

### **3. THE DEVELOPMENT PROCESS**

#### **3.1 Legislative And Statutory Requirements**

Red Hill and Golden Grove Parks are areas of Community Land owned by Warringah Council. The Plan of Management for this land must satisfy the requirements of:

- The Local Government Act (1993) and the amendments of 1998; and
- Councils' planning and policy legislation.

The Local Government Act (1993) requires that the use and management of all community land be regulated by a Plan of Management. Until a Plan of Management is adopted, the nature and use of the land must not change. The land parcels included within the Red Hill and Golden Grove Parks Plan of Management are currently classified as 'community land' and should be kept for use by the general public.

In accordance with the Act, the Plan of Management must identify:

##### **3.1.1 *The category of the land***

The Red Hill and Golden Grove Parks Plan of Management site area is comprised of fifteen parcels of land classified as 'community land' and one parcel of land which is currently designated as "Crown Road". It is recommended however, that the Crown Road be reserved as Crown Land for public recreation. Table One lists each land parcel and its category as per the Local Government Act 1993, with some land parcels having more than one category. Figure Six identifies each of the parcels and their categories.

A category must be given to each parcel of land, the category describes the land and the uses that may occur on such land and each category has a set of core objectives. All current and intended uses of the land must comply with the core objectives. Red Hill and Golden Grove Parks fit into four categories, including:

- Natural Area: Bushland;
- Natural Area: Watercourse;
- Park; and
- General Community Use.

The core objectives which relate to these four categories are as follows:

##### **Natural Area: Bushland**

- To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land;
- To protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion;

- To restore degraded bushland;
- To protect existing landforms such as natural drainage lines, watercourses and foreshores;
- To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- To protect bushland as a natural stabiliser of soil surface.

#### **Natural Area: Watercourse**

- To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows;
- To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability;
- To restore degraded watercourses; and
- To promote community education and community access to and use of the watercourse, without compromising the other core objectives of the category.

#### **Park**

- To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- To provide for passive recreational activities or pastimes and for the casual playing of games; and
- To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

