



ROSHERVILLE RESERVE AND CHINAMANS BEACH PLAN OF MANAGEMENT



FINAL DRAFT

OCTOBER 2010



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MOSMAN MUNICIPAL COUNCIL

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Executive Summary

Introduction

This Plan of Management has been prepared to guide Mosman Municipal Council, as land owner of community land (Rosherville Reserve) and Trust Manager of Crown land (Chinamans Beach), in the future management of those reserves.

This Plan of Management satisfies the requirements for content and process in preparing a Plan of Management under the *Local Government Act 1993* and the *Crown Lands Act 1989*.

This is the first Plan of Management prepared for Rosherville Reserve and Chinamans Beach.

Preparation of this Plan of Management involved consultation with stakeholders (government, user groups and residents). The Draft Plan of Management was placed on public exhibition for community comment in July-August 2010.

This Plan of Management recommends minor changes in permitted uses and management direction for Rosherville Reserve and Chinamans Beach, particularly in relation to upgrading existing facilities, access for people with disabilities, plantings, interpretation of historic themes, signage, maintenance and management. It recommends management actions aimed at meeting current demands of reserve users, and highlights the reserve's significance in a regional and local context.

History

Indigenous

Aboriginal activities in the area of Rosherville Reserve and Chinamans Beach varied according to the availability of resources. Two sites with Aboriginal artefacts are recorded in Rosherville Reserve.

Non-indigenous

The first land grant in the vicinity occurred in 1811. In 1830 Barney Kearns obtained a licence to operate a ferry from Shell Cove (Chinamans Beach) to Clontarf. Uses of the land occupied by the reserves in the 1800s included a farm and residence, Chinese market gardens, and the Rosherville Pleasure Gardens. In the 20th century unemployed workers camps were established. In the 1960s Council and the now Department of Planning began acquiring land that became Rosherville Reserve which was improved as parkland.

Current status

Site Name	Rosherville Reserve and Chinamans Beach
Address	McLean Crescent, Mosman
Adjacent landuses	Residential
Land parcels	Lot 14 DP 1110043 (Rosherville Reserve), Lot 7118 DP 93733 (Chinamans Beach)
Area (ha)	5.5 hectares
Ownership	Mosman Municipal Council, Crown
Manager	Mosman Municipal Council, Chinamans Beach (R500316) Reserve Trust
Community land categorisation	Park
Public purpose(s) of Crown land	Public Recreation
Zoning	6(a) Public Recreation under Mosman Local Environmental Plan 1998; RE1 Public Recreation and E2 Environmental Conservation under Draft Mosman Local Environmental Plan 2010.
Catchment	Regional

Physical characteristics	Open grassed area with shade trees, bushland, sand dunes, harbour beach, underground drainage lines
Flora and fauna	Sydney Sandstone Gully Forest (Regrowth, Disturbed), introduced species, dune vegetation Birds, mammals, reptiles
Visual elements	Well maintained and appealing semi-natural setting fronting Middle Harbour and set in an amphitheatre-like landform
Access	Pedestrian, bicycle, vehicle access with free and paid parking, public bus (indirect), limited access for people with disabilities, water.
Assets and condition	Children's play equipment – good Amenities block – excellent. Constructed in 2010. Other structures in Rosherville Reserve are in good to serviceable condition.
Key recent improvements	Dune maintenance
Existing uses	Children's play, informal ball games, picnics, family gatherings, corporate functions, dog exercise (leashed and unleashed), canoeing and kayaking, swimming, fishing, watercraft storage
Leases/ licenses/ bookings	Licence: mobile refreshments Reserve hire agreements for organised groups, filming etc.
Maintenance	Bush regeneration, dune management, beach cleaning, amenities cleaning, playground maintenance and inspection, grass and tree maintenance.
Income and expenditure	Income = \$24,000 (2008-09) Expenditure = \$44,800 (2008-09)
Easements	None

Basis for Management

Rosherville Reserve is community land owned by Mosman Municipal Council, so the *Local Government Act 1993* applies to its management. Chinamans Beach is Crown land reserved for Public Recreation, so the provisions of the *Crown Lands Act 1989* apply. Other key relevant legislation includes State and regional planning policies (deemed State Environmental Planning Policy (SEPP) – Sydney Harbour Catchment 2005), and the *Mosman Local Environmental Plan 1998* under the *Environmental Planning and Assessment Act 1979*. Other legislation such as the Companion Animals Act and Disability Discrimination Act apply to management of Rosherville Reserve and Chinamans Beach.

The local planning framework is governed by Council's Management Plan MOSPLAN, the Mosman Local Environmental Plan, and relevant Development Control Plans. Council's strategic plans such as Future Mosman 2088 in 2020 and operational plans such as the Plan of Management: Parks also influence planning and management of the reserves.

Community values of Rosherville Reserve and Chinamans Beach are related to natural, recreational / social, aesthetic, open space, access, peace and quiet, appearance, and heritage aspects of the reserves.

The vision for Rosherville Reserve and Chinamans Beach is:

Rosherville Reserve and Chinamans Beach will continue to be a natural and landscaped open space in a quiet residential setting on scenic Middle Harbour for low-key informal land and water-based recreation and social activities.

Key objectives for Rosherville Reserve and Chinamans Beach include consistency with:

- ☐ Council's vision for Mosman, and for its parks and open spaces.

- ☐ the principles of Crown land management.
- ☐ the aims and planning principles of deemed SEPP (Sydney Harbour Catchment) 2005.

Future roles of Rosherville Reserve and Chinamans Beach relate to the values.

Changes to the reserve and beach will be kept to a minimum in line with the community's expressed wishes.

Key issues

A number of key issues were identified through preparation of this Plan of Management:

Value	Issues
Natural	Weeds in bushland, bushland planting, fire regime, Bushcare volunteer recruitment, Bushland interpretation, dune management, beach management, introduced animals
Recreation / social	Children's play, unleashed dog exercise, picnic facilities, storage of dinghies and kayaks, community garden
Aesthetic	Trees
Open space	Encroachment, sewerage, stormwater
Access	Pedestrian access to the reserve, vehicle parking, access for people with disabilities
Peace and quiet	Noise
Heritage	Interpretation, cultural plantings
Appearance	Litter, dog waste, beach cleaning, turf management, bubbler, reserve name sign

These issues are addressed in the Action Plan.

Actions

This Plan of Management has been prepared with a series of Action Plans linked to the values. Strategies, actions, priorities, responsibilities, costs, and performance measurement are outlined, which will be incorporated into budgets and work programs.

Key actions and changes to Rosherville Reserve and Chinamans Beach are shown on the landscape concept plan.

Key proposed actions and changes to Rosherville Reserve and Chinamans Beach are to:

- ☐ upgrade children's play facilities.
- ☐ improve access for people with disabilities to the amenities building, a beach viewing area, and picnic opportunities.
- ☐ upgrade interpretive, directional and regulatory signage.
- ☐ interpret historic themes associated with the reserve and beach.
- ☐ continue existing beach, dune, bushland and reserve maintenance activities.

Landscape concept plan



Table of Contents

1	INTRODUCTION.....	1
1.1	WHAT IS A PLAN OF MANAGEMENT?	1
1.2	WHY PREPARE A PLAN OF MANAGEMENT FOR ROSHERVILLE RESERVE AND CHINAMANS BEACH?	1
1.3	LAND TO WHICH THIS PLAN OF MANAGEMENT APPLIES	1
1.4	OBJECTIVES OF THIS PLAN OF MANAGEMENT	2
1.5	PROCESS OF PREPARING THIS PLAN OF MANAGEMENT	3
1.5.1	LEGISLATIVE REQUIREMENTS.....	3
1.5.2	CONSULTATIONS	3
1.6	WHAT IS INCLUDED IN THIS PLAN OF MANAGEMENT?.....	5
2	DESCRIPTION OF ROSHERVILLE RESERVE AND CHINAMANS BEACH.....	7
2.1	LOCATION AND CONTEXT	7
2.2	SIGNIFICANCE OF ROSHERVILLE RESERVE AND CHINAMANS BEACH.....	8
2.3	LAND OWNERSHIP AND MANAGEMENT.....	8
2.3.1	INTRODUCTION.....	8
2.3.2	COMMUNITY LAND	10
2.3.3	CROWN LAND	10
2.3.4	LEASES AND LICENCES OVER ROSHERVILLE RESERVE AND CHINAMANS BEACH.....	10
2.3.5	KEY STAKEHOLDERS IN ROSHERVILLE RESERVE AND CHINAMANS BEACH	10
2.4	HISTORY AND CULTURAL HERITAGE.....	11
2.4.1	INDIGENOUS HISTORY	11
2.4.2	NON-INDIGENOUS HISTORY	11
2.5	PHYSICAL CHARACTERISTICS.....	17
2.5.1	GEOLOGY, LANDFORM AND SOILS	17
2.5.2	FLORA AND FAUNA.....	19
2.6	VISUAL ASSESSMENT	20
2.7	ACCESS AND CIRCULATION	22
2.7.1	ACCESS TO THE RESERVES	22
2.7.2	CIRCULATION WITHIN THE RESERVES.....	23
2.8	BUILT FACILITIES AND PARK FURNITURE.....	24
2.9	USE OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	25
2.9.1	INTRODUCTION.....	25
2.9.2	INFORMAL ACTIVITIES.....	26
2.9.3	ORGANISED USE.....	26
2.9.4	PROHIBITED USES	27
2.10	MAINTENANCE	27
2.11	FINANCIAL MANAGEMENT	28
2.11.1	COST RECOVERY	28
2.11.2	GUIDELINES FOR EXPENDITURE.....	28

3	<u>PLANNING CONTEXT</u>	29
3.1	INTRODUCTION	29
3.2	LEGISLATION APPLYING TO ROSHERVILLE RESERVE AND CHINAMANS BEACH	29
3.2.1	CROWN LANDS ACT 1989	29
3.2.2	LOCAL GOVERNMENT ACT 1993	31
3.2.3	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	33
3.2.4	OTHER RELEVANT LEGISLATION	33
3.3	STATE GOVERNMENT POLICIES AND INITIATIVES	33
3.3.1	SHARING SYDNEY HARBOUR	33
3.3.2	SYDNEY HARBOUR CATCHMENT BLUEPRINT	34
3.4	LOCAL PLANNING CONTEXT	34
3.4.1	PLANNING FRAMEWORK	34
3.4.2	FUTURE MOSMAN 2088 IN 2020 AND MOSPLAN	34
3.4.3	LOCAL PLANNING INSTRUMENTS	35
3.4.4	COUNCIL POLICIES	39
4	<u>BASIS FOR MANAGEMENT OF ROSHERVILLE RESERVE AND CHINAMANS BEACH</u>	41
4.1	INTRODUCTION	41
4.2	COMMUNITY VALUES	41
4.3	VISION FOR ROSHERVILLE RESERVE AND CHINAMANS BEACH	42
4.4	FUTURE ROLES OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	43
4.5	MANAGEMENT PRINCIPLES AND OBJECTIVES	44
5	<u>ACTION PLAN</u>	47
5.1	LANDSCAPE CONCEPT PLAN	47
5.2	ACTION PLAN	47
5.2.1	INTRODUCTION	47
5.2.2	NATURAL	49
5.2.3	RECREATION / SOCIAL	52
5.2.4	AESTHETIC	54
5.2.5	OPEN SPACE	55
5.2.6	ACCESS	56
5.2.7	PEACE AND QUIET	57
5.2.8	HERITAGE	58
5.2.9	APPEARANCE	59
6	<u>IMPLEMENTATION AND REVIEW</u>	61
6.1	PERMITTED FUTURE USES AND DEVELOPMENTS	61
6.1.1	INTRODUCTION	61
6.1.2	LEGISLATIVE REQUIREMENTS	61
6.1.3	PERMITTED ACTIVITIES AND DEVELOPMENTS	63

6.1.4	SCALE AND INTENSITY OF FUTURE USES AND DEVELOPMENT	64
6.2	LEASES AND LICENCES.....	65
6.2.1	WHAT ARE LEASES AND LICENCES?	65
6.2.2	EXISTING LEASES AND LICENCES.....	65
6.2.3	AUTHORISATION OF FUTURE LEASES AND LICENCES.....	65
6.2.4	GUIDELINES FOR ASSESSING PROPOSED USES UNDER LEASE OR LICENCE	66
6.3	FUNDING SOURCES	67
6.3.1	INTRODUCTION.....	67
6.3.2	RESERVE TRUST PROCEEDS	67
6.3.3	COUNCIL FUNDING.....	67
6.3.4	GRANTS	68
6.4	REPORTING	69
6.5	IMPLEMENTATION OF THIS PLAN OF MANAGEMENT	69
6.6	REVIEW OF THIS PLAN OF MANAGEMENT	69
REFERENCES		71

Appendices

- A Legislation applying to Rosherville Reserve and Chinamans Beach
- B Legislation applying to leases and licences

Tables

TABLE 1.1	STRUCTURE OF THIS PLAN OF MANAGEMENT	5
TABLE 1.2	CONTENTS OF A PLAN OF MANAGEMENT FOR COMMUNITY LAND.....	5
TABLE 1.3	CONTENTS OF A PLAN OF MANAGEMENT CONSISTENT WITH THE CROWN LANDS ACT	6
TABLE 2.1	OWNERSHIP AND MANAGEMENT OF ROSHERVILLE RESERVE AND CHINAMANS BEACH.....	9
TABLE 2.2	STAKEHOLDERS IN ROSHERVILLE RESERVE AND CHINAMANS BEACH	11
TABLE 2.3	EVENTS IN THE NON-INDIGENOUS HISTORY OF CHINAMANS BEACH AND ROSHERVILLE RESERVE	12
TABLE 2.4	USE AND CONDITION OF KEY BUILT ELEMENTS OF ROSHERVILLE RESERVE	24
TABLE 3.1	PRINCIPLES OF CROWN LAND MANAGEMENT	30
TABLE 3.2	REQUIREMENTS OF THE LOCAL GOVERNMENT ACT FOR COMMUNITY LAND MANAGEMENT	31
TABLE 3.3	DEFINITIONS OF AND CORE OBJECTIVES FOR 'PARK' CATEGORY OF COMMUNITY LAND.....	32
TABLE 3.4	TEN-YEAR OBJECTIVES FOR RELEVANT COUNCIL PROGRAMS	35
TABLE 3.5	ZONING TABLE	38
TABLE 4.1	VALUES OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	42
TABLE 4.2	FUTURE ROLES OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	43
TABLE 4.3	MANAGEMENT OBJECTIVES FOR ROSHERVILLE RESERVE AND CHINAMANS BEACH.....	45
TABLE 5.1	ACTIONS TO ADDRESS NATURAL ISSUES.....	49
TABLE 5.2	ACTIONS TO ADDRESS RECREATION / SOCIAL ISSUES.....	52
TABLE 5.3	ACTIONS TO ADDRESS AESTHETIC ISSUES	54
TABLE 5.4	ACTIONS TO ADDRESS OPEN SPACE ISSUES	55
TABLE 5.5	ACTIONS TO ADDRESS ACCESS ISSUES	56
TABLE 5.6	ACTIONS TO ADDRESS PEACE AND QUIET ISSUES	57
TABLE 5.7	ACTIONS TO ADDRESS HERITAGE ISSUES	58
TABLE 5.8	ACTIONS TO ADDRESS APPEARANCE ISSUES.....	59
TABLE 6.1	EXAMPLES OF FUTURE USE AND DEVELOPMENT OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	64
TABLE 6.2	POTENTIAL SOURCES OF GRANT FUNDING	68

Figures

FIGURE 1.1	ROSHERVILLE RESERVE AND CHINAMANS BEACH	2
FIGURE 1.2	PROCESS OF PREPARING THIS PLAN OF MANAGEMENT	4
FIGURE 2.1	LOCATION OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	7
FIGURE 2.2	OWNERSHIP OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	9
FIGURE 2.3	SITE ANALYSIS	21
FIGURE 3.1	CATEGORISATION AND PUBLIC PURPOSE OF LAND.....	32
FIGURE 3.2	PROPOSED ZONING OF ROSHERVILLE RESERVE AND CHINAMANS BEACH	36
FIGURE 5.1	LANDSCAPE CONCEPT PLAN.....	48

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Elaine Minty	Senior GIS Officer
Steven Smith	Team Leader, Biodiversity and Landscape
Kellie Stewart	GIS Co-ordinator
Annella Winton	Landscape Architect

Land and Property Management Authority

Ian Ferguson	Senior Environmental Officer – Land Management
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Community

Residents and interested people who attended the community meeting and commented on the draft Plan of Management.

