

PLAN OF MANAGEMENT FOR APPIN FORESHORE LAND

WOLLONDILLY SHIRE COUNCIL

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PUBLIC EXHIBITION AND INVITATION TO MAKE SUBMISSIONS ON DRAFT PLANS

Public Consultation

This draft plan has been prepared to meet the core objectives for the management of community land pursuant to Section 36 of the Local Government Act 1993.

The Council adopted the draft plant at its meeting on 19 July 2004.

The Council is now seeking submissions in relation to this draft plan. All submissions will be considered before the plan is adopted in its final form.

Public Exhibition of Draft Plans of Management

The draft plans of management may be inspected at the Council's Offices, 62-64 Menangle Street, Picton, between 8.00am and 4.00pm, Mondays to Fridays (public holidays excepted) from Tuesday 3 August 2004 until Friday 3 September 2004.

Invitation to Make Submissions on any or all of the Draft Plans of Management

Any person may make a written submission in relation to any or all of the draft plans of management. Submissions will be received until 4.00pm on Friday 17 September 2004. Any written submission may become a public document.

Enquiries may be directed to Mrs Kath McKay, Planning Coordinator Recreation and Buildings, on phone 4677 1104.

PART 1 INTRODUCTION

Local Government Act 1993

Council is required in terms of Section 36 of the Local Government Act 1993 to prepare plans of management for its community lands.

Please refer to the Schedule attached to this set of plans for information relating to the preparation of plans of management.

Other Considerations

In preparing these plans, Council has endeavoured to ensure compatibility with a range of other plans and policies previously adopted by the Council, including:

- The State of Wollondilly Report.
- Wollondilly Vision 2025 (Visions for the separate communities and the Shire as a whole).
- Local Environmental Plan 1991.
- Stormwater Management Plans (Upper Georges River, Upper Nepean River and Wollondilly District).
- Stonequarry Creek Floodplain Management Plan.
- Strategic Management of Council's Assets Policy.

Should any specific item provided for in a community land plan of management be incompatible with existing plans or policies, then the provisions of those previously adopted plans and policies shall generally have precedence.

Please refer to the attached Schedule for information relating to the Wollondilly Vision 2025.

Proposed Future Management of the Land

The plan outlines strategies for the ongoing management of the land detailing Council's expectations in relation to matters such as general condition and suitability, suitability for all people regardless of physical ability, health and safety concerns, environmental concerns and cost effectiveness.

Council will continue to seek ways and means of improving its management of these lands for the benefit of the public at large. It proposes to develop a comprehensive asset management program and to continue to develop its asset maintenance program to achieve a high level of service at an affordable and sustainable cost.

Council's focus in these plans is to:

- Improve accessibility for people of all ages and levels of ability.
- Upgrade and improve existing facilities rather than build new facilities.
- Improve the standard of amenities provided.
- Improve the level of service provided.
- Address health and safety issues.
- Address environmental issues.
- Provide cost effective services.

PART 2 – PROPERTY DETAILS

1. LAND SUBJECT TO THIS PLAN

This plan provides for the land described below:

