

# kaleula head & marsden reserve community land



plan of management



adopted 19 june 2001

kiama municipal council

# Plan of Management

## Kaleula Head to Marsden Reserve

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## 1.0 INTRODUCTION

### 1.1 Background

The land covered by this plan includes all the community land extending from Kendalls Beach Reserve south to Easts Beach. It includes a number of headlands and the Little Blowhole. It is adjoined on the landward side by residential development. It is public land owned by the Kiama Municipal Council and has been classified “Community” land under the provision of the Local Government Act 1993. (See Figure 1)

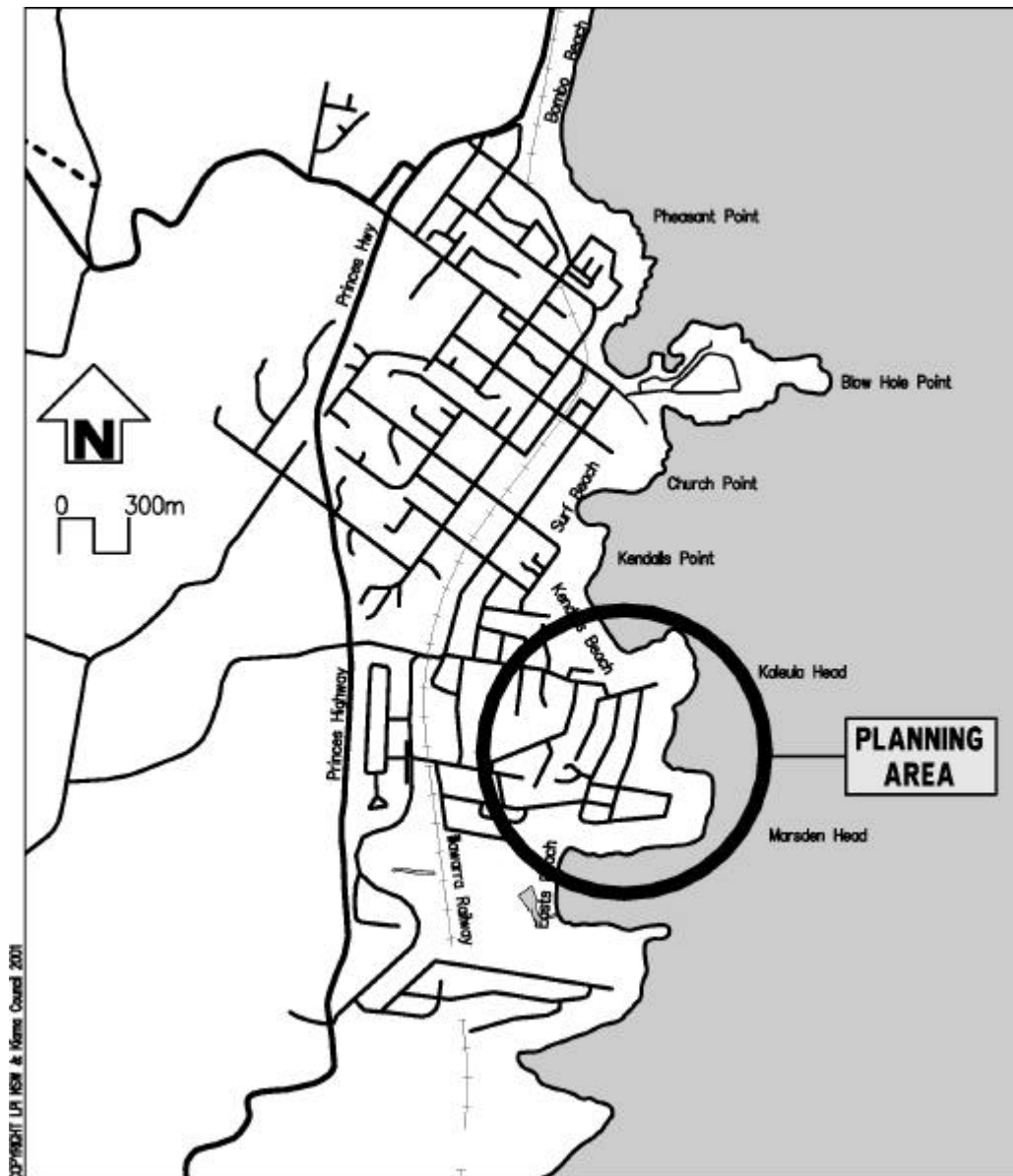


Figure 1

The Local Government Act also requires that Council prepare a Plan of Management in conjunction with the community to identify the important features of the land, clarify how Council will manage the land and how the land may be used or developed.