1 INTRODUCTION

1.1 What is a Plan of Management?

A Plan of Management is a document that identifies issues affecting public open space, and outlines how that open space is intended to be used, improved, maintained and managed in the future. A Plan of Management is typically accompanied by a landscape plan that shows proposed on-the-ground changes to that open space.

1.2 Why prepare a Plan of Management for Rosherville Reserve and Chinamans Beach?

Mosman Municipal Council and the Chinamans Beach (R500316) Reserve Trust commissioned Parkland Environmental Planners and Phillips Marler to prepare this Plan of Management and landscape concept plan for Rosherville Reserve and Chinamans Beach. The reasons for preparing the Plan of Management were to:

- ☐ prepare a Plan of Management for Rosherville Reserve and Chinamans Beach that will be adopted by Mosman Municipal Council and the Land and Property Management Authority (LPMA).
- ☐ facilitate proposed improvements to those reserves as shown on the landscape concept plan (**Section 5**).

This Plan of Management is the first to be prepared for Rosherville Reserve and Chinamans Beach. It sets out a management direction and permitted uses for the reserve and beach. It also recommends management actions aimed at meeting current and future demands of users of the reserve and beach, and highlights the reserves' significance in a regional and local context.

1.3 Land to which this Plan of Management applies

This Plan of Management applies to Rosherville Reserve and Chinamans Beach (Figure 1.1).

Rosherville Reserve comprise bushland and expansive landscaped and grassed open space areas, with pathways extending over the sand dunes providing access to Chinamans Beach on Middle Harbour. The reserve contains an amenities building, a small children's playground, and car parking. The area is used mainly for passive recreational activities such as picnicking, children's play, walking, exercising dogs, ball games, swimming, kayaking and fishing.

Rosherville Reserve and Chinamans Beach are approximately 5.5 hectares in area. Rosherville Reserve is owned by Mosman Municipal Council, so the *Local Government Act 1993* applies to its management. Chinamans Beach is Crown land, so this Plan of Management has also been prepared in accordance with the requirements of the *Crown Lands Act 1989*.

Figure 1.1 Rosherville Reserve and Chinamans Beach



1.4 Objectives of this Plan of Management

This Plan of Management aims to:

- ☐ set out an appropriate framework to guide decision making regarding the future use and sustainable management of the reserve and beach.
- ☐ establish a sound and balanced approach to the management of Rosherville Reserve and Chinamans Beach, while providing a flexible framework in which Council can respond to current needs and opportunities, as well as to future directions and pressures as demands on Rosherville Reserve and Chinamans Beach change.
- ☐ reflect the values and expectations of the local Mosman and wider community and reserve users for future use and enjoyment of Rosherville Reserve and Chinamans Beach.
- ☐ identify management issues and address these in the context of community values and applicable legislation.
- ☐ meet all relevant legislative requirements.
- ☐ be consistent with Council's Management Plan and other strategies, plans and policies.
- ☐ reflect planning and implementation of improvements to the Middle Harbour foreshores.
- ☐ present a landscape concept plan that illustrates the proposed initiatives and actions required to implement proposed physical changes and improvements to Rosherville Reserve and Chinamans Beach.

1.5 Process of preparing this Plan of Management

The process of preparing this Plan of Management, consultations with the community, stakeholders, and documents produced at each stage, are shown in Figure 1.2.

1.5.1 Legislative requirements

Local Government Act

The *Local Government Act 1993* requires that draft Plans of Management are placed on public exhibition for a minimum of 28 days, with a further 14 days allowed for written comments.

Crown Lands Act

The process required by the Land and Property Management Authority under Sections 112 and 115 of the *Crown Lands Act 1989* and its Regulation for preparing a Plan of Management applying to Crown land is to:

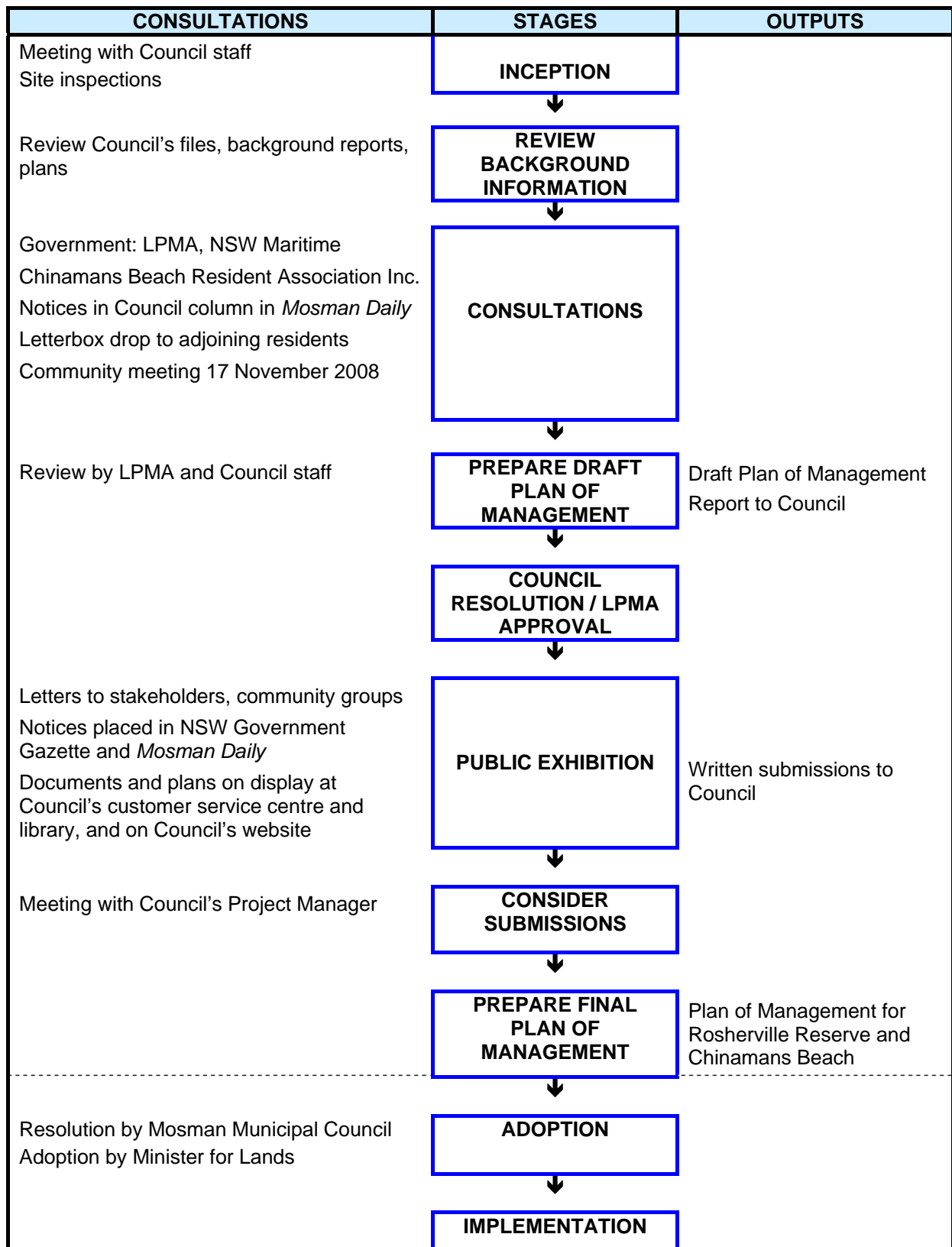
- ☐ prepare a draft Plan of Management. The Minister may cause or direct a draft Plan of Management to be prepared; or a reserve trust may, with the Minister's consent, prepare a draft Plan of Management for the reserve.
- ☐ refer the draft Plan of Management to the Land and Property Management Authority for comment prior to the public exhibition.
- ☐ place a public notice in the NSW Government Gazette and in local newspapers advising the public of the public exhibition.
- ☐ exhibit the draft Plan of Management to the public for not less than 28 days to allow for submissions to be made on the Plan of Management.
- ☐ refer public submissions regarding the draft Plan of Management to both the Minister for Lands and Mosman Municipal Council as Trust Manager for consideration by the Minister prior to adoption.
- ☐ make any alterations to the Plan of Management as required by the Minister under Section 114 of the *Crown Lands Act 1989*.
- ☐ adopt the Plan of Management by Council, and by the Minister for Lands under Section 114 of the *Crown Lands Act 1989*.
- ☐ follow the adopted Plan of Management, with all operations (activities, uses and developments) being in accordance with the adopted Plan.

1.5.2 Consultations

Various user groups and interested organisations were consulted during preparation of this Plan of Management, as follows:

- ☐ government authorities: Land and Property Management Authority and NSW Maritime.
- ☐ interested groups: Chinamans Beach Resident Association Incorporated.
- ☐ local residents through a community meeting held on 17 November 2008.

Figure 1.2 Process of preparing this Plan of Management



The draft Plan of Management was exhibited for public comment in July-August 2010.

21 submissions resulting from the public exhibition of the Draft Plan of Management were received. Frequently-mentioned raised in the submissions related to the playground, pathways, picnic tables, plantings, community garden, and beach cleaning. Comments were considered, presented to Council, and incorporated into the final Plan of Management as appropriate.

1.6 What is included in this Plan of Management?

This Plan of Management is divided into the following sections, as outlined in Table 1.1.

Table 1.1 Structure of this Plan of Management

Section	What does it include?
1 Introduction	Background to the Plan of Management
2 Description of Rosherville Reserve and Chinamans Beach	History, physical description, facilities, uses, maintenance
3 Planning context	State government planning legislation, local planning context
4 Basis for Management of Rosherville Reserve and Chinamans Beach	Values of the community and users, vision, roles, management principles and objectives
5 Action Plan	Landscape concept plan, discussion of current issues and options, strategies and actions to resolve issues consistent with values.
6 Implementation and review	Leases and licences, permitted future uses and developments, implementation, review

Requirements of the Local Government Act for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 1.2.

Table 1.2 Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
A description of 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	Section 2
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land.	Section 3
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Sections 3, 6
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Sections 3, 6
A description of the scale and intensity of any such permitted use or development.	Section 6
Authorisation of leases, licences or other estates over community land.	Section 6
Performance targets.	Section 5
A means for assessing achievement of objectives and performance targets.	Section 5

The objectives of the Crown Lands Act in Section 10 and the principles of Crown land management in Section 11 ensure that Crown land is managed for the benefit of the people of NSW. This Plan of Management has been prepared according to the requirements of Part 5 Division 6 – Plans of Management of the *Crown Lands Act 1989*. A Plan of Management will satisfy the *Crown Lands Act 1989* if the points in Table 1.3 are addressed.

Table 1.3 Contents of a Plan of Management consistent with the Crown Lands Act

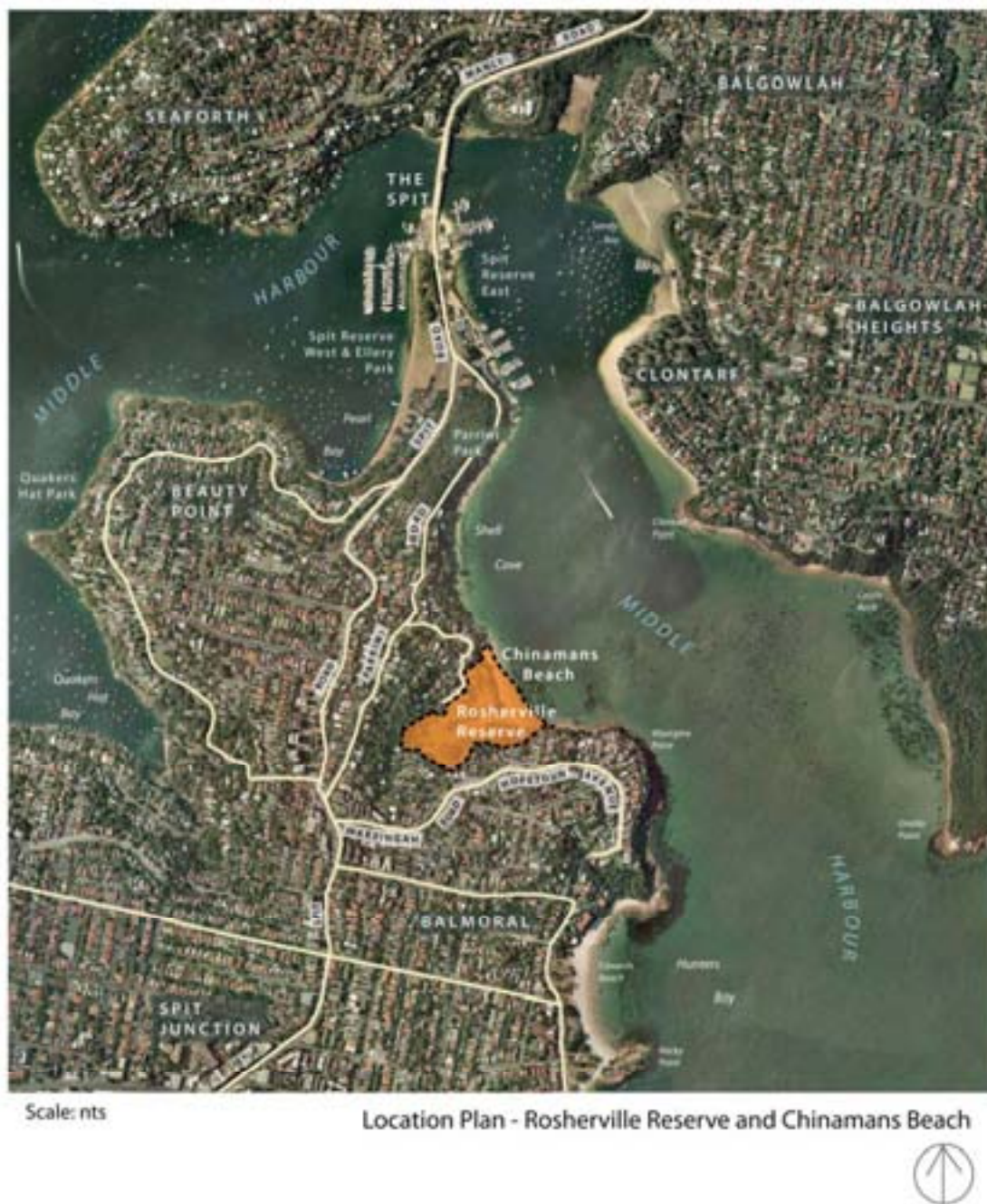
A Plan of Management satisfies the Crown Lands Act if:	How this plan satisfies the Act
The Plan of Management is prepared by the Reserve Trust under Section 112 of the Act.	The Plan of Management is prepared by Mosman Municipal Council as Trust Manager of a parcel of Crown land at Chinamans Beach under Section 48 of the Act.
The objects of the Act (Section 10).	Section 3
The Plan of Management and its outcomes must incorporate and satisfy the principles of Crown land management (Section 11).	Section 3
The Plan of Management must address any matters required by the Minister responsible for Crown lands (Section 112).	Requirements received from the Land and Property Management Authority are addressed in relevant sections of the Plan of Management.
Any proposed uses, developments and management practices must be ancillary to or supportive of the public purpose for the reserved or dedicated land, and with any Land and Property Management Authority policies applying to Crown reserves.	Section 6
<p>If the Reserve Trust proposes that a reserve is to be used for an additional public purpose (Section 112), the draft plan must specify or deal with these matters:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the condition of the reserve, and any buildings or other improvements on the reserve. <input type="checkbox"/> existing use of the reserve, and of any buildings or other improvements on the reserve. <input type="checkbox"/> the nature and scale of the proposed additional purpose. <input type="checkbox"/> the nature, scale and term of any lease, licence or other arrangement that is intended to be granted or entered into in relation to the additional purpose. <input type="checkbox"/> any submissions made in relation to the draft plan as a result of the consultation process and public exhibition requirements under Section 113. 	No additional public purposes are proposed.

2 DESCRIPTION OF ROSHERVILLE RESERVE AND CHINAMANS BEACH

2.1 Location and context

Figure 2.1 shows the location and context of Rosherville Reserve and Chinamans Beach.

