

General Community Use

GENERIC PLAN OF MANAGEMENT

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Foreword

A plan of management is an important document that provides information for the effective long term management of public open space. It also establishes directions for planning, resource management and maintenance of public land.

A series of generic plans of management have been developed by The Hills Shire Council to comply with the requirements of the 1993 Local Government Act. This Act was recently amended to promote best management practices of environmentally sensitive land and to curb the inappropriate alienation of community land for private purposes. Accordingly Council's original generic plans have been updated to incorporate the requirements of the amendments.

These plans will be superseded to become individual plans of management when large scale development or change is anticipated in an individual reserve.

This plan of management relates to all public land categorised as General Community Use within the Shire.

The plan addresses these public reserves as they are today and establishes clear direction for future management and development of this important public resource.

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Introduction

1.1 Background

The Local Government Act, 1993 (the Act) requires that Council prepare plans of management for all land classified by the Act as community land. In addressing this requirement Council has adopted a strategy whereby a number of generic plans have been prepared. All of the Council owned open space will be initially addressed through these plans of management. Subsequently, individual plans will be developed where the nature and use of community land is anticipated to change, or where large scale development suggests a more specific management approach is necessary.

General Community Use land has been defined for the purpose of this plan to be community land that has been acquired by Council with the potential to be developed for community open space and recreation purposes. It may also be land that does not fit within the definitions of natural area, sportsground, park or culturally significant area specified by the Act.

This generic plan of management is consistent with Councils strategic direction and land management objectives. Its preparation is a comprehensive and holistic approach to the management of the Council owned public land. The plan will be part of Councils overall open space planning activities reflecting Councils priorities and relying on community consultation.

1.2 Scope of the Plan

This plan of management has been prepared under the terms of section 36 of the Local Government Act, 1993. Other documents may imply management strategies and actions over community lands that are not identified in this plan. Specific reference should be made to:

- Council's Management Plan
- Environmental Management Plan
- Companion Animals Management Plan
- Strategic Asset Management Plan
- Asset Management Plan for Parks and Recreation Facilities
- Recreation Strategy

Council adopted this plan in its meeting of 7 August 2012.

In instances where the nature and use of community land is not being altered by a proposed development then this plan of management gives authorisation for the development of compatible facilities on community land under this category. This authority is subject to the proposed development being permissible development as defined by the objectives for the land category and approved by the Council under Section 47E of the Act.

This Plan has been developed to give clear management directions for community land by means of identifying the performance objectives and performance criteria for the land category. These objectives will be used to assess whether Council has achieved its desired management direction and done what it said it would do.

In all instances where development of community land, that may have an adverse impact on the surrounding neighbourhood, then that proposal will be subject to community consultation in accordance with Council policy.

1.3 Structure of the Document

The plan of management is divided into four main parts.

Management Strategy; identifies the corporate goals, core objectives (defined by the Local Government Act) and the permissible leasing and license arrangements for this category of community land.

Management Objectives; a series of desired outcomes or performance objectives for the management of this land category.

Action Plan; outlines the means of achieving the performance objectives and how that performance is to be measured.

Schedule of Lands; identifies those public reserves that are covered by this plan of management.

Where a portion of a public reserve is categorised in more than one category, that area has been mapped by Council and should be read in conjunction with the generic plan(s) of management that apply to the public reserve.

Basis for Management

Council often has land under its management that is awaiting development as open space. This most frequently occurs in new release areas where there is a gap between the acquisition of land and its embellishment. This land is still available for general community use but may, as a result of its inherent topography or development for another purpose, be unsuitable for use until it is developed by the Council.

In many cases the land may contain residential buildings that will eventually be demolished but are quite useful for tenancy arrangements until the land is redeveloped. In these instances Council may seek to have the properties rented to reduce the opportunity for vandalism of the property.

Council's main objective with this land category is to ensure that the land is appropriately managed with regard to public access and safety.

Whilst the Local Government Act applies specifically to Council owned community land the principles developed in this generic plan of management will apply to Crown Land under Council's trusteeship where specific plans have not been developed for the land. Leases and licenses on Crown Land will be managed under the terms of the Crown Lands Act.

2.1 Corporate Goals

Councils corporate goals are driven through the Hills 2026 Community Strategic Direction which is based upon community aspirations gathered throughout months of community engagement.