Until a Plan of Management for community land is adopted, the nature and use of the land cannot be changed and Council cannot carry out new development or improvements to the land.

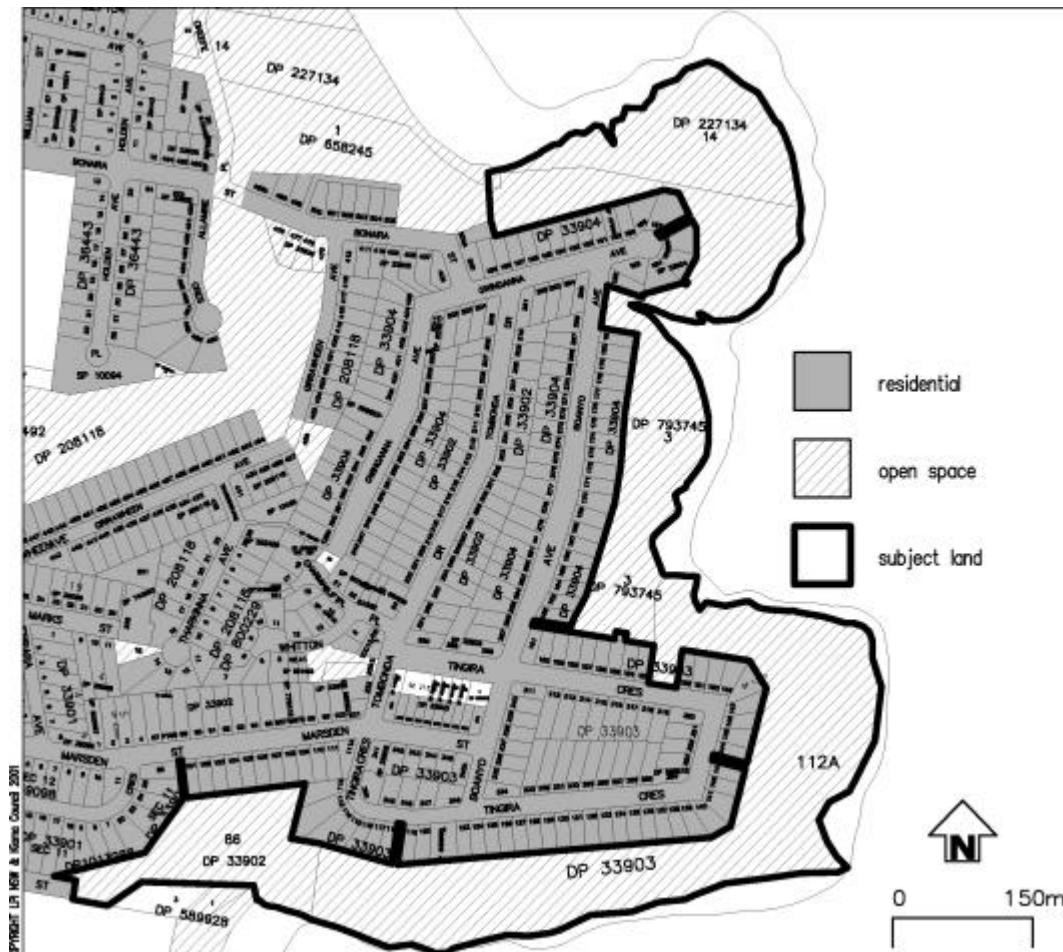
This Plan of Management has been prepared in order to achieve a balanced, responsible, and ecologically sustainable use of the land and to ensure that it addresses the needs of both local neighbourhood groups and the broader community. It identifies appropriate outcomes for the reserve and provides a way for achieving these outcomes through a series of clear strategies and detailed actions.