Figure 2.1 Location of Rosherville Reserve and Chinamans Beach



Rosherville Reserve and Chinamans Beach are located in the suburb of Mosman within the Mosman local government area. Rosherville Reserve and the adjacent Chinamans Beach are on the Middle Harbour foreshore, 1.2 kilometres from The Spit to the north, and Edwards Beach 800 metres to the south. The arterial Spit Road is in close proximity.



Rosherville Reserve is generally surrounded by residential land use on McLean Crescent, Kiora Avenue and Hopetoun Avenue. Rosherville Reserves is mostly used by local residents (as a response to the informal boundaries with surrounding residences), but also attracts visitors from throughout Sydney.

2.2 Significance of Rosherville Reserve and Chinamans Beach

Due to their location and characteristics, Rosherville Reserve and Chinamans Beach have substantial local to regional significance because they:

- ☐ incorporate an extensive vegetated informal recreation area behind the beach in Rosherville Reserve, surrounded by a quiet residential area.
- ☐ offer a venue for a variety of informal recreation opportunities including ball games, unleashed dog exercise, children's play, picnics and barbecues, swimming and kayaking.
- ☐ comprise a popular beach reserve on Middle Harbour.
- ☐ include the last remaining natural dune system associated with a beach on Sydney Harbour.

2.3 Land ownership and management

2.3.1 Introduction

The ownership and management of the two parcels of land that comprise Rosherville Reserve and Chinamans Beach are shown in Figure 2.2 and detailed in Table 2.1.

Figure 2.2 Ownership of Rosherville Reserve and Chinamans Beach



Table 2.1 Ownership and management of Rosherville Reserve and Chinamans Beach

Reserve Name	Chinamans Beach	Rosherville Reserve
Lot/DP	Lot 7118 DP 93733	Lot 14 DP 1110043
Reserve Type	Dedication	Community land
Reserve Number	500316 Notified 19 September 1906	-
Management	Chinamans Beach (R500316) Reserve Trust. Mosman Municipal Council is the Trust Manager	Mosman Municipal Council
Zoning	6(a) Public Recreation	6(a) Public Recreation
Public Purpose	Public Recreation	-
Category	-	Park
Area	0.8526 hectares	4.777 Hectares

NSW Maritime are responsible for managing land below Mean High Water Mark at Chinamans Beach.

2.3.2 Community land

Community land comprising Rosherville Reserve is land owned in fee simple by Mosman Municipal Council, and is classified as community land under the *Local Government Act 1993*. All land classified as community land must be managed in accordance with the Act.

In 2001 Mosman Municipal Council accepted an offer from the Department of Planning to purchase the Department's land holdings in Rosherville Reserve. Two parcels of land owned by the Department of Planning Lot C DP 184507 and Lot 1 DP 211149 were transferred to Mosman Municipal Council for \$1 in 2005, giving the Council freehold title in lieu of care, control and management. The Minister for Planning placed a caveat on the land transfer to Council of Lot 1 DP 211149 and Lot C 184507. The land may only be used for any recreational purpose permitted for land classified as community land and categorised as a natural area, sportsground, park or an area of cultural significance under the *Local Government Act 1993*. Not less than 90% of the land must remain open space, meaning either an open area or an area with improvements and structures (such as roads, pavements, fences, tennis courts, pools and sports fields) that are not roofed and enclosed. Consolidation of Department of Planning-owned land into Rosherville Reserve into Lot 14 DP 1110043 occurred on 5 June 2007.

2.3.3 Crown land

Chinamans Beach is in the Parish of Willoughby, County of Cumberland. Information about the Crown reserve of Chinamans Beach is shown in Table 2.1.

The Chinamans Beach (R500316) Reserve Trust has been appointed as trustee of the Crown Reserve pursuant to the provisions of the *Crown Lands Act 1989*. Mosman Municipal Council has been duly appointed to manage the affairs of the Trusts consistent with Section 95 of that Act.

2.3.4 Leases and licences over Rosherville Reserve and Chinamans Beach

Mosman Municipal Council has issued a licence to a mobile ice cream vendor for exclusive trading rights at Rosherville Reserve under Council's Reserves / Beaches Commercial Activities Policy. The licence expires on 30 March 2011.

Temporary use agreements are issued to people who apply to Council to book any part of the reserves. Such use is subject to conditions that are issued to the hirer for activities such as school picnics, social gatherings and filming.

2.3.5 Key stakeholders in Rosherville Reserve and Chinamans Beach

Stakeholders responsible for management of land and facilities in Rosherville Reserve and Chinamans Beach are in Table 2.2.

Table 2.2 Stakeholders in Rosherville Reserve and Chinamans Beach

Organisation	Interest and responsibilities
Mosman Municipal Council	Land owner Management Bookings Maintenance
Land and Property Management Authority	Land owner
NSW Maritime	Statutory responsibility below Mean High Water Mark (MHWM). Consent authority for all developments on waterways in Sydney. Lessor of developments below MHWM.
Chinamans Beach Resident Association Inc.	Group of local residents with an interest in Rosherville Reserve and Chinamans Beach, and Parriwi Park and surrounding community areas.
Lessees / licensees / hirers	Meet requirements of leases, licences, use agreements as appropriate.

2.4 History and cultural heritage

2.4.1 Indigenous history

Mosman local government area has diverse evidence of artefacts and evidence of Aboriginal habitation documented in two reports: Koettig (1991) and Kelleher and Nightingale (2005). Locations of artefacts and mapping should be referred to from the later study.

The Mosman area has been well documented also because of the life of Bungaree (1775-1830), a significant figure in the early colony who was known for his participation in the voyages of Matthew Flinders culminating in the circumnavigation of Australia from 1802-1803. He was rewarded for his services with the gift of a farm at Georges Head where he stayed until 1818 (Souter, 1994).

Middle Harbour provided the Aboriginals with a wide range of flora and fauna from which they gained food and medicine, raw material for tools, shelters, weapons and body decorations. Aboriginal activities in Rosherville Reserve area varied according to the location of available resources. There is an abundance of Aboriginal artefact evidence in Middle Harbour and in Rosherville Reserve where there are two recorded sites (Kelleher and Nightingale, 2005).

The majority of artefacts are clustered on the foreshore and ridge sides where Aboriginal activity was subject to seasonal change and cultural events. Specific to Rosherville Reserve, Aboriginal activity concentrated along the ridgeline adjacent to Parriwi Road leading to the northern end of the reserve, suggesting activities and movements of Aboriginal communities. The recorded shelter middens are located along the natural topographical axis of ridgelines, and on the rocky foreshore of Middle Harbour suggesting extended periods of Aboriginal activity in the area. By 1795, many of the Aboriginal community who inhabited the Mosman area had died of small pox resulting from the effects of European settlement.

2.4.2 Non-indigenous history

Historical events

The history of Rosherville Reserve and Chinamans Beach and its context in Mosman is well documented in various books and reports (refer to the reference list). Rosherville Reserve and Chinamans Beach has a rich and varied history dating back to Sydney's early days, summarised in Table 2.3.

Table 2.3 Events in the non-indigenous history of Chinamans Beach and Rosherville Reserve

Year	Events
1811	Governor Macquarie issued Thomas O'Neil a land grant which included Rosherville Reserve. However he settled in Hunters Bay, now known as Mosman Bay, on Sydney Harbour. Bungaree's Aboriginal community from the Guringai Tribe of Woy Woy was located in Mosman during this time centred on agricultural activities at Bungaree's farm at George's Head (Souter 1994).
1829	It is suggested Barney Kearns applied for superintendancy of Bungaree's farm, however this failed to be successful. Barney Kearns applied to Governor Darling for a licence for the operation of a ferry service from Shell Cove (the location of Chinaman's Beach) to Clontarf. The cove was named 'Shell Cove' as a result of the stark white sand similarly represented like seashells.
1830	Barney Kearns was granted a license for ferry service operation across Middle Harbour from Shell Cove to Clontarf. Kearns requested a grant of land on the foreshore for a building for his boat which had been vandalised. He was granted 2 acres on the southern side of the creek draining into Shell Cove. Kearns' role in the area is commemorated by steps leading from Parriwi Road to Kiara Avenue and Rosherville Reserve.
1831	Mapping illustrates a creekline running through Barney Kearns' grant from surrounding topography. It is also evident a swampy marshland was evident before urban development on the site now known as Rosherville Reserve, as evident in Figure 1.

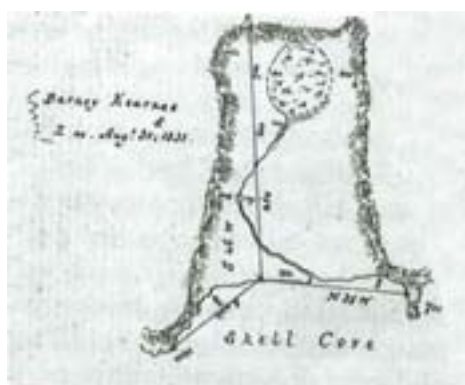


Figure 1: Barney Kearns' 2 acre land grant for operation of crossings to Clontarf in 1831. Note the inland swamp which now occupies Rosherville Reserve (Souter 1994, p.34)



Figure 2: Survey plan of Rosherville Reserve in 1880
Note the drainage lines which run through the reserve and the foreshore of Chinaman's Beach (Lester Firth Associates Pty Ltd 1993, p.10)

1834	Captain John McLean purchased the 2 acres from Barney Kearns for £26. McLean later aquired a further 10 acres of Shell Cove foreshore from Holmes for £25. McLean continued the ferry service to Clontarf, as well as establishing a house and farm as also evident in Figure 2.
1836	John McLean purchased Barney Kearns's land at Shell Cove.
1839	'Park Gate Estate' was subdivided in 1839 by Captain John McLean for large villa properties. This subdivision was one of the first subdivisions in Mosman and is evident in Figure 4. It is identified that the land adjacent to Shell Cove was part of the 'Park Gate Estate' owned by Joseph Newton as illustrated in the map in Figure 4. This estate included Mosman's northern headland from Edward's Bay.



Figure 3: Chinaman's Beach, 1880
Mosman Municipal Library,
<http://www.mosman.nsw.gov.au/library>

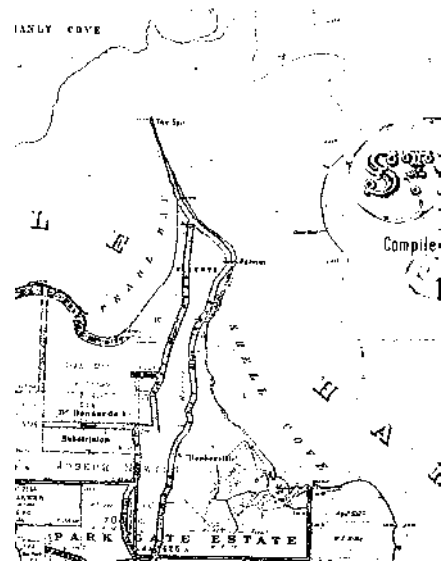


Figure 4: Extent of the 'Park Gate Estate' in
1889 (Souter 1994, p.356)

1840s	Chinese market gardens occupied the land behind the Shell Cove beach, and as a result the beach was named Chinaman's Beach. These market gardens were initially established by Cho Hi Tick, on a leased grant from Captain John McLean's estate (Souter, 1994 p. 64). This location is evident in Figure 5. The site adjacent to Chinaman's Beach was initially used for access across Middle Harbour for most travellers, where Chinaman's Bay and Clontarf were in close proximity. The site was also used by travellers to Manly, who walked down from the Mosman ridgeline and congregated on Chinaman's Beach in order to be rowed across to Clontarf.
1850s	The greater area of Mosman was being subdivided for urban development, subsequently requiring the establishment of schools, churches, services and shops.
1857	The <i>Dunbar</i> ran aground at South Head as a result of treacherous weather conditions. The shipwreck littered many beaches in Sydney and Middle Harbour, including Shell Cove, with loose articles.
1861	Mary Anne (daughter of John McLean) and her husband John Armitage established ownership of the frontage of Chinaman's Beach. The Armitage family was to retain ownership of Chinaman's Beach for over a century.



Figure 5: Location of the former Chinese Market Gardens, 1910. Looking south
Mosman Municipal Library, <http://www.mosman.nsw.gov.au/library>

1862	<p>Rosherville Pleasure Grounds were run by Richard Harnett, and named 'Rosherville' after a pleasure garden in Gravesend, in Kent, England. The Pleasure Grounds were visited on the weekend by Sydneysiders by ferry as a picnic venue for day trips. A photograph from the 1880s shows how Rosherville Pleasure Grounds had developed in Figure 5.</p> <p>A jetty was located to the south of Chinaman's Beach however it had no dancing pavilion, unlike many other Pleasure Grounds in Mosman.</p> <p>The Development Control Plan Guidelines for Rosherville Reserve (1993) states exotic tree species including London Planes, Norfolk Island Pines and Weeping Willows were established in Rosherville Reserve. It is suggested that these plantings were in accordance with European style Pleasure Grounds (Lester Firth Associates Pty Ltd 1993).</p>
1870s	<p>It was noted Chinaman's Beach had an abundance of seashells and sea organisms in the intertidal zone of the beach as a result of the protected nature of the beach from ocean swells. The character of seashells during this time were known to the locals as 'Chinaman's fingernails'.</p>
1880s	<p>A 'stone house' on Lot 8 DP 31648 and 'W.B. Cottage' on Lot 9 DP 31648 were shown on an early undated survey plan of Rosherville Reserve as noted in Figure 6. It is believed this 'stone house' is the same location as the current park amenities building.</p>



Figure 6: Undated survey of Rosherville Reserve, with a 'stone house' located on the same position as the current amenities building.

1890	<p>The use of Rosherville Pleasure Grounds decreased. The Chinese Market Gardens ceased operation.</p>
1893	<p>Small wooden cottage was built by the Armitages on the northern section of Rosherville Reserve and was known as Shell Cove House.</p>
1900	<p>Trams began operation on Parriwi Road down to the Spit, servicing the public who visited Rosherville Garden Pleasure Grounds. The tram track was a single lane track which left Spit Road at the junction of Parriwi Road and followed the cliff cut until reaching Spit Depot.</p> <p>Mosman experienced one of Sydney's first 'population explosions and building booms' during the turn of the 20th century, leading it to become a federation suburb (Souter 2004).</p>
1910	<p>Rosherville lighthouse, located outside Rosherville Reserve, at 53b Parriwi Road, was constructed in 1910 and was operating by 1911. The lighthouse originally operated with coal and gas power and was distinguished with a red light. Rosherville lighthouse was and still is a prominent landmark in both Middle Harbour and Sydney Harbour providing a 'line of entrance between the heads' (Godden Mackay and Logan 1996), and is now distinguished by a green light.</p>



Figure 7: Rosherville Lighthouse
Mosman Municipal Library,
<http://www.mosman.nsw.gov.au/library>



Figure 8: Extent of road layout and further subdivision of for urban and residential development. This map denotes the construction of the Spit Road from 1925, and still denotes a drainage course which runs through Rosherville Reserve, unknown date
(Spatial Information Exchange 2008)



Figure 9: Rosherville Reserve, 1947
Mosman Municipal Library, <http://www.mosman.nsw.gov.au/library>

1920s	Rosherville Reserve is a site of unemployed workers' camps. The unemployed made use of the surrounding foreshore area for rock shelters, makeshifts and tents (Souter 1994). Mapping suggests the creek running through Rosherville Reserve was still in existence after the completion of the Spit Road in 1925, as evident in Figure 8.
1940s	By the end of the Depression, the Rosherville Reserve unemployed workers' camps ceased and continued to be used as a recreational reserve, as evident in Figure 9.
1948	Council progressively acquired the Armitage and the Lowick estates to a total of 15 acres by 1981. At this time Shell Cove House was occupied by Walter Armitage's son, Captain W. J. M. Armitage of the Royal Australian Navy.
1958	Trams ceased operation down Parriwi Road.

