



PLAN OF MANAGEMENT WAR MEMORIAL PARK, LEICHHARDT

LEICHHARDT MUNICIPAL COUNCIL

July 2010

Contents

1. INTRODUCTION	5
1.1 Purpose of Plan of Management	
1.2 Overview of War Memorial Park	
2. STATUTORY CONTEXT	11
2.1 Local Government Act 1993	
– Prescribed Contents for Plan of Management	
– Categorisation and Objectives for Land	
– Procedures for Public Notice, Exhibition and Amendments to Plan	
2.2 Environmental Planning and Assessment Act 1979	
2.3 State Environmental Planning Policy (Infrastructure) 2007	
2.4 Leichhardt Local Environmental Plan 2000	
– Zoning	
2.5 Companion Animals Act 1998	
2.6 Disability Discrimination Act 1992	
3. CONSULTATION	19
4. HISTORICAL CONTEXT	22
4.1 War Memorial Park	
5. PRESENT USE AND FUTURE OPPORTUNITIES	23
5.1 Condition and Use of the Land and Existing Structures	
5.2 Description of Proposed Future Development and Permissible Uses	
5.3 Site Accessibility and Operation	
· Public Transport	
· Parking	
· Pedestrian	
· Bicycle	
· Companion Animal Zones	
5.5 Trees and Vegetation	
· Existing Trees and Vegetation	
· Leichhardt Significant Heritage Tree Management Plan	
5.6 Current and Projected Recreational and Open Space Needs	
· Leichhardt Recreational and Open Space Needs Study	
6. CLASSIFICATION OF LAND	30
6.1 Categorisation and Objectives for Land	
6.2 Core Objectives	
7. STRATEGY AND ACTION PLAN	31

7.1 Specific Objectives

8. MASTERPLAN

35

APPENDICES

Appendix 1 – Preliminary Stakeholder Consultation – Invitation for Written Submissions

Appendix 2 – Minutes of Community Consultation Sessions

Appendix 3 – Site Survey

1. Introduction

1.1 Purpose of the Plan of Management

This Plan of Management has been developed to guide Council and the community in the future development, maintenance and management of War Memorial Park, Leichhardt.

Leichhardt Council has established broad objectives in relation to public open space management:

- a) To improve the amenity of open space within the Leichhardt Local Government Area;
- b) To prepare and establish Plans of Management including Landscape Master plans for each area of open space that guides the future development, management and maintenance of its open space facilities;
- c) To actively engage community input in the preparation of Plans of Management for parkland areas and provide informed planning advice to Council;
- d) To reduce ongoing maintenance costs through the improved design and management of facilities;
- e) To implement sustainability principles with consideration of Council's Leichhardt 2020+ Strategic Plan; and
- f) To establish a proposed and documented program for staged improvement works which are prioritised and agreed to by Council.

This Plan of Management also supports the vision and directions outlined in Council's 2020+ Strategic Plan in relation to community well-being; accessibility; and a sustainable environment and specifically the objective to "Plan open space and other developments to increase open space, enhance the natural environment and native biodiversity".

1.2 Overview of War Memorial Park

War Memorial Park is located within the suburb of Leichhardt and is bounded by Moore Street and Catherine Street. Refer to Figure 1 for a location plan and Figure 2 for an aerial photograph of the park. The land is described as Lot 1 of Deposited Plan 795677. The Park is approximately 1.43 hectares in area.

War Memorial Park is owned by Council and is classified as Community Land.