## 1.2 Community Land Covered by the Plan

The community land covered by this plan is shown in *Figure 2*. It consists of a number of parcels of land as follows:

- Part Lot 14, DP 227134
- Part Lot 1, DP 658245
- Part Lot 3, DP 793745
- Part Lot 112A, DP 33903
- Part Lot 86, DP 33903

The area covered by this plan covers approximately 16.48 hectares.



*Figure 2*

The land is zoned as Open Space Existing Recreation 6(a) under the Kiama Council's Local Environmental Plan 1996. The reserve is surrounded by housing zoned Residential 2(a) and adjoins Kendalls Beach to the north and crown reserves (Easts Beach) to the south zoned 6(a) Recreation.

### **1.3 Category and Class of Land**

As noted earlier, all the land included in this plan is classified as Community Land under the Local Government Amendment Act 1998.

Under Section 36(4) of the Local Government Amendment Act 1998, all community land must be categorised as one following categories:

- Natural Area
- Sportsground
- Park
- Area Of Cultural Significance or
- General Community Use

In accordance with the guidelines set out in the Local Government (General) Regulation 1999, the reserve included in this plan is categorised as “General Community Use”.

### **1.4 Function and Value**

The land acts as a buffer between the residential development and the shoreline and provides public access around the headland and to the shoreline. It provides a link between the public reserves to the north to the Kiama township and Easts Beach and the residential development at Kiama Heights.

The reserve has significant aesthetic and recreational value catering for local residents and tourist interests. Open space reserves such as this also have a purely intrinsic value - worth derived simply from the existence of natural features and open space to be enjoyed by the community.

The adoption of the draft plan will form an integral component of efforts to protect and conserve this reserve and the shoreline.

### **1.5 Preparation of a Plan of Management**

The process undertaken in the preparation of a Plan of Management for Council owned community land must follow the steps and requirements set down under the Local Government Act 1993. These steps are:

- Prepare the draft plan.
- Council must give public notice of the existence of the draft plan.
- The draft plan is to be exhibited for at least twenty-eight (28) days and a submission period of at least 42 days during which submissions may be made to Council.
- Hold a public hearing in respect of the plan if the proposed plan categorises community land under Section 36(4) or (5) of the Local Government Amendment Act 1998.
- Consider all submissions made to the public hearing and any written submission made to Council on the draft plan during the period of public exhibition. Council may decide to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.
- Subject to no further amendments being required, the Plan of Management is then formally adopted by Council.



*Photo 1 – Kaleula Head*

## **1.6 Community Participation**

Community consultation is a fundamental source of information necessary to provide the most efficient and effective Plan of Management for community land.

Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of the people most affected by the plan itself.

Community participation will also result in an increased general awareness of Council's responsibilities, activities, policies and plans for land management.



## 2.0 PHYSICAL FEATURES AND CONDITION OF THE LAND AND STRUCTURES

The land included in this plan comprises open grassy headlands – Kaleula Head, Marsden Point Reserve and the Little Blowhole. It is used for passive recreation, mainly walking and fishing. This area provides almost continuous pedestrian access for the community to approximately 2 km of coastline and it is adjoined by residential development throughout. The coastal walking track has been established along these reserves and is continuous except for the area immediately adjoining Friars Cave near Boanyo Avenue. Unfortunately, the private property boundary extends down to the top of the cliff at this point thereby forcing the track back onto Boanyo Avenue until the next access is reached at its southern end. This not only interrupts the continuous access but makes any access by the community to the large area behind Boanyo Avenue properties very difficult. It would be most desirable if pedestrian access could be provided to allow this link.

A carpark and viewing platform honouring Captain Cook's exploration of the east coast in 1770 have been provided at the Little Blowhole. The area around the platform is scoured and requires treatment to prevent further erosion and to improve the appearance of the site.

A stairway was constructed down to the northern end of Easts Beach in the late 1970's or early 1980's. This is the only legal means of access to the Crown reserve on Easts Beach from the north. These stairs are in good condition.

