



Warringah Council

**Brookvale Community Building  
Plan Of Management**

**February 2005**

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# EXECUTIVE SUMMARY

This Plan of Management aims to provide a clear, concise and practical framework for the management of Community Land containing the Brookvale Community Building (as shown in Map 1).

The Plan seeks to regularise existing uses and new uses will have clear guidelines for suitability and management.

This Draft Plan of Management aims to satisfy the requirements of the *Local Government Act 1993*. It ensures the longer-term objectives of sustainable management. The Council exhibited a Community Issues Paper to provide for community input to identify the values of, and types of uses appropriate to, the building.

The community identified the important values as:

- Community services. The existing Pregnancy Help service is considered regionally important and the building has the potential to provide space for a wide range of community uses.
- Recreation/Social. The Girl Guides Association currently uses the southern hall and the potential for the hall to be utilised by a wider range of community members for recreational and social purposes is recognised in this Plan of Management.
- Education.

The Plan of Management categorises the land as “General Community Use” in accordance with the *Local Government Act 1993*. The Plan of Management allows for a wide range of community related uses of the buildings, including continuation of the current uses under appropriate leasing arrangements.

The Action Plan (Section 5) identifies all proposed works and the priorities. In addition, Table 3 outlines the uses allowed by the Draft Plan, and any conditions that apply when granting a lease, licence or other estate.

## INTRODUCTION

### What is a Plan of Management?

A Plan of Management provides the framework for managing public land. In general there are two types of plans prepared by Council:

- plans that cover a single area (for example the Dee Why Lagoon Wildlife Refuge Plan of Management); or
- plans that cover several areas.

Those that cover one area of land are generally referred to as a *Specific Area Plan of Management*. Warringah Council has designated Brookvale Community Building Plan of Management as a *Specific Area Plan of Management* in recognition of the importance of the community building to the local community.

It is a general requirement for Council to prepare plans of management for all land classified as “Community Land”. This classification means that the land is owned by Council and is managed for use by the community. Plans of Management are being prepared for all parcels of Community Land within Warringah. The Plans are to be consistent with the *Local Government Act 1993* as amended.

### What are the aims of this Plan?

This Plan of Management aims to provide a clear, concise and practical framework for the management of Community Land containing the Brookvale Community Building (as shown in Map 1). It aims to be performance oriented in order to contribute towards Council achieving its strategic goals, vision, and strategic outcomes. As a means of achieving these aims, the Plan uses a values-based approach to land planning and management. This approach facilitates strategies that will protect and enhance values, while identifying the issues that may pose a threat to these values. It ensures the longer-term objectives of sustainable management.

The primary purpose of this Plan is to provide the community, users and Warringah Council with a clear direction on the future use and management of the land and building. The efficient and appropriate management of this land is essential if the value of these sites to the community is to be maintained and enhanced.

In accordance with Council’s broader goals and objectives, the Plan aims to provide the following strategic outcomes for the subject lands:

- Identify and assess the land’s values and uses;
- Define the land’s role within the Local Government Area;
- Identify and assess key issues affecting the land and buildings;
- Develop an understanding of the land’s importance at an organisational level;
- Set a vision for the land spanning the next 10 years;
- Establish management strategies and their resource implications; and
- Provide a master plan proposal for the future development and use of the lands.

This Plan’s objectives are:

- To protect and enhance the community values for the subject lands and buildings.
- To provide for ongoing use of the land and buildings for a range of community uses, ensuring that potential uses meet the needs of the local community.
- To provide a framework for future development to ensure that the land and buildings meet future demands for community services and activities.

Appendix 1 provides further detail on how this Plan of Management relates to other strategic and operational plans of Council.

## DETAILS OF LAND COVERED BY THIS PLAN OF MANAGEMENT

Land covered by this plan of management.

This Plan of Management applies to a single parcel of land at Alfred Street Brookvale (Figure 1). The property is opposite Brookvale Park and at the corner of Alfred Street and Pittwater Road. The site is triangular in shape and has a total area of 835 square metres.

**Figure 1. Brookvale Community Building Plan of Management Location**



- The subject land is located within an area characterised by a wide range of land uses. These include recreation and open space, transport, commercial and retail, community uses and institutions, and low-density residential areas. The site is strategically located in terms of access by pedestrians, vehicles and public transport.

