

## 2 PREPARING THIS PLAN OF MANAGEMENT

### 2.1 What legislation is relevant to the development of this plan?

#### **Local Government Act, 1993**

The *Local Government Act* (Section 36) requires that Council prepare plans of management for all community land.

Such a plan must identify

- The category of the land
- The objectives and performance targets of the plan with respect to the land (strategies)
- The means by which these strategies will be achieved (actions)
- The methods which will be used to assess whether the strategies are being achieved.

As this is a Specific Area Plan of Management it must also

- Include a description of the condition of the land and of any buildings or other improvements on the land
- Include a description of the use of the land and any such buildings or improvements
- Specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used
- Specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- Describe the scale and intensity of any such permitted use or development.

Further information relating to the management of community land is included in Appendix E.

#### **Crown Lands Act, 1989**

A number of reserves this plan are located on land covered by the Crown Lands Act 1989 (CLA). For the purposes of the Act Council is a reserve trust manager.

The CLA does not require managers to prepare a plan of management, unlike the Local Government Act, although the Minister may direct a plan to be prepared. Where a reserve trust manager, with the Minister's consent, prepares a plan of management, Section 112 of the CLA requires the plan to specify or deal with the following matters:

1. (a) the condition of the reserve (including the condition of any buildings or other improvements on the reserve);
2. (b) the existing use of the reserve (including the existing use of any buildings or other improvements on the reserve);
3. (c) the nature and scale of the proposed additional purpose;
4. (d) the nature, scale and term of any lease, licence or other arrangement that is intended to be granted or entered into in relation to the additional purpose;
5. (e) any submissions made in relation to the draft plan as a result of the consultation process and public exhibition requirements under section 113.

Lands to which the Crown Lands Act 1989 applies are not subject to the classification requirements of the Local Government Act 1993 and appropriate uses are determined by

the public purpose nominated for the land. This means that the land must provide a public benefit and all use, development and agreements must be acceptable under the stated public purpose.

A Crown reserve can have an additional purpose declared where there are competing interests, such as bushland (environment protection) and recreation (usually the primary purpose).

All of the Crown Land within this Plan of Management has been reserved for the purpose of 'public recreation' except for South Creek Foreshore Reserve which has the additional purpose of 'access'.

The definition of public recreation is informal, passive recreational, low key sporting, social and cultural activities. Land reserved for access means that the public has a right to enter and use the reserve (these definitions have been determined under case law).

To provide consistent management within a plan of management Council has adopted the view that lands owned by the Crown will also be treated as categorised. However the 'Public Purpose' of the reserve is the basis for planning and management of all Crown Reserves and all land use must either support or be ancillary to the public purpose.

Further information relating to the management of Crown land is included in Appendix E.

### **Categorisation of land within Dee Why Valley and South Creek Corridor**

The Local Government Act requires that all community land be categorised. A description of each category and the core objectives set for each category are listed in Appendix E. All current and future uses of the land must comply with the core objectives.

A combination of categories may be used for one parcel of land. Figure 2.1.1 outlines the categories proposed in the Dee Why Valley and South Creek Corridor Reserves.

The implications for the management of the categories in this plan are discussed in section 5.4.

### **Instruments made under the Environmental Planning and Assessment Act 1979**

State Environmental Planning Policy (Infrastructure) 2007 applies to these reserves. This policy facilitates the delivery of public infrastructure. In particular, it specifies a range of developments that can be carried out by or on behalf of a public authority and which do not require development consent on parks and other public reserves. This includes development carried out by Council and other public authorities. The range of development includes outdoor recreational facilities, landscaping, amenity facilities, and environmental management works, among others.

In the presence of threatened species, any proposal on these reserves will still be subject to an environmental assessment under Part 5 of the Environmental Planning and Assessment Act.

If there is an inconsistency between this Policy and any other environmental planning instrument, (i.e. the Warringah Local Environmental Plan 2000) whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency except in the circumstances as detailed in Clause 8 - Relationship to other environmental planning instruments of SEPP (Infrastructure) 2007.

## 2.2 Community consultation

Warringah Council actively seeks the involvement of the community in all aspects of its planning. This is to ensure that all plans and strategic documents address community needs and values. It is also a requirement of the *Local Government Act* 1993 that the community be involved in the development of a plan of management.

### What community consultation activities were undertaken?

The purpose of the community consultation activities for this plan were to identify the values attached to Dee Why Valley and South Creek Open Space Corridor and to identify any issues regarding this area. The consultative activities undertaken for the development of this Plan are listed in table 2.2.1.

Activity	Purpose	Date
Manly Daily Advertisements	Informed the community that the plan was being reviewed and the various activities to participate in.	Nov 2006
Letter to local residents	7700 letters sent to residents in all areas immediately around the reserves to inform of process and activities to participate in.	Nov 2006
Community Survey	7700 sent with letter. 233 received by Council	Nov 2006
Letter to user groups/ stakeholders	Sent to sports, environmental and business groups throughout the area to inform about process. A survey was included for all groups	Nov 2006
Sports Users Surveys	All sports clubs were sent a survey which collected information about ground usage, current issues and possible improvements. 7 of the 8 Clubs/ Associations provided material for this plan	Nov 2006
Community Workshop	Open discussion on the land area to identify values and issues. 16 attendees	30 <sup>th</sup> Nov 2006
Open days	Staff available to talk to residents about the area and related issues. 15 attendees	Dec 5 <sup>th</sup> & 6 <sup>th</sup> 2006
Issues and Options Discussion Paper	Paper was exhibited and opened for community comment for 21 days. The paper was advertised in the Manly Daily and posters were placed at libraries, customer service and all 13 reserves affected by the proposed plan. It listed all identified issues and possible management options. 36 submissions were received.	May 2007

**Table 2.2.1. Community Consultation Activities**

In addition to the consultation activities, Council also:

- Consulted Council staff
- Researched previous correspondence from the community and relevant information
- Consulted relevant agencies and government bodies
- Undertook a fauna study of the area - this was done as a result of community comments regarding the high number of native animals in the area
- Researched relevant Council studies and documentation

The results and comments of each consultation activity are listed in Appendix C. The results are also discussed in sections 3.3 and 3.4.