There are very few trees on the reserve – virtually the only vegetation being kikuyu grass. Maintenance to the headland is carried out in accordance with the policy adopted in the 1996 Foreshores Plan i.e. "Except for a strip approximately four slasher widths wide adjacent to private property and the Coastal Walking Track, the area shall be mown sufficient to control weed growth - approximately twice per year."



*Photo 2 – Little Blowhole*

### **3.0 COUNCIL'S OVERALL PLANNING FRAMEWORK**

Council has defined a number of fundamental or corporate goals that are to be addressed in any future development of their parks and recreation areas. These goals form an overarching framework for all the more detailed objectives and strategies in this plan.

#### **3.1 Aim of this Plan of Management**

- To develop a Plan of Management for the site to comply with the Local Government Act 1993 and the Local Government Amendment Act 1998 and which is consistent with Council's corporate goals and policies. The plan should also achieve a balanced, responsible and ecologically sustainable use of the land and ensure that it addresses the needs of both the local community groups and the broader community.

#### **3.2 Corporate Goals**

##### **Parks and Recreation:**

- To provide and maintain an open space system which meets the diverse needs of the community and enhances the quality of the natural environment and the quality of life.

##### **Other:**

- To provide an efficient and effective delivery of services, which is responsive to the community's, needs;
- To promote the principle of ecological sustainability in environmental planning through implementation of Council's environmental goals;
- To develop an organised culture which encourages innovation and flexibility and which strives for continual improvement;
- To exercise the regulatory functions of Council consistently and without bias; and
- To encourage community participation in the processes of Council by consulting widely on its activities and policies.

## **4.0 COUNCIL POLICIES**

Council has developed a number of general policies in the planning, management and maintenance of community land and Council reserves. Any proposed strategies and actions proposed in this plan must be consistent with these policies.

### **4.1 Planning**

Council will:

- Consider and attempt to balance, the need for community recreation facilities with the impact development of such sites will have on local residents;
- Attempt to balance the provision of active and passive recreational facilities;
- Consider access to recreational facilities for young families and disabled users;
- Integrate access for disabled users in plans for future developments;
- Limit facilities on the site to those facilities which are compatible with the objectives of the Plan of Management;
- Attempt to provide safe pedestrian links and corridors between components of the open space network; and
- Have regard to Council's Environmental Goals and Biodiversity Policy when approving works on the site.

### **4.2 Management**

Council will:

- Reserve the right to control the use of, and access to, community land;
- Create opportunities for community consultation and participation in the planning and development of community land; and
- Facilitate a system whereby enquires and complaints from the public can be efficiently and promptly dealt with.

### **4.3 Development of New, and Improvement of Existing, Facilities**

Council approval is required prior to any development or improvement made to community land.

All major developments and improvements to be funded (solely or partially) by Council will be approved through inclusion in Council's Capital Works Schedule.

Works included in Council's Capital Works Program will be funded from income generated from Council's entrepreneurial activities, general revenue, Section 94 contributions and external funds in the form of Government grants. If the anticipated yields from these sources are not achieved it will result in the proposed works being delayed to later dates.

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

#### **4.4 Weed Control**

The control of noxious weeds in general shall remain with the Illawarra Noxious Weed Authority. Council will carry out the control of nuisance weeds or environmental weeds. This will involve the use of herbicides or mechanical methods as well as minimum disturbance methods where appropriate.

#### **4.5 Maintenance**

Council will:

- Carry out maintenance and inspection as detailed in the Strategic Asset Maintenance Program for Parks and Reserves, Recreational Facilities, Foreshores, Boat Ramps, Disused Quarries and Cemeteries.
- Review maintenance service levels outlined in the Strategic Asset Maintenance Program for Parks and Reserves annually to ensure that facilities are maintained efficiently and within budget constraints.
- Encourage community groups to assist with maintenance;
- Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers on Council ground; and
- Carry out bush regeneration in accordance with standard accepted practices for bush regeneration.