The land currently contains a single storey L-shaped building, divided into three separate, self-contained sections:

- The former mini-library, which occupies the main part of the building. The use of the building as a mini-library has ceased, although the Council staff working at the site report that there are still visitors looking for the library.
- The western hall is used by a pregnancy support service operated by Pregnancy Help Manly Warringah Incorporated.
- The southern section of the building has operated as a Girl Guides Hall.

Car parking on site is limited to accommodating two cars at the front of the building.

Figure 2 shows the Brookvale Community Building.

**Figure 2. Existing building – Alfred Street façade**



**Who owns the land?**

Council owns the land.

**Community Land Parcel Covered By This Plan Of Management**

Register No.	Lot No.	Section No.	DP	Reserve Name	Street Name	Suburb	Land Category	Area (M2)
63E/3	16		5876	Brookvale Community Building	Alfred Street	Brookvale	General Community Use	835

**Background Information**

The Brookvale Girl Guides and Pregnancy Help Manly Warringah have a long history of use of the subject site. Pregnancy Help has operated from this site for 23 years. It is a non-profit, volunteer based independent organisation. It receives a small grant from the Department of Health, and receives donations of clothing and baby equipment from the community, which are given to clients in need. Under its current funding arrangements, the service is reliant on low rent premises to continue operation.

Girl Guides currently use the hall section of the building under an agreement with Council. No troop currently uses the hall, but the Girl Guides organisation uses the hall for meetings.

## HOW LEGISLATION RELATES TO THE BROOKVALE COMMUNITY BUILDING

### What is Council's role in managing Community Land?

All land owned by Council must be managed in accordance with the *Local Government Act 1993*, including the *Local Government Amendment (Community Land Management) Act 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, including the subject lands. The ways in which Community Land can be used and managed are governed in strictly 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.

### 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 provided in Appendix 2. A combination of categories may be used for the one parcel of land. The *Local Government Act 1993* directs the selection of community land categories by what is the ‘best description’ of what is proposed. Where a more specific category best describes the intended use of an area, it should be used in preference to ‘General Community Use’.

Where a wide range of uses exists or is proposed under the Plan of Management, General Community Use is likely to best encompass the range of uses. The subject land is identified as having potential for a wide range of community uses, and as such this Plan of Management has identified the whole of the land under the *General Community Use* category.

### Warringah Local Environmental Plan (LEP) 2000

Under the Warringah LEP 2000, the subject land is identified as Public Open Space. Clause 17 of the LEP states that public open space can be developed for any purpose that is specified in a Plan of Management applying to the land. In the absence of a Plan of Management, public open space can only be used for exempt development or recreational facilities. The Plan of Management therefore is an important document in controlling the use of the Brookvale Community Building site and permitting an appropriate range of community uses.

Reflecting the diverse character of the surrounding locality, the LEP establishes a number of distinct desired future character statements for the area surrounding the subject lands. These are summarised in **Table 1**. The subject land is located near the boundaries of these three areas, and as such the desired future character of the area includes a mix of the statements provided in the table below. The subject site, within this context, is located at a transition point between residential areas and the commercial, retail, recreational and transport spine along Pittwater Road.

■ **Table 1 Desired future character of the surrounding area – Warringah LEP 2000**

Precinct (LEP ref)	Desired character summary
<p>Brookvale Valley - North of Old Pittwater Road and Pittwater Road (F4) – <b>includes the subject site</b></p>	<p>The Brookvale Valley locality will remain an area characterised by a mixture of detached style housing and apartment buildings interspersed with a range of complementary and compatible uses. The development of further apartment buildings will be confined to the “medium density areas” shown on the map.</p> <p>Outside the “medium density areas” future development will maintain the visual pattern and predominant scale of existing detached housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. The spread of indigenous tree canopy will be protected throughout the locality and enhanced where possible. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.</p>
<p>Adjacent Precincts include:</p>	
<p>Brookvale Centre - Pittwater Road, south of Alfred Street (F1)</p>	<p>The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing.</p> <p>Future development will help create a pedestrian environment which is safe, active and interesting. Future development will incorporate street level retailing and business uses and contribute to creating cohesive and attractive streetscapes.</p>
<p>Brookvale Service Centre - Pittwater Road, east of Alfred Street (F2)</p>	<p>The Brookvale Service Centre locality will be characterised by light industries, warehouses and bulky goods retailing. The locality will be characterised by generous setbacks and wide frontages to Pittwater Road.</p> <p>The Brookvale Park frontage to Pittwater Road is characterised by mature, predominantly Poplar trees which are to be retained.</p>
<p>Brookvale Industrial (F3)</p>	<p>The Brookvale Industrial locality will remain an industrial and employment centre incorporating industries, warehouses and ancillary service uses.</p> <p>New development or significant redevelopment will be designed to incorporate landscaping to soften the visual impact of industrial buildings and their associated parking and other paved areas as viewed from the street.</p>

