

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Endorse for submission to the Minister: Draft Crown Land Plan of Management

CSP Objective: Outcome 1.1: We want a strong sense of community and belonging, where social and cultural life can flourish; and our families, friends and visitors feel welcome and included.

CSP Strategy: 1.1.1 Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

Delivery Program: 1.1.1.2 Partner with the community, other levels of government and key stakeholders to provide support to community and cultural engagement sectors, community groups and organisations.

Summary

The *Crown Land Management Act 2016* (CLM Act) came into effect on 1 July 2018. The CLM Act authorises Council to manage certain crown land as if it were public land under the *Local Government Act 1993* (LG Act). The Act specifically requires Councils to prepare a Plan of Management (PoM) for managed crown land. As part of a draft PoM, the crown land parcels need to be classified as either community or operational land and categorised according to the requirements of the *Local Government Act 1993*.

Ministerial approval has been obtained for both the land classifications and categories following separate Council resolutions in 2020. Following Ministerial approval, the draft PoM was placed on public exhibition for the statutory exhibition period from 9 March 2023 until 20 April 2023. There were 24 submissions received both in support and requesting minor changes or providing suggestions to be made to the draft PoM. This report recommends that Council accept the amendments made to the draft PoM based on the submissions and resubmitted to the Minister for approval.

Following Ministerial consent, the draft PoM will then be required to be re-reported to Council for formal adoption.

Financial implication

The NSW Department of Planning, Industry & Environment (DPIE) provided a nominal grant to assist with the preparation of PoM in 2018/2019 for \$30,000. Council is funding the remainder of the cost to complete through annual operational budgets.

Risk implication

The public exhibition of the draft plan of management is a standard local government process and poses low risk to Council. Feedback from the broader community will help shape the final version of the plan of management which forms the basis of this report.

The introduction of the PoM will enable consistency of approach and planning for embellishments works on Council managed Crown Land.

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Policy

Crown Land Management Act 2016

Crown Land Management Regulation 2018

Local Government Act 1993

Local Government (General) Regulation 2005

Consultation (internal)

Executive Leadership Team

Property

Planning, Environment and Communities

Engineering Services

Assets

Events

Communication/Community engagement

Councillor briefings

Stakeholder Engagement Sessions (September 2020)

Attachments

Nil

Enclosures

1 Kiama Council - draft Plan of Management - Post exhibition with amendments

RECOMMENDATION

That Council, in accordance with the *Crown Lands Management Act 2016*, endorse the updated draft Plan of Management for submission to the NSW department of Planning, Industry & Environment – Crown Lands for Ministerial approval.

Background

Several reports have been prepared for Council from 2019-2021 in relation to the proposed classification and categorisation of Council managed crown land parcels. This process has been undertaken as part of the preparation of the Plan of Management (PoM) in accordance with the statutory requirements of the *Crown Land Management Act 2016* (CLM Act) and *Local Government Act 1993* (LG Act).

At the 20 July 2021 Council meeting, the draft PoM was endorsed for submission to the NSW Department of Planning, Industry & Environment – Crown Lands for Ministerial approval. Following approval by the Minister, Council placed the draft PoM

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on public exhibition from 9 March 2023 until 20 April 2023 for the minimum 42 day period.

During exhibition, Council received 24 submissions both in support of the draft PoM together with suggestions/requests for amendments.

The following table demonstrates the suggestions made within the public exhibition period, the number of times an item was raised within the submissions and applicable commentary/actions of the items:

Table 1. Submissions

Item+	No. of times item raised in submissions received	Comment
'Park' categorisation will prioritise and facilitate the use of the recreational activities which result in deterioration of dune vegetation	1	The location of the park categorisation has been amended to exclude the dune vegetation area
'Park' categorisation not supported where endangered Pied Oyster Catcher nests at Seven Mile Beach	1	The location of the park categorisation at Seven Mile beach has been amended
Oppose use of 'Park' category to Werri Beach dune vegetation	6	The location of the park categorisation at Werri beach has been amended
Oppose use of 'Park' category at Seven Mile Beach	12	The location of the park categorisation at Seven Mile beach has been amended
Oppose use of 'Park' category of Bombo Beach	4	The location of the park categorisation at Bombo beach has been amended
Supports Management Objectives in item 1.6.1 to enable community access where possible	1	Noted – no action required
Supports Leases, Licences and Other estates	1	Noted – no action required
No mention of endangered great glider at Seven Mile Beach	2	The PoM (page 10) refers to other legislation that is supplementary to the management of public land.

