



the bushland shire

creating a living environment

SUPPLEMENTARY BUSINESS PAPER

ORDINARY MEETING

**Wednesday, 21 December, 2011
at 6.30pm**

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SUPPLEMENTARY ITEMS

Item 16 EN67/11 Draft Plan of Management Old Mans Valley 1

16 DRAFT PLAN OF MANAGEMENT OLD MANS VALLEY

EXECUTIVE SUMMARY

Council has exhibited a draft Old Mans Valley plan of management ('POM') conducted in the manner prescribed in the *Local Government Act 1993* ('the Act') requiring a public hearing for a POM involving the categorisation or re-categorisation of community land.

A public hearing for the POM was held in respect of the re-categorised lands on Thursday 16 December 2011 and was conducted by an independent chairperson, as required by the Act.

A Public Hearing Report is being prepared by the hearing chairperson. Public submissions made at the hearing have led to the need to make amendments to the POM and extend the period for the receiving of submissions.

The amendments are considered to be minor, however it is considered appropriate to exhibit an amended POM and have a further public hearing at the conclusion of the exhibition before Council receives a further report seeking adoption of the POM.

This report seeks Council's endorsement to amend the POM and place it on exhibition in early 2012.

PURPOSE/OBJECTIVE

This report seeks consent to amend and re-exhibit the POM to address concerns raised at the public hearing and in submissions received during the exhibition period.

As a consequence of the amendments, the Act requires a further public hearing following the re-exhibition of the POM and prior to its adoption by Council.

DISCUSSION

At Council's Ordinary Meeting on 21 October 2011 (EN48/11) it was resolved:

THAT Council place the Draft Old Mans Valley Plan of Management on public exhibition for no less than the legislatively required period, with a view to future adoption following the receiving of submissions through the exhibition period.

Public Exhibition of the draft Plan of Management and Public Hearing.

The draft POM for OMV was placed on public exhibition for comment for 43 days from 27 October 2011 until 9 December 2011. Advertisements were placed in the *Hornsby Advocate*, *Northern District Times* and *Hills News* notifying the public of the exhibition periods and inviting submissions on the Draft POM. Copies of the POM were placed in all Council libraries and at the Administration Centre, and the POM was exhibited on the council website, with direct links provided at each venue for the making of submissions.

On 16 December 2011 from 4pm to 7pm a public hearing was held to discuss the proposed categorisations of the land covered by the POM. Persons who made submissions during the public exhibition of the POM were advised of the proposed public hearing and a notification/invitation was placed on Council's website on Friday 9 December.

Legislative requirements

On 1 January 1999, amendments to the *Local Government Act* and regulations of the *Local Government Amendment (Community Land Management) Act (1998)* came into effect.

The legislation requires that Plans of Management (POM) categorise community land as one or more of the following categories:

'Park, sportsground, general community use area, area of cultural significance and natural area, the latter further categorised as bushland, wetland, escarpment, watercourse and/or foreshore.'

It is a requirement of Section 40A of the *Local Government Act* ('The Act') that Council hold a public hearing if a proposed POM has the effect of categorising or re-categorising community land. The re-categorisations for the POM are a result of the inclusion of Natural Area (Bushland, Watercourse), Park, Sportsground and Area of Cultural Significance, representing improved information and accuracy and re-categorisation of the community land.

Draft POM is required to be held on public display for a period not less than 28 days in accordance with Section 38(1) of the Act while Section 38 (2) requires a minimum period for receiving public submissions of 42 days. The exhibition of the POM was undertaken in accordance with all legislative requirements.

The Act requires that if comment received during the exhibition of a draft POM calls for a change in the exhibited categorisation and / or it is proposed to re-categorise any such lands, Council must either re-exhibit the draft POM showing the changed categorisation or explain why it decided not to re-categorise. There has been a comment received requesting a change to the categorisation.

Comments from the Public

Submissions were made during the period of public exhibition and at the public hearing.

Concerns were raised about late notice of the proposed public hearing.

The primary concern represented at the hearing was that Council may be misrepresenting their intentions relating to a future quarry access road through the site. Some attendees also objected to the proposal for a sportsground contained in the POM and there were concerns expressed about the lack of information about the proposed quarry filling operation, concerns about a lack of transparency from Council in dealing with the quarry and Old Mans Valley, and perception of a lack of knowledge about a review of environmental factors for the proposed mountain bike track.

Changes to the POM

As a result of the concerns raised, it is proposed to make amendments to the draft plan and re-exhibit the plan, following the conclusion of an extended exhibition of the current draft POM. The amendments will relate to further clarifying Council's intent with regard to any future reclassification of community land to provide a road to the quarry for landfilling purposes; to

detail the permitted scale and intensity of use of the recreation facilities proposed for the community land; to explain the reasons for the position of category boundaries contained within the POM, to address any other issues raised in correspondence received by Council and to address any other issues raised in the independent report arising from the public hearing conducted on 16 December when it is received.