## **PREPARING THIS PLAN OF MANAGEMENT**

### **The Planning Process**

The planning process for this Plan of Management is based on the following principles:

- 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 where applicable to add value;
- Providing practical recommendations which are achievable in the short term; and
- Incorporating the findings of other studies.

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 & Manidis Roberts, 1996).

### **Community Consultation**

Warringah Council actively seeks the involvement of the community in all aspects of its planning and in the preparation of its plans of management in particular to ensure the plans address community desires, values and needs and to ensure they comply with the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*. The main advantages of involving the community in the process are that it:

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

The consultation activities undertaken during the development of the Plan of Management were as follows:

- Distribution of a comment form and covering letter to occupants, interest groups and the local community advising that Council is preparing a Plan of Management, and requesting feedback on community values and interests in the subject land;
- A meeting with the Director of Pregnancy Help Manly Warringah to discuss their current use of the building and potential future needs;
- Various telephone conversations with members of the local community and stakeholder groups;
- Preparation of a Community Issues Discussion Paper that was distributed to stakeholders and workshop participants, available from Council’s web site, Council libraries and Administration building. The Discussion Paper was advertised in the Manly Daily and a three-week period for comments was provided, concluding on 2 April 2004. Additional submissions and comments have been accepted during the preparation of the Draft Plan of Management;
- Consultation with Council staff and Service Units;

- Receipt, recording and assessment of written submissions received during public exhibition of the Community Issues Discussion Paper; and
- Public exhibition of the draft Plan of Management for the period from Monday 5 July until Monday 16 August 2004 (a period of 42 days).
- A public hearing held on Tuesday 20 July at 6.30pm in the Council Chambers at Dee Why.

One written submission was received during the public exhibition period for the draft Plan of Management. That submission indicated an interest by a local business group to occupy part of the building for office space.

No written submissions were made to the public hearing. Comments at the hearing related to the adequacy of on-site car parking, and that a creek previously ran through the site. No objection was made to the General Community Use categorisation proposed by this Plan of Management.

## **BASIS FOR MANAGEMENT**

### **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 2002-2005 outlines Council's visions and mission statement. Warringah Council's **Vision** statement is:

"Warringah is a community which values its quality of life and strives to care for its special bush and beach environment."

This Plan of Management is a mechanism to apply Council's vision to the management of the community land to which the Plan relates. The Plan of Management fundamentally aims to ensure that the land is managed in a way that allows it to contribute to the quality of life for Warringah residents and visitors.

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

Council manages Community Land to create 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 Warringah's community has an opportunity to be involved in the planning and management of public open space;
- To plan, maintain and enhance a diversity of recreational public open space opportunities;
- To plan and maintain a hierarchy of quality, multi-use public open space facilities;
- To conserve and enhance the natural environment and rehabilitate degraded areas of public open space;
- To recognise the importance of culture and heritage;
- To ensure a high standard of risk management in the provision, maintenance and management of public open space and facilities; and
- To apply the above principles in an economically responsible manner.

### ***Community Values***

This Plan of Management takes a values-based approach to land use planning and management. This approach allows the key values, role and purpose to be identified so that these assets may be protected and enhanced. "Values" can simply be described as "what is important about a place" (DLWC & Manidis Roberts, 1996).

The values identified by the community for the Brookvale Community Building are outlined in Table 1. The values reflect the importance of the sites to the local community, but also that current uses serve a wider population base than just the immediate population of Brookvale. The range of issues encompassed by the values in Table 1 is indicative of the importance of retaining these lands for community use, and ensuring that, while current uses are retained and enhanced, opportunities are provided for broadening use by the community.