1. Land adjoining the Georges River, Kennedy Grove, Appin

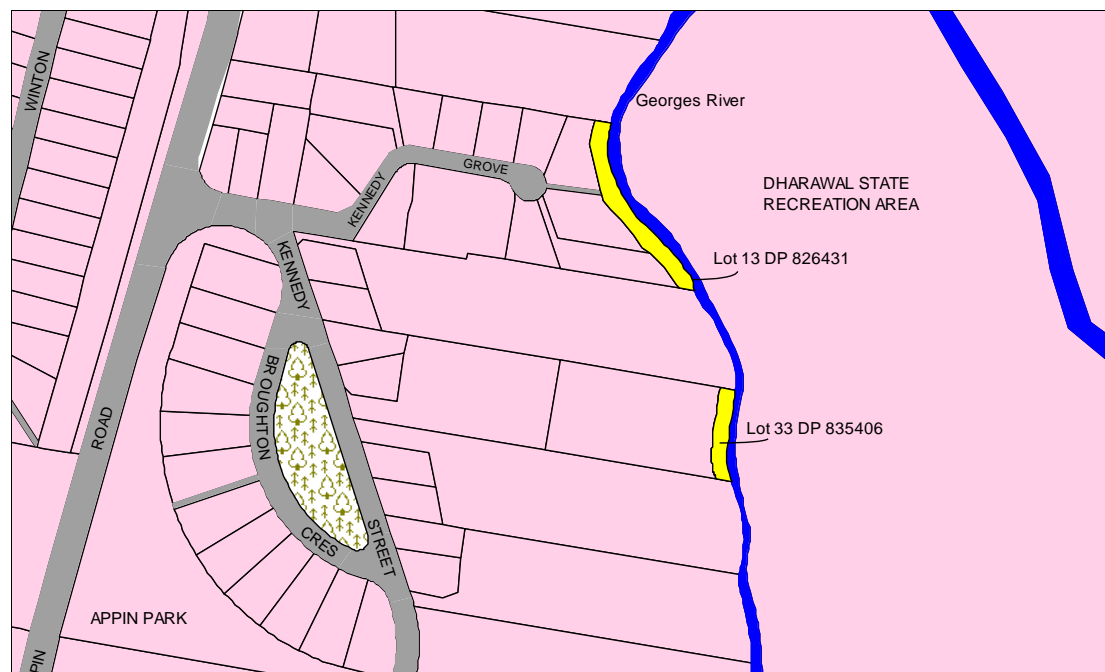
| | |
|-------------|---|
| Description | Lot 13 DP 826431 (1330 m ²) |
| Zoning: | Residential 2(a) |
| Location: | Off the end of Kennedy Grove, Appin, adjoining the river, as shown in Figure 1 below. |
| Owner: | Wollondilly Shire Council |

2. Land adjoining Georges River, Kennedy Street, Appin

| | |
|-------------|---|
| Description | Lot 33 DP 835406 (629.9 m ²) |
| Zoning: | Regional Open Space 9(e) Reserve |
| Location: | Located between Georges River and Lot 32 DP 835406 (currently no public access) as shown in Figure 1 below: |
| Owner | Wollondilly Shire Council |

Note: The land was acquired as a condition of subdivision in order to provide for future vehicular and pedestrian access to the Georges River, in anticipation of it being included in the NSW Planning Department's proposed future "Georges River Parkway".

Figure 1



2. DESCRIPTION OF THE LAND AT THE TIME OF PREPARATION OF THE PLAN

These two small parcels are currently undeveloped. The land contains some natural rock shelves which have been disturbed, and grass.

3. LAND STATUS AND OWNERSHIP

The land is freehold land owned by the Council.

4. LAND CLASSIFICATION

The land is classified as “community land” in terms of Section 27 and clause 6 of Schedule 7 of the Local Government Act 1993.

5. CURRENT MANAGEMENT REGIME

Council currently manages the land.

6. CONDITION OF THE LAND AND STRUCTURES ON ADOPTION OF THE PLAN

The land is in an undeveloped state, except for the pathway linking Kennedy Grove to Lot 13 DP 826431. The pathway leading to Lot 13 is fenced and is in good condition.

It is difficult to determine the extent of each land parcel as the boundary pegs are not obvious and there are no boundary fences, so that any person using these lands could unwittingly stray onto adjoining private property.

The land is rough, since little tidying up appears to have been done post development of the adjoining properties. There are tree branches impeding access and long grass on the land. There are rock shelves along the water’s edge, and in time, when the land is cleared, the area could be quite pleasant.

The two parcels are not contiguous, and there is currently no legal access to Lot 33 DP 835406.

There is evidence that part of the natural rock shelf has been unlawfully removed, and it is likely that the removal of the rock has contributed towards the degradation and erosion of the river bank.

A reticulated stormwater drain bisects the land and discharges into the river.

7. LAYOUT OF EXISTING FACILITIES

There are no facilities on the land.

8. USE OF THE LAND AND STRUCTURES AT THE TIME OF ADOPTION OF THE PLAN

Council currently uses the land primarily as public access to the river. A stormwater drain runs under the pathway and through the land (Lot 13 DP 826431) to drain Kennedy Grove into the Georges River.