1966	Under the guidance of Brian Leckey, Municipal Engineer, Council progressively acquired land at Chinaman's Beach. A program of planting native vegetation was begun. Leckey created a series of grassy mounds to match those already existing behind the Chinamans Beach dunes.
1967	Rosherville Reserve was in the line of a tornado which swept through Sydney on 14 th December 1967. It is unknown how much damage was caused.
1968	A storm created huge seas on May 16th 1968 and affected foreshore areas on Middle Harbour. Rosherville Reserve was protected during this weather event by the topography of Middle Harbour, where there was more destruction further downstream as being exposed to sea conditions. Captain W. J. M. Armitage lived in the Shell Cove House until his death. Mosman Municipal Council and the State Planning Authority purchased Shell Cove House for \$150,000.
1970	Pollution began to influence the quality of the salt water in Middle Harbour as a result of the sewerage drifting into Port Jackson and Middle Harbour. This was a result of the sewage ocean outfall located off North Head as well as the heavy storm events which made sewage overflow and subsequently discharge into stormwater drains in Mosman (Souter 1994, p.66)
1972	Shell Cove House demolished.
1976	By this time, the quality of vegetation at Rosherville Reserve had become degraded as illustrated in Figure 10.
1980s	Chinamans Beach Resident Action group was formed. This group is now named Chinamans Beach Resident Association Inc. The Bicentennial Program was established in Mosman funded by the Bush Management Program in order to reduce the problem of urban development on bushland. The Development Control Plan Guidelines of Rosherville Reserve (1993) states native species were planted into Rosherville Reserve including Eucalyptus, Norfolk Island hibiscus and Cheese Trees, Paperbarks and Wattles were also planted in the reserve to protect against offshore winds (Lester Firth Associates Pty Ltd 1993).
1981	Council completed acquiring the Armitage and Lowick estates.
1993	Mosman Municipal Council celebrated its centenary.
2003	Stormwater Quality Improvement Devices (SQID) were implemented into Rosherville Reserve at the northern end of McLean Crescent and Rosherville Road as part of Mosman Municipal Councils Community Environmental Contract.



Figure 10: Aerial photograph of Rosherville Reserve, 1976
Note the dramatic loss of reserve vegetation, particularly near the beach and reserve edges from previous Figure 6
Mosman Municipal Library, <http://www.mosman.nsw.gov.au/library>

2003	On National Tree Planting Day (27 July) over 100 volunteers planted 2000 plants on the southern edge of Rosherville Reserve to create a corridor of vegetation around the parkland.
2008	The Chinaman's Beach Maintenance Plan was issued in July in contribution to the dune stabilisation works. This included maintenance actions and recommendations for future development. Chinaman's Beach was recently recognised as an award-winning beach under the Keep Australia Beautiful Clean Beach Challenge Awards.

Heritage items and significance

Indigenous

Rosherville Reserve and Chinamans Beach contain or are adjacent to sites which are of Aboriginal archaeological importance. Three sites of significance recorded in the Kelleher and Nightingale report (AMBS, 2005) are:

- ☐ Shelter with midden: known locally as Dwarf Bamboo and Beans Cave (1964 45-6-1051).
- ☐ Shelter with art: known locally as Water Spout Cave (1979 45-6-1052).
- ☐ Shelter with midden: known locally as Chinamen's Beach Cave (2003 45-6-2070).

Non-indigenous

Rosherville Reserve is listed in Schedule 2 of the Mosman Local Environmental Plan 1998 and in Schedule 5 of the Draft Mosman Local Environmental Plan 2010 as having local heritage significance.

2.5 Physical characteristics

2.5.1 Geology, landform and soils

The geology underlying Rosherville Reserve and Chinamans Beach is Hawkesbury Sandstone, as evidenced by sandstone outcrops and benches scattered throughout the reserve.

The combination of the Hawkesbury and Woy Woy soil landscapes is dominant (Total Earth Care, 2007). The soil surface is highly modified due to fill (miscellaneous fill, sandstone rubble and clayey sands) and landscaping. Natural sandy loams occur in less disturbed areas, with modified sandy loams in disturbed areas. Marine sands in flatter areas are possible. As the reserve is largely below 5 metres AHD, there is a risk of acid sulfate soils occurring.

Rosherville Reserve is a large, undulating grassed area with shade trees situated at the base of slopes on the northern, western and southern sides leading upwards to the Spit Road ridge. The amphitheatre-like setting affects acoustics in the reserves and local area.

Chinamans Beach incorporates the only natural and functional dune system remaining within the Sydney Harbour foreshores. Substantial dune stabilisation works have been carried out in the last decade to protect the vulnerable foreshore dune from erosion and deterioration as a result of the elements and overuse. A dune blowout has occurred at the southern end of the beach. The beach itself is relatively free from erosion given the relatively calm water of Middle Harbour and its aspect. However erosion of sand from the beach from wind, storms and human traffic occurs.



Hydrology and drainage

Rosherville Reserve is centred on a natural drainage valley and escarpment. Three principal drainage lines fall downslope into Rosherville Reserve and Chinamans Beach from:

- ☐ the north between Cyprian Street and James Street across McLean Crescent
- ☐ Warringah Road across Kiora Avenue.
- ☐ Hampden Road across Kiora Avenue.

The flatter areas in the reserve are likely to be highly permeable due to the sandy surface and sub-surface soils. A damp area is evident in the middle and lower slopes of the central section of the reserve (Total Earth Care, 2007), resulting from a swamp that was evident in the reserve in the 1830s.

A small stormwater outlet discharges runoff into a drain in the northern section of the reserve, which enters an inlet to the piped trunk drainage discharging east of Chinamans Beach.

Drainage piers combine within the reserve and enter Shell Cove south of Chinamans Beach.

A Stormwater Quality Improvement Device (SQID) has been installed at Chinamans Beach at the bottom of Cyprian Street to reduce stormwater pollutants entering Middle Harbour from the catchment. The SQID has improved the quality of water entering Middle Harbour at this point.

2.5.2 Flora and fauna

Flora

A flora survey was carried out in the bushland of Rosherville Reserve (Total Earth Care, 2007).

The vegetative character of Rosherville Reserve varies between the bushland and the garden edge which predominantly surrounds the reserve on three sides. Some vegetation in Rosherville Reserve encroaches on adjoining private properties. Within the reserve are a series of large mounded turfed areas, as well as informal plantings of native and exotic trees species.



Remnant plant communities in Rosherville Reserve comprise Regrowth Sydney Sandstone Gully Forest (moderate to high bushland resilience), and Disturbed Sydney Sandstone Gully Forest (low bushland resilience).

Early plantings consist of a fine stand of London Plane, Weeping Willow and Norfolk Island Pine. Later Australian native informal stands include mixed *Eucalyptus* species, Norfolk Island Hibiscus, and Cheese Tree. Paperbarks and Wattles screen the onshore winds and some views of the harbour from within the reserve. The use of Lilly Pilly hedging provides screening between the main parking area and the reserve.

Canopy trees include mixed *Eucalyptus* species such as Bangaley, Swamp Oak, Sydney Red Gum, Paperbark, Port Jackson Fig, Peppercorn, Willows, Plane and Pine trees. Mid-storey and understorey species include Sweet Pittosporum, Prickly-leaved Tea Tree, Water Vine, Bleeding

Heart, Tick Bush, White Wattle, Heath-leaved Banksia, and Flame Tree. Groundcovers present include Blue Flax-lily, Weeping Grass, Scurvy Weed, Soft Bracken, Snake Vine, and Common Maidenhair.

Weed species include Morning Glory, Jacaranda, Canary Island Date Palm, Madeira Vine, Cobblers Pegs, Petty Spurge, Crofton Weed, Wandering Jew, Blackberry Nightshade, Fishbone Fern, Asthma Weed, Panic Veltgrass, *Lantana*, *Bougainvillea*, and *Agapanthus*.

Dune planting is dominated by *Spinifex*, *Acacia* and *Lomandra*.



Three individuals of the threatened species Sunshine Wattle (*Acacia terminalis* ssp. *terminalis*) have been recorded in Rosherville Reserve (Total Earth Care, 2007). It was concluded that those individuals were probably planted.

Fauna

Oculus (2001) stated that Rosherville Reserve supports core habitat, albeit with broken canopy linkages between bushland stands in and outside the reserve.

Vegetation in Rosherville Reserve is potential habitat for foraging, roosting and nesting by native mammals, birds, reptiles and amphibians.

Observations of fauna species by Total Earth Care (2007) include:

- ☐ protected native birds: Little Corella, Australian Raven, Pied and Grey Butcherbirds, Laughing Kookaburra, White-faced Heron, Australian Magpie, Welcome Swallow, Noisy Miner, Crested Pigeon, Tawny Frogmouth, Pied Currawong, Rainbow Lorikeet, and Masked Lapwing.
- ☐ introduced birds: Common Myna, House Sparrow.
- ☐ native mammals: Common Brushtail Possum, Common Ringtail Possum, Bush Rat.
- ☐ introduced mammals: Black Rat.
- ☐ reptiles: Skinks and Blue-tongued Lizard.

2.6 Visual assessment

View corridors are shown in Figure 2.3.

The sandy beach and sandstone foreshores of Chinamans Beach and filtered views of Rosherville Reserve can be seen from Parriwi Road approaching from the north and from the top of Upper Fairfax Road.

Figure 2.3 Site analysis



The north-west boundary of Rosherville Reserve consists of a formal turfed edge until McLean Crescent where car parking is highly visible. The south-east boundary provides a permeable transition to residences through tree planting, which is dominated by understorey shrubby as well as a mix of native and exotic tree species. The south-west boundary also provides an informal transition from Rosherville Reserve into private gardens with exotic and weed species including *Hibiscus* and *Oleander*. The north-east boundary is bordered by Chinaman's Beach and is screened with native dune vegetation. Chinamans Beach is not visible from Rosherville Reserve.

Scenic views from Chinamans Beach across Middle Harbour are prized.



A unique element of Rosherville Reserve is the lack of definition between boundaries and residential properties backing onto the reserve. The perceived extension of open space is a significant element in retaining its unique and informal character while maintaining a feeling of intimacy. A landscaped transition between public and private open space is preferred, particularly to Rosherville Reserve and abrupt fencing, level changes or walls avoided.

2.7 Access and circulation

Refer to Figure 2.3 for access routes to and circulation within Rosherville Reserve and Chinamans Beach.

2.7.1 Access to the reserves

Rosherville Reserve and Chinamans Beach are accessible by foot, bicycle, private and authorised vehicles, public bus, and by water.



General access to the Reserve is from the north-south ridge line dividing the Spit peninsula, and a steep descent into Rosherville Reserve and Chinamans Beach.

Rosherville Reserve's boundary is varied on all perimeters, however narrow informal paths and steps are the common entry points for pedestrians and cyclists from surrounding streets. Direct entry points to Rosherville Reserve and Chinamans Beach for pedestrians and cyclists are from McLean Crescent, Armitage Lane and Rosherville Road. Narrow informal paths and steps lead between the reserve and the Barney Kearns steps at Kiora Avenue. Rosherville Reserve and Chinamans Beach are part of a foreshore walking track linking with the Spit to Manly Walk. It is possible to walk from Chinamans Beach to The Spit at low tide.

Rosherville Reserve is close to the regional cycle route along Spit Road and Stanton Road into Moruben Road. An on-road bicycle route is proposed to be established adjoining the reserve along Warringah Road and Hopetoun Avenue.

Vehicle access to the reserve is from Parriwi Road leading into Cyprian Street and McLean Crescent. Free public parking for about 20 vehicles is available in a formed carpark in the reserve off McLean Crescent. A 61-space Pay and Display carpark is provided at the end of McLean Crescent. Emergency and maintenance vehicle access is via McLean Crescent.

Several bus routes operate along Spit Road, 300 metres to the west of Rosherville Reserve.

Chinamans Beach is also accessible by water for non-motorised craft.

2.7.2 Circulation within the reserves

Rosherville Reserve has an open and informal character, with few pathways in the reserve. An internal formed pathway links the end of Armitage Street with the playground. No strong desire lines are evident in the reserve.

Limited access for people with disabilities is available, except for an accessible ramp from the McLean Street carpark to the grass.

Several formal accessways allow pedestrian access through the dunes between the reserve and the beach.



2.8 Built facilities and park furniture

The key built structures in Rosherville Reserve, and their use and condition, are set out in Table 2.4 and shown in Figure 2.3.

Table 2.4 Use and condition of key built elements of Rosherville Reserve

Structure	Description	Use	Condition
Amenities building	Toilets for females, males, people with disabilities. Change rooms and showers.	Amenities, changing	Under construction in October 2010 to replace the previous amenities block.
Children's playground	Climb / slide unit and spring toy on sand softfall.	Children's play	Upgraded in 1996. Good condition, but requires additional upgrading and possible relocation.



Amenities building under construction



Other built structures in Rosherville Reserve, which are generally in good and serviceable condition, include:

- ☐ vehicle parking areas and parking ticket machines.
- ☐ furniture, including a seat near the playground.
- ☐ waste receptacles, including rubbish bins, dog waste bins and bag dispensers.
- ☐ signage, including a reserve sign, and regulatory and interpretive signage.
- ☐ tap and bubbler.

Picnic and barbecue facilities are not provided in Rosherville Reserve, so picnickers bring seats, tables and barbecues with them.

Dinghies and small watercraft are stored informally in the south-eastern corner of Rosherville Reserve.



Built structures associated with Chinamans Beach are dune accessways and fencing, and a stormwater pipe draining into Shell Cove.

All utility connections (electricity, gas, telephone, sewage, drainage) are available in Rosherville Reserve. A sprinkler system to irrigate the reserve was installed at Rosherville Reserve in 1996.

2.9 Use of Rosherville Reserve and Chinamans Beach

2.9.1 Introduction

Users of Rosherville Reserve and Chinamans Beach participate in a variety of informal and organised recreation and social activities.





2.9.2 Informal activities

Informal uses of Rosherville Reserve include:

- ☐ picnics and barbecues.
- ☐ children's play and informal games in the playground and on grassed areas.
- ☐ climbing trees.
- ☐ walking for pleasure and walking the dog (leashed and unleashed).
- ☐ jogging.
- ☐ family gatherings.
- ☐ social sport.
- ☐ sitting and relaxing.
- ☐ Bushcare activities.

Dogs can be exercised off-leash at certain times within Rosherville Reserve. Dogs must be on a lead in Rosherville Reserve between 9am and 4pm on weekends and public holidays. Dogs are not permitted at any time near the children's play area or on Chinamans Beach, although they are often taken onto the beach by owners. Dogs should be under the effective control of owners in the reserve.

Informal activities enjoyed on Chinamans Beach include running and walking along the beach, fishing, picnics, canoeing and kayaking, exploring rocks, swimming, and informal games.

A boat exclusion zone applies along Chinamans Beach. Boats are able to access the beach at the western end where marked by floating buoys.

2.9.3 Organised use

Various settings in Rosherville Reserve and Chinamans Beach are used for a range of activities for which bookings are required using a computerised bookings system, and fees are paid to Council. These activities include:

- ☐ ceremonies including christenings, weddings and memorial services
- ☐ children's parties

- ☐ family and school picnics and barbecues
- ☐ corporate functions
- ☐ vehicle parking
- ☐ photo shoots and filming on the beach
- ☐ television and radio promotions
- ☐ fitness classes.

Marquees and amusement devices are permitted at only three locations in Rosherville Reserve because of an underground irrigation system.

2.9.4 Prohibited uses

Prohibited activities in Rosherville Reserve and Chinamans Beach include:

- ☐ use of barbecues during a total fire ban.
- ☐ taking dogs on to the beach.
- ☐ no amplified music or sound.
- ☐ vehicles, horses and ponies taken on to the beach or reserve.
- ☐ sale of goods, except for licensed activities.
- ☐ use of hard balls in ball games.

2.10 Maintenance

Council's parks are maintained and upgraded according to:

- ☐ Open space capital improvements program.
- ☐ Public gardens upgrade program.
- ☐ Playground upgrade program.

Contracts are let for parks and gardens management, turf management and tree management.

Regular maintenance tasks in the parkland of Rosherville Reserve include lawn, garden and tree maintenance; rubbish collection; amenities cleaning; and inspection of the children's playground. Other tasks, such as line marking in carparks and fence repairs, are done as required.

Playground safety is assessed by an external inspector at least twice per year.

Bush regeneration and revegetation is undertaken in Rosherville Reserve by Australian Bushland Restoration under Council's Bushland Restoration Contracts 2001-2011. Bushcare volunteers assist in maintaining three Bushcare sites in Rosherville Reserve (unmade Rosherville Road, unmade Fairfax Road, and unmade Warringah Road). Key bushland maintenance tasks are weeding (primary, secondary and maintenance), and planting native species in non-resilient areas. Pile burns have been carried out in the south-west of the reserve, but no significant regeneration has occurred (Total Earth Care, 2007).