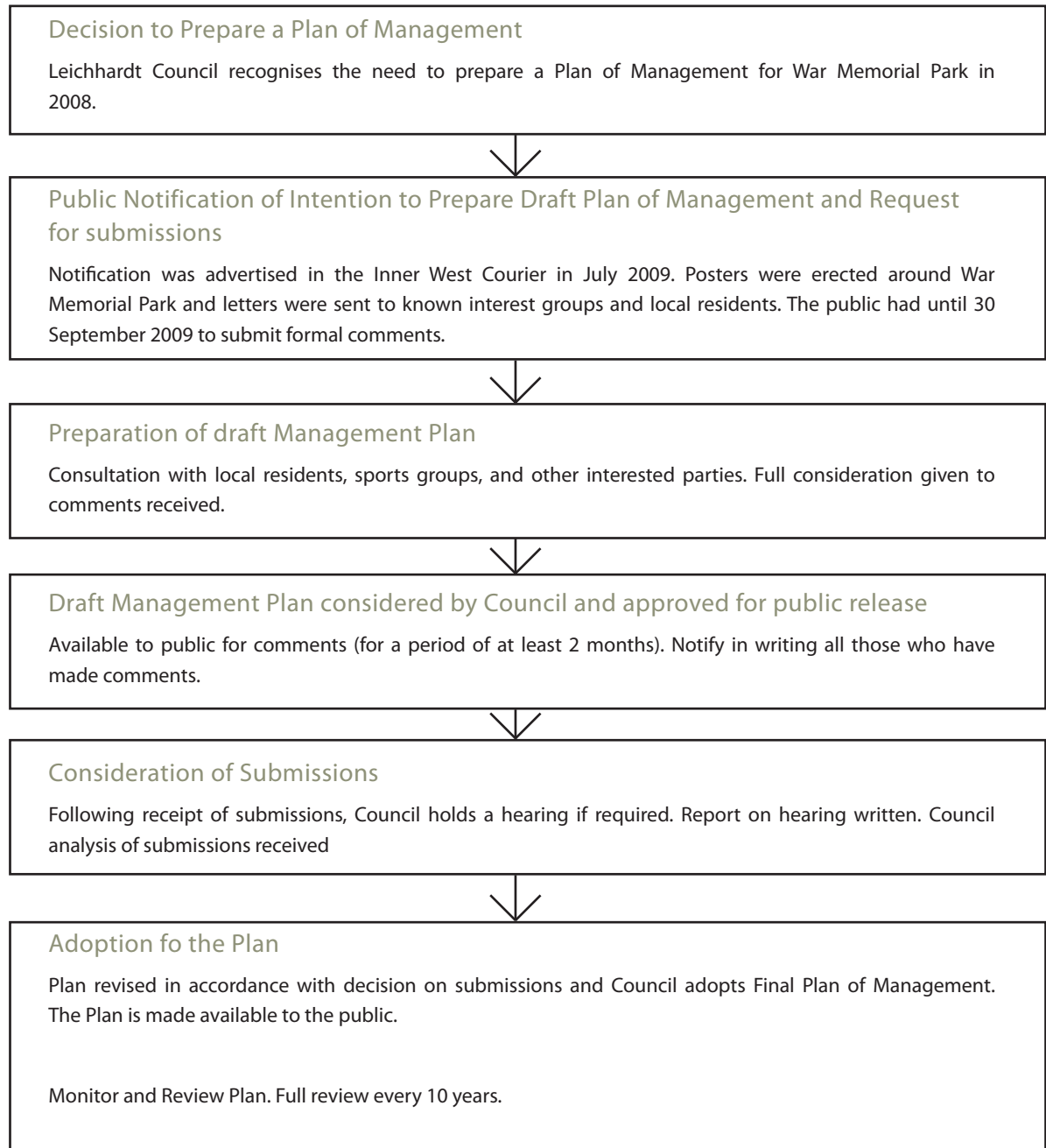
The site comprises primarily passive open space and includes a children's playground and a public toilet. The parkland is defined by the rectilinear street edges to the south and east.

The park is used for passive public recreation, including walking, dog walking, and informal active play. Use of the park for dog walking is governed by Council Policy in relation to leashed and off-leash use.

The surrounding land uses comprise primarily low density residential uses. Moore Street contains some industrial, commercial and retail uses. War Memorial Park was established as a park after the second world war. Prior to this it was used as a dairy. An aerial photograph shows the park location in 1943. (Refer to aerial photograph at Section 4 below).