**Table 1. Level of Significance for each value identified**

Values	Level of Significance		
	Local	District	Regional
Community services	✓	✓	✓
Recreation/Social	✓	✓	
Education	✓	✓	

***Community services***

The Pregnancy Help service operating out of the building is recognised widely for the valuable community services it provides not only to the local community, but to the northern beaches region. It provides important support to pregnant women and new mothers.

The community hall also has the potential to provide space for a wide range of community uses including meeting and activity space for local organisations and interest groups. Consultation in the early stages of preparation of this Plan of Management indicated that the local community perceives the need for more availability of community meeting or activity space within the Brookvale area. The hall section of the building therefore provides a potential opportunity to meet this demand, providing multiple users can be effectively accommodated without conflicting with each other.

***Recreation/Social***

The Girl Guides Association currently uses the southern hall. The potential for the hall to be utilised by a wider range of community members for recreational and social purposes is recognised in this Plan of Management.

***Education***

The former use of the building as a mini-library means that it is designed to accommodate similar uses, even though it may no longer be required as a library. The former Northern Beaches Business Enterprise Centre's interest in using the former mini-library indicates demand for use of the building for purposes that relate to the education of the local community.

## **ACTION PLAN**

This section of the Plan of Management outlines the direction for the management of the Brookvale Community Building and has the following objectives:

- To formulate management strategies (desired outcomes);
- To ensure consistency with core objectives for the Community Land category;
- To develop means of achievement (Management Actions);
- To provide means of assessment (of the Actions); and
- To assign priorities for each of the Actions.

The desired outcome of this Plan of Management is for the values of the subject land to be protected, upheld and enhanced with no deterioration in the community's values and satisfaction levels in relation to the Brookvale Community Building.

### **Implementation**

Actions within the Plan of Management are to be assessed on a yearly basis for inclusion in Council's Management Plan and considered for revision after the fifth year of implementation. Each of the Actions have been given a priority that can be linked to the following time frame:

- High: Commenced within next 2 years;
- Medium: Commenced in 2–5 years;
- Low: Commenced after 5 years.

It should be recognised however, that the commencement and completion of the Management Actions are dependent on available Council resources and funding. Actions identified in this Plan of Management must be assessed against the other priorities of Council. Commitment to implementing particular actions is given once these actions appear in Council's Management Plan and related annual corporate planning documents (such as the Capital Expenditure Program).

### **Actions Table**

The land subject to this Plan of Management has been categorised in accordance with the *Local Government Act 1993*, as discussed in Section 0. The Act describes a set of core objectives for each category and it is a requirement under the Act that the Plan of Management describes how it will achieve each of the core objectives. The Actions Table overleaf has been developed to address the objectives of the 'General Community Use' category.

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:

- 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).

Council will continue to inform residents on the progress of development and management of the Brookvale Community Building in accordance with the Action Plan. This will occur via a number of key mechanisms including:

- Regular updates within the ‘Mayor’s Message’ Section of the Manly Daily;
- Information on Council’s web page; and
- Council’s Annual Report.

**Figure 3 Plan of proposed new works.**



**Table 2. Action Table - Brookvale Community Building Plan of Management.**

<b>Performance Target (strategies)</b>	<b>Means of Achievement (Management Actions)</b>	<b>Means of Assessment (of the Actions)</b>	<b>Priority</b>	<b>Responsibility</b>
1. Provide opportunities for use of the community building as a multi-use facility by a variety of community groups and organisations.	a) Review current and future use of the building and develop hiring and use policies and procedures to provide multiple uses. Current user's occupation recognised and regularised.	Hiring policy and procedures prepared	High	CCS
	b) Assess storage needs of multiple users and where necessary improve security of storage facilities or provide additional storage to cater for needs.	Adequate storage to serve user needs	High	APM, CCS
2. Improve community knowledge of the availability of the community hall.	a) Increase awareness of the availability of the hall for public hire through education of Council staff, inclusion of the hall on Council's web site listing of available halls.	Increased public awareness and use of building	High	CCS
	b) Replace all existing signage with signage appropriate to the function of the building as a community hall and in accordance with Council signage policies.	Signage reflects uses authorised by this Plan and Council signage policy	High	APM
3. Ensure the building is appropriately maintained and meets requirements for any allowed uses.	a) Assess compliance of the building with the BCA and requirements for Places of Public Entertainment, having regard to the full range of potential uses, and upgrade as necessary.	Building meets BCA and POPE requirements for allowed uses.	High	APS
	b) Provide disabled access to the building in accordance with BCA and DDA requirements on a priority and needs basis.	Access meets DDA requirements	High	APS
	c) Consider the potential to incorporate energy efficient and environmentally sustainable appliances, lighting and fixtures when upgrading or replacing existing facilities.	Energy use is reduced in line with Council's Environment Policy	Medium	APS
	d) Building works to comply with Water Sensitive Urban Design principles.	WSUD principles incorporated.	As required	APS
	e) When undertaking landscape works endemic native species will be used.	Endemic species used in all landscape works	As required	APS
	f) Review existing building security, including consultation with existing	Security is adequate	Medium	APM