#### **4.6 Fees**

Council applies fees for the use of Council reserves. An application must be lodged with Council prior to the event. All applicable fees must be paid prior to the hire/use of the reserve.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc, are detailed in Council's Fees and Charges Schedule. Council's fee structure is reviewed on an annual basis.

#### **4.7 Uses and Activities Uses Requiring Council Approval**

- All activities defined in Part D Section 68 of the Local Government Act 1993;
- Fetes/cultural activities;
- Exhibition/displays;
- Commercial photographic/film shoots;
- Concerts/performances;
- Large, formal gatherings; and
- Recreational and environmental facilities under the care, control or management of Council, rehabilitation of wetland systems, essential public works.

#### **4.8 Prohibited Activities**

Activities in the view of Council may be damaging, disruptive and/or may represent a danger to either users of the reserve, neighbouring properties or the site, or which are not consistent with the 6(a) zoning.

## **4.9 Sale of Alcohol**

Council must approve the sale of alcohol on Council property. Before approval is sought, a Functions Licence must be obtained from the NSW Police Department. This licence must be produced in every instance where an application involving the sale of alcohol on Council property is sought.

Applications must meet the requirements set down by the Licensing Board, Courts of NSW and Council.

## **4.10 Signage**

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits.

Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of a reserve. All signs must meet a design standard and be approved by the Manager of Environment. All signs must be sympathetic to their environment in their design, construction and location.

All Council signs erected under Section 632 of the Local Government Act and as part of the Strategic Asset Management Program (SAMP), plus reserve name signs and traffic and safety signs, are permissible. Council must approve all other signs before erection.

## **4.11 Easements**

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

## **4.12 Leases, Licenses and Other Estates**

Council does not propose to grant any leases, licences or other estates (apart from easements as earlier noted) in respect of the community land except for those leases, licences and other estates permitted by Clause 25 of the Local Government (General) Regulation 1999.

## **4.13 Animals on Reserves**

Existing Acts and Regulations regarding the prohibition of animals such as dogs and horses on community land including a public place or part thereof, without prior Council approval, must be enforced to keep these areas free of animals and excrement.

Council will enforce the Companion Animals Act 1998 and Regulations or equivalent which states that the owner of a dog found in a prohibited place is in breach of the law. In general, without prior approval of Council a dog is not permitted in the following places (whether or not they are leashed or otherwise controlled):

- Within 10 metres of any playing apparatus provided or part for the use of children;
- Within 10 metres of any apparatus provided for the preparation or consumption of food by humans;

#### 4.13 Animals on Reserves (cont)

- Public bathing areas including a beach that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition;
- Any areas provided or set apart for public recreation or the playing of games that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition.

However in respect of the community land covered in this plan, Council at it's meeting on the 19<sup>th</sup> June 2001 declared the areas shown in Figure 3 off – leash areas for dogs in accordance with the Companion Animals Act 1998. *(see figure 3)*