Bush regeneration projects, such as closing off a disused track, fencing installation, and maintenance and revegetation works, have been undertaken on the dunes at Chinamans Beach,

as part of the Sydney Metropolitan Catchment Authority Dune Restoration Projects. Such works are carried out consistent with the Chinamans Beach, Mosman SMCMA Work Area Maintenance Plan (Land and Property Management Authority, 2008). This Plan sets out subsequent requirements for contractors maintaining the Chinamans Beach dunes to preserve vegetation and assets, including trimming branches back from fences, spraying under the fence with herbicide, weed control, and revegetation.

The beach cleaning contract for Chinamans Beach specifies that no mechanical beach raking should be used to clean the beach to maintain the ecology of the beach. The beach is cleaned manually by Council and residents, resulting in a clean beach while retaining the wrack and restoring the ecology of the beach.

2.11 Financial management

2.11.1 Cost recovery

Income from use of Rosherville Reserve and Chinamans Beach in 2008-09 was \$24,025, which was derived from car parking (\$14,904) and rents / hire (\$9,121).

Fees for parking and short term casual bookings are in accordance with the fees and charges as published in the Mosman Municipal Council's current Management Plan.

Costs associated with management and maintenance of Rosherville Reserve and Chinamans Beach in 2008-09 include:

- ☐ bushland management = \$16,500.
- ☐ Bushcare = \$5,500.
- ☐ turf management = \$6,500.
- ☐ contract cleaning of public amenities = \$6,000.
- ☐ trees = \$3,700.
- ☐ building inspection, repairs, plumbing = \$3,600.
- ☐ gardens = \$3,000.

Expenditure on beach and reserve cleaning at Rosherville Reserve and Chinamans Beach cannot be separated from expenditure on beach and reserve cleaning for several such reserves in Mosman.

Expenditure exceeded income in 2008-09.

2.11.2 Guidelines for expenditure

Under Section 106 of the *Crown Lands Act 1989*, income generated from Chinamans Beach as a Crown reserve must be spent on improving that reserve or for the general purposes of the reserve trust, or unless the Minister makes a specific direction. Any income received from the use of Chinamans Beach must not be placed in general revenue of the trust manager, in this case Mosman Municipal Council.

3 PLANNING CONTEXT

3.1 Introduction

This section describes the legislative and policy framework applying to Rosherville Reserve and Chinamans Beach. Full versions of the legislation referred to below is found on-line at www.legislation.nsw.gov.au and www.austlii.edu.au. Mosman Municipal Council's website is www.mosman.nsw.gov.au.

3.2 Legislation applying to Rosherville Reserve and Chinamans Beach

3.2.1 Crown Lands Act 1989

Introduction

As Chinamans Beach is a Crown reserve, the *Crown Lands Act 1989* applies to its management.

The *Crown Lands Act 1989* governs the planning, management and use of Crown land, including reservation or dedication for a range of public purposes, and leasing and licensing. The Land and Property Management Authority, together with Reserve Trusts appointed by the Minister, are responsible for management of the Crown reserve system throughout New South Wales to ensure that Crown land is managed for the benefit of the people of New South Wales, and having regard for the principles of Crown land management.

A Reserve Trust is a corporation established and appointed to manage a Crown reserve. Trusts are nominated by the Minister for Lands (Section 92 of the *Crown Lands Act 1989*). Under Section 92 of the Act, the Minister appointed the Chinamans Beach (R500316) Reserve Trust as trustee of the Crown reserve. The Reserve Trust is responsible for the care, control and management of the reserve. Mosman Municipal Council manages the affairs of the Reserve Trust under Sections 92-95 of the *Crown Lands Act 1989*.

A Trust Board has functions conferred on it under the *Crown Lands Act 1989*. The Trust has care, control and management of the reserve in its everyday operation. The Minister cannot direct the Trust as to how it manages the reserve, unless the Trust exceeds its powers. The Minister can suggest or make representations to the Trust regarding management.

Use and management of Crown land

The use and management of Crown land is determined or influenced by:

- ☐ the objects of the Crown Lands Act (Section 10), particularly that Crown lands are managed for the benefit of the people of NSW.
- ☐ the principles of Crown land management (Section 11 of the Act).
- ☐ the public purpose(s) of the land (Sections 80 and 87). Crown land is reserved or dedicated for a public purpose(s), which means the reserve must provide a public benefit. Uses, activities, developments and agreements in a Crown reserve are defined by the public purpose(s) of the reserve. All uses of Crown reserves must be acceptable according to their

public purpose(s). An additional purpose may be proposed in a draft Plan of Management under Section 112 of the Act.

- ☐ Land and Property Management Authority policies, such as the Food and Beverage Outlets on Crown Reserves Policy Position 2004.
- ☐ native title legislation. However, native title has been lawfully extinguished over the Crown Reserves in Rosherville Reserve and Chinamans Beach.
- ☐ rental from leases or licences. A percentage of the rental received from new leases and/or licences of Crown land (rental over \$2,000) is placed in the Public Reserve Management Fund. This fund is a State government initiative that raises funds to assist Reserve Trusts in NSW.
- ☐ case law judgements, which influence the policy and practice of the Land and Property Management Authority and Trust managers in relation to land reserved for public recreation.
- ☐ any conditions and provisions within the zoning in the Council's Local Environmental Plan. However, the applicable Public Purpose defined by State government legislation overrides the local zoning.
- ☐ an adopted Plan of Management, a contractual agreement (lease or licence), or a combination of both to more specifically define the permitted uses.

The objectives of the Land and Property Management Authority regarding land management directly relate to the principles of Crown land management listed in Section 11 of the *Crown Lands Act 1989*. These principles, and how this Plan is consistent with those principles, are outlined below.

Table 3.1 Principles of Crown land management

Principle of Crown land management	How this Plan is consistent with the principles
Observe environmental protection principles in relation to the management and administration of Crown land.	This plan is supportive of protecting the natural foreshore ecosystem and visual significance of Chinamans Beach.
Conserve the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) wherever possible.	As above
Encourage public use and enjoyment of appropriate Crown land.	Recommendations in the Plan encourage public use and enjoyment of Chinamans Beach for appropriate and sensitive recreational activities.
Encourage multiple use of Crown land, where appropriate.	Recommendations in the Plan would continue multiple uses of Chinamans Beach, while recognising there may be conflicts between activities from time to time.
Use and manage Crown land in such a way that both the land and its resources are sustained in perpetuity, where appropriate	The Plan contains proposed actions which would help sustain the land and resources, such as managing the type and extent of activities and developments on Chinamans Beach.
Occupy, use, sell, lease, license, or otherwise deal with Crown land in the best interests of the State, consistent with the above principles.	This Plan contains prescriptions that would ensure that land owners, managers, and any lessees and licensees deal with the reserve in the best interests of the State.

3.2.2 Local Government Act 1993

Requirements of a Plan of Management

Rosherville Reserve is owned by Mosman Municipal Council. This land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. Council-owned land is classified as 'community land' under the Act. Community land is defined as land that must be kept for the use of the general community, and must not be sold.

Requirements of the Local Government Act for a Plan of Management for and management of community land are as follows.

Table 3.2 Requirements of the Local Government Act for community land management

Requirement of the Local Government Act	How this plan satisfies the Act
The Plan must describe 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	Section 2
The Plan must describe use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
All community land must be categorised.	Section 3
The Plan must contain core objectives for management of the land.	Section 3
The Plan must specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 3, 6
The Plan must specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 6
The Plan must describe the scale and intensity of any such permitted use or development.	Section 6
The Plan must include performance targets.	Section 5
The Plan must contain means for assessing achievement of objectives and performance targets.	Section 5
Council must exhibit the draft Plan for 28 days and give at least 42 days for the making of submissions.	
Any amendments to a draft Plan must be publicly exhibited in the same way, until the Council can adopt the draft Plan without further amendment.	
A Council may only grant a lease, licence or other estate over community land if it is expressly authorised in a Plan of Management	Section 6

Categorisation

Background

The *Local Government Act 1993* establishes core objectives for all categories of community land. Council must manage the community land according to these core objectives. Any additional Council objectives must comply with the core objectives established within the Act. The significance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

The Plan of Management: Parks for community land in Mosman categorises Rosherville Reserve as 'Park'. Definitions and core objectives for the Park category that applies to community land in Rosherville Reserve are in Table 3.3.

Table 3.3 Definitions of and core objectives for 'Park' category of community land

Category	Definition	Core objectives
Park	Land which is, or proposed to be, improved by landscaping, gardens or the provision of non sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> ❑ encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. ❑ provide for passive recreational activities or pastimes and for the casual playing of games. ❑ improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Crown land at Chinamans Beach is not required to be categorised under the Local Government Act, because it is not owned by Mosman Municipal Council. The Public Purpose of the Crown land ultimately determines acceptable uses of the land. The Park category that applies to the community land in Rosherville Reserve is consistent with the public purpose of Public Recreation that applies to Chinamans Beach. The categorisation and public purpose of land in Rosherville Reserve and Chinamans Beach is shown in Figure 3.1.

Figure 3.1 Categorisation and public purpose of land



3.2.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs) and Local Environmental Plans (LEPs). The EPA Act also sets out processes for approving development applications for structures and works on public and private land as set out in the Mosman Municipal Council LEP.

Relevant legislation under the EPA Act is set out in Appendix A, including:

- ☐ State Environmental Planning Policies: 19 Bushland in Urban Areas, 64 Advertising and Signage, Infrastructure 2007, Temporary Structures and Places of Public Entertainment 2007.
- ☐ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Sydney Harbour Foreshores and Waterways Development Control Plan 2005.

3.2.4 Other relevant legislation

Refer to Appendix A for more detail about other applicable legislation:

- ☐ Companion Animals Act 1998
- ☐ Disability Discrimination Act 1992
- ☐ Protection of the Environment Operations Act 1997
- ☐ Waste Minimisation Act 1995.

3.3 State government policies and initiatives

3.3.1 Sharing Sydney Harbour

Sharing Sydney Harbour is the NSW Government's vision for managing the future of Sydney Harbour. The vision is:

*"to take wise and comprehensive care of the Harbour as a natural asset belonging to future generations, and sharing the Harbour with nature and for all human activities."*¹

Four themes underpin this vision:

- ☐ Natural harbour – a healthy sustainable environment on land and water.
- ☐ Urban harbour – a high quality urban environment.
- ☐ Working harbour – a prosperous, working waterfront and effective transport harbour.
- ☐ People's harbour – a culturally rich, accessible, active place for people.

The NSW Government has indicated its desire to improve public access to, and enhance the recreational enjoyment of, Sydney Harbour and its tributaries for the people of Sydney and visitors to the city. The State government's intention is to develop and maintain public access to the foreshore of Sydney Harbour and the Parramatta River through the Sharing Sydney Harbour Access Plan (Department of Infrastructure, Planning and Natural Resources, 2003). The Access

¹ Sharing Sydney Harbour Regional Action Plan (2000).

Plan identifies opportunities to improve access to the foreshores and waterways for a range of recreational users including pedestrians, cyclists and recreational boaters. Typical projects include walking tracks, on-road and off-road cycleways, public domain improvements, wharves, jetties and pontoons, and 'soft' access for landing small boats such as pontoons, seawall steps and beaches.

3.3.2 Sydney Harbour Catchment Blueprint

The Sydney Harbour Catchment Blueprint provides the strategic direction and sets priorities for improved natural resource and environmental management in the harbour catchment until 2012. The Blueprint outlines the steps necessary to achieve the objectives for the catchment. It further defines catchment and management targets and management actions for key natural resource and environmental management issues.

3.4 Local planning context

3.4.1 Planning framework

Mosman Municipal Council's planning framework guides this Plan of Management as follows:

- ☐ Future Mosman 2088 in 2020, which is Council's long term vision for Mosman in terms of the built environment, transport, natural environment, community and finance.
- ☐ MOSPLAN, Council's annual Management Plan, which sets overall objectives and performance targets for activities, budgets and other issues relating to open space and recreation management.
- ☐ Planning instruments, particularly the Mosman Local Environmental Plan, and the Exempt and Complying Development Control Plan which govern uses of and development of facilities in Rosherville Reserve and Chinamans Beach.
- ☐ The Plan of Management: Parks which covers all of Council's community land that is categorised as Park, including Rosherville Reserve. The Plan of Management sets out objectives, performance targets, means of achievement and performance monitoring for various aspects of use and management of parkland.
- ☐ Policy documents, such as the Environmental Management Plan (2005) which is relevant to bushland, the Mosman Bicycle Strategy (2005), and Recreation Needs Assessment Study (2000) and Recreation Strategy Action Plans (2001).

3.4.2 Future Mosman 2088 in 2020 and MOSPLAN

This Plan of Management is consistent with the vision formulated by Mosman Municipal Council in *Future Mosman 2088 in 2020* for the whole of the Mosman local government area. Future Mosman is:

- ☐ Long term environmental improvements
- ☐ A sustainable transport solution for Mosman
- ☐ Reduction of Mosman's ecological footprint
- ☐ Our Community: Vibrant, Caring, Involved, Enriched
- ☐ Financial Strength.

Council's vision is:

- ☐ Proud to be Mosman
- ☐ Protecting our Heritage
- ☐ Planning our Future
- ☐ Involving our Community.

Council's mission is to protect and enhance the distinctive qualities of Mosman in a responsive, friendly and caring way.

MOSPLAN contains a strategic overview of Council's proposed activities, budgets and other issues relating to the community and the environment in its three component parts: 10 year Community Strategic Plan, 4 year Environment Delivery Plan, and 1 year Environment Operations Plan.

Council's key objectives for parks and public spaces in Mosman are in Table 3.4.

Table 3.4 Ten-year objectives for relevant Council programs

Program	10-year objectives
Urban Planning	<p>To have the local character of Mosman maintained by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conserving its heritage <input type="checkbox"/> Ensuring sustainability <input type="checkbox"/> Meeting community needs <input type="checkbox"/> Effective land use planning <input type="checkbox"/> Requiring high quality development <input type="checkbox"/> Improving amenity. <p>To have Mosman recognised as a desirable place to live, work and recreate.</p>
Environmental Management/ Health	To have an environmentally sustainable and healthy Mosman that works to continually improve ecosystems and the quality of life.
Parks and Recreation	<p>To have sustainable recreational facilities including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> parks and gardens <input type="checkbox"/> bushland areas <input type="checkbox"/> civic spaces <input type="checkbox"/> sporting facilities <input type="checkbox"/> beaches and marine structures <input type="checkbox"/> swim centre, and <input type="checkbox"/> playgrounds <p>that are maintained and embellished to meet the changing needs of the Mosman community.</p>

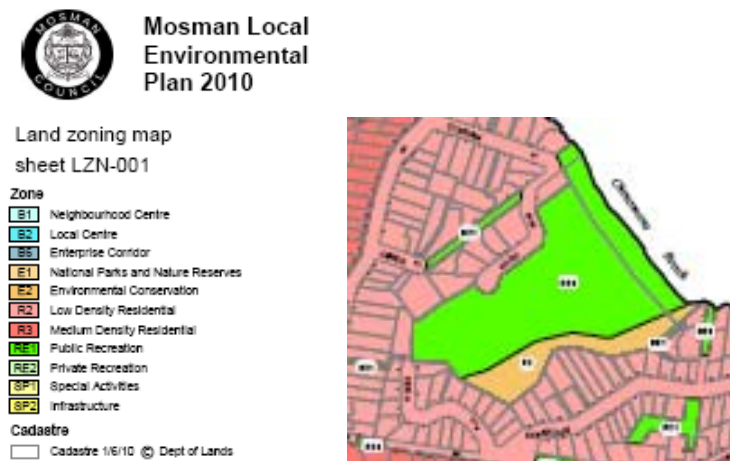
3.4.3 Local planning instruments

Zoning and development controls

The Draft Mosman Local Environmental Plan 2010 is awaiting gazettal from the Department of Planning. Until that LEP is gazetted the Mosman Local Environmental Plan 1998 remains in force.

Rosherville Reserve and Chinamans Beach is zoned 6(a) Public Recreation under the current Mosman Local Environmental Plan 1998. The reserve and beach are zoned RE1 Public Recreation and E2 Environmental Conservation under the Mosman LEP 2010 as shown in Figure 3.2.

Figure 3.2 Proposed zoning of Rosherville Reserve and Chinamans Beach



The specific aims of the Mosman Local Environmental Plan 1998 in relation to open space and recreation are to:

- ☐ provide for a range of recreational and sporting opportunities to meet the needs of residents of and visitors to Mosman.
- ☐ identify land required for community purposes to allow for the improvement of the range of services provided.