<b>Performance Target (strategies)</b>	<b>Means of Achievement (Management Actions)</b>	<b>Means of Assessment (of the Actions)</b>	<b>Priority</b>	<b>Responsibility</b>
	users, and upgrade as necessary to ensure reasonable protection of Council and occupant/user property.	to meet user needs and insurance requirements		
	g) Undertake inspection of the general condition of the building and document required repairs, including consultation with occupants/users to identify any specific requirements. Carry out repairs within a reasonable period of time following inspection.	Building is adequately maintained	High	APM
4. Investigate and regulate car parking provided to meet multiple use requirements.	Prepare parking management plan, with consideration of Council's existing parking policies and planning instruments.	Car parking meets Council standards	Medium	APM

CCS = Community and Cultural Services

APM = Asset and Property Maintenance

APS = Asset and Property Services

## **LEASES, LICENCES AND OTHER ESTATES**

In accordance with Section 46A of the *Local Government Act 1993*, this Plan of Management is to specify in relation to Community Land any purpose for which a lease, licence or other estate may be granted. This section of the Plan of Management describes the leases, licences and other estates permitted on the land covered by this Plan.

The *Local Government Act 1993* requires Council to consider what activities may require granting of a lease, licence or other estate during the life span of a plan of management. The authorisation allows for the consideration, and granting if appropriate, of the prescribed activity. Development and uses of land must also be in accordance with the *Local Government Act 1993* and the Warringah Local Environment Plan 2000. The following section provides information regarding existing lease and licences, restrictions to activities and authorisations of licences and other estates considered appropriate for the land covered by this Plan. **Table 3** specifies the purposes for which Council may grant a lease over the Brookvale Community Building, and any specific conditions that would apply to leases.

### **Existing Lease and Licence Details and Assets Description**

Council does not have any record of valid leases, licenses or other estates over the land.

The Guides have advised that any arrangement between Council and Guides NSW was only by exchange of letters between Council and the Guides. A letter from Warringah Shire Council dated 21/6/1973 states –

"Unfortunately, the Council is not able to enter into formal legal arrangements to give the Guides exclusive occupation of any part of the property owned by the Council on the site in Alfred Road, Brookvale. However, I am sure that the present arrangement will be allowed unofficially to continue, namely that if it is decided to proceed with the reconstruction of the building to enable the Baby Health Centre to carry on operations there, the Girl Guides will have the right to use their own area for themselves."- Shire President.

The Guides have retained exclusive occupancy of the hall since that date. The Guide's use of the hall needs to be regularised and managed under the Plan of Management.