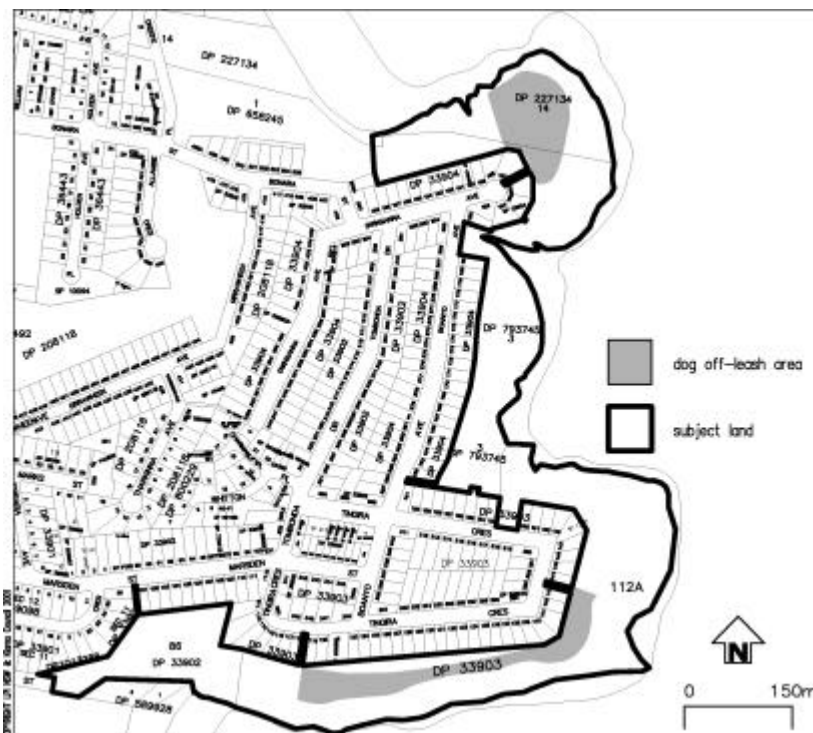


Figure 3

#### 4.14 Public Safety

As recommended by the LOGOV Risk Management Services report, Council has developed a Strategic Asset Maintenance Program (SAMP) for all its Assets. SAMP has been developed to create and maintain all assets under the care, custody, control and management of Council to a safe standard and in a safe condition which is, in fact, the highest standard and condition that Council can reasonably afford in all of its circumstances and having regard to financial economic, environmental, aesthetic, social or political factors or constraints.

## 5.0 MANAGEMENT OBJECTIVES, ISSUES AND STRATEGIES

### 5.1 Management Objectives

- (i) The core objectives of this Plan of Management are defined in Section 36 (1) of the *Local Government Act 1993*.

*The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:*

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

Council's corporate goals, which are set out under Section 3.2 of this document, are also key management objectives that must be addressed under the Plan of Management.

- (ii) Specific Management Objectives

Specific management objectives have been set for this site. These are as follows:

- (a) To mitigate impact on the reserve and adjoining crown reserve by community use;
- (b) To protect and enhance all functions associated with the reserve's role as a buffer between the residential development and the shoreline;
- (c) To provide for passive recreational activities or pastimes.

### 5.2 Management Issues

The management issues involved with the reserve and its objectives are discussed together with possible options and solutions. Then strategies or performance targets have been established to achieve the desired outcomes

#### 5.2.1 Access

The reserve forms part of a continuous stretch of public land linking Kendalls Beach in the north to Easts Beach in the south. However, as noted in Section 2.0, physical access is interrupted on the south side of Friars Cave by the proximity of the private property boundary to the cliff edge forming the entry to the cave. This forces the Coastal Walking Track back onto the road along Boanyo Avenue until it reaches the next access at the southern end of Boanyo Avenue. Although it would require construction of an elevated section of pathway to gain access around the squeeze point, this would be most desirable as this would then provide the link as intended when the reserve was created.

Such access, although quite legal, would reduce the privacy presently enjoyed by the property owners along this part of the reserve. However, this has to be balanced with the right of the community to use this area and to maintain the link along the shoreline and enjoy the very spectacular views without having to go back onto the roadway.

Under Council's Strategic Asset Management Policy the Coastal Walking Track is intended to be maintained as a an unpaved footpath with no improvements being carried out to the natural surface Therefore the track must only be slashed to help delineate the route and no additional maintenance by way of improving the surface is to be done.

Vehicle access is provided to the carpark at the Little Blowhole but no other access is available to the reserve for cars. Proposals have been considered for vehicle access and a car park to be constructed on the reserve adjacent to the steps to Easts Beach because there is no vehicular access for the public to the beach. Whilst this would be physically possible to construct it would still require people to use the stairs down to the beach and could only be permitted if it was to primarily serve this reserve.



*Photo 3 – Restricted access around Friars Cave*

### **5.2.2 Revegetation**

The site is almost completely covered by introduced grasses (kikuyu) and exotic weeds. Any revegetation proposals must take into account the very significant views from this area and generally the open nature of the reserve should be maintained. Planting should consist of native vegetation indigenous to the area primarily aimed at replacement of the kikuyu with native grasses and shrubs. Small groups of trees could be established in selected locations for shade and shelter.

