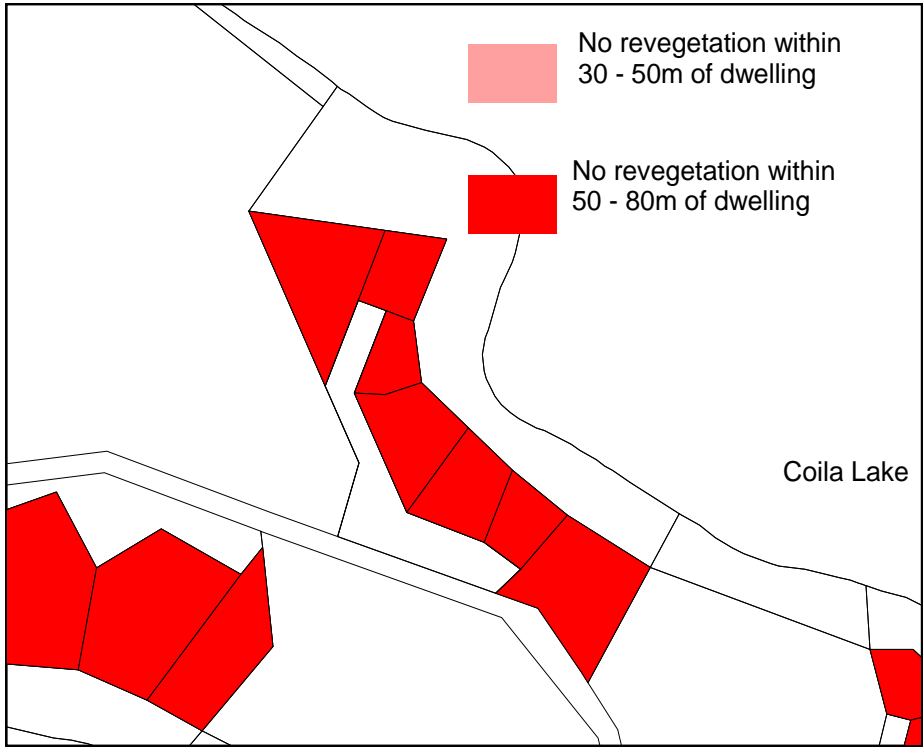


Figure 12 Kyla Park Cluster 3A Restrictions on Extent of Riparian Revegetation

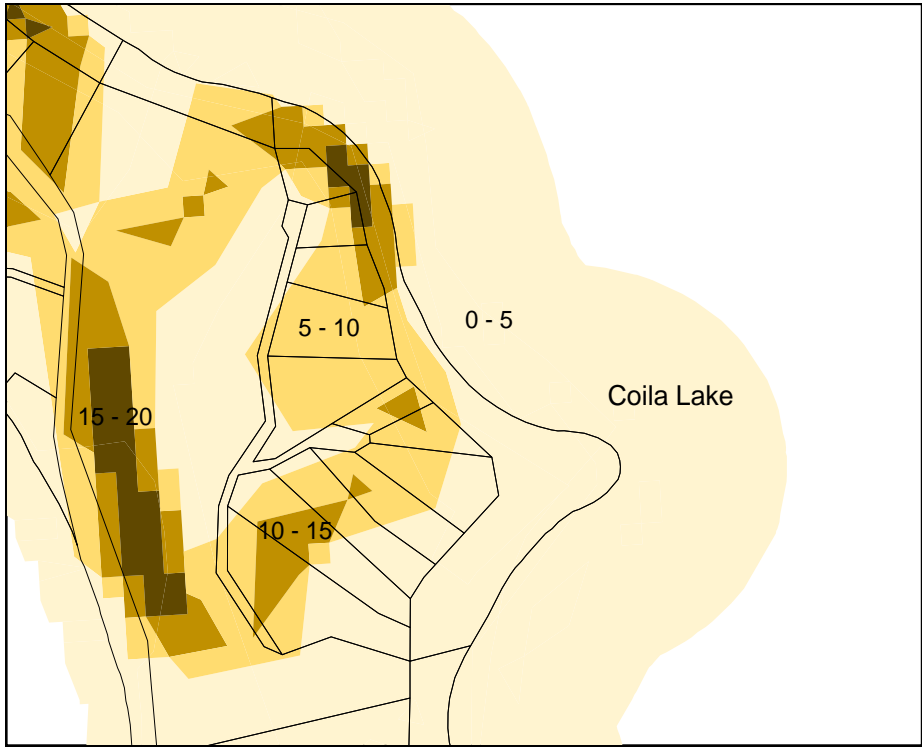