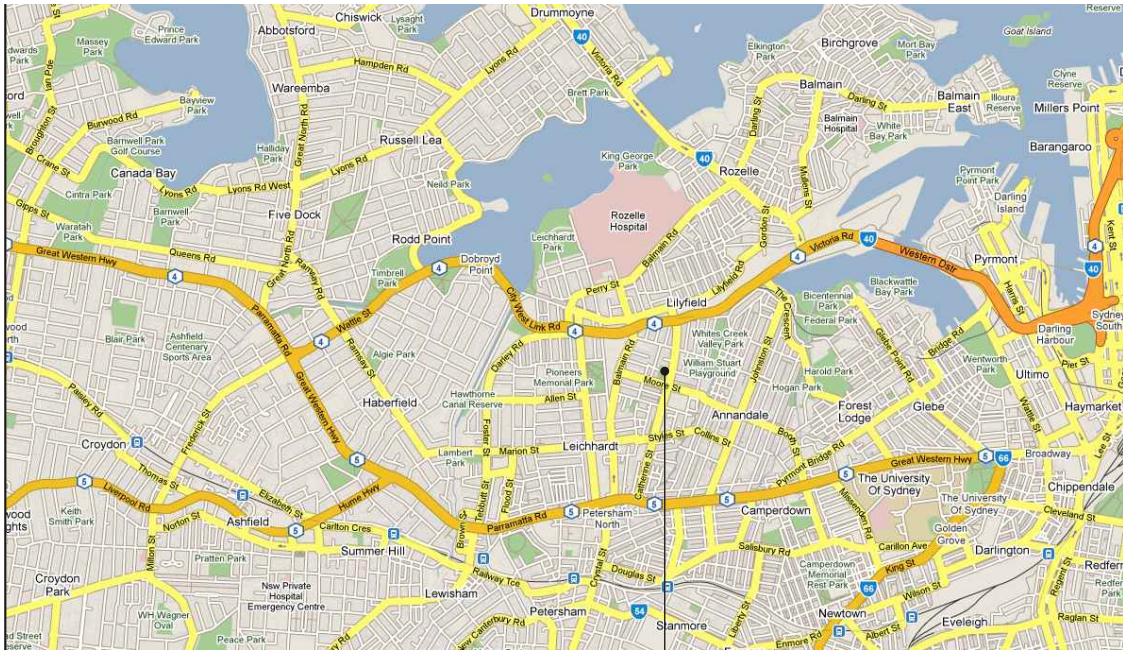


Process to Prepare War Memorial Park Plan of Management



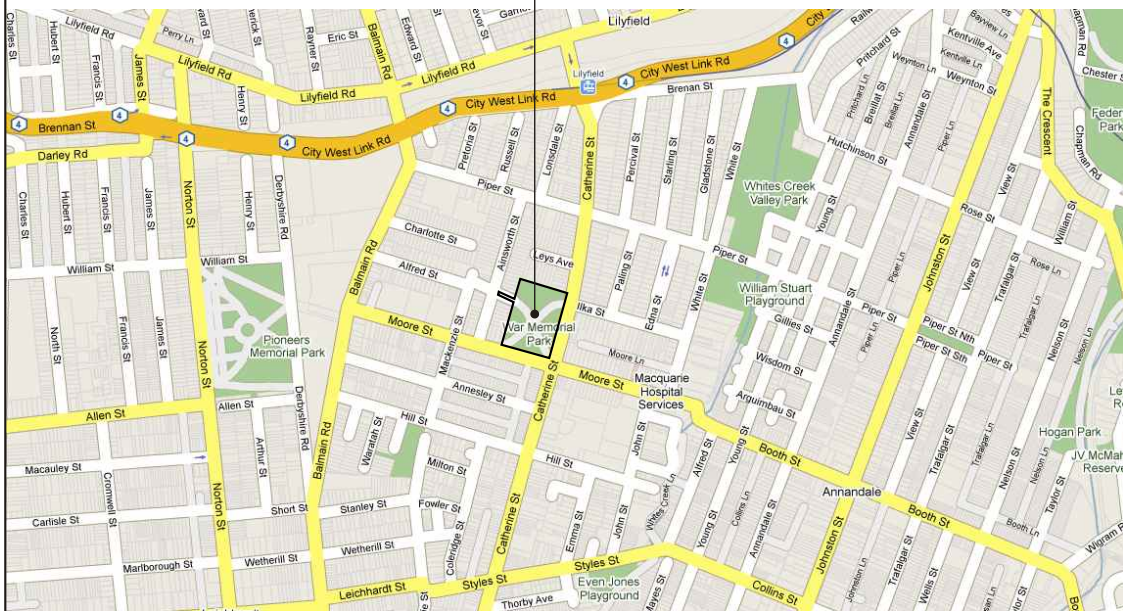


Aerial view of War Memorial Park in context, with Moore Street along the southern boundary and Catherine Street to the western edge. The diagonally intersecting paths provide good linkages across the park including a link through to Ainsworth Street.



0 1 km

Subject Site - War Memorial Park



Source: Google Maps 08
Issued: 20-7-09
09\WP\301015-01740\Graphics\ids-fig d

0 250 m

Location Fig 1



0 25 m

Subject Site -
War Memorial Park



Source: SIX.nsw.gov.au, Bingmaps.com.au
Issued: 21-9-09
09WP/301015-01740/Graphics/sds-fig d



Site Fig 2

2. Statutory Context

The statutory framework to guide the preparation and operation of the plan of management for War Memorial Park is primarily set by the:

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979

In addition, the other legislation, regulations and environmental planning instruments of relevance to the plan of management are:

- Environmental Planning and Assessment Regulation 2000
- Leichhardt Local Environmental Plan 2000
- Companions Animals Act 1998
- Disability Discrimination Act 1992

2.1 Local Government Act 1993

The Local Government Act 1993 (Local Government Act) 1993 is the legal framework for the system of local government in NSW.

Provisions of the Local Government Act relating to plans of management are set out below. These prescribe the content of the plan; categorisation of land and objectives relating to these categories of land; and procedures relating to public notice, exhibition and amendments to the plan.

Integrated Planning

On 1 October 2009 the NSW Government introduced a range of initiatives design to integrate and improve Long Term Strategic Planning within NSW Local Government. The reforms require that Local Government develops a series of inter-related plans comprising a:

- 10-year community strategic plan establishing strategic objectives (local priorities and future aspirations) together with strategies for achieving those objectives;
- Resourcing strategy including asset management planning, a workforce management strategy and long term financial planning. The resourcing strategy is to plan for the resources required to implement the strategies established by the community strategic plan that the council is responsible for; and
- Delivery program for every four years showing how projects and programs are going to be delivered during a council's term in office. The delivery program is to detail the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.