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Item+	No. of times item raised in submissions received	Comment
		The protection of wildlife and birds would fall within the <i>Biodiversity Conservation Act 2016</i> amongst other legislation which has been referenced.
Supports leases and licences at Seven Mile Beach for the continued use for Surf Schools	1	No action required – The PoM refers to the Surf School activities undertaken at Seven Mile Beach
Minnamurra Headland Landcare have identified rare plants within the reserve which should be identified	1	No action required – The PoM acknowledges the retention of important vegetation, habitat and corridors (page 17)
Minnamurra river entrance contains shore birds such as Sooty, Pied Oyster Catcher, Little and Crested terns and other shorebirds, POM should consider greater management to allow shorebirds breeding and recruitment.	1	The PoM (page 10) refers to other legislation that is supplementary to the management of public land. The protection of wildlife and birds fall within the <i>Biodiversity Conservation Act 2016</i> amongst other legislation which has been referenced.
Improvement on signage regarding dog access at Minnamurra river	1	This feedback has been passed onto Council's Environmental and Sustainability department for consideration
Site Specific Plan of Management for Seven Mile Beach	2	The Council Managed Crown Land PoM is a generic plan however does reference the reserves/sites specifically. A site specific PoM may be considered at a later stage if funding becomes available.
Gerroa Dam site /reserve should be turned into a Koala sanctuary by planting eucalyptus trees and removal of feral animals	1	This feedback has been passed onto Council's Environment and Sustainability department for consideration

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Item+	No. of times item raised in submissions received	Comment
Support a small area on the north end of Seven Mile Beach to be dog friendly	2	This feedback has been passed onto Council's Environmental and Sustainability department for consideration
Support dogs on Seven Mile Beach	1	This feedback has been passed onto Council's Environmental and Sustainability department for consideration
Inclusion of names of each reserve on page 8 (appendix A)	1	The addition of the reserve name has been added to page 8.
Land use zone map for Kiama Coast Walk on p67 is confusing	1	No action required - The map is zoomed out to ensure it captures the Kiama Coastal Walk in its entirety.
Incorrect zoning of RE1 – Public Recreation from areas of coastal vegetation are to be corrected to C2	1	No action required – The land zoning of all areas have been reviewed and are represented correctly within the PoM in accordance with <i>Kiama LEP 2011</i>
Dune vegetation should be categorised as 'Natural Area'	1	The dune area has been amended to be categorised as natural area
Consider Aboriginal cultural values and heritage and land rights	2	As part of the PoM process, Council had an external consultant review the document specific to Aboriginal Interests through Native Title. This was submitted to the Department prior to public exhibition.
Failure to meet minimum requirements for PoM	1	No action required – The minimum requirements for the PoM are outlined within clause 36(3) of the <i>LG Act</i> and are summarised as follows: - Category of the land - Objectives and performance targets

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Item+	No. of times item raised in submissions received	Comment
		<ul style="list-style-type: none"> - Means by which council propose to achieve plans objectives and performance targets - Manner in which Council proposes to assess its performance with respect to the plans objectives and performance targets <p>The PoM specifically addresses all of the minimum requirements in the following manner -</p> <ul style="list-style-type: none"> - All reserves have been categorised -Table 2 on pages 16 and 17 outline the objectives, means of achieving the objectives and the manner of assessment.
Indecipherable statement as to the meaning of ‘house built infrastructure’ requires clarification	1	<p>No action required –</p> <p>The statement should be read in its entirety which is summarised as follows:</p> <p><i>“General Community Use’ land caters for the widest range of uses for the community and may house built infrastructure or cater for a wide range of activities....”</i></p> <p>This statement specifically relates to physically constructed structures/facilities on the land.</p>
Reserve purpose “Filming event” for Minnamurra Reserve Trust	1	<p>Amended – The reference to ‘Filming Event’ was placed in the wrong Minnamurra reserve it has now been removed from Minnamurra Reserve Trust and has been included within Minnamurra Headland Reserve.</p>

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Item+	No. of times item raised in submissions received	Comment
Site Specific PoM needed for Gerroa Sanitary Purposes	1	A site specific PoM may be considered at a later stage if funding becomes available.

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The main issue raised was the **park** categorisation applied to part of the dune vegetation at Seven Mile, Werri and Bombo beaches respectively. These matters have been taken into consideration and as such changes have been made to the location of the categorisation to remove park from any dune vegetation and the application of a natural area categorisation has been made in its place. (see aerial images 1-6 below).