PART 3 – MANAGEMENT ISSUES

1. COUNCIL’S STATEMENT OF PURPOSE

To create opportunities in partnership with the community. To enhance the quality of life and the environment, by managing growth and providing services and facilities of the highest quality.

2. WOLLONDILLY VISION 2025

Derived from community workshops held in February and March 2003 Council adopted " A Vision for Wollondilly 2025" incorporating nine separate visions covering all aspects of the Shire’s future having regard to the lifestyle needs of the residents through to the uniqueness of the rural countryside and the various towns and villages.

The Vision provides Council with a framework to develop new strategies and policies and to guide the organisation so that it can effectively play its vital role in the delivery of the Vision.

Visions 1, 2 and 7 are particularly relevant for the management of this land.

Please refer to the attached Schedule for details of the Visions and Vision Strategies that particularly affect Council managed land.

3. RECREATION DEMAND AND OPPORTUNITIES

A preliminary pre-publication Summary Report on the Western Sydney Regional Recreation Demand and Opportunities Study has identified, among other things, that the following issues affect the acquisition and/or development of future recreational assets.

Demand for Informal Use of Parks

Note: Refer to Key Vision Strategy 7.1

Demand for Access to Water (Visual and Physical)

Note: Refer to Key Vision Strategy 7.8

Demand for Interaction with Nature

Note: Refer to Key Vision Strategy 7.2

Connections and Travel on Trails and Routes

Note: Refer to Key Vision Strategies 7.4 and 7.7

4. SUCCESS FACTORS

Council has identified a number of factors, which contribute towards the success of public places. The first four key qualities affect particularly the users of the place; the fifth factor, value for money, affects both users and providers.

- Access and Linkages
- Comfort and Image
- Uses and Activities
- Sociability
- Value for Money

Please refer to the attached Schedule for further information about the key success factors identified.

PART 4 – MANAGEMENT OBJECTIVES

1. LAND “CATEGORISATION”

Council is required to categorise the land according to its use type and to manage it so as to achieve the core objectives for the land categories.

The Act provides guidelines for choosing the category or categories to be applied. A parcel may be categorised as one or more separate categories according to its use and the characteristics of the land.

Please refer to the attached Schedule for the guidelines for categorisation of community land according to its proposed use and land characteristics.

The Council proposes to categorise the land in this plan according to legislative guidelines.

2. PROPOSED LAND “CATEGORY”

The land in this plan is to be “categorised as “a natural area – foreshore”.

3. MANAGEMENT OBJECTIVES

1. CORE OBJECTIVES FOR THE MANAGEMENT OF COMMUNITY LAND

The Local Government Act prescribes “core objectives” for managing community land according to its category. These core objectives help councils to focus on the essential aspects of each area of land and to determine key performance targets.

Council proposes to manage the land according to the Local Government Act core objectives and Council’s other objectives.

A Natural Area – Foreshore

The core objectives for the management of community land categorised as a “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 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.

The further objectives for a “natural area” sub 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.

2. COUNCIL'S OTHER OBJECTIVES

1. Public Safety and Risk Management
2. Bushfire Hazard Management
3. Traffic Management
4. Economically sustainable development
5. Community development – building social capital

4. THREATENED SPECIES LAW

Threatened Species Conservation Act 1995

No threatened native vegetation has been identified on the land.

There may possibly be some vulnerable amphibian species on the land although Council is not aware of any sightings.

The Upper Georges River Stormwater Management Plan states as follows:

“3.3.7 Amphibians

Two threatened amphibians have been found in the Upper Georges catchment that have conservation significance. They are the following:

- Red-crowned Toadlet (*Pseudophryne australis*) (NPWS 1997; Axis 1995); and
- Giant Burrowing Frog (*Heleioporus australiacus*) (Axis 1995).

The Giant Burrowing Frog is a listed threatened species under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth. as a threatened species nationally.

The Green and Golden Bell Frog (*Litoria aurea*) is known to exist in the region, and may also occur in the ponds and swamps (Axis 1995). Areas in the catchment where threatened species are most likely to occur include:

- Swamps in the O'Hares Creek Catchment (which includes the Dharawal Reserves);
- Gully forests along the drainage lines and the Georges River;
- The Sandstone Woodland/heath; and
- The Heath Complex. “

The land was acquired to provide pedestrian and vehicular access to the Georges River as part of a proposed future regional open space reserve.