Figure 13 Kyla Park Cluster 3B Slope Map

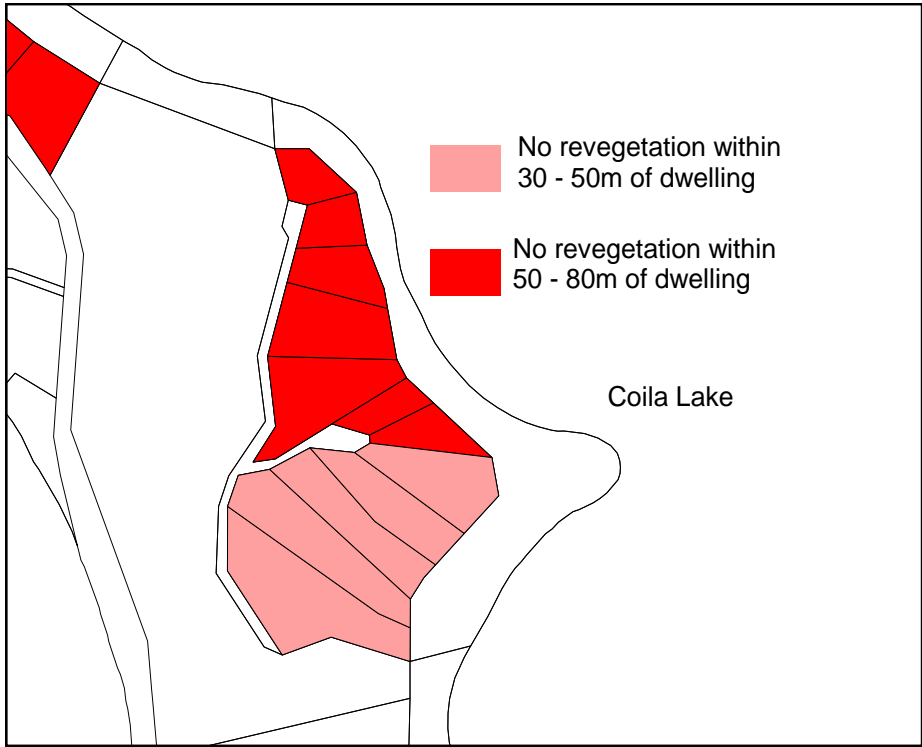
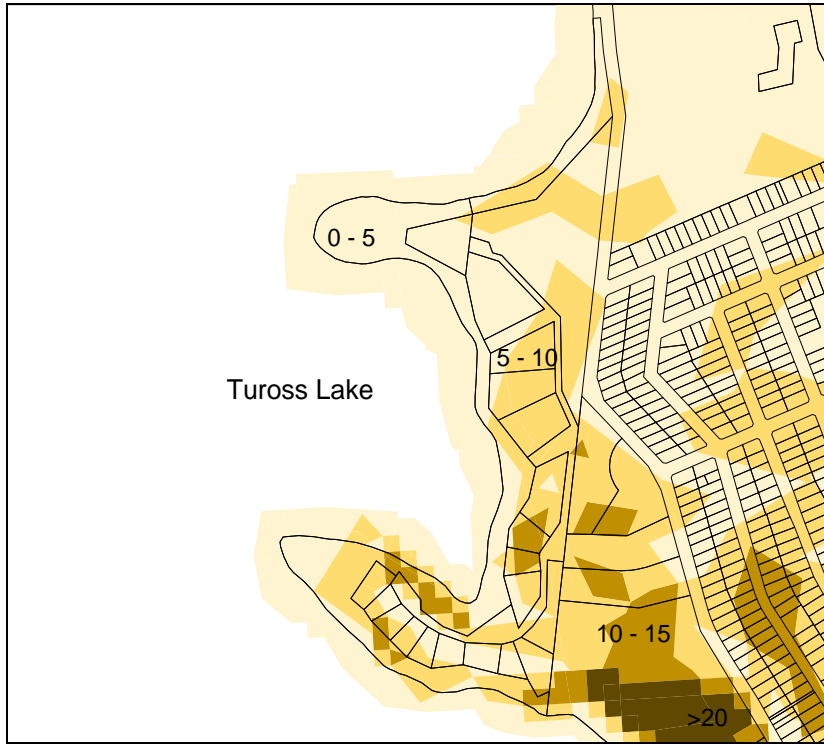
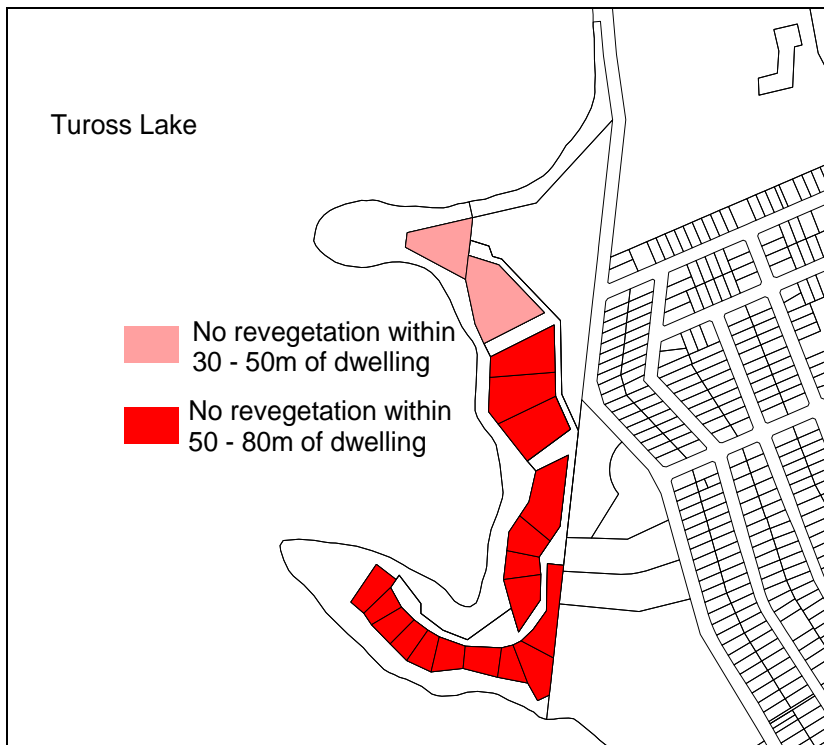