In addition to the mapping amendments, the following changes to the draft Plan of Management have been made on the basis of submissions and Native Title Manager's advice and is itemised below:

Page	Amendment
8	Reserve names have been added to the corresponding reserve number: <ul style="list-style-type: none"> • Reserve No. 131 – Coronation Park • Reserve No. 12984 – Blowhole Point Reserve (Part) • Reserve No. 71286 – Gerroa Sanitary Purposes • Reserve No. 76339 – Gerringong Boat Harbour (Cooke Park) • Reserve No 80816 – Werri Beach (South) and Holiday Park • Reserve No 83972 – Seven Mile Beach Reserve • Reserve No 87397 – Blowhole Point Reserve • Reserve No. 89014 – Hindmarsh Park Reserve • Reserve No. 90992 – Minnamurra Headland • Reserve No. 91569 – Easts Beach • Reserve No. 95574 – Saddleback Mountain Reserve • Reserve No. 97438 – Kiama Reserve Trust • Reserve No. 180060 – Old Fire Station • Reserve No. 580000 – Kiama Showground • Reserve No. 1000307 – Illawarra Escarpment • Reserve No. 1002914 – Minnamurra Reserve Trust • Reserve No. 1010050 – Jamberoo General Cemetery • Reserve No. 1017629 – Kiama Coast Walk

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Page	Amendment
12	<p>Wording regarding advisory committee has been changed to the following:</p> <p>“At the commencement of the Plan of Management process, Council had a number of Advisory Committees with terms of reference to support and implement Council’s corporate objectives. The Advisory Committees involved within the initial stages of the Plan of Management are outlined as follows:</p> <ul style="list-style-type: none"> • Australia Day Committee • Catchment and Flood Risk Management Committee • Companion Animals Management Advisory Committee • Destination Kiama Tourism Advisory Committee • Economic Development Committee • Health and Sustainability Committee • Kiama Local Traffic Committee • Walking Tracks and Cycleways Committee • Planning Committee • Seniors Week Committee • Youth Advisory Committee • Kiama Cultural Board
14	<p>Inclusion of further consultation activities within Table 1.</p> <p>Consultation Draft Plan of Management Public Exhibition</p> <p>Date 9 March 2023 - 23 April 2023</p>
19	<p>New Heading included on page 19:</p> <p>“Future Acts</p> <p>No future act is permitted on the following lands: Minnamurra River, Park & Lookout Reserve (R1002914)</p> <ul style="list-style-type: none"> • Kiama Coastal Walk (R1017629) • Lot 100 DP 809184 being part of Kiama Showground Dedication (D580000) <p>Unless:</p> <p>a. The lands become excluded land for the purposes of the <i>Crown Land Management Act 2016</i>, or</p>

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Page	Amendment						
	<p>b. The act is a tenure which satisfies the requirements of Section 24HA (Management of Water and Airspace) of the <i>Native Title Act 1993</i>.</p> <p>c. The act is a public work which satisfies the requirements of Section 24KA of the <i>Native Title Act 1993</i>.</p> <p>d. The act is a low impact act and satisfies the requirements of Section 24LA of the <i>Native Title Act 1993</i>.</p> <p>Any act authorised under Section 24LA of the <i>Native Title Act 1993</i> will terminate, after an approved determination of Native title is made in relation to the land or waters, if the determination is that native title exists.</p>						
38	<p>Removal of Filming Event from Reserve purpose from Minnamurra Reserve Trust 1002914 and added to Minnamurra Headland 90992 (highlighted yellow)</p> <table border="1" data-bbox="646 907 1117 1818"> <thead> <tr> <th colspan="2" data-bbox="646 907 1117 943">Reserve details</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 952 917 1429"> <p>Minnamurra Reserve Trust</p> <p>RESERVE #: 1002914</p> <p>RESERVE PURPOSE: Public Recreation and Coastal Environmental Protection</p> <p>RESERVE CATEGORY: Park & Natural Area - Watercourse (as mapped)</p> <p>LEP ZONE: C2 - Environmental Conservation & RE1 - Public Recreation</p> <p>AREA: 70.71 hectares</p> <p>GAZETTAL DATE: 03/03/2000</p> </td> <td data-bbox="917 952 1117 1429"> <p>Lot description:</p> <p>Whole lots: Lots 7038-7039 DP 96360</p> <p>Lot 7043 DP 96362</p> <p>Lots 7314 DP 751279</p> <p>Lot 7300 DP 1139844</p> </td> </tr> <tr> <td data-bbox="646 1438 917 1818"> <p>Minnamurra Headland</p> <p>RESERVE #: 90992</p> <p>RESERVE PURPOSE: Public Recreation and Filming Event</p> <p>RESERVE CATEGORY: Park (as mapped)</p> <p>LEP ZONE: RE1 - Public Recreation</p> <p>AREA: 4.87 hectares</p> <p>GAZETTAL DATE: 16/12/1977</p> </td> <td data-bbox="917 1438 1117 1818"> <p>Lot description:</p> <p>Whole lots: Lot 68 DP 243062</p> </td> </tr> </tbody> </table>	Reserve details		<p>Minnamurra Reserve Trust</p> <p>RESERVE #: 1002914</p> <p>RESERVE PURPOSE: Public Recreation and Coastal Environmental Protection</p> <p>RESERVE CATEGORY: Park & Natural Area - Watercourse (as mapped)</p> <p>LEP ZONE: C2 - Environmental Conservation & RE1 - Public Recreation</p> <p>AREA: 70.71 hectares</p> <p>GAZETTAL DATE: 03/03/2000</p>	<p>Lot description:</p> <p>Whole lots: Lots 7038-7039 DP 96360</p> <p>Lot 7043 DP 96362</p> <p>Lots 7314 DP 751279</p> <p>Lot 7300 DP 1139844</p>	<p>Minnamurra Headland</p> <p>RESERVE #: 90992</p> <p>RESERVE PURPOSE: Public Recreation and Filming Event</p> <p>RESERVE CATEGORY: Park (as mapped)</p> <p>LEP ZONE: RE1 - Public Recreation</p> <p>AREA: 4.87 hectares</p> <p>GAZETTAL DATE: 16/12/1977</p>	<p>Lot description:</p> <p>Whole lots: Lot 68 DP 243062</p>
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41	<p>New dot point under management directions/actions heading:</p> <ul style="list-style-type: none"> No future act is permitted on this reserve unless it meets the requirements set out in Section 1.9 development and use. 						
58	<p>New dot point under management directions/actions heading:</p>						