Leichhardt Council is in the process of completing its resourcing strategy and delivery program. The work carried out to date has confirmed the need for infrastructure improvements. In addition to ensuring that all existing assets are maintained Council also has other statutory responsibilities – for example the implementation of its Disability and Discrimination Act Action Plan.

As such in developing a Plan of Management, Council has a responsibility to ensure that the contents of the plan can be funded over a reasonable period of time.

To facilitate this requirement Council staff will be assessing individual elements of the Plan of Management in terms of:

1. Their being a demonstrated need or requirement supported by relevant documentary evidence

2. The likely cost and the cumulative impact on Council's capital works program.
3. The likely delivery date in the context of other items already listed on the Delivery Program. In this regard Council list individual items in one of the following three categories:
 - a. short term (1-5 years)
 - b. medium term (5-15 years)
 - c. long term (15 years plus)

Prescribed Contents for Plan of Management

Clause 36 of the Local Government Act provides that a Council must prepare a plan of management for community land. This clause provides that a plan of management must set out:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and
- may require the prior approval of the council to the carrying out of any specified activity on the land.

The plan of management must include a description of the:

- 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, and
- the use of the land and any such buildings or improvements as at that date, and
- must:
 - specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - 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.

Clause 37 of the Local Government Act provides that a plan of management prepared for land not owned by a Council:

- (a) must identify the owner of the land, and
- (b) must state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant, and
- (c) must state whether the use or management of the land is subject to any condition or restriction imposed by the owner, and
- (d) must not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

Categorisation and Objectives for Land

Clause 36(4) requires that the land the subject of the plan of management be categorised as one or more of:

- a natural area
- a sportsground
- a park
- an area of cultural significance
- general community use

The classification of War Memorial Park is discussed in Part 6.