Figure 14 Kyla Park Cluster 3B Restrictions on Extent of Riparian Revegetation



**Figure 15 Kyla Park Cluster 4 Slope Map**



**Figure 16 Kyla Park Cluster 4 Restrictions on Extent of Riparian Revegetation**

## 20.4 Strategies to Limit the Spread of Wildfire in Riparian Corridors

The previous sections of this report have discussed measures to minimise bush fire risk to dwellings. This section discusses the strategies that will be adopted to minimise the risk of wildfire spreading along the riparian corridor. There are three main strategies that will be adopted to limit the spread of wildfire in riparian corridors along Turross and Coila Lakes. These strategies are:

- Reducing the "ladder effect" by revegetating with appropriate species
- Maintenance of existing view corridors
- Crash grazing

### 20.4.1 Reducing the "ladder effect" by revegetating with appropriate species

Tree crowns will rarely carry a fire without a significant fuel load on the ground providing supporting fuel and heat (NSW RFS, 2003). The "ladder effect" is commonly known as a situation where a bush fire spreads from the fuel load on the ground, into a shrubby understorey, into a mid level tall shrub layer and then into the canopy. Such a ladder effect can sustain a bush fire so that it travels through a forest or woodland. By removing the "ladder", it is difficult for a bush fire to spread and be sustained.

