

2.0 HOW LEGISLATION RELATES TO WARRINGAH'S COASTAL OPEN SPACE

2.1 What is Council's role in managing Coastal Open Space?

Community Land

There are a number of land parcels along the coast of Warringah that are designated as "Community Land". All land owned by Council must be managed in accordance with the Local Government Act 1993, including the Community Land Management Amendment 1998. The Act requires that councils must classify public land as "operational" or "community" and that plans of management must be prepared for Community Land. The ways in which Community Land can be used and managed are strictly governed in accordance with an adopted plan of management and any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land. Appendix 2 provides detail on the principles of Community Land management, what dealings a Council can have in Community Land and information regarding the granting of a lease or licence. Appendix 3 contains the Community Land Description Table.

Crown Reserve

In its role as trustee, Warringah Council has the ongoing responsibility to manage Crown Land in accordance with the Crown Lands Act 1989. It is important that all parcels of Crown Reserve are managed within the broader context of all the land under Council's control. Moreover, the Act requires that a plan of management must identify the public purpose of the Crown Reserve to provide the basis for planning and management. In accordance with the Act, all land uses must either support or be ancillary to the reserve's public purpose. The Department of Land and Water Conservation's schedule of Public Purposes continues to be revised and amended. Appendix 3 contains the Crown Land Description Table.

Road Reserves

Road reserves are not subject to the requirements of the Local Government Amendment (Community Land Management) Act 1998 or Crown Lands Act 1989. However the Plan refers road reserves as they, in part, form coastal open space in Warringah or provide public access and parking at a number of locations. For example part of the car parking areas at Freshwater Beach reserve are located on road reserves. In addition part of the coastal reserve between Dee Why headland and North Curl Curl headland is road reserve. These situations are often anomalies created at the original sub division. As such, for the sake of completeness the areas are included in the relevant plan of management to indicate management intent.

2.2 Categorisation of Community Land

The Local Government Act requires that all Community Land be categorised. A description of each category and the core objectives that relate to each category are shown in Appendix 2. A combination of categories may be used for the one parcel of land. Accordingly this Plan of Management has identified the following categories as relevant to the lands addressed in this Plan of Management:

- *General Community Use*
- *Park*
- *Natural area (foreshore, bushland, watercourse, and wetland)*

It is important to note that for the purposes of sound management the areas of Crown Land that Council actively manages within the Coastal Lands Plan of Management have been categorised

in accordance with the Local Government Act. There are a number of reasons for doing so, including:

- It demonstrates Council's management intent for land it owns, but also land it manages.
- Given the mixed nature of the land ownership of the coastal reserves [as seen in Maps 2 (a), 2 (b) and 2 (c)], it is less confusing to categorise all land, rather than leave the other forms of public open space without a category.

Categories only have statutory force for the Community Land parcels, however Council has in principle support for applying categories to Crown Lands as method of showing management intent from the Department of Land and Water Conservation.

Selection of Categories

In viewing the categories shown for the land parcels covered by Maps 2 (a) to (c) a number of points should be noted and assist in explaining Council's choice of categories.

General Community Use: This has been selected to cover Warringah's surf lifesaving clubs in recognition of the broad range of recreational and social uses that the buildings provide.

Park: This category has been applied to those areas of open space generally enjoyed for passive recreation. This also includes the car parks occurring on coastal open space, as these car parks support the recreational use of the land.

Natural area (foreshore): This sub category has been widely applied to the beach and headland areas within the plan. Foreshore has been applied to the cliff escarpments in lieu of the sub category *escarpment* as it is felt that the *escarpment* sub category is more applicable to areas of ridge top escarpment found further inland. Council intends to manage the headland areas as part of the transitional coastal zone and as such the sub category *foreshore* is more applicable.

Natural area (bushland): This sub category has been applied to areas of open space, particularly the areas of coastal headland vegetation that Council manages to preserve its remnant bushland values. Much of the area categorised as *bushland* is presently subject to works by professional bush regeneration contractors and volunteers.

Natural area (watercourse): The areas that have been assigned this sub category are found at the entrance to Curl Curl Lagoon and Narrabeen Lagoon reflecting Council's approach in managing these areas as a water body generally covered in water.

Natural area (wetland): Areas adjacent to the entrance to Curl Curl Lagoon have been sub categorised as wetland reflecting Council's approach in managing this area as a wetland with vegetation adapted to this transitional area.

Maps 2 (a), 2 (b) and 2 (c) illustrate the location and extent of categories of land within this Plan of Management.