While Council has no knowledge of the presence of any threatened amphibian species on the land, it will ensure that their presence is investigated before any development works are undertaken and appropriate measures taken if they are detected.

Rivers and Foreshores Improvement Act 1948 (Part 3A)

This Act provides for the protection of “protected waters”. Protected waters include rivers. It also provides for “protected land”, including land that is not less than 40 metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore).

A permit is required for excavation on the land or the removal of material including rocks, soil or vegetation from the banks of a river or from any adjoining, adjacent or nearby lands and for any work that would obstruct or otherwise affect the flow of the river.

5. FUTURE USE OF THE LAND

No change of use is planned in the short term. Long term, the land may be developed as a shared pathway in conjunction with other land along the river.

6. FUTURE USE AND DEVELOPMENT OF THE LAND

1. Schedule of Permitted Uses and Permitted Development

Attached as **Appendix 1** is a schedule in terms of Section 36(3A)(b) specifying the purposes for which the land and any existing buildings or improvements will be permitted to be used, the purposes for which any further development of the land will be permitted whether under lease or licence or otherwise and the scale and intensity of any such permitted use or intensity.

2. Management Strategies and Performance Measures

Council has prepared strategies to enable it to effectively manage this land, and has established some means of measuring its performance. The strategy plan is attached as **Appendix 2**.

3. Master Plan

Council has not prepared a master plan for this land. Any proposed future development works connected with the regional pathway are likely to be prepared by other agencies. This plan permits the development of the land for this purpose.

4. Development Plan

Council has not prepared a development plan for this land as no development is currently planned.

7. LEASES LICENCES AND OTHER ESTATES

1. Authorisation

This Plan expressly authorises the leasing, licensing or granting of any other estate over the land subject to the provisions of sections 45 and 46 of the Local Government Act 1993. Applications for lease licence or grant of an estate will be considered by Council on their merit.

Any lease, license or other estate would however need to be for the purpose of meeting the management objectives for the land.

2. Tendering for Leases Licences and Other Estates

A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3 of the Act unless it is granted to a non-profit organisation. The Council may however apply a tender process in respect of the grant of any particular licence or estate over the land.

8. APPROVALS FOR WORKS ON THE LAND

1. Wollondilly Local Environment Plan 1991

Lot 13 DP 826431 is zoned Residential 2(a) zone, while Lot 33 DP 835406 is zoned Regional Open Space 9(e) Reserve.

Any development on the land must be in accordance with the objectives and permitted works applying to that zone.

2. Activities Requiring Council Approval (Section 68, Part D, Local Government Act 1993)

This plan provides that the following activities on the land will be permitted only with the prior approval of the Council in writing:

- Engage in a trade or business.
- Direct or procure a theatrical, musical or other entertainment for the public.
- Construct a temporary enclosure for the purpose of entertainment.
- For fee or reward, play a musical instrument or sing.
- Set up, operate or use a loudspeaker or sound amplifying device.
- Deliver a public address or hold a religious service or public meeting.

Note: the erection of an advertising sign is considered to be engaging in a trade or business.

3. Advertising and Signage

The erection or display of advertising and signage within New South Wales is subject to State Environmental Policy No 64 – Advertising and Signage.

- (1) This Policy applies to all signage:
 - (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent; and
 - (b) is visible from any public place or public reserve, except as provided by this Policy.

Note:

Public place and public reserve are defined in section 4 (1) of the Act to have the same meanings as in the Local Government Act 1993.

- (2) This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it.

4. Prohibited Activities

This plan prohibits the following activities on the land:

- Camping (with or without a tent).
- Driving of vehicles unless within a designated traffic areas (except reserves maintenance or emergency services vehicles).
- Riding trail bikes or other vehicles or riding of horses.
- Lighting of fires unless in a purpose built barbecue facility or approved fireplace provided on site specifically for the purpose.
- Carrying or discharge of firearms.
- Cutting down or removal of any tree, shrub or other plant material by other than an authorised person.
- Any action prohibited in terms of legislation affecting this land.
- Any activity that is contrary to a notice erected by the Council (Section 632 Local Government Act 1993).