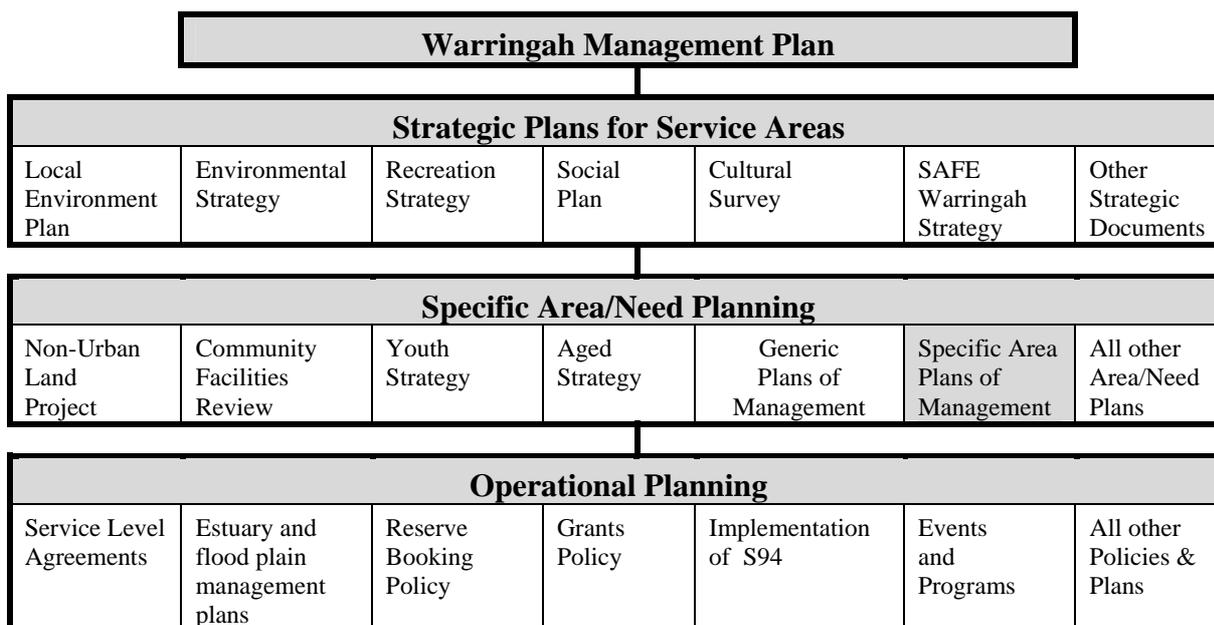
**Table 3. Licences & Other Estates Authorised for the Brookvale Community Building and Lands**

<b>Purpose of Licence or other Estate</b>	<b>Additional Conditions of licences or other estates</b>
<p>This Plan of Management expressly authorises the granting of a lease, licence or other estate for:</p> <ul style="list-style-type: none"> <li>▪ The provision of educational, training and professional advice by non-profit community-based organisations</li> <li>▪ the purpose of recreational, community, educational or public entertainment activities.</li> </ul> <p>This authorisation may include activities such as:</p> <ul style="list-style-type: none"> <li>▪ Health care services</li> <li>▪ Kindergartens</li> <li>▪ Infant welfare centres</li> <li>▪ Maternity and parental support centres</li> <li>▪ Senior citizens facilities</li> <li>▪ Community meetings</li> <li>▪ Health and fitness classes</li> <li>▪ Not for profit fundraising activities</li> <li>▪ Concerts, plays and other performances</li> <li>▪ Education and training activities and services</li> <li>▪ Not for profit business support services and community enterprises</li> <li>▪ Sporting, recreational or social club use</li> </ul>	<ul style="list-style-type: none"> <li>• Parking on site is very limited, and applications for other uses requiring additional parking may be subject to a traffic report and the DA process to ensure that there is sufficient alternative parking available</li> </ul>

## APPENDIX 1. HOW DOES THIS PLAN RELATE TO OTHER STRATEGIC DOCUMENTS?

In accordance with the requirements of the *Local Government Act 1993*, Warringah Council has adopted a coordinated approach to planning. This involves development of a number of linked strategic documents under the guidance of the Warringah PLAN 2002-2005. This Plan of Management highlights Council's commitment to protecting Warringah's identity, high quality of life and enhancement of natural environmental, aesthetic, cultural, heritage and recreational values. Table A illustrates the framework for planning and this Plan's relationship to other strategic documents which share the same guiding principles.

**Table A - Warringah Council's Strategic Planning Documents Flow Chart**



### ***Strategic documents used in the preparation of this Plan***

The following Council documents have been used to assist and guide the strategic outcomes of this Plan, ensuring consistency in values, principles and policies:

- Warringah PLAN 2002– 2005;
- Local Environment Plan 2000;
- Section 94 Contributions Plan 2001;
- Cultural & Heritage Strategy 2000;
- Environmental Strategy 2001.

### ***Other Relevant Legislation and Policies***

The Plan must also be in accordance with the provisions contained within relevant legislation and policy guidelines, including but not limited to the following:

- *Environmental Planning and Assessment Act 1979;*
- *Disability Discrimination Act 1992.*

## APPENDIX 2. LEGISLATIVE AND STATUTORY REQUIREMENTS

This Plan of Management is for Community Land. The Plan of Management must satisfy the requirements of the *Local Government Act 1993*.