Therefore the revegetation plan for the riparian buffers will take this "ladder effect" into account. The revegetation will occur so that there is a low level ground cover, for example *Lomandra sp.*, and an upper canopy tree layer such as *Casuarina sp.* There will be no mid-level tall shrub layer included in the revegetation projects. This will reduce the ability of a bush fire to spread from the ground cover into the canopy. If it does ignite the canopy, the lack of a mid-level tall shrub layer will not sustain the bush fire in the canopy.

To further reduce the "ladder effect", suitable fire resistant plants will be utilised in the revegetation. Fire resistant plants, which are hard to burn, have the following features:

- High moisture content
- High levels of salt
- Low volatile oil content of leaves
- Smooth barks without "ribbons" of bark hanging from branches or trunks.

### 20.4.2 Maintenance of Existing View Corridors

A performance target contained in the plan of management includes:

*The visual amenity of the neighbouring properties will not be unduly affected by proposals to restore and/or regenerate foreshore land.*

The means of achieving this target will be to consider view corridors and incorporate them into the restoration/ regeneration plans for the foreshore reserves.

The maintenance of existing view corridors, is considered as an additional strategy to minimise the spread of wildfire by the number of trees planted in selected areas on the foreshore reserves. However, existing view corridors will require a minimum of a 10m wide (measured from high water mark) riparian zone. This riparian zone would be revegetated with ground covers and may include strategically located trees. This strategy will further reduce the "ladder effect" discussed in section 4.1.

### 20.4.3 Crash grazing

Once the foreshore reserves adjacent to the Kyla Park grazing lands have been revegetated and the trees are suitably established a regime of crash grazing will be adopted. This will have the effect of managing ground cover and fuel load to reduce the ability of bush fire to spread along this foreshore reserve.

## 20.5 Conclusion

In conclusion, there are a number of strategies that can be adopted to minimise the risk of bush fire in Kyla Park. These are summarised as follows.

- Ensuring revegetation activities are located at a distance far enough from dwellings so as not to increase the level of bush fire attack above the category low, as defined in *Planning for Bush Fire Protection Guidelines* (NSW RFS, 2001).
- The revegetation plan for the riparian buffers will take the "ladder effect" into account. The revegetation will occur so that there is a low level ground cover, for example *Lomandra sp*, and an upper canopy tree layer such as *Casuarina sp*. There will be no mid-level tall shrub layer included in revegetation projects. This will reduce the ability of a bush fire to spread from the ground cover into the canopy. If it does ignite the canopy, the lack of a mid-level tall shrub layer will be unlikely to sustain a bush fire in the canopy.
- Revegetation plan will produce woodland, not a forest.
- Fire resistant plant species will be incorporated into the revegetation plan.
- NSW RFS could issue bush fire hazard reduction certificates under the Bush Fire Environmental Assessment Code for clusters 1, 3A, 3B and 4 to create asset protection zones between 25m - 40m (depending on slope - refer to figure 3) on private property around dwellings where appropriate and where the landowner desires this.
- Management of existing vegetation inside the no revegetation zone on both private property and Council reserve should be continued, but in accordance with the *Guidelines for Asset Protection Zones*, (NSW RFS, 2003). This practice should not continue where it is impinging on the 10m minimum riparian zone required in section 4.2 of the Bush Fire Environmental Assessment Code.
- Once the foreshore reserves adjacent to the Kyla Park grazing lands have been revegetated and the trees are suitably established a regime of crash grazing will be adopted. This will have the effect of managing ground cover and fuel load to reduce the ability of bush fire to spread along this foreshore reserve.
- Maintenance of existing view corridors, however a minimum of a 10m wide (measured from high water mark) riparian zone, including ground covers and strategically located trees, is required.

## References

- Eurobodalla Bush Fire Management Committee 2002, *Eurobodalla Bush Fire Risk Management Plan*
- NSW RFS 2001, *Planning for Bushfire Protection Guidelines*
- NSW RFS 2002, *Guideline: Bushfire Prone Land Mapping*
- NSW RFS 2003, *Guidelines for Asset Protection Zones*
- NSW RFS 2003, *Bushfire Environmental Assessment Code for Asset Protection and Strategic Fire Advantage Zones*
- Environmental Planning and Assessment Act 1979*
- Rural Fires Act 1997*
- Rural Fires and Environmental Assessment Legislation Amendment Act 2002*