A revised draft POM will be finalised for exhibition in January and this will be placed on public exhibition for the statutory time period, together with the independent chairperson's Public Hearing Report. As required by s40A(3)(a) of the Act, a further public hearing will also be held to hear comments on the revised draft POM.

At the conclusion of the exhibition period, second public hearing and exhibition of the independent chairperson's Public Hearing Report, a report will be forwarded to Council seeking adoption of the revised draft POM.

Section 40 (2) (b) of the Act permits the adoption of the POM without re-exhibition where amendments are deemed by Council to be not substantial. While the foreshadowed amendments are not considered to be substantial, it would keep faith with the public if a further exhibition of the draft were held as recommended in this report.

The exhibition of the amended POM will be conducted in accordance with the Act.

Mountain Bike Track

A review of environmental factors (REF) was prepared for the mountain bike track (MTB) and exhibited by the Bushland and Biodiversity Team earlier in 2011. The REF showed the route of proposed paths, and investigated impacts upon fauna and flora. A number of seven-part tests were conducted as required by the Threatened Species Conservation Act and it was found that impacts of the proposal were not significant.

Comments received on the REF by the public are being investigated before the finalised MTB proposal is approved. Although the REF does not require further public exhibition, it can be made available on the internet for viewing concurrent with the re-exhibition of the POM.

The proposed route of the MTB crosses both Old Mans Valley reserve and the adjoining crown reserve, Hornsby Park. Hornsby Park is not subject to the Old Mans Valley POM. It is not proposed to proceed with any construction of the MTB within Old Mans Valley until the POM is adopted, but an initial stage of construction within Hornsby Park may proceed ahead of this.

BUDGET

The OMV POM identifies a range of park improvement works that may be undertaken in the short, medium or long term.

The action plans in the POM do not have a specific dollar value attached to each action. Some of the actions are ongoing and the remaining actions have been prioritised as short, medium and long-term activities totally dependent upon the availability of funds. This is particularly the case in terms of asset management where increasing collection of data will highlight the need for funds to either prolong the useful life of assets or replace them.

POLICY

The POM is a policy document that identifies the scope of permissible development for the Old Mans Valley lands. The documents also contain council policies for the management of parks, reserves and natural areas as specified in the *Local Government Act (1993)*.

CONSULTATION

This Draft Plan of Management has been prepared with the help of the community through consultative forums in determining priorities for the site, most recently in 2010. The report outlines the findings of the exhibition of the draft POM.

Internal liaison within Council has included the Bushland and Biodiversity Team and Works Division in relation to short and long-term proposals for Old Mans Valley.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line attempts to improve Council decisions by being more accountable and transparent on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

Working with our Community

The forums of public exhibition through local newspapers and invitation to attend the public hearing and make submissions are the avenues for informing and enabling community input.

Conserving our natural environment

The POM is an instrumental document in defining management practice in respect of the environmental qualities and condition of all parks and reserves under Council's care control and management, and establishing parameters for performance assessment on an ongoing basis. The adopted categorisations within the POM reflect the intrinsic values of the natural environment.

Contributing to community development through sustainable facilities and services

An outcome of the development of the POM is a better understanding of the needs of the community and the management needs of our parks and reserves. The POM sets qualitative and quantitative objectives for and contributes to improved management of these assets in the future. Each POM becomes an easily-referenced document for Council staff when conducting research in respect of any 'community land' environment.

Fulfilling our community's vision in planning for the future of the shire

The POM is a long-term planning document that guides the future of park policy for current and future generations. Along with requirements for consultation in respect of proposed changes in any park or reserve or re-categorisations, the processes for informing and inviting submissions in respect of all parks and reserves assists Council in implementing preferred vision in respect of these assets.

Supporting our diverse economy

Council-owned land is for everyone. Council establishes management objectives and regimes for 'community land' and highly values these resources. The good management of our parks and reserves, which these documents enshrine, maintains impetus for Council as an employer in our community and has a significant impact on the quality of public spaces, valued by the community.

Maintaining sound corporate financial management

There are benefits associated with the ongoing life-cycle costs associated with the management of Council assets. These benefits and the ongoing commitment to the management of land are enshrined by the POM.

Other sustainability considerations

Budgetary issues and climatic conditions can affect Council's capacity to maintain the qualitative and quantitative regimes described in each POM.

RESPONSIBLE OFFICER

The responsible officer is Mr Kurt Henkel, Landscape Coordinator, Parks and Landscape Team available on telephone number 9847 6887, between 8:30 am and 5 pm, Monday to Friday.

RECOMMENDATION

THAT:

1. In response to public comments received, the Parks & Landscape Team amend the draft plan of management for Old Mans Valley for re-exhibition and a further public hearing;
2. Following all further exhibition and public hearing processes, a report on the draft plan of management is brought to Council.

DIANE CAMPBELL
Acting Executive Manager
Environment Division

Attachments:

There are no attachments for this report.

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