

Plan of Management: Parks



Beauty Point Park, corner Quakers Road and Bay Street

December 2012

MOSMAN PLAN OF MANAGEMENT FOR PARKS

Purpose of This Plan

The purpose of this plan of management is to satisfy the statutory requirements of the Local Government Act related to community land management within Mosman. The Act (s.36) requires that all community land must have a plan of management in accordance with which the land is required to be used and managed. It was adopted by Council on 4 December 2012 and a notice was placed in Mosman Daily on 13 December 2012.

Background

Requirements for the management of public land were introduced with the Local Government Act 1993 (the Act). The Act defines “public land” to mean any land (including a public reserve) vested in or under the control of the Council. However, public land does not include roads or land to which the Crown Lands Act applies. Much of the land enjoyed by the residents of Mosman for public open space purposes such as Balmoral Park, Rawson Park, Sirius Park, Reid Park, Spit Reserve, Mosman Park, land within National Parks and land owned by the Australian Government is not “public land” and therefore not affected by the public land management requirements of the Local Government Act, nor this plan of management.

All public land must be classified as community land or operational land. The Act imposes restrictions on community land which prevent its sale or the grant of a lease, licence or other estate over it for a period exceeding 30 years. In 1994, Council classified all of the public land within the Municipality.

In 2001 Council adopted a plan of management for ‘Natural Areas (Bushland)’ and a plan of management for ‘Parks’, in accordance with the Local Government Act and Regulations. The plans of management have been reviewed and updated following the making of the Mosman Local Environmental Plan 2012.

Pending the adoption of a plan of management, the nature and use of community land must not be changed. Council is also unable to grant a lease, licence or other estate over community land until a plan of management has been adopted.

The Plan of Management Framework and Relationship to Other Plans and Approval Processes

A plan of management is a document which provides a framework for the management of community land including development and granting of leases, licences or other estates over community land.

The community land management regime of the Local Government Act is complemented by various other Acts and planning policies. The Crown Lands Act embodies a plan of management framework for land which falls under that Act. This Act applies to much of the larger areas of open space within Mosman. The National Parks and Wildlife Act contains similar plan of management provisions for land under the control of the Service. The Sydney Harbour Federation Trust Act applied to Trust land in Mosman and elsewhere.

Council must comply with all relevant legislation which applies to the use and management of community land. This includes the planning and assessment processes under the Environmental Planning and Assessment Act, Threatened Species Conservation Act, Fisheries Management Act, and other parts of the Local Government Act and Regulations. A plan of management therefore needs to be consistent with this other legislation and planning documents.

For instance, most of the land to which this plan of management applies is zoned RE1 Public Recreation under Mosman Local Environmental Plan 2012 (Mosman LEP 2012). That plan is the umbrella planning instrument for Mosman and indicates the permissibility of development, requirements for development consent and development standards applicable in each zone.

The objectives of the RE1 Public Recreation zone under Mosman LEP 2012 are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance areas of ecological, scientific, cultural or aesthetic values.
- To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.
- To recognise the visual, aesthetic and amenity importance of bushland.

The following table indicates the permissibility and consent requirements for the development of land within the RE1 Public Recreation zone under Mosman LEP 2012.

2 Permitted without consent	Nil
3 Permitted with consent	Child care centres; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads
4 Prohibited	Any development not specified in item 2 or 3.

State Environmental Planning Policy (Infrastructure) 2007 outlines various other types of development which are complying, exempt or permissible with consent on land zoned RE1.

The Local Government Act also creates an approval regime for certain activities on community land (Section 68) which require the approval of the Council. These activities are:

1. Engage in a trade or business.
2. Direct or procure a theatrical, musical or other entertainment for the public.
3. Construct a temporary enclosure for the purpose of entertainment.
4. For fee or reward, play a musical instrument or sing.

5. Set up, operate or use a loudspeaker or sound amplifying device
6. Deliver a public address or hold a religious service or public meeting.

Previous Plans and Studies

In addition to site specific plans of management and landscape designs for various key open space areas in Mosman such as Balmoral Beach, Rawson Park, Clifton Gardens, Rosherville Reserve/Chinaman's Beach and The Spit Reserves, Council has undertaken a number of major open space/recreation studies:

- Mosman Open Space Strategy, 1994
- Mosman Recreation Needs Assessment Study, 2000 and action plans
- Flora and Fauna Study, 2001
- Flora and Fauna Study, 2006-2007
- Percentage Native Vegetation Mapping (contracted bushland sites), 2011

The Recreation Needs Assessment study reviewed and validated the findings of the earlier study. It recommended short (0-5 yrs), medium (6-10 yrs) and longer term (11-20 yrs) actions. In July 2001 Council adopted a series of action plans, to achieve short term priorities of the Needs Assessment Study. The action plans still relevant to this plan of management are:

- Playgrounds
- Informal Recreation Areas
- Disability Access

Short and medium term strategies from the Needs Assessment Study have been achieved, and the long term priority strategies, which are ongoing in nature, are incorporated into this plan of management.