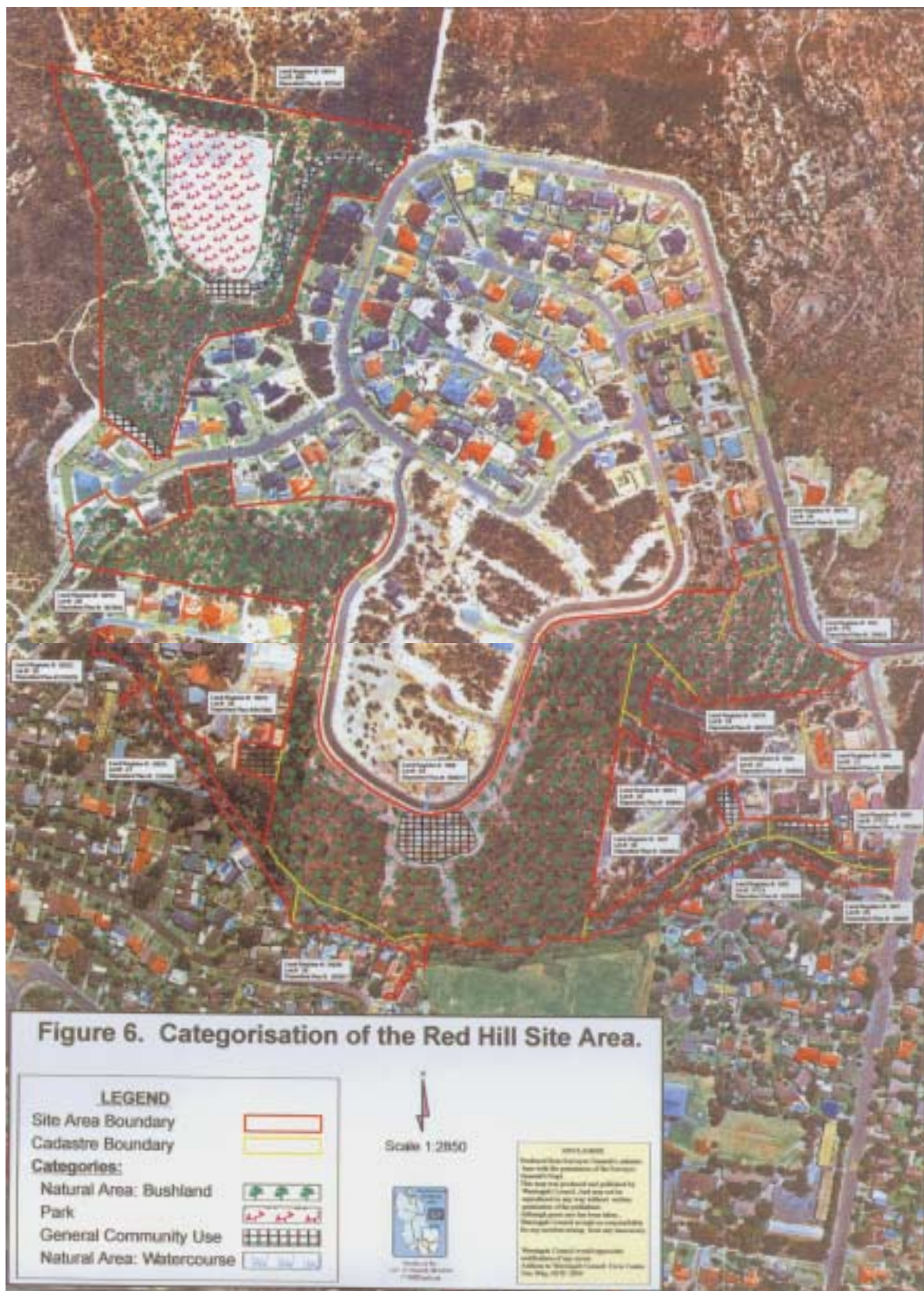
#### **General Community Use**

The core objectives 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:

- In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
- In relation to purposes 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).

**Table 1. Categorisation of the Red Hill and Golden Grove Parks Plan of Management land parcels.**

Reg. No.	Lot No.	DP No.	Reserve Name	Street Name	Category	Existing Facilities	Area (m2)
56/12	28	847604		Brooker Avenue	General Community Use	Sedimentation pond	1,078
56/11	32	849954		Endeavour Drive	Natural Area: Bushland Natural Area: Watercourse		1,650
56/15	19	880126		Friendship Place	Natural Area: Bushland		1,960
56/8	53	856217		Golden Grove	Natural Area: Bushland General Community Use Natural Area: Watercourse	Sedimentation pond and gross pollutant trap	80,110
56/10	54	856217		Lady Penrhyn Drive	Natural Area: Bushland		1,078
56/14	606	827047		Lady Penrhyn Drive	Natural Area: Bushland Park General Community Use		53,240
56/2B	26	203017	Brooker Avenue Reserve	Boyer Road	Natural Area: Watercourse Park General Community Use	Drain in park	3,471
56/2C	20	219278	Brooker Avenue Reserve	Christopher Place	Natural Area: Watercourse Park General Community Use		1,518
56/2A	41	218395	Brooker Avenue Reserve	Spilstead Place	Natural Area: Watercourse Park		3,035
56/13	29	847604	Brooker Avenue Reserve	Brooker Avenue	Park		51.7
56/6	12	832855	Egan Reserve	Endeavour Drive	General Community Use Natural Area: Watercourse	Sedimentation pond	1,266
56/7	34	849954	Egan Reserve	Endeavour Drive	Natural Area: Watercourse		2,200
56/9	33	849954	Egan Reserve	Endeavour Drive	General Community Use	Sedimentation pond and gross pollutant trap	750.4
56/1	25	30849	Egan Reserve	Willandra Road	Natural Area: Watercourse Park	Swings, climbing equipment and see-saw	3,332
56/5	13	832855	Egan Reserve	Willandra Road	Natural Area: Watercourse		926
	PT7	20843		Lady Penrhyn Drive	<i>To be categorised as Natural Area: Bushland</i>		11700
					<b>Total Area</b>		<b>167,366</b>



### **3.1.2      *The objectives and performance targets of the plan with respect to the land.***

Objectives and performance targets (strategies) of this Plan of Management are listed in the Actions Table, Section 7.

### **3.1.3      *The means by which Council proposes to achieve the plan's objectives and performance targets.***

Means of achievement (Management Actions) are identified in the Actions table of Section 7.

### **3.1.4      *The manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.***

Means of Assessment are also identified in the Actions table of Section 7.

### **3.1.5      *As this is a Significant Area Plan of Management which applies to just one area of community land it must also:***

- Include a description of the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the Plan of Management;
- Include a description of the use of the land and any such buildings or improvements as at the date of adoption of the plan;
- 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.

Each of these points are again addressed in the Actions table in Section 7.

The Act places restrictions on community land, requiring that it can not be sold, exchanged or otherwise disposed of and must not be leased for any period longer than 21 years.

The Act provides detailed requirements and limitations on certain uses and components of plans of management, relating to leases and licences on community land.

## **3.2            What Dealings Can a Council Have in Community Land?**

- Council has no power to sell, exchange or otherwise dispose of community land, except for the purpose of enabling that land to become, or to be added to, a Crown Reserve or land reserved or dedicated under the National Parks and Wildlife Act 1974;
- Council may grant a lease or licence on community land, but only in accordance with the Local Government Act 1993;
- A Council may grant any other estate in community land to the extent permitted by the Local Government Act.

### **3.2.1      *Granting a Lease or Licence on Community Land***

Leases and licences are a method of formalising the use of community land and facilities. Leases or licences can be held by groups such as sporting clubs and schools, by commercial organisations or individuals providing facilities and/or services for public use.

The Local Government Act allows Council to grant leases or licences over all or part of community land. The Plan of Management must expressly lease or licence.

The use of land under a lease or licence must be compatible with any zoning or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of a lease should reflect the interests of Council and the public and ensure proper management and maintenance.