Under the Mosman Local Environmental Plan 1998, land in Rosherville Reserve and Chinamans Beach is zoned 6(a) Public Recreation. The objectives of that zone under the LEP are to:

- ☐ provide a viable open space system which supports a diversity of leisure and educational opportunities.
- ☐ maintain and provide open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.
- ☐ ensure that open space is managed on a sustainable basis including the maintenance of ecological processes, genetic diversity and geo-diversity.
- ☐ ensure conservation and proper management of cultural values within the open space system.
- ☐ ensure that open space contributes to the aesthetic quality, experience and image of the community.

The objectives of the RE1 Public Recreation zone in the Draft Mosman Local Environmental Plan 2010 are to:

- ☐ enable land to be used for public open space or recreational purposes.
- ☐ provide a range of recreational settings and activities and compatible land uses.
- ☐ protect and enhance the natural environment for recreational purposes.

- ☐ protect and enhance areas of ecological, scientific, cultural or aesthetic values.
- ☐ 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.

Objectives for land zoned E2 Environmental Conservation are to:

- ☐ protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- ☐ prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- ☐ conserve native plant and animal species through the maintenance of suitable habitats.
- ☐ contribute to the scenic quality of Mosman and the harbour.

The current LEP identifies developments and uses in the 6(a), RE1 and E2 zones that may be allowed with or without development consent, or are prohibited, as shown in Table 3.5.



Notwithstanding the permissible developments and activities listed above, the public purposes of a Crown reserve override the local zoning to determine acceptable developments and uses on the reserve. The zonings of 6(a) Public Recreation, RE1 Public Recreation and E2 Environmental Conservation should be consistent with the Public Purpose of Public Recreation applying to Crown land at Chinamans Beach. Council will refer to this Plan of Management as well as the Mosman Local Environmental Plan and other relevant legislation in assessing development applications relating to Rosherville Reserve and Chinamans Beach.

Other planning considerations applying to Rosherville Reserve and Chinamans Beach are:

- ☐ Rosherville Reserve and Chinamans Beach are within the Foreshore Scenic Protection Area, which requires Council to consider the visual impact of any development when viewed from Sydney Harbour.

Table 3.5 Zoning table

Without development consent	With development consent	Prohibited
6(a) Public Recreation zone		
<p>Development for the purpose of park furniture (including seats, bins, picnic tables and similar items).</p> <p>Development for the purpose of lighting (other than lighting to be used in connection with active recreation, such as sporting activities, or active recreation facilities).</p> <p>Exempt development.</p> <p>Works for the purpose of gardening, landscaping and bushfire hazard reduction.</p>	<p>Development consent may be granted for demolition, subdivision, or development for the purposes of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> beach and foreshore protection works. <input type="checkbox"/> buildings associated with landscaping, gardening or bushfire hazard reduction and vehicular access to those buildings. <input type="checkbox"/> carparking ancillary to another permissible use. <input type="checkbox"/> child care centres. <input type="checkbox"/> drainage. <input type="checkbox"/> kiosk <input type="checkbox"/> recreation areas: <ul style="list-style-type: none"> (a) a children's playground, (b) an area used for sporting activities or sporting facilities, (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, but does not include a racecourse or showground. <input type="checkbox"/> recreation facilities <input type="checkbox"/> recreation, sporting and cultural activities. <input type="checkbox"/> roads <input type="checkbox"/> utility installations. 	<p>Development on reserved or dedicated Crown land that does not comply with the public purpose notified under the <i>Crown Lands Act 1989</i>, or development that does not comply with acceptable uses identified in an adopted Plan of Management for the reserve under the <i>Crown Lands Act 1989</i>.</p> <p>All other developments and activities not included in previous columns.</p>
RE1 Public Recreation		
Home occupations	<p>Child care centres</p> <p>Community facilities</p> <p>Environmental facilities</p> <p>Environmental protection works</p> <p>Information and educational facilities</p> <p>Kiosks</p> <p>Public utility undertakings</p> <p>Recreation areas</p> <p>Recreation facilities (indoor)</p> <p>Recreation facilities (outdoor)</p> <p>Roads</p>	All other developments and activities not included in previous columns.
E2 Environmental Conservation		
Nil	<p>Environmental facilities</p> <p>Environmental protection works</p>	<p>Business premises</p> <p>Hotel or motel accommodation</p> <p>Industries</p> <p>Multi-dwelling housing</p> <p>Recreation facilities (major)</p> <p>Residential flat buildings</p> <p>Retail premises</p> <p>Seniors housing</p> <p>Service stations</p> <p>Warehouse/distribution centres</p> <p>Any other development not specified in previous columns.</p>

- ☐ Land up to 5 metres AHD in Chinaman's Beach and Rosherville Reserve is in an acid sulfate soil area, so there are restrictions on works disturbing soil 1 metre below the existing ground surface. A buffer area of land 5 to 10 metres AHD and/or within 170 metres adjoins the acid sulfate soil area.
- ☐ Wetlands and a 100 metre wetland buffer apply to the waters adjoining Chinamans Beach to the north and south, and part of Chinamans Beach and Rosherville Reserve.

3.4.4 Council policies

Policies that apply to Rosherville Reserve and Chinamans Beach include:

- ☐ Foreshore Reserves – Encroachment (1982)
- ☐ Reserves / Beaches Commercial Activities (1986)
- ☐ Horses / Pony / Donkey Rides (1988)
- ☐ Commercial Filming / Photography (1996)
- ☐ Lease and sale of Council-owned land (2000)
- ☐ Donation of Memorial Seats (2000)
- ☐ Donation of Memorial Trees (2000)
- ☐ School Activities on Reserves (2001)
- ☐ Coral Trees (2001)
- ☐ Temporary Access to Private Property Across Council Reserves (2002)
- ☐ Tree Removal from Public Land (2002)
- ☐ Rockfaces and Retaining Walls - Excavation (2002)
- ☐ Fireworks in Council Reserves (2002)
- ☐ Personal Fitness Trainers – Licensing (2004)
- ☐ Urban Forest Policy (2004)
- ☐ Trees- Pruning on Public Land (2005)
- ☐ Parks and Gardens Policy (2005)
- ☐ Public Art Policy (2006)
- ☐ Bushcare Policy (2007)
- ☐ Environmental Policy (undated)
- ☐ Special Event Management Policy (2008).

4 BASIS FOR MANAGEMENT OF ROSHERVILLE RESERVE AND CHINAMANS BEACH

4.1 Introduction

The legislative and State, regional and local planning context applying to Rosherville Reserve and Chinamans Beach was outlined in Section 3. This section defines the specific roles and objectives for Rosherville Reserve and Chinamans Beach, based on community values and management directions of Mosman Municipal Council and the Land and Property Management Authority.

The needs and requirements of Mosman Municipal Council (as manager and land owner), Land and Property Management Authority (as land owner), residents (as neighbours and users), current and future visitors (as users), and leaseholders and other government stakeholders, are reflected in management of Rosherville Reserve and Chinamans Beach.

4.2 Community values

The Mosman community and users value various aspects of Rosherville Reserve and Chinamans Beach for different reasons. By understanding the reasons why the community and users value Rosherville Reserve and Chinamans Beach, the role that the community expects Rosherville Reserve and Chinamans Beach to play in the future may be determined. Also, as the Plan of Management is based on protecting and enhancing the community's values, management actions and desired outcomes that are based on these values are recommended.

Using values as the basis of the Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issues-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues do. Values may remain constant for up to a generation, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

Community values are reflected in various strategic plans, including Future Mosman 2088 in 2020 and MOSPLAN. The community of Mosman places a high value on recreation and foreshore parks. The values outlined below are primarily based on those identified in community consultation regarding Rosherville Reserve and Chinamans Beach in November 2008.

Table 4.1 Values of Rosherville Reserve and Chinamans Beach

Value	Values of Rosherville Reserve and Chinamans Beach
Natural	The natural aspects of the reserves – beach, dunes and native bushland – are set in an urban area. This is one of the few pristine beaches and associated informal reserves on Middle Harbour that is not developed. The dunes of Chinamans Beach represent the last remaining natural dune system on Sydney and Middle Harbours.
Recreation / social	The combination of a grassed and landscape reserve and harbour beach offers opportunities for a range of informal recreation and social activities on both land and water. Activities catered for include children's play, picnics and barbecues, ball games, dog exercise (leashed and unleashed), fishing and kayaking. The reserve is a popular venue for self-catered small and larger social gatherings for family, friends, schools and businesses.
Aesthetic	The vegetated character of the reserve creates a green, beautiful and undulating parkland that forms part of an amphitheatre landform with the ridge to the west. Views to and from the reserve from within the amphitheatre are valued, as are views across Middle Harbour from and to Chinamans Beach. The visual transition between the reserve and surrounding residences is gradual.
Open space	The reserve and beach are open and expansive, with plenty of open space for all to enjoy. They are generally free of structures, commercial interests and encroachments on the open space.
Access	Rosherville Reserve and Chinamans Beach are open to everyone to use. The reserve and beach are close to home for local users, as well as being available to other users from further afield. They have multiple access points, being accessible by foot, bicycle, public transport, and by water. Controlled access between the beach and reserve across the dunes is provided to retain the integrity of the dune system.
Peace and quiet	The reserve and beach are peaceful and quiet in contrast with more popular and developed beaches and reserves such as Balmoral. The peace and quiet of the reserve and beach is a reflection of the surrounding quiet residential area, and distance from traffic and busy roads. The tranquil nature of the reserve and beach attracts quiet people and activities.
Appearance	Local residents and reserve users value the beach and reserve being kept maintained and clean and tidy by Council and users.
Heritage	The indigenous and post-European history of the reserve and beach is an interesting story and is somewhat reflected in the current form of the land. The whole of Rosherville Reserve has local heritage significance.

The management objectives, issues and actions outlined in the following sections will be presented according to these community values.

4.3 Vision for Rosherville Reserve and Chinamans Beach

The management of Rosherville Reserve and Chinamans Beach is based on a vision statement that is shared by Council, the Reserve Trusts, and the wider community. The vision is endorsed by Council and the Land and Property Management Authority. The vision for the park is intended to inspire Council and the Reserve Trust, providing a long-term ideal and focus for all future decisions affecting Rosherville Reserve and Chinamans Beach.

The overall management objective for Rosherville Reserve and Chinamans Beach is to preserve it as a local and regional community resource. This can be achieved by maintaining and strengthening Rosherville Reserve and Chinamans Beach's features and facilities to maximise opportunities for a wide range of land and water-based recreational uses.

Council's corporate goals, community and user values, and the desired outcomes of the community culminate in a vision for the future direction of Rosherville Reserve and Chinamans Beach:

Rosherville Reserve and Chinamans Beach will continue to be a natural and landscaped open space in a quiet residential setting on scenic Middle Harbour for low-key informal land and water-based recreation and social activities.

4.4 Future roles of Rosherville Reserve and Chinamans Beach

Following on from the values and vision defined above, the future roles of Rosherville Reserve and Chinamans Beach are defined below.

Table 4.2 Future roles of Rosherville Reserve and Chinamans Beach

Value	Roles of Rosherville Reserve and Chinamans Beach
Natural	Natural beach and dune system on Middle Harbour. Land and water interface. Remnants of indigenous bushland. Habitat and wildlife corridor for native and introduced fauna. Outdoor classroom.
Recreation / social	Venue for informal recreation, such as children's play and ball games. Venue for private ceremonies. Meeting place for family, school and corporate social gatherings. Leashed dog exercise as well as a designated unleashed dog exercise area. Soft launching point for non-motorised watercraft. Dinghy and kayak storage area.
Aesthetic	Green refuge in a suburban area. Attractive setting for photography and filming. Vantage point for views across Middle Harbour from Chinamans Beach.
Open space	Local park for residents south-east of The Spit. Part of a network of beaches and associated recreation reserves on Middle Harbour. Minimal encroachment by built structures. Stormwater drainage corridor and outlet.
Access	Accessible by land and water. Accessible by local residents and by visitors from outside Mosman. Public access by land to Chinamans Beach. Somewhat accessible for all physical abilities. Vehicle parking. No exclusive uses that preclude public access.
Peace and quiet	Large grassed park with various 'walls and rooms' resulting in settings and spaces available for contemplation, solitude, and 'getting away from it all'.
Appearance	Clean, tidy and uncluttered recreation area.
Heritage	Reminder of local history, especially in terms of early land grants, pleasure gardens, and market gardens.

4.5 Management principles and objectives

Following on from the values and desired roles, it is important to establish some management principles against which recommendations for uses and development of Rosherville Reserve and Chinamans Beach will also be made. As owner of land within Rosherville Reserve and Trust Manager of Crown land, Mosman Municipal Council intends to manage Rosherville Reserve and Chinamans Beach to:

- ☐ preserve the aspects of both reserves that are particularly valued.
- ☐ keep major changes to Rosherville Reserve and Chinamans Beach to a minimum.
- ☐ limit additional developments and structures that do not relate to the roles of Rosherville Reserve and Chinamans Beach.
- ☐ minimise intensification of uses that have adverse impacts on Rosherville Reserve and Chinamans Beach users and local residents.
- ☐ ensure future uses are compatible with the existing range of activities, the reserves' character, and the carrying capacity of facilities and settings.
- ☐ limit commercial activities to those that are related to recreation and directly benefit reserve users.
- ☐ recognise both reserves attract a local as well as a regional catchment of users.
- ☐ involve the community in planning, management and maintenance of Rosherville Reserve and Chinamans Beach.

Objectives relating to each value of the reserves are set out below.



Table 4.3 Management objectives for Rosherville Reserve and Chinamans Beach

Value	Objectives for management of Rosherville Reserve and Chinamans Beach
Natural	<p>Sustainably manage the integrity and diversity of the indigenous flora and fauna and the inter-tidal and aquatic environment.</p> <p>Protect and restore bushland, dunes and the beach as natural systems.</p> <p>Maintain the current balance of natural / regenerating areas to informal recreation areas.</p> <p>Encourage the use of ecologically sustainable development, water sensitive urban design and other management approaches to minimise the use of non-renewable resources.</p> <p>Recognise that Rosherville Reserve and Chinamans Beach have value as an outdoor classroom for natural settings.</p>
Recreation / social	<p>Provide low-key opportunities for a range of informal recreation experiences.</p> <p>Provide safe, fun and, challenging and well-designed children's play areas for children and carers.</p> <p>Increase opportunities for social and community interaction in Rosherville Reserve and Chinamans Beach.</p> <p>Facilitate private and community events and celebrations being held in Rosherville Reserve and Chinamans Beach.</p> <p>Ensure safe enjoyment of Rosherville Reserve and Chinamans Beach for the community day and night.</p> <p>Manage conflicts between recreational and social activities and users.</p>
Aesthetic	<p>Enhance the leafy and green visual character of Rosherville Reserve and Chinamans Beach.</p> <p>Manage the landscape and built elements to achieve an integrated, cohesive appearance that complements the area's scenic setting.</p>
Open space	<p>Discourage encroachments on the open space of the reserves.</p> <p>Adopt Crime Prevention Through Environmental Design and Safer By Design principles to minimise vandalism and increase personal safety of Rosherville Reserve and Chinamans Beach users.</p>
Access	<p>Ensure public access to the reserves by a range of means.</p> <p>Facilitate access to and use of the beach.</p> <p>Improve access for people with disabilities to reserve amenities.</p>
Peace and quiet	<p>Provide and maintain opportunities to experience peace and quiet in Rosherville Reserve and Chinamans Beach.</p>
Appearance	<p>Ensure Rosherville Reserve and Chinamans Beach and the facilities and amenities in it are clean, tidy and well maintained.</p> <p>Avoid generation of waste where possible.</p>
Heritage	<p>Conserve, enhance and promote Aboriginal, European and non-European heritage values of the reserves.</p> <p>Increase awareness of the community and reserve users of the rich and interesting history of the reserves.</p>

5 ACTION PLAN

5.1 Landscape concept plan

The schematic landscape concept plan for Rosherville Reserve and Chinamans Beach is attached in Figure 5.1. The concept plan illustrates the works and actions in the following Action Plan that are proposed to be implemented to achieve the objectives and desired outcomes for Rosherville Reserve and Chinamans Beach. A more detailed Landscape Master Plan will be prepared after further consultation and this Plan of Management is completed.

Key proposed actions and changes to Rosherville Reserve and Chinamans Beach include to:

- ☐ upgrade children's play facilities.
- ☐ improve access for people with disabilities to the amenities building, a beach viewing area, and picnic opportunities.
- ☐ upgrade interpretive, directional and regulatory signage.
- ☐ interpret historic themes associated with the reserve and beach.
- ☐ continue existing beach, dune, bushland and reserve maintenance activities.