Land to Which This Plan Applies

This plan of management applies to the following land and is shown on the plan annexed.

1. Cartref Park, 17 Brierley Street (Lot 2 DP 213091).
2. Countess Park, cnr Countess and Awaba Streets (Lots 14, 15, 16 & 17 DP 975228).
3. Memory Park, between Cowles Road and Ballantyne Street (Lot 10 DP 1171515).
4. Richard Arthur Walk (Lot 1 DP 101898), between Wolger Road and Ballantyne Street.
5. Reservoir Park, Brady Street (Lot 2 DP 852057).
6. Corner Raglan Street and Herron Walk (Lot 2 DP555101).
7. Pathway between Whiting Beach Road and Little Sirius Cove (Lot 46 DP9951).
8. Corner Parriwi Road and Spit Road (Lot 201 DP 871811).
9. Beauty Point Park on corner Bay Street and Quakers Road (Lot C DP 22694).
10. Part Bay Street Park (Part of Lot 1 DP 552230)
11. Stan McCabe Park (Lot 50 DP 1088255, Lot 4 & 6 DP 187489, Lot 1 DP 355584).
12. Land on corner Glen Road and Bay Street (Lot 51 DP 10956)
13. Land between 6 Glencarron Avenue and 62 Moruben Road, off Stanton Road (Lot 2 DP 513533).
14. Part Barney Kearns Steps (Lot 25 DP 11256).

15. Rest Park, Avenue Road/Shadforth Street (Lot 2 DP 232801).
16. Raglan Street at Curaghbeena Point (Lot 3 DP 827938).
17. Corner Koowong Avenue and Bullecourt Avenue (Lot A DP 22694).
18. Corner Koowong Avenue and Quakers Road (Lot B DP 22694).
19. Land in Shellbank Avenue (Lot 25 DP 8073).
20. Joel's Reserve, Julian Street (Lots 13,14,15 DP 975070).
21. Land between Nos. 14&16 Bay Street and along foreshore to rear of 28 Bay Street (Lot 11 DP 130193).

Bay Street Park (Lot 1 DP 552230) and Quakers Hat North (Lot 11 DP 130193) are zoned RE1 Public Recreation and E2 Environmental Conservation. This Plan of Management applies to the parts zoned RE1.

Pathway between Whiting Beach Road and Little Sirius Cove (Lot 46 DP9951) is zoned R2 Low Density Residential.

All land to which this plan applies is categorised as park for the purposes of Section 36 of the Local Government Act.

Objectives, Performance Targets, Means of Achievement and Performance Monitoring of the Management of Parks

OBJECTIVES	PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	PERFORMANCE MONITOR
PROMOTION – Encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	<p>Install park signage where required and promote on website.</p> <p>Revise brochure showing the location and nature of Parks by December 2013.</p> <p>Revise brochure locating playgrounds and park facilities by December 2013.</p>	<p>Council's staff or its contractors will inspect existing signage and prepare and install appropriate new and substitute signage.</p> <p>Allocate staff to survey the parks and prepare, publish and distribute the brochures.</p>	<p>Assess progress annually.</p> <p>Development and distribution of information on website.</p>
PROVISION – Provide for passive recreational activities and pastimes and for the casual playing of games.	<p>Where necessary, install general prohibition and warning signage to regulate and distinguish areas to be used for casual playing of games as distinct from passive recreational activities in parks.</p> <p>Where appropriate install park structures and facilities and carry out landscape works to facilitate passive recreation activities and pastimes.</p> <p>Provide for upkeep and necessary maintenance of Parks in keeping with the size, number and range of users, and nature and type of recreational activities on an ongoing basis.</p> <p>Provide for community garden activities.</p> <p>Formalise watercraft storage, taking into account access, views, site users and vegetation.</p>	<p>Council's staff will consult with users, review existing signage and engage appropriate Council staff or contractors to prepare and install necessary signs.</p> <p>Provide staff and let contracts for the supply and installation of park facilities and new landscaping works as appropriate.</p> <p>Let contracts for the maintenance and upkeep of Parks.</p> <p>Consult with the community to determine interest and appropriateness.</p> <p>Installation of a dingy storage rack at Joel's Reserve.</p>	<p>Number and location of signs installed.</p> <p>Report to Council for approval.</p> <p>Development of contract specifications with report to Council.</p> <p>Regular contract audits.</p> <p>Level of interest determined.</p> <p>Dingy racks installed.</p>
IMPROVEMENT – Improve parks in such a way as to promote and facilitate their use to achieve the other objectives for their management.	<p>Review Council's Playground Upgrade Program by 2013.</p> <p>Upgrade existing playgrounds in accordance with Council's Playground Upgrade Program.</p> <p>Review upgrading of informal recreation areas.</p>	<p>Let contracts to complete upgrade and as determined by the Playground Upgrade Program. Consult community regarding needs.</p> <p>Consult with users, provide Council staff to design and</p>	<p>Report to Council when playgrounds come up for renewal.</p> <p>Report to Council when upgrades are funded.</p> <p>Community/park user feedback.</p>