### **3.2.2      *Conditions of Granting a Lease or Licence***

Council must:

- Give public notice of the proposal;
- Exhibit notice of the proposal on the land to which the proposal relates;
- Give notice of the proposal to such persons who appear to own or occupy land adjoining the community land; and
- Give notice of the proposal to any other person (owner or occupier of land in the vicinity of the community land), if in the opinion of the Council the subject to the proposal is likely to form the primary focus of the person's enjoyment of community land.

## **3.3      Council's Management Goals**

Warringah Council recognises the need to plan ahead and provide management frameworks to meet the challenges of today and the future. Council's Warringah PLAN 1999-2003 (adopted 1999) outlines Council's visions and mission statement.

Warringah Council's **Vision** statement is:

*" A Council which values Warringah's identity, high quality of life and strives to care for its special bush and beach environment."*

Warringah Council's **Mission** statement is:

*"To involve the peoples of Warringah in planning into the 21st century, to provide community leadership based on openness, equity, integrity, social justice and to promote effective and efficient services."*

## **3.4      Council's Principles for Community Land Management**

The way in which community land is managed by Council is about creating a safe and healthy living environment thereby influencing the quality of life of residents and visitors to Warringah.

The following principles have been developed to guide Council and the community in the management of community land:

- To ensure community consultation involves residents and local environmental groups and to foster community stewardship in the planning and management of community land;
- To maintain and enhance a diverse range of recreational open space and increase opportunities for sport and leisure, ensuring access to all groups and community through an ongoing commitment to planned provision and improvement;
- To plan for a hierarchy of quality, multi-use sporting grounds and facilities to cater for all groups in the community;
- To enhance the provision and quality of non-sporting recreation areas on community land, to cater for broader community needs;
- To conserve and enhance the existing natural environment and rehabilitate degraded areas of community land by basing decisions on sound environmental best practice;
- To conserve and enhance the natural resources of community land (including water, soil, flora, fauna, and scenic quality);
- To ensure the community land is managed, used and dealt with in the best interests of the health and well-being of Warringah's residents and visitors; and
- To ensure access, equity and a high standard of risk management in the provision, maintenance and management of community land in a cost effective manner.

The above principles have been taken into account in the preparation of this Plan of Management.

### **3.5 The Planning Process**

The planning process for this Plan of Management is based on a number of principles. These are:

- Using community values as a basis for management;
- Adopting a consultative approach, incorporating input from stakeholders; including Council officers, government authorities and the local community to ensure the plan reflects the visions and values of all;
- Providing site specific analysis information to add value;
- Providing practical recommendations which are achievable in the short term;
- Incorporating the Landscape Concept Plan; and
- Incorporating archaeological and flora and fauna study summaries.

The process undertaken to prepare this Plan of Management follows the guidelines as set out in the handbook, “Succeeding with Plans of Management - *A Guide to the Local Government Act and Crown Lands Act*” (DLWC & Mandis Roberts, 1996).

### **3.5.1 Community Consultation**

Warringah Council actively seeks the involvement of the community in the preparation of its plans of management to ensure the plans address community desires, values and needs and to ensure they comply with the Local Government Act, 1993, and the 1998 amendments. The main advantages of involving the community in the process are that it:

- Creates a sense of ownership with the parks;
- Taps into the large amount of local knowledge about the site; and
- Advises and keeps the community informed.

The methods used during the development of this Plan of Management were as follows:

- Community consultation that enhanced the consultation already undertaken as part of the Red Hill and Golden Grove Parks Landscape Design Process;
- Consultation with Council staff and Service Units to obtain further information during the community consultation process;
- Recording and reporting of the community consultation process.

The following Community Meetings/Workshops were held:

- Community Workshop on 7th February 1998, to discuss the project and to workshop the uniqueness, values, concerns and issues surrounding the sites. A letter box drop to 5,000 homes in the vicinity of the area was organised to publicise the meeting; a notice was placed in the Manly Daily and a mail out to all sporting and community groups was carried out.
- Meeting at Beacon Hill High School on 20 March 1998, to discuss the project and issues with a group of students.
- Community Meeting on 21 March 1998, to review and discuss Preliminary Landscape Concept Plan and Site Analysis drawings. This meeting was promoted through announcements in the Manly Daily and letters of invitation were sent to all people on the Red Hill database – a list of names and addresses of all people who attended the preliminary meetings, also including a list of interested organisations.
- Meeting with a representative of the Metropolitan Local Aboriginal Land Council on 6 August 1998, to discuss findings of the archaeological survey and to ask about including interpretation of Aboriginal sites in the trail network.
- Community Meeting on Saturday 17 October 1998, to discuss the amendments to the previous Landscape Concept Plan, and to discuss the Plan of Management and key issues. A letter of invitation was sent out to all the people on the Red Hill database.



Community letters expressing concerns, support and issues were reviewed throughout the period. The minutes of all the public meetings are attached in Appendix A. Approximately 110 people attended the meetings and workshops.