Appendix 1 – Permitted Uses and Development

(subject to development consent if required)

| Purposes for which the land and any existing buildings or improvements will be permitted to be used.(Sec 36(3A)(b)(i)) | Purposes for which any further development of the land will be permitted whether under lease or licence or otherwise.(Sec 36 (3A)(b)(ii)) | The scale and intensity of any such permitted use or development. (Sec 36(3A)(b)(iii)) |
|--|--|--|
| <ul style="list-style-type: none"> • Floral and faunal corridor. • Visual amenity. | <ul style="list-style-type: none"> • Erection of an information sign • Development of shared access pathway as part of a regional Georges River walking track. | <ul style="list-style-type: none"> • Standard Shire information sign. • As determined by planning authority at the time. |
| <ul style="list-style-type: none"> • Installation of undergrounded utilities. | <ul style="list-style-type: none"> • Installation of essential utility services including stormwater treatment devices. | <ul style="list-style-type: none"> • Developer to satisfy Council that proposed works will not impact adversely on endangered native vegetation. |
| <ul style="list-style-type: none"> • Bushfire hazard control. | <ul style="list-style-type: none"> • Bushfire hazard control | <ul style="list-style-type: none"> • As required to reduce bush fire hazard to residential properties – only under control of Rural Fire Service. |
| <ul style="list-style-type: none"> • Removal of exotic weeds and non-organic refuse from the land. | <ul style="list-style-type: none"> • Removal of weeds and non-organic refuse from the land. | <ul style="list-style-type: none"> • As required and under control of Council's Environment Management officer. |
| <ul style="list-style-type: none"> • Rehabilitation of native vegetation. | <ul style="list-style-type: none"> • Planting of local provenant native plants. | <ul style="list-style-type: none"> • As required and under control of Council's Environment Management officer. |

Appendix 2 - Management Strategies and Performance Measures

| Key Vision Strategies & Management Objectives | Proposed Practical Steps to be Taken (subject to funding) | Success Factors (universal values) | Performance Measures |
|--|--|------------------------------------|--|
| <p>S2.1 Implement biodiversity strategies to recover, protect and enhance threatened and significant aquatic communities.</p> | <p>1(a) Categorise the land as “a natural area – foreshore” and manage the land in accordance with the core objectives for such land</p> | <p>Uses and Activities</p> | <p>1(a) Improved habitat for threatened aquatic species.</p> |
| <p>S2.2 Implement planning controls, guidelines and management systems to protect and enhance creek and river corridors,</p> | <p>1(b) Require any proposed future development to be in accordance with this plan.</p> | | <p>1(b) The aquatic/terrestrial transition zone is protected from unplanned development. The presence of threatened amphibian species is investigated before any development works are undertaken and appropriate measures taken if they are detected.</p> |
| <p>S 2.2 Establish riparian buffers along all creeks, rivers and tributaries</p> | <p>1(c) Acquire additional riparian buffer land as the opportunity arises.</p> | | <p>1(c) Extension of the riparian buffer along the true left bank of the Georges River.</p> |
| <p>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.</p> | <p>2(a) Provide for a shared access pathway on the land as part of a regional Georges River pathway.</p> | | <p>2(a) Regional pathway constructed.</p> |

| Key Vision Strategies & Management Objectives | Proposed Practical Steps to be Taken (subject to funding) | Success Factors (universal values) | Performance Measures |
|---|--|------------------------------------|--|
| 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. | 3(a) Publish notices in Council publications, advising of any restrictions | . | 3(a) Notices are published. |
| S1.1 Take account of Bushfire Hazard Management Guidelines or Policies | 4(a) Comply with the Wollondilly Bush Fire Hazard Management Plan in respect of Council managed land. | Uses and Activities | 4(a) Management of bushfire hazards is in accordance with the Bush Fire Hazard Management Plan as adopted. |
| | 4(b) Prepare a bushfire risk management plan for Council's community lands/Crown reserves. | | 4(b) Bushfire risk management plan adopted and implemented. |
| | 4(c) Comply with asset protection zones and strategic fire advantage zones in line with the Bushfire Environmental Assessment Code 2003. | | 4(c) No complaints of asset protection zones or strategic fire advantage zones being non compliant |