Council's Community Strategic Direction is:

Resilient leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy

The corporate strategy contains a number of key outcomes that are relevant to this plan of management. These are:

Proactive Leadership

- *Councils assets and finances are responsibly managed*
- *I am a valued customer*

Vibrant Communities

- *There are places to play and be active*
- *I am connected to the community*
- *There are services and facilities to suit my needs*

Balanced Urban Growth

- *I can get where I need to go*

Protected Environment

- *Our natural resources are used wisely*
- *I can feel close to nature*
- *Our Shire is green and pollution free*

2.2 Core Objectives of the Land Category

The core objectives of the 1993 Local Government Act in relation to land categorised as General Community Use are as follows:

- *“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 provisions of public utilities and works associated with or ancillary to public utilities).”*

These corporate goals and core objectives define the strategic framework under which performance objectives have been developed. As issues arise in the management of community land these are tested against the performance objectives and used to develop a series of planned activities or strategies.

To ensure the actions needed to complete the identified strategy are undertaken in a planned manner, responsibilities, performance targets and performance indicators have been identified and outlined in the action plan.

Essentially, only the key strategies and actions have been identified within this plan of management. Greater detail of the tasks required to be performed is included in the Parks and Recreation Management Team business plan, which is updated quarterly.

2.3 Leases, Licences and Other Estates

Leases and licences formalise the use of community land by groups such as sporting clubs, community groups and schools, or by commercial organisations and individuals providing facilities or services for public use.

The Local Government Act requires that a lease or licence applying to community land must be expressly authorised by a plan of management (section 46). A lease will be required where exclusive occupation or use of all, or part, of an area is proposed unless it is exempt by the provisions of section 47D of the Act.

This Plan of Management expressly authorises the lease, licence or grant of any other estate over the land specified in the in Schedule of Land

contained within, and any buildings located on the land specified, for community purposes as determined by Council, for a term not exceeding thirty (30) years. For leases and licences exceeding twenty one (21) years the provisions of section 47 of the Local Government Act must be applied.

Leases may be granted for exclusive use to any organisation for any community purpose as determined by Council, on such terms as Council may provide. The purposes must be consistent with the core objectives of land categorised as "General Community Use" as outlined in the Local Government (General) Regulation 2005, and other applicable legislative requirements.

Access for Building Purposes

Access across community land shall be authorised by this plan of management provided that;

- the access is of a temporary nature
- the works requiring the access is associated with an adjoining property
- a bond in respect of potential damage is held by Council
- Council is in receipt of proof of suitable insurances

Agistment of Livestock

General Community Use land by its nature may be suitable for the agistment of livestock or the rental of housing existing on the land at time of purchase. In these instances it may be appropriate to license the rental activity for the period the land is not required for public recreational purposes. These arrangements shall be authorised by this plan of management.

The license shall be for a period not exceeding 5 years and is not subject to public exhibition.

Casual Hirers

Casual uses of a public reserve for events of no more than 3 consecutive days will be considered by Council without the need for a lease or license, provided that;

- no significant damage to the reserve is anticipated as a result of the proposed activity,
- the activity is permissible under the objectives identified for that land category,
- the use or occupation does not involve the erection of any building or structure of a permanent nature,
- there is anticipated to be no significant disturbance to adjacent property owners,
- no interference with other users,
- proof is obtained by Council of suitable insurances,
- all litter is removed.

Encroachment on Public Land

In instances where there is an encroachment upon public land by a permanent structure, and the structure does not significantly interfere

with the functioning of the reserve, Council may consider a lease or licence agreement with the adjoining property owner and recoup a fee as part of that agreement. This lease or licence will be required to be advertised and may not be granted for more than twenty-one years.

Guide and Scout Halls

Guide and Scout halls are included within this land category and shall be subject to a formal leases agreement with Council where the exclusive use of a building on community land is used by the group to provide their core activities. The maximum permissible term for use of the building and associated facilities shall be 21 years.

Not for Profit Groups

Reserve administration committees, playgroups and other not for profit organisations may from time to time utilise public buildings for their activities. These activities will not require a formal lease or license provided that the use is ancillary to the physical, cultural, social or intellectual wellbeing of the community and does not result in the exclusive use of public facilities.

Any fee that may apply will be outlined in Councils adopted schedule of fees and charges.