Procedures for Public Notice, Exhibition and Amendments to Plan

Clause 38 of the Local Government Act provides that the Council must put the draft plan of management on exhibition for a period not less than 28 days. A public notice must specify that submissions can be made on the draft plan of management after the day the exhibition period ceases, for a period of not less than 42 days.

Clause 39 of the Local Government Act provides that prior to the public notice being issued on the draft plan of management (Clause 38) the draft plan of management must be submitted to the owner of the land, and to include any provisions required by the owner of the land.

Clause 40 of the Local Government Act provides that after receiving submissions, the Council has the option to amend the plan of management or to adopt it without amendment. Should Council make amendments, it must again exhibit the plan in accordance with Clause 38 this is, unless the amendments are not considered as substantial, in which case, the plan can be adopted without the requirement for further exhibition.

2.2 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides for a system of environmental assessment and planning for development in NSW. The Act establishes a hierarchy of planning instruments which zone land and regulate specific types of development across the State.

The EP&A Act is the principal environmental planning legislation controlling the development of land in NSW. All State Environmental Planning Policies (SEPPs) and Local Environmental Plans must be consistent with the objects and controls contained within the Act. They include:

- the management, development and conservation of natural and artificial resources,
- the promotion and co-ordination of the orderly and economic use of land,
- protection, provision and co-ordination of communication and utility services,
- provision of public purposes,
- provision and co-ordination of community services and facilities,
- ecological sustainable development, and
- the provision and maintenance of affordable housing.

2.3 State Environmental Planning Policy (Infrastructure) 2007

Division 12 Parks and other reserves of the Infrastructure SEPP provides that development is permitted without consent for the following purposes where it is carried out by or on behalf of a council on a public reserve under the control of or vested in the council:

- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms, outdoor recreational facilities, including playing fields, but not including grandstands,
- (c) information facilities such as visitors' centres and information boards,
- (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, Lighting for Roads and Public Spaces.
- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (g) maintenance depots,
- (h) environmental management works.

2.4 Leichhardt Local Environmental Plan 2000

The Leichhardt Local Environmental Plan 2000 (LEP) is the primary statutory instrument for controlling land use and development in the local government area of Leichhardt.

Zoning

The subject land is primarily zoned 'Open Space, Recreation and Leisure' (Clause 24) under the LEP.

The objectives of the Open Space, Recreation and Leisure' zone are to:

- (a) to maximise the provision of open space in order to provide a diverse range of settings and recreational opportunities to meet the needs of the community,
- (b) to ensure the equitable distribution of, and access to, open space and recreation facilities,
- (c) to retain, protect and promote public access to foreshore areas and provide links to existing open space,
- (d) to ensure development is compatible with any Parks Plans of Management, Landscape Plans and Bicycle Plan adopted by the Council,
- (e) to conserve and enhance the ecological role of open space, including flora and fauna diversity (including the genetic, species and ecosystem diversity of flora and fauna), habitat corridors and the potential of open space to cleanse air, water and soils,
- (f) to provide opportunities in open space for public art.

Development allowed without development consent in the zone includes for the purpose of:

- ancillary sporting structures
- open space embellishment
- playgrounds
- recreation areas

Development allowed only with development consent in the zone includes for the purpose of:

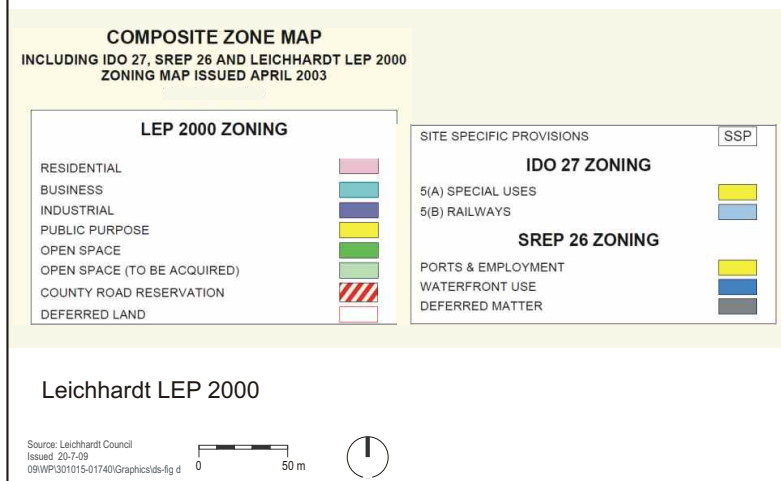
- clubs
- community facilities
- community gardens
- jetties