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Page	Amendment
	<ul style="list-style-type: none"> No future act is permitted on Lot 100 DP 809184 unless it meets the requirements set out in Section 1.9 development and use.
68	New dot point under management directions/actions heading: <ul style="list-style-type: none"> No future act is permitted on this reserve unless it meets the requirements set out in Section 1.9 development and use.
90-99	Mapping updates to amend location of Park categorisation for Seven Mile, Bombo and Werri Beaches. All remaining maps updated to include new Council logo only.

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Image 1. Bombo Beach previous categorisation

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Image 2. Updated Bombo Beach categorisation



Image 3. Seven Mile Beach previous categorisation

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Image 4. Updated Seven Mile Beach categorisation



Image 5. Werri Beach previous categorisation

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Image 6. Updated Werri Beach categorisation

Additional Amendments

The following amendments will also be made to the document following adoption of the Plan of Management by Council:

Page	Amendment
19	Remove reference to Section 68 approvals for camping in the following areas: <ul style="list-style-type: none"> Chapman Point Reserve (Coronation Park R131) Kiama Showground (Kiama Showground Reserve D580000)
22	Under Events delete “Regional Economic Development Strategy 2018-2022”
23	Under promotion and awareness delete reference to: “Council’s Health Plan 2018-2021”
25	Under vegetation delete the following reference: “A Municipal wide vegetation study (to ensure biodiversity, corridors and bushfire mapping is accurate and consistent with the Illawarra

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Page	Amendment
	<i>Biodiversity Strategy 2011) and an Urban Greening Strategy are to be developed and will further inform this management approach in the future."</i>
48	Delete reference to: <i>"Continue to maintain and support the Kiama Arts Precinct and Network, including implementation of the Kiama Arts Centre Project."</i>
	Delete any reference to Public Land Management Guidelines 2020 and change to: "Public Land Management Policy"
	Delete any reference to Companion Animals Advisory Committee as this no longer exists: <i>"Terms of reference of Council's Companion Animals Management Advisory Committee."</i>
	Delete any reference to: <i>"Kiama Asset Management Plan (Buildings and Kiama Asset Management Plan (Recreation) 2016."</i>

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Ministerial Consent for Plan of Management following public exhibition

Following public exhibition, to obtain Minister's consent for Council to adopt the Plan of Management, the following documents must be provided:

- Copy of the Plan of Management
- Summary report of submissions after public exhibition of Plan of Management
- A table outlining amendments or tracked changes to the Plan of Management.

Summary

The PoM document (see attachment) has been prepared following preliminary consultation and public exhibition and is now ready for approval by the Minister.

Once approval has been given, the PoM will be brought back to Council for its final adoption.