Maintenance to the headland is carried out in accordance with the policy adopted in the 1996 Foreshores Plan i.e. "Except for a strip approximately four slasher widths wide adjacent to private property and the Coastal Walking Track, the area shall be mown sufficient to control weed growth - approximately twice per year." This is in accordance with Council's SAMP and this policy should continue





*Photo 4 – Marsden Reserve*

### **5.2.3 Provision of Recreational Facilities**

Because of the physical and environmental constraints, the area is suitable for passive recreation only. This would include walking, fishing and general sightseeing. Therefore facilities should be provided for those uses only.

As noted in Section 2.0, work is required to improve the surface around the Little Blowhole viewing area and to improve the general appearance of the site.

### **5.2.4 Stormwater Treatment**

There are a number of small stormwater drains passing through the reserve which discharge water into the sea. Because they collect water from the surrounding urban catchment this discharge would include pollutants, although their composition and concentration is not known. Investigation should be undertaken to determine the extent of the problem and the type of treatment if required.

## **6.0 ACTION PLAN**

The following table sets out a number of actions required to implement the identified Management Strategies and Performance Targets for the Kaleula Head to Marsden Reserve. These actions are the means of achieving the objectives of the Plan of Management. The actions will be developed and reviewed annually.

Unless otherwise noted, the responsibility for the implementation of these actions is with the Director of Engineering and Works.

A clear indication of how the completion of the aims will be assessed is also provided in the tables under Performance Evaluation.

Because of the longer-term nature of the Objectives and the supporting Performance Targets as set out in the plan, these will need to be reviewed less frequently, approximately every five (5) years.

<b>Management Objectives</b>	<b>Management Strategies Performance Targets</b>	<b>Actions (means of achieving targets)</b>	<b>Performance Evaluation (how they will be assessed)</b>
<ul style="list-style-type: none"> <li>Mitigate impact on the reserve by community use</li> </ul>	<ul style="list-style-type: none"> <li>Limit vehicle access to the reserve</li> </ul>	<ul style="list-style-type: none"> <li>Provide suitable car barriers at all at all entry points</li> <li>Carry out Council Ranger patrols of the reserves</li> </ul>	<ul style="list-style-type: none"> <li>Authorised vehicles only in reserve</li> </ul>
<ul style="list-style-type: none"> <li>Protect and enhance functions of the site as a buffer between the public and private assets and the shoreline</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that works carried out on the reserve are in accordance with the aims and objectives of the NSW Coastal Policy</li> </ul>	<ul style="list-style-type: none"> <li>Carry out works in accordance with the NSW Government Coastline Management Manual</li> <li>Obtain funding for major works through inclusion of works in Council's Capital Works Program and pursuing funding from external sources</li> </ul>	<ul style="list-style-type: none"> <li>Completion of works.</li> <li>Receipt of funding</li> </ul>
<ul style="list-style-type: none"> <li>Encourage the ecological sustainable use of the reserve</li> </ul>	<ul style="list-style-type: none"> <li>Encourage community participation in revegetation works</li> <li>Minimise the impact of Stormwater discharges on the reserve</li> <li>Reduce erosion around the Little Blowhole viewing ares</li> </ul>	<ul style="list-style-type: none"> <li>Provide financial and logistic assistance to appropriate local conservation groups.</li> <li>Investigate the environmental impact of stormwater discharges on the reserve</li> <li>Carry out landscaping to the Blowhole viewing area</li> </ul>	<ul style="list-style-type: none"> <li>Formation of groups and implementation of on ground works</li> <li>Implementation of recommendations from investigation.</li> <li>Reduction in erosion</li> </ul>
<ul style="list-style-type: none"> <li>Provide for passive recreational use only</li> </ul>	<ul style="list-style-type: none"> <li>Provide facilities suitable for passive recreation only</li> </ul>	<ul style="list-style-type: none"> <li>Maintain the area in accordance with Council's Strategic Asset Management Policy (SAMP)</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with the SAMP</li> </ul>

## 7.0 REFERENCES

Kiama Municipal Council Kiama Council Draft Management Plan 2001/2004

NSW Government Coastline Management Manual September 1990

Kiama Municipal Council Stormwater Management Plan July 2000

NSW Coastal Council NSW Coastal Policy 1997