-
- kiosks
 - public amenities
 - public transport stops
 - recreation facilities
 - demolition
 - subdivision

All other development outside of these purposes above as defined by the LEP is prohibited in the zone. The LEP defines the types of key development set out above.



War memorial Park -
Lot 1 DP 795677



Zoning Fig 3

2.5 Companion Animals Act 1998

The NSW Companion Animals Act 1998 (Companion Animals Act) has as its object, the “effective and responsible care and management of companion animals.”

The Companion Animals Act includes responsibilities for dogs in public places and public places where dogs are prohibited.

Clause 13 of the Act (‘Responsibilities while dog in public place’) sets out:

A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

This section does not apply to a dog accompanied by some competent person in an area declared to be an off-leash area.

Clause 14 sets out that there are some places where dogs are prohibited. These include:

- Children’s play areas (within 10 metres of any playing apparatus provided in that public place or part for the use of children);
- Food preparation/consumption areas;
- Recreation areas where dogs are prohibited (for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited);
- Child care centres.



Access to Open Space for Dogs – War Memorial Park (Source: Leichhardt Council, Access to Open Strategy for Dogs)

Leichhardt's Access to Open Space Strategy for Dogs is a strategy that determines levels of access of dogs to open space, in accordance with the Companion Animals Act.

The figure above shows the area that is subject to off-leash restrictions on the share, as found in the Open Space Strategy for Dogs. Associated with this figure are the following restrictions:

On-leash – Northern and north eastern sectors

Off-leash – See below

Prohibited – Within 10 metres of children's playground

Time-share – Southwestern corner. Off-leash Monday – Friday & between 4pm & 10am in non daylight savings and 5pm & 10am in daylight savings on weekends and public holidays

In accordance with the Companion Animals Act 1998 dogs are prohibited within the enclosed Childrens Playground.

2.6 Disability Discrimination Act 1992

The Commonwealth Disability Discrimination Act 1992 (Discrimination Act) sets out to eliminate discrimination against persons with a disability, including in relation to goods, services and facilities and access to premises.

The Discrimination Act sets out provisions relating to "Access to Premises" (Section 23). This makes it unlawful to discriminate against a person on the basis of their disability by denying access to or use of premises or facilities that are public; or by the path of travel to the premises. Exceptions to this rule include if the making of the access to premises would qualify as 'justifiable hardship' on the person who provides the access.

Section 24 of the Discrimination Act sets out provisions relating to goods, services and facilities that make it unlawful to discriminate against a person on the basis of their disability by refusing to provide the person with the goods or services or in the manner in which those goods, services or facilities are provided to the person. Exceptions to this rule includes if the provision of the goods or services or makes the facilities available would qualify as 'justifiable hardship' on the person who provides the goods or services or makes the facilities available.

3. Consultation

Preliminary Consultation

Two stages of preliminary public consultation were conducted prior to formal exhibition of the draft plan of management. These consultation stages comprised:

1. Invitation for Written Submissions; and
2. Community Consultation Session prior to development of options.

An additional community consultation session was held during the formal exhibition period.

Invitation for Written Submissions

Residents in the vicinity of War Memorial Park were notified by a letter drop of the intention of Council to prepare a plan of management for War Memorial Park and written submissions were invited.