5.2 Action Plan

5.2.1 Introduction

The management actions to resolve the management issues (consistent with the community's values) from Section 4 and to implement the landscape concept plan over the next 10 years are presented in the following tables. Table headings are explained as follows:

Value – values of Rosherville Reserve and Chinamans Beach, as described in Section 4.

Strategy – reflects the value and provides direction for the actions.

Action – a specific task required to resolve issues, consistent with the value and strategy.

Priority – importance or urgency of the action, rated as high, medium, low or ongoing.

Responsibility – section within Council, or another organisation responsible for implementing the action. Responsibilities within Council for implementing actions are:

CD	Community Development
CS	Corporate Services
EP	Environment and Planning

CBRA Chinamans Beach Resident Association

Performance target – the desired outcome in implementing and achieving the action.

Means of Assessment – how the achievement of the performance target can be measured and assessed.

Figure 5.1 Landscape concept plan



5.2.2 Natural

Table 5.1 Actions to address natural issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Weeds in bushland	Factors resulting in weeds in Rosherville Reserve include past land uses, garden escapes from neighbouring properties, fill dumped on slopes, and stormwater runoff dispersing weed propagules. Total Earth Care (2007) also report reinvasion of weed species between bushland areas in Rosherville Reserve. Left unchecked, weed species will have a negative effect on native plant and animal species, and on the aesthetic value of Rosherville Reserve.	Increase native flora species diversity and populations. Reduce the establishment of inappropriate weeds and exotic species in the reserve. Reduce the impact of weeds on native vegetation.	Implement the biodiversity management and noxious weed enforcement actions identified in Council's Environmental Management Plan - Action Plan. Manage weeds in bushland in Rosherville Reserve according to Council's Bushland Restoration Contract specifications. Encourage neighbours to plant indigenous species in their gardens and to responsibly dispose of or recycle garden clippings.	High	EP	Reduction in weed cover. Increase in diversity of indigenous species.	Observations Flora survey
Bushland planting	Planting with native species reduces the amount of bare areas in bushland, thus lessening the chance of erosion and weed invasion. Native fauna will benefit from increased habitat and food sources, and the aesthetic value of the reserve is improved.	Retain, and where possible expand, the existing bushland area to improve the viability of native plant communities.	Collect local seed of suitable species and propagate plants. Continue planting indigenous plant species in bushland. Extend indigenous planting around the perimeter of the reserve, particularly in the south-west corner.	High Ongoing Medium	EP EP EP	Reduction in weed escapes from neighbouring gardens. Collection of local seed. Propagation of seedlings. Increase in diversity of indigenous species. Continuous bush corridor around the reserve perimeter.	Observations Flora survey Nursery records. Observations Observations Flora survey Observations

Table 5.1 Actions to address natural issues (cont.)

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Fire regime	Total Earth Care (2007) concluded there is a mesic shift due to over-representation of Sweet Pittosporum and lack of a fire regime. Fire is required and will be used on resilient bushland areas to stimulate native plant regeneration and reduce hazards.	Minimise potential damage to adjoining property from fire, while ensuring propagation of indigenous plant species. Establish a spatial and temporal mosaic of burn areas in the Reserve.	Cull or canopy-thin Sweet Pittosporum where it is or is likely to cause a mesic shift. Manually remove fuel adjoining the reserve boundaries. Carry out ecological or hazard reduction burns throughout the bushland areas, especially in resilient bushland areas.	High	EP	Reduction in occurrence of Sweet Pittosporum.	Vegetation response.
				High	EP	Fuel absent from reserve boundaries.	Observations
				High	EP	Ecological or hazard reduction burn implemented.	Response of vegetation from ecological burning.
Bushcare volunteer recruitment	The local Bushcare group working in Rosherville Reserve needs volunteers.	Encourage a sense of 'ownership' of the local community in the reserve and a resident-Council partnership in bushland management.	Actively recruit Bushcare volunteers.	High	EP	Increased number of volunteers	Report from Bushcare supervisor.
			Continue support of Bushcare groups working in the reserve, particularly planting and weed control days.	High	EP	Positive feedback from Bushcare volunteers.	Number of Bushcare volunteer meetings. Surveys of Bushcare volunteers.
Bushland interpretation	Signs in the reserve inform reserve users that Bushcare activities are carried out. No information is provided about plant communities, natural values, or bushland management and protection.	Provide on-site interpretive information relating to bushland areas.	Replace existing bushland interpretation signs with more informative signs.	Medium	EP	On-site interpretive information installed.	Positive feedback from reserve users.

Table 5.1 Actions to address natural issues (cont.)

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Dune management	Views regarding the dune vegetation are polarised. On one hand, those seeking views through the dune vegetation from surrounding houses and the reserve to the beach want lower, sparse vegetation planted on the dunes. Concern has been expressed about dense vegetation attracting snakes and ticks. Conversely, species planted on the dunes were chosen to stabilise the dunes. Taller trees provide a wind-break and shade for people on the beach. Weed species, such as the <i>Canariensis</i> palm on the northern dune, are not desirable on dunes.	Stabilise the sand dunes with appropriate indigenous species and measures such as fencing.	Carry out dune main-tenance works set out in the Chinamans Beach Mosman SMCMA Work Area Maintenance Plan 2008 and Mosman Flora and Fauna Survey 2007. Consider removal of the <i>Canariensis</i> palm on the northern dune. Collect local seed and propagate plants for revegetation with local species for the dune. Monitor the movement of dunes.	Ongoing	EP	Dunes maintained according to maintenance plans.	Audit of maintenance practices.
Beach management	The beach is cleaned by a non-mechanical beach rake which retains wrack on the beach to protect the unique intertidal biodiversity.	Ensure that beach cleaning practices do not negatively affect intertidal biodiversity.	Continue the current beach management, maintenance and cleaning regime, and increase if/when required. Include information about beach cleaning in interpretive information distributed to hirer groups and interested people.	Ongoing	EP	No litter on the beach. Presence of wrack on the beach.	Measure-ments and observations. Observations
Introduced animals	Introduced fauna species have been sighted in the reserve.	Control introduced species in the reserves.	Control introduced animals in a manner appropriate to the species.	Ongoing	EP	Beach cleaning information included in interpretive material. Reduced sightings of and damage caused by introduced fauna.	Observations

5.2.3 Recreation / social

Table 5.2 Actions to address recreation / social issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Children's play	The children's playground requires upgrading to meet children's play needs and Australian standards. The playground is not easily accessible from the carpark or to the amenities building. Conflicts also occur between unleashed dogs and children.	Upgrade the children's playground to meet standards and to serve the needs of children and carers.	Consult with reserve users and the local community about the playground design.	Medium	EP	Consultation completed.	Community comments.
			Fence the playground.	Medium	EP	Fence installed	No conflicts between children playing and dogs
			Shade the play equipment and seating for carers close to the playground.	Medium	EP	Playground shaded by trees or a structure	Playground users not burnt from sun.
Unleashed dog exercise	Rosherville Reserve is an unleashed dog exercise area at various times. Dogs are not permitted on Chinamans Beach. However, unleashed dogs are let on to Chinamans Beach and into the water, and they conflict with other users of Rosherville Reserve such as children and picnickers.	Minimise conflicts between unleashed dogs and other reserve users.	Improve legibility and location of signage relating to times and places for authorised unleashed dog exercise, bags for dog droppings, waste collection bins, and exclusion of dogs from the beach.	Medium	CS	Signage installed.	Observations.
			Regularly trim shrubs to ensure signage is visible.	Ongoing	EP	Signs visible at all times.	Observations
			Enforce restrictions on dog exercise and behaviour.	Ongoing	CS	No infringements of companion animal legislation in the reserve and on the beach.	Frequency of inspections by rangers.

Table 5.2 Actions to address recreation / social issues (cont.)

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Picnic facilities	There is no picnic furniture in Rosherville Reserve. Picnickers bring their own chairs and tables. It is desirable to provide an accessible picnic setting in the reserve.	Cater for the needs of people with a disability.	Provide picnic tables near the playground and under trees near the amenities building.	Medium	EP	Accessible picnic facilities installed.	Observations Use by people with disabilities.
Storage of dinghies and kayaks	Kayaks and dinghies are stored under trees in the south-eastern section of Rosherville Reserve. However, such storage damages the adjacent Bushcare area. Kayaks and dinghies are also stored at the northern end of the beach.	Formalise watercraft storage in the reserve, taking into account access, views, reserve users, and vegetation.	Install a dinghy storage rack in or near the current storage location at the southern end of the reserve clear of bush regeneration areas.	Low	EP	Dinghy storage rack installed.	Observations Orderly storage of watercraft.
Community garden	There is some interest in the local community about establishing a community garden in the reserve.	Establish a community garden in the reserve if there is sufficient interest.	Consult with the community to determine interest in a community garden in the south-west corner of the reserve. Consider establishing a community garden in the reserve.	Low	EP	Level of interest determined.	Consultation with the community.
				Low	EP	Community garden considered.	Report to Council

5.2.4 Aesthetic

Table 5.3 Actions to address aesthetic issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Trees	Trees are integral to the landscape character of the reserves. However some trees block views, or are dropping branches, or are reaching the end of their useful life and require replacement.	Continue planting, maintenance and replacement of trees in the reserves.	Continue tree maintenance according to the contract for Parks Tree Management, Council's Urban Forest Policy, and Tree Preservation Policy.	Ongoing	EP	Healthy trees. No injuries to reserve users caused by trees.	Arborist report.
		Reinforce the existing planting themes of the reserve while strengthening the design theme and promoting increased enjoyment and use of the reserve.	Strengthen and renew native remnant planting, particularly along the beach front and the creek line extending through the reserve.	Medium	EP	Higher density of native remnant planting along beach and creek line.	Observations. Planting plans.
		Retain view corridors to Chinamans Beach.	Plant carefully selected exotic species that reflect historical plantings (such as London Plane and Willow) on the grassed areas.	Low	EP	Appropriate exotic species planted on the grassed areas.	Observations.

5.2.5 Open space

Table 5.4 Actions to address open space issues

Issue	Background	Strategies	Actions	Priority	Respons- -ibility	Performance target	Means of assessment
Encroach- ment	Private gardens, furniture and boats of adjoining residents encroach on Rosherville Reserve. A section of land on the northern-most access track is currently a lawn. It appears that the resident makes use of this area and possibly makes their own path through the bush.	Discourage private encroachments on public open space. Encourage a sensitive transition between public and private land.	Liaise with residents whose gardens and property encroach on the reserve to remove the encroachments.	Medium	EP	No private encroach-ments on the reserve.	Reports to Council. Observations
			Clear non-native undergrowth from the perimeter of the reserve.	Low	EP	Non-native undergrowth cleared from reserve perimeter.	Observations Flora survey
			Plant out all encroachments with local native plant species.	Low	EP	Planting completed.	Observations
Sewerage	Rosherville Reserve and Chinamans Beach are a drainage corridor. Sewerage pipes to the north leak into the reserve, causing wet areas and bad smells.	Ensure stormwater and sewerage pipes are in working order.	Liaise with Sydney Water about upgrading or replacing sewerage pipes on the north-western boundary of the reserve.	High	EP	Liaison with Sydney Water completed. Sewerage issue resolved.	Report from Sydney Water.
Stormwater	Stormwater falling on and flowing through the reserve is not harvested.	Capture and reuse stormwater.	Install a water tank associated with the new amenities building.	Medium	EP	Water tank installed. Reduction in potable water used in the reserve.	Observations. Water use records.
			Investigate, and if feasible, implement a water re-use project for irrigation of the reserve in conjunction with the two existing SQIDs.	Low	EP	Agreement about water re-use project.	Report to Council

5.2.6 Access

Table 5.5 Actions to address access issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Pedestrian access to the reserve	Access from Hopetoun Avenue is via an unmade road to the water. However it appears to be a private accessway. A branch off that pathway leads to the reserve for pedestrian access. The pathway on the northern side is badly eroded from stormwater. Paths into the reserve from Kiora Avenue and Hopetoun Avenue are uneven for wheelchairs and prams.	Facilitate access for pedestrians to the reserve and beach.	Erect signs indicating the unmade road from Hopetoun Avenue is a public access route to the beach.	Medium	EP	Signage installed. Increased use of entry.	Observations
			Address stormwater erosion issues on the northern pathway.	Medium	EP	Stormwater erosion issues addressed.	Observations
			Improve pathways to the reserve from Kiora Avenue and Hopetoun Avenue.	Low	EP	Improved surface of pathways to the reserve.	Observations Positive feedback from reserve users.
			Maintain access along the Barney Kearns steps linking Parriwi Road to the reserve.	Ongoing	EP	Pedestrian access from the south-western side of the reserve.	Observations
Vehicle parking	Congestion sometimes occurs in the carpark, and vehicles park in 'No Stopping' zones.	Ensure orderly vehicle access and parking.	Regularly enforce vehicle parking regulations.	Ongoing	CS	No conflicts related to vehicle parking.	Reports to rangers. Observations
Access for people with disabilities	Access for people with disabilities to and within Rosherville Reserve is limited.	Improve access for people with disabilities in the reserve.	Provide an accessible toilet in the amenities building.	High	EP	Accessible toilet installed.	Positive feedback from reserve users.
			Construct a beach viewing area.	Medium	EP	Beach viewing area constructed.	Observations
			Investigate options for an equal access path from the carpark to the beach viewing area and amenities building.	Medium	EP	Investigation complete. Options determined.	Report to Council

5.2.7 Peace and quiet

Table 5.6 Actions to address peace and quiet issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Noise	Noisy activities such as functions at night, remote controlled cars and planes, fitness ‘boot camps’, and using amplified music disturb local residents.	Minimise noise generated by use of the reserve and beach on local residents.	Respond to resident requests for rangers to enforce noise restrictions arising from noisy activities in the reserve.	Ongoing	CS	Reduction in complaints by residents about noisy activities in the reserve.	Reports to rangers.

5.2.8 Heritage

Table 5.7 Actions to address heritage issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Interpretation	A sign outlining the history of Rosherville Reserve and Chinamans Beach is located close to the carpark.	Increase awareness and appreciation of reserve and beach users about the area's history.	Interpret: <input type="checkbox"/> the origin of 'Rosherville' from a pleasure ground in Kent, England. <input type="checkbox"/> the story of the Armitage residence formerly located on the site of the amenities building. <input type="checkbox"/> indigenous plants. Compile a short updated natural and cultural history of the reserve and beach.	Medium	CD	Interpretation complete.	Written and pictorial account.
			Issue the updated historical account to schools and people making bookings of the reserve and beach, and for self-guided walks. Install a new historical interpretation sign near the carpark.	Ongoing	CD	Reserve hirers and interested people receive historical information.	Positive feedback from groups and other reserve users. Positive comments to Council
			Replace cultural plantings such as Plane trees, Native Frangipani, Water Gums and Melaleucas with a mixture of native and exotic trees in the long term.	Low	EP	Historical sign installed.	Observations
Cultural plantings	Several non-indigenous tree species have been planted in Rosherville Reserve throughout the reserve's history.	Reflect cultural plantings in tree species selection.		Low	EP	Mixture of native and exotic trees consistent with cultural plantings.	Species list Reference to cultural plantings

5.2.9 Appearance

Table 5.8 Actions to address appearance issues

Issue	Background	Strategies	Actions	Priority	Respons- ibility	Performance target	Means of assessment
Litter	Litter is left behind by picnickers in the reserve and on the beach.	Minimise waste generated and left in the reserves.	Provide more bins near the carpark and a bin close to the beach. Empty bins more often in summer and on weekends.	Medium	EP	Bins installed. Reduction in litter in the reserve.	Observations
			Provide bins for recycling waste.	High	EP	Increased frequency of emptying bins at high use times. Bins installed and used.	Maintenance schedule.
Dog waste	Some dog owners do not pick up dog waste.	Encourage dog owners to clean up after dogs.	Provide more bag dispensers and dog waste bins.	Medium	EP	Installation of bag dispensers and dog waste bins.	Observations
Beach cleaning	Chinamans Beach is cleaned manually to retain the wrack as habitat for intertidal fauna species.	Maintain the intertidal diversity of Chinamans Beach.	Continue the current beach cleaning regime. Follow the recommendations of the Chinamans Beach monitoring program.	Ongoing	EP CBRA	Beach is free of litter. Wrack on beach. Beach is free of litter. Wrack is maintained.	Observations
Turf management	The grass in the reserve sometimes gets very long.	Ensure the turf is cut regularly.	Cut turf according to contract specifications.	Ongoing	EP	Turf is cut to an acceptable height.	Contract specifications
Bubbler	The area around the bubbler becomes muddy.	Minimise muddy areas in the reserve.	Seal the area around the bubbler.	Low	EP	Bubbler is set in a hard surface.	Observations.
Reserve name sign	The reserve name sign in a garden bed near the carpark is not obvious and could be more visible.	Increase visibility of the park name sign.	Upgrade the park name sign.	Low	EP	Park name sign is more visible.	Observations Feedback from park users

6 IMPLEMENTATION AND REVIEW

6.1 Permitted future uses and developments

6.1.1 Introduction

It is not possible to forecast every activity, development or structure that may occur at Rosherville Reserve and Chinamans Beach in the future. New activities, developments and structures may be proposed in response to an application for use of Rosherville Reserve and Chinamans Beach, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

Guidelines for assessing the appropriateness of new activities, developments and structures in Rosherville Reserve and Chinamans Beach are outlined below.