Other Estates

Easements across community land for the purpose of public utilities, providing pipes, conduits or other connections under the surface of the ground, for the connection of premises adjoining the community land to a facility on the community land shall be authorised by this plan of management, and shall be subject to the following criteria:

- there is no feasible alternative to connecting to a facility on the community land,
- there is no significant impact on the reserve, and,
- where the proposal involves the creation of an easement and/or a restriction on the future development potential of the property, compensation assessed by the Valuer General's Office shall be payable to Council.

In all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement.

An estate in respect of this land category is expressly authorised by this plan of management for the purpose of a "public road" where the provision of that road is consistent with the core objectives stated herein and where the road is necessary for the enjoyment of that land.

Personal Trainers

A commercial fitness training operator's licence agreement will be valid for a period of not less than six (6) months and not greater than five (5) years and will authorise each trainer to use designated public open space for commercial training activities on a non-exclusive basis.

Telecommunications Towers

Leases and licenses for telecommunications towers on community land will be authorised by this plan of management subject to the following criteria:

- The proposed facility has been approved under the provisions of Council's adopted Telecommunications Facility Policy (especially the public exhibition of the proposal),
- the lease or license is for a period of no more than 10 years and is to be renegotiated at its expiration. Any option, extension or second period of a lease or license will be subject to public exhibition,
- a rental fee is payable to Council and that fee is used for the embellishment of the reserve in which the facility is located.

2.4 Service Standards and Maintenance

The maintenance of public land is a core business activity of Council. Maintenance is carried out to a standard that reflects the nature and use of the facility, available budgets and the safety of users.

Council will endeavour to provide, within its resources, facilities that are fit for their intended purpose.

Service standards will be developed with community input and identified in asset management plans for all public land and associated infrastructure in accordance with the requirements of the Local Government Act.

Management Strategy

The Local Government Act requires that a plan of management for community land must identify the performance objectives and performance targets of the plan in respect to the future management of the land (Section 36 (b)).

Performance objectives are broad statements that identify the end result or a desired outcome. For ease of identification these have been categorised under resources management headings.

From a series of Council officer workshops a set of activities and/or strategies have been identified which relate to the performance objectives. This is the management strategy for this land category in instances where individual plans of management have not been developed.

Where issues arise in respect of the development of community land they will be tested against the performance objectives.

3.1 Access

Access to general community use land, where provided, will be safe for general purpose use.

Ensure general community use land has definable boundaries to discourage the land being used by unauthorised vehicles intent on causing damage to the land.

In instances where the land is temporarily being used for residential purposes, then public access to the property will be prohibited.

Access to the land for purposes of agistment of animals and/or livestock, will be authorised by way of a temporary licence agreement with Council.

3.2 Dogs on Public Lands

In the interest of public safety and health, dog usage of public land shall be undertaken in accordance with the Dog Management Strategy – Public Reserves.

Under the requirements of section 14 of the *Companion Animals Act* dogs are prohibited at all times (whether on or off leash) in the following places:

- Within 10 metres of children's playground equipment
- Food preparation areas such as public barbeques and kiosks
- Active recreation areas such as sports fields, ovals and courts (if declared by Council under resolution)
- Public bathing areas such as the Baulkham Hills swimming pool

3.3 Function

Council recognises general community use land as part of the open space supply with potential to cater for the future recreation needs of the local community.

3.4 Funding and Budgeting

Allocate an appropriate level of funding to cater for the embellishment of general community use land and, ensure a cost efficient maintenance program is continued.

In determining the draft capital works program the following criteria will be used to assess potential projects for Council's consideration:

- Community Demand (latent and expressed demand based upon a needs analysis)
- Participation Rates (monitored level of use for the activity or service)
- Current Level of Service
- Risk of Not Proceeding (risk to reputation and/or service)
- Operating and Lifecycle Costs (affordability of the facility and/or service)

3.5 Maintenance

Maintenance of general community use land will respond to a hierarchy of service level agreements that respond to usage patterns.

Maintenance of general community use land will concentrate upon ensuring the land is safe and secure for general purpose use.

3.6 Promotion of Services and Facilities

Increase the communities' awareness of Council's open space resources, promoting existing facilities, future provisions and avenues for community input.

3.7 Public Risk

Council will actively identify, monitor and manage public risk through progressive and responsive mechanisms.

Community involvement in the recognition and remediation of public risk will be encouraged.

Council has adopted a policy of smoke-free playgrounds and sporting grounds by imposing a ban on smoking within 10 metres of a playground,

playing field and sports ground whilst children under the age of 18 are participating in recreational activities.

3.8 Relationship with Neighbours

Encourage good neighbourly relations to discourage vandalism and increase a sense of ownership of community land.