Ten (10) written submissions were received in relation to War Memorial Park. Of these submissions:

- 9 representations were made by park users;
- 1 from the Leichhardt Bicycle Users Group

The key issues raised in the written submissions related to:

- Fence playground for safety of toddlers.
- Replace swing set with two new swings.
- Add slippery dip to playground.
- Repair climbing web.
- Upgrade toilets.
- Dog 'boundaries' are difficult to enforce.
- Would like dogs near playground but understand prohibition. Suggest fencing park properly so dogs can't immediately access playground.
- Convert Unisex toilet to parent's room.
- Dog fouling is a big problem.
- Install slippery dip to playground.
- Need paved circuit around park for children

A full summary of the issues raised via written submissions can be found at Appendix 1.

Community Consultation Session

Residents in the vicinity of War Memorial Park were notified by a letter drop of the community consultation session that was held in War Memorial Park on 26 September 2009. A number of notices were also erected in the park to notify people about the consultation session. The workshop was held in the park because of good accessibility to surrounding residents and because it gave residents the opportunity to show presenters their issues 'first-hand' in the park.

This community consultation session was attended by approximately 15 members of the public.

The key issues raised in the community consultation session related to:

- Playground old and tired, needs upgrading. Equipment too limiting, need to consider other age groups, perhaps monkey bars. Consider fencing
- Great park for kids dog/walking, – not a place for organised sports.
- The parks sense of openness an advantage
- Need some interpretive signage in relation to the history of the park.
- Need to retain openness at the edge, consider removing and replacing the oleanders
- Lighting needed for pedestrian access along the diagonal paths
- Seating currently poorly located. Tables or fixed seating in proper locations
- Wandering Dew a maintenance issue – allergies
- Drainage through the park needs to be looked at
- Trip hazards in path need fixing
- General agreement to locate new amenities on perimeter of the park – near the bus stop
- Design proposed is excellent.
- Does anyone monitor toilets – who uses it – when?
- Develop toilets in same spot or slightly closer to playground

A full summary of the issues raised in the community consultation session can be found at Appendix 2.

In addition to the preliminary consultation with the public, a briefing session was held prior to the draft plan of management being submitted to Council for consideration prior to its exhibition.

During the formal exhibition period, a further consultation meeting was held on-site (20 February 2010). This was attended by 10 residents and one Councillor.

The issues from that meeting are summarised below:

- During the 1970's there was a slippery dip, traditional swings and a hemi-spherical climbing frame (the latter was for use by older kids).
- The existing grassed mounds/moguls were the site of an adventure playground.
- Resident backing on to the park is concerned about the bollard lighting in that it may be a hazard for children travelling along paths on bikes, skates etc who may run into them. Possibility of use of different lights that may only require use of 2 or 3 to light up the required areas.
- Support for less lights with more focused light spill.
- Support for lights along perimeter to street – this would need to be discussed with Council.
- Possibility of including lighting off off-lead dog area because people like to use this area at night and need to see around this area to pick up do poo.
- View that lighting is fine from the alleyway to the central Fig tree but from this tree to the intersection it is not.
- Possibility of lighting up Fig tree – but question if this would this impact on bats?
- There used to be Conifer trees all along the western boundary. Concern that Council have planted a Fig tree in this location – it is unsuitable location for such a large tree.

- The mounds should not be removed because kids love playing on them and it will save costs by not removing them. Consideration should be given to how planting or play equipment could be added to them.
- It is not only residents who use the park – people use park to have lunch on work days.
- Agree with removal of Cedar Wattles near the playground because they are near the end of their lifespan. Winter sun is needed to playground, so could consider deciduous trees to enable eastern sun and evergreen trees to protect from the wester sun.
- Don't support expanded planter bed along western boundary. It is an area that receives little sun and water overflow but it is planted with drought-tolerant and sun-loving plants. It is also hardly ever maintained.
- There was support for and against the removal of Oleanders. There was suggestion that they be replaced with native trees. Their maintenance requirements was highlighted and safety issues raised by the police.
- Suggestion for seating along the western boundary.
- Serious consideration needs to be given to any new landscaping, furniture etc and its required maintenance, because there is view that the existing landscaping and facilities is not maintained very well.

Formal written submission were also received and are summarised in Appendix 1. The submissions and issues raised have been considered and, where appropriate, a number of changes have been made to the Plan.



Community consultation session held at War Memorial Park on 26 September 2009