OBJECTIVES	PERFORMANCE TARGETS	MEANS OF ACHIEVEMENT	PERFORMANCE MONITOR
	<p>Review community interest in installing barbeques in some parks eg. Joel's Reserve and Memory, Bay Street and Countess Park.</p> <p>Assess disability access within parks.</p> <p>Consolidate lots in Stan McCabe and Countess Parks.</p> <p>Discourage private encroachments.</p> <p>Provide where appropriate for creek rehabilitation, stormwater quality improvement devices and seawall restoration required or as part of the landscape master planning process.</p> <p>Where pockets of bushland exist encourage natural regeneration where there is resilience and revegetate with indigenous locally sourced native tube stock in non resilient natural areas.</p> <p>Rezone pathway between Whiting Beach Road and Little Sirius Cove (Lot 46 DP 9951) from R2 to RE1.</p>	<p>let contracts to establish and/or upgrade park furniture, structures, paths and fittings, shelters.</p> <p>Consult park users and adjoining land holders.</p> <p>Review as part of all park upgrades access for people with disabilities and provide appropriate resources to improve accessibility on a case by case basis.</p> <p>Prepare consolidation report and register with the NSW Land & Property Information Office.</p> <p>Liaise with residents whose gardens and property encroach on the site to remove encroachments.</p> <p>Carry out feasibility and engineering studies.</p> <p>Works to include regeneration, revegetation and restoration work. Encourage and resource Bushcare volunteers.</p> <p>Submit amending LEP Planning Proposal.</p>	<p>Report to Council. Number and location of BBQ installed.</p> <p>Report to Council.</p> <p>Parkland consolidated by 2014.</p> <p>Number of encroachments.</p> <p>Number of projects implemented. Reports to Council.</p> <p>Contract audits and reports on performance.</p> <p>LEP amended.</p>
To adequately protect the interface between parks and bushland where they are immediately adjacent	Minimise park encroachment to bushland	Grass adjacent to bushland cut regularly and often Spray interface zone	Monitor condition of interface for encroachment into bushland.
To properly manage rubbish in parks	Timely removal of rubbish – both litter and dumped rubbish	Monitor areas for litter and rubbish and ensure its timely removal.	Litter removed within a month. Dumped rubbish removed within a week.

Ownership of Land

The land to which this plan applies, other than the land listed below, is in the ownership of the Council.

Land not owned by the Council

The following community land to which this plan applies is not owned by the Council:

Lot 201 DP 871811 (corner Spit and Parriwi Roads) is owned by Roads and Maritime Services. The land was declared to be a public reserve on 19 October 1979 and placed under the care, control and management of the Council. This arrangement was conditional upon Council's agreement to the erection of a suitable plaque stating that the land has been made available by the Department of Main Roads.

Leases, Licences and Other Estates

This plan authorises the lease, licence or grant of other estates in relation to land to which this plan applies for the following purposes:

1. the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of people; (Note: Under Section 46(5) of the Act such purposes include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day care centres, surf life saving clubs, restaurants or refreshment kiosks.);
2. the provision of public roads;
3. purposes which are consistent with the objectives listed in the table of this plan detailing objective, performance targets and means of achieving them;
4. purposes prescribed by the Regulation to the Act;
5. for a short-term, casual purpose prescribed by the Regulations to the Act which do not involve the erection of a building or structure of a permanent nature;
6. the provision of pipes, conduits or other connections under the surface of the ground for the connection of premises located on adjoining land to a facility of the Council or other public utility provider that is located on the community land.

NOTE: Although the Act provides for leases as are authorised above they may not be permitted under the current zoning under Mosman LEP 2012.

Tendering for Leases, Licences and Other Estates

Council may only grant a lease, licence or other estate in relation to land to which this plan applies for a period exceeding five years, but not exceeding 30 years, in accordance with the tender process in Division 1 of Part 3 of Chapter 6 of the Act and the public notice provisions of section 47 of the Local Government Act. Council need not observe the tender process if the lease, licence or other estate is proposed to be granted to a non-profit organisation.

Council may grant a lease, licence or other estate in relation to land to which this plan applies, for a period exceeding five years, for all purposes which this plan allows leases, licences or other estates to be granted.