At all times good neighbourly relations will be encouraged.

Action Plan

The action plan is the working component of the plan of management. It outlines the means of achieving the performance objectives and how that performance is to be measured.

The action plan identifies strategies and/or actions needed to address common issues that have arisen or, preferred management directions that ensure the objectives identified in the plan of management are achieved. It is the statement of the means by which the council proposes to achieve the plan's objectives as required by section 36 of the Act.

The stated timing in the plan is subject to the availability of resources to achieve the desired outcome and will be subject to constant review as resources change.

Key Strategies and/or Action (What is going to be done)	Performance Targets (What is to be achieved)	Responsibility (Who is going to do it)	Performance Indicator (How will it be measured)
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Access

Permit leases, licences and other estates of up to twenty one years in accordance with the local Government Act and the core objectives for the "General Community Use" category	Leases are only granted in accordance with the Local Government Act and relevant regulations	Insurance and Lease Officer	Compliance with the requirements of the Local Government Act
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Function

Review the existing master plans for major open space areas to ensure they are responsive to community expectations, latent demand and sustainable use of public land	Strategic planning of development of recreation areas that respond to current and future needs A rolling program of upgrades to recreation facilities responding to community demand	Parks and Recreation Facilities Coordinator	Percentage of master plans completed within an agreed timeframe
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Public Risk

Investigate and improve the outdoor lighting of public places	Inclusion in Council's rolling capital works program to upgrade and improve lighting in public places	Parks Assets Officer Buildings Assets Officer	Council's annual community survey
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Schedule of Lands and Generic Plans of Management

Section 36 (4) of the Local Government Act requires that all community land be categorised. This schedule identifies the community land under Council's ownership and the categories that have been applied to that land. The criteria used to categorise the land are outlined in clauses 10 to 19 in the Regulations attached to the Act.

This plan of management applies to a number of public reserves throughout the Shire of Baulkham Hills. This schedule identifies the community land to which this, and other generic plans, applies.

Additionally, public reserves have been mapped in accordance with the categories identified in the Act. In instances where more than one generic plan applies to a specific reserve then reference should be made to the Community Land Category Map and the category identified for that particular portion of the reserve.

Some reserves may have individual plans applicable to that specific area of community land. In areas of conflict between a generic plan of management and a specific plan of management the specific plan will have precedence

Reserve No.	Facility Name	Locations	Suburb	Owner
13	Haines Avenue Res	Haines Avenue	Carlingford	Council
16	Lochinvar Parade Res	Lochinvar Parade	Carlingford	Council
35	Panora Avenue Res	Panora Avenue	North Rocks	Council
39	Barclay Road Reserve	Barclay Road	North Rocks	Council
64	Baulkham Hills Road Res	Baulkham Hills Road	Baulkham Hills	Council
72	Bass Drive Reserve	Bass Drive	Baulkham Hills	Council
75	Connie Avenue Reserve	Connie Avenue	Baulkham Hills	Council
87	Eric Mobbs Reserve	Ferguson Avenue	Castle Hill	Council
89	Greenup Park	Cecil Avenue	Castle Hill	Council
93	AH Whaling Memorial Res	Mileham Avenue	Baulkham Hills	Council
116	Talofa Place Reserve	Yaringa Road	Castle Hill	Council
121	Greenwood Road Reserve	Greenwood Road	Kellyville	Council
127	Bounty Avenue Res	Bounty Avenue	Castle Hill	Council
134	Panaview Crescent Res	Panaview Crescent	North Rocks	Council
137	Sophia Crescent Reserve	Sophia Crescent	Baulkham Hills	Council
138	Hancey Avenue Reserve	Hancey Avenue	Baulkham Hills	Council
146	Junction Road Reserve	Junction Road	Baulkham Hills	Council
149	Col Sutton Park	Baulkham Hills Road	Baulkham Hills	Council
160	Telfer Way Reserve	Telfer Way	Castle Hill	Council
175	Brookpine Place Reserve	Brookpine Place	West Pennant Hills	Council
193	Gabrielle Avenue Reserve	Gabrielle Avenue	Baulkham Hills	Council
301	Glenhaven Rural Fire Service	Glenhaven Road	Glenhaven	Council
511	Maroota South Reserve	Wiseman's Ferry Road	South Maroota	Crown
530	Rosebank Avenue Reserve	Rosebank Avenue	Dural	Council