### ***What are the principles of Community Land Management?***

Under legislative requirements of the *Local Government Act 1993*, section 36 (a) – (n), councils must prepare and adopt plans of management for all Community Land. A Plan may apply to one or more areas of Community Land, providing all the Act's requirements are fulfilled.

The Act states that the Plan must identify the following:

- The category of the land;
- The objectives and performance targets of the plan with respect to the land;
- The means by which Council proposes to achieve the plan's objectives and performance targets;
- The manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.

As this is a Specific Area Plan of Management that 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; and
- Describe the scale and intensity of any such permitted use or development.

### ***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 1993.

## **Leases or Licences on Community Land**

### 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 1993* allows Council to grant leases or licences over all or part of Community Land. The use of land under a lease or licence must be compatible with the Local Environment Plan 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.

### Conditions of Granting a Lease or Licence

The following conditions must be met when granting a lease or licence over Community Land:

- The lease or licence must not be granted for a period exceeding 21 years;
- A lease or licence for a period greater than five years may only be granted by tender, unless it is granted to a non-profit organisation; and
- The Plan of Management must expressly authorise a lease or licence.

Generally, for agreements longer than five years 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.

### ***What are Community Land "Categories"?***

Community Land must be categorised in accordance with the *Local Government Amendment (Community Land Management) Act 1998*. A category describes the land and each category has a set of core objectives. A description of each category is listed below, as are the core objectives. All current and intended uses of the land must comply with the category assigned to that area of land.

## General Community Use

Land should be categorised as general community use if the land:

“...may be made available for use for any purpose for which Community Land may be used, whether by the public at large or by specific sections of the public; and

is not required to be categorised as a natural area, or does not satisfy the guidelines for categorisation as a sportsground, a park or an area of cultural significance.”

## Park

Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities for use mainly for recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

## Sportsground

Land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

## An Area of Cultural Significance

Land described as an area of Aboriginal, aesthetic, archaeological, historical, technical or research, or social significance.

## Natural Area

Land which, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. Community Land that has been declared critical habitat or which is directly affected by a recovery plan or threat abatement plan under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994* must be categorised as a natural area.

### *Natural Area: Bushland*

Land that contains primarily native vegetation and that vegetation is:

- the natural vegetation or a remainder of the natural vegetation of that land; or
- is still representative of the structure and/or floristics of the natural vegetation in the locality.

### *Natural area: Wetland*

Land that includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.

*Natural area: Watercourse*

Land described as:

- any perennial or intermittent stream, flowing in a natural, artificially improved or re-diverted channel; or
- associated riparian land or vegetation, including land which is protected under the relevant legislation.

*Natural area: Foreshore*

Land that is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

*Natural area: Escarpment*

Land that includes features such as a long cliff-like ridge or rock and includes significant or unusual geological, geomorphological or scenic qualities.

**Core Objectives of Community Land**

**36E Core objectives for management of Community Land categorised as a natural area**

The core objectives for management of Community Land categorised as a natural area are:

- a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- c) to provide for the restoration and regeneration of the land, and
- d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

**36F Core objectives for management of Community Land categorised as a sportsground**

The core objectives for management of Community Land categorised as a **sportsground** are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

### **36G Core objectives for management of Community Land categorised as a park**

The core objectives for management of Community Land categorised as a park are:

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

### **36H Core objectives for management of Community Land categorised as an area of cultural significance**

- (1) The core objectives for management of Community Land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
  - (a) The continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
  - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
  - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
  - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
  - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

### **36I Core objectives for management of Community Land categorised as general community use**

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, and
- (b) 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).

### **36J Core objectives for management of Community Land categorised as bushland**

The core objectives for management of Community Land categorised as bushland are:

- (a) 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, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) 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, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) 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
- (g) to protect bushland as a natural stabiliser of the soil surface.

### **36K Core objectives for management of Community Land categorised as wetland**

The core objectives for management of Community Land categorised as wetland are:

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
- (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

### **36L Core objectives for management of Community Land categorised as an escarpment**

The core objectives for management of Community Land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

### **36M Core objectives for management of Community Land categorised as a watercourse**

The core objectives for management of Community Land categorised as a watercourse are:

- (a) 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, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

### **36N Core objectives for management of Community Land categorised as foreshore**

The core objectives for management of Community Land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

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