The procedures to be followed for granting leases, licences and estates for a period of 5 years or less are contained in section 47A of the Act and clause 116 of the General Regulation.

Subleasing of Land to Which This Plan Applies

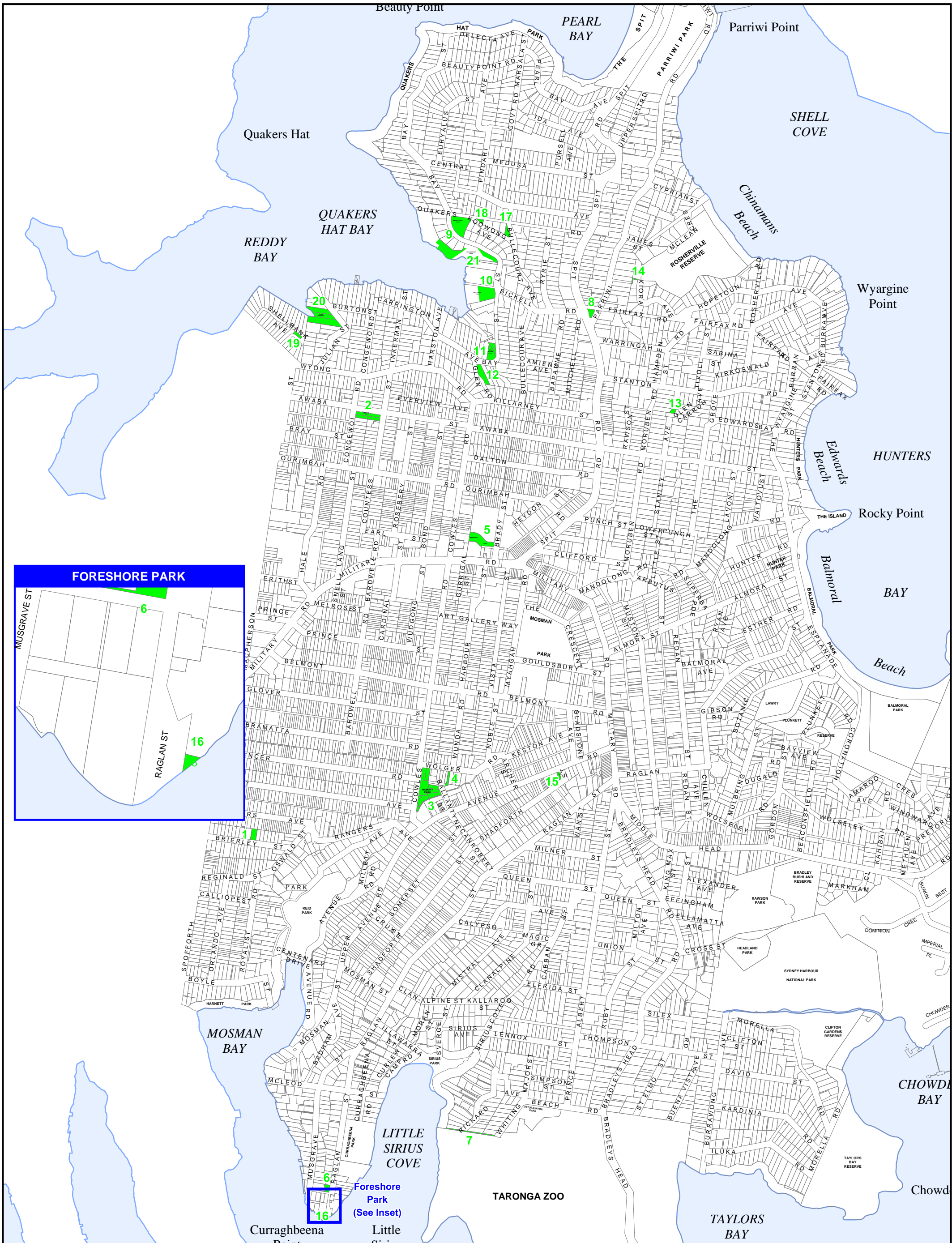
Provisions restricting the subleasing of community land are contained in section 47C of the Act and clause 119 of the General Regulation.

Dedication of Community Land as Public Road

This plan authorises the dedication of land to which this plan applies as a public road for the purpose of widening an existing public road and other roadworks of a minor character relating to existing roads.

Review of Plan

This Plan will be reviewed after seven years of operation to ensure that the ratepayers and residents of Mosman are getting value for money, increased amenity and at the same time protection of the environment.



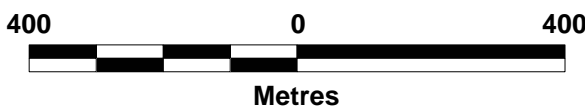
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