6.1.2 Legislative requirements

Community land

Under the *Local Government Act 1993*, uses and developments within land categorised as community land must be consistent with the guidelines for categorisation and the core objectives of the relevant category.

Leases and licences over community land must follow the requirements of the *Local Government Act 1993* for leases, licences and other estates.

Crown land

Principles of Crown land management

Crown land must be generally used and managed according to the principles of Crown land management under Section 11 of the *Crown Lands Act 1989* (refer to Section 3).

Public purpose

Any proposed use or development of Chinamans Beach must be in the first instance ancillary to and supportive of the public purpose. Chinamans Beach is Crown land that is reserved for the public purpose of Public Recreation. The uses, activities, developments and agreements for its use are determined by what is acceptable under the public purposes. The public purpose overrides the zoning and other provisions in the Mosman Local Environmental Plan.

The Land and Property Management Authority has stated that the definition of each public purpose is to be determined in a Plan of Management. Public Recreation on Chinamans Beach is thus defined as 'low-key informal land and water-based recreational and social activities'.

Permissible uses

The Reserve Trust must consider certain issues when deciding whether a particular land use or development on Crown land is appropriate, including the:

- ☐ compatibility of the proposal with the notified purpose of the reserve.

- ☐ impact on the existing use of the reserve.
- ☐ compatibility with the vision and management objectives established for the reserve.
- ☐ need for the proposal and whether it will promote and be ancillary to the use and enjoyment of the reserve, as distinct from satisfying a requirement generated by an adjoining property or by an independent or collateral community need.
- ☐ advantage and benefit that the development would bring to the normal reserve user.
- ☐ management responsibility and public availability of the development to reserve users.
- ☐ need for a lease and its draft terms, conditions and rental that would apply.

Proposed uses or developments must also accord with the principles of Crown land management, case law (for the public purpose of Public Recreation), policies, and requirements for leasing and licensing outlined below.

The Reserve Trust will have the ongoing responsibility to provide care, control and management of Crown Land in this reserve in accordance with the *Crown Lands Act 1989*. It is important that all parcels of Crown Reserve are managed according to the *Crown Lands Act 1989*, as well as within the broader context of all land under Council's control.

Case law

Case law judgements influence the policy and practice of the Land and Property Management Authority, and Mosman Municipal Council as the manager of the Reserve Trusts, to assist in defining acceptable uses and activities on Crown reserves for Public Recreation.

Principles established by case law are:

- ☐ use of the reserve must be consistent with the public purpose for which the land is dedicated or reserved. This includes uses ancillary to or supportive of the reserve purpose.
- ☐ improvements and developments to land which is reserved or dedicated are confined to those which support, or are ancillary to, the public purpose of the reservation. Such improvements and developments would include a kiosk on a reserve for Public Recreation.
- ☐ a reserve cannot be used for a purpose relating to an activity that is occurring off the reserve and that is not consistent with the reserve purpose. For example, car parking on a Crown reserve for Public Recreation that serves an adjoining land use would not be acceptable.
- ☐ land reserved or dedicated for public recreation must be open to the public generally as a right. Exclusive use of the reserve should be minimised to avoid sections of the community becoming alienated from using the reserve. The public may only be restricted from access to parts of the reserve and buildings if it is necessary for the public's enjoyment of the reserve or for health and safety reasons to be excluded, for example from a workshop, equipment storage or operational facilities.
- ☐ access as of right does not mean entirely free access. Reasonable entry fees and charges may be imposed, as well as other legal constraints to entry such as those relating to health and safety for example.
- ☐ a lease or licence must be consistent with the reason or purpose of the land's reservation or dedication.

Policies

Uses of Crown land must also be consistent with any relevant policies relating to Crown lands, such as the Food and Beverage policy that is applicable to restaurants, kiosks and the like.

Leases and licences

Refer to Section 6.2 for requirements for leases and licences on Crown reserves.

Development application requirements

Reserve Trusts are “public authorities” as defined in the *Environmental Planning and Assessment Act*. Under Clause 49 of the *Environmental Planning and Assessment Regulation 2000*, consent in writing of the owner of the land for a development application is not required when a public authority, before making the application, serves a copy of the application on the owner.

Land zoned for open space and recreation

The Mosman Local Environmental Plan sets out in general terms what types of developments are permissible within the 6(a) Public Recreation zone, or RE1 Public Recreation and E2 Environmental Conservation zones, and provisions for conservation of heritage items. All proposed uses, development and building works in this Plan of Management need to be permissible under the applicable Local Environmental Plan, and assessed if required through a development application process consistent with the *Environment Planning and Assessment Act, 1979*. This Plan of Management would be an important supporting document for the required development applications for the proposed works.

Any Development Applications, proposed works and major management issues will be advertised to residents for information and to invite comment.

6.1.3 Permitted activities and developments

Activities and developments that are permitted within Rosherville Reserve and Chinamans Beach should be consistent with:

- ☐ the objectives of this Plan of Management (Section 1).
- ☐ the objectives for management of Rosherville Reserve and Chinamans Beach (Sections 3 and 4).
- ☐ relevant legislation (Section 3.1), particularly the *Crown Lands Act 1989* and *Local Government Act 1993*.
- ☐ the categorisation of community land and public purpose of Crown land.
- ☐ the zoning under the Mosman Local Environmental Plan (Section 3).
- ☐ values of Rosherville Reserve and Chinamans Beach (Section 4)
- ☐ objectives for Rosherville Reserve and Chinamans Beach (Section 4)
- ☐ the future roles of Rosherville Reserve and Chinamans Beach (Section 4)
- ☐ additional guidelines for assessing future uses and developments (Section 6).

Permanent structures and unauthorised vehicle access will be discouraged on Chinamans Beach.

Noisy activities and functions in the reserve will continue to be actively discouraged.

Table 6.1 Examples of future use and development of Rosherville Reserve and Chinamans Beach

Examples of purposes for which the land and any such buildings or improvements will be permitted to be used	Examples of purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise	Scale and intensity of any such permitted use or development
Bush regeneration, revegetation Ceremonies Children's play Commercial activities Community use Community events Corporate promotions Cycling Dog exercise (leashed, unleashed in designated areas excluding the beach) Emergency purposes Environmental education Fishing (recreational) Functions Informal ball games (soft balls) Launching and retrieval of non-motorised watercraft Markets Passive recreation Picnics Photography / filming Running Sports training throughout the year Storage of watercraft Temporary access to private property Vehicle access (authorised vehicles only) Vehicle parking (designated areas) Walking	Access for people with disabilities Amenities / change facilities Bicycle path Carparks Childrens' play equipment Community garden Decking Dinghy storage racks Drainage Earthworks Environmental protection works Exempt and complying development Food and beverage outlet Irrigation systems Landscaping / gardening Lighting Nets for sporting activities (temporary) Park furniture Park materials storage - temporary Pathways Picnic shelters Planting Public art (permanent, temporary, ephemeral) Public utilities Recreation areas Recreation facilities (outdoors) Signage (directional, regulatory, interpretive) Temporary advertising Water storage receptacles	Refer to Masterplan. Monitor physical impacts on Rosherville Reserve and Chinamans Beach.

6.1.4 Scale and intensity of future uses and development

Rosherville Reserve and Chinamans Beach are generally intended to be used for informal and passive recreation, informal games, and social gatherings.

Purposes for which any further development of Rosherville Reserve and Chinamans Beach will be permitted (under lease, licence or otherwise) are outlined in this Plan of Management, consistent with the public purpose of Crown land and categorisation of community land, any approved Development Application, and any provision of an applicable development control plan for exempt and complying development.

Any use or development that would further encroach on Rosherville Reserve and Chinamans Beach's passive open space should be prevented.

The scale and intensity of future uses and development is dependent on:

- ☐ the nature of the approved future uses.
- ☐ the landscape concept plan for Rosherville Reserve and Chinamans Beach (Section 5.1).
- ☐ the carrying capacity of the parkland and its facilities.
- ☐ approved Development Applications.

Impacts of future uses and developments on the reserves and users should be monitored, and appropriately managed.

6.2 Leases and licences

6.2.1 What are leases and licences?

A lease will be typically required where exclusive use or control of all or part of Rosherville Reserve and Chinamans Beach is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in Rosherville Reserve and Chinamans Beach justify such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of Rosherville Reserve and Chinamans Beach is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

Leases and licences can be established by the Council for public or private purposes, providing they are consistent with the objectives of this Plan of Management, and that the residential and environmental amenity of surrounding areas is maintained.

Licences and leases for the use of the subject land for activities need to be permissible under the *Local Government Act 1993*, *Crown Lands Act 1989*, the Mosman Local Environmental Plan, this Plan of Management, and pursuant to Development Consent if required. Legislation relevant to leases and licences is in Appendix B.

6.2.2 Existing leases and licences

This Plan of Management authorises the current licence for the mobile provision of refreshments until the end of its current term on 30 March 2011, before renewal or the exercising of any options.

6.2.3 Authorisation of future leases and licences

Leasing and licensing will be in accordance with the objectives and principles of Council's adopted Management Plan. Depending on the nature of the proposed lease or licence, Council would develop specific objectives and conditions tailored to the proposal.

Future leases and licences are authorised if they meet the guidelines outlined in this Plan of Management.

This Plan of Management particularly authorises leases and licences for small-scale commercial uses that support the use of the reserves for passive recreation and social activities, such as recreation equipment hire and food and beverage provision.

In assessing the suitability of Rosherville Reserve and Chinamans Beach as a venue for organised gatherings, the Mosman Municipal Council will apply the following criteria that the event should:

- ☐ not result in physical damage to Rosherville Reserve and Chinamans Beach.
- ☐ be available to all sectors of the community.
- ☐ not result in a significant impact on adjoining residents or other users of Rosherville Reserve and Chinamans Beach.

Organisers of the event should be responsible for cleaning up the site and repairing any damage that may occur.

6.2.4 Guidelines for assessing proposed uses under lease or licence

In considering whether to grant any lease or licence, the Trust (for Crown land) and Council should take into account the consistency of the proposal with the values and objectives of this Plan of Management, particularly regarding:

- ☐ whether the use/activity is in the public interest.
- ☐ whether the use / activity is consistent with the public purpose of Crown land and / or the categorisation of community land.
- ☐ whether the use/activity would not cause any significant detrimental impact on the reserve or on the local community.
- ☐ the impact of the lease/licence on the public/private space of the reserve.
- ☐ the impact on maintaining the reserve as one cohesive open space.
- ☐ compatibility with zoning and other Council requirements.
- ☐ provision of benefits and services or facilities for the users of the land.
- ☐ responsibility of the lessee/licensee for ensuring the area is maintained to a standard which is acceptable to Council.
- ☐ the need to define the times the land or facility will be available for use by the lessee/licensee.
- ☐ any fixed or temporary outdoor lighting of areas to be allowed only between the hours identified in the lease/licence.

Further considerations that may affect leases and licences are:

- ☐ fees can be charged as part of a lease or licence and can be commercially based.
- ☐ the lessee or licensee should take out public risk insurance and produce notices of the policy as required on renewal.
- ☐ use of the premises by the lessee or licensee is restricted to only those activities authorised in the lease or licence.
- ☐ any alteration, transfer or sub-letting etc should not be permitted without Council's consent.

- ☐ ownership of improvements should be dealt with in the lease or licence.
- ☐ a lease (5 years or more) should be registered on the land title.
- ☐ a licence can be terminated by either party.

6.3 Funding sources

6.3.1 Introduction

There are a number of approaches that Council and Reserve Trusts can take in funding the implementation of this Plan of Management. Mosman Municipal Council, as Trust Manager and land owner, is likely to fund most of the proposed improvements to Rosherville Reserve and Chinamans Beach with assistance from other organisations.

6.3.2 Reserve Trust proceeds

Under Section 106 of the *Crown Lands Act 1989*, the Minister may direct that proceeds from a sale, lease, easement or licence (including a temporary licence) of a Crown reserve be paid to:

- ☐ another Reserve Trust to be used for care, control and management of the other Trust's reserve.
- ☐ the Consolidated fund or to a Public Reserves Management Fund under the *Public Reserves Management Fund Act 1987*.

The Public Reserves Management Fund provides loans or grants that assist Crown Reserve Trusts in the management, planning and development of Crown reserves. The fund principally relies on levies on coastal caravan parks, and repayments of loan principal and interest. A 15% levy on the proceeds from leases and licences that can then be applied for the care and maintenance of reserves also contributes to the Public Reserves Management Fund. Funds are distributed on a merit basis to Trusts that apply for grant funds for specific projects.

In the absence of a direction from the Minister, the proceeds from a reserve shall be invested or applied for the general purposes of the Reserve Trust.

6.3.3 Council funding

General

The implementation of this Plan of Management is achieved through its linkage with Council's Management Plan, Operational Budget, and Capital Works Program. Funding is integral to implementing the Plan.

Funding arrangements for the reserves need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and Section 94 funding for capital and non-recurrent works.

Funding for construction of new facilities is generally through the annual budgeting process, but special projects may be partly funded through State government grant allocations, which may involve matching funding from Council.

Staging of works will need to occur because Council cannot meet the cost of every single item of work proposed at one time, due to other financial commitments throughout the municipality.

Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works in the reserves.

Community Environmental Contract

CEC is funded by a rates levy for expenditure on environmental restoration and asset management projects in Mosman that are not funded by Council's core budget. Projects funded by the CEC include bushland rehabilitation and stormwater improvements.

Infrastructure levy

The Infrastructure Levy is funded by a rates levy for expenditure on infrastructure improvements and capital projects in Mosman. Projects funded by the Infrastructure Levy include roads and pavements, stormwater, buildings and open space.

Partnerships

There is an opportunity to develop further partnerships with residents and interested people in relation to reserve improvements and ongoing management, such as bush regeneration.

Rental income

Income from Rosherville Reserve and Chinamans Beach is generated by licence fees, parking fees, and from applicants for approved functions and events.

6.3.4 Grants

A number of Commonwealth and State government grants are available to assist with capital works in the Park. While not exhaustive, the following list gives an indication of the range of available grant programs through which improvements to Rosherville Reserve and Chinamans Beach consistent with their size, catchment and intended uses could be funded.

Table 6.2 Potential sources of grant funding

Grant	Organisation	Purpose
Commonwealth		
Natural Heritage Trust	Department of Environment and Heritage	Bushcare Program: conserving and restoring habitat for native flora and fauna.
Public Art Program	Ministry for the Arts	Grants of up to \$4,000 are available to assist in the commissioning of concept proposals by artists. Matching grants of up to \$20,000 are available for commissioning public art.
Australia Council for the Arts	Australia Council	Community cultural development, visual arts / crafts, theatre, dance, music
Community Water Grants	Department of Environment and Heritage	Offers grants to help local community organisations to save, recycle or improve the health of their local water resources. Grants are available for projects related to water saving and efficiency, water recycling, and water treatment to improve surface and groundwater health.

Table 6.2 Potential sources of grant funding (cont.)

Grant	Organisation	Purpose
State		
Public Reserve Management Fund	Land and Property Management Authority	Assists Crown Reserve Trusts in the management, planning and development of Crown reserves.
Metropolitan Greenspace Program	Department of Planning	Planning and improvement of regionally significant open space in Sydney.
Capital Assistance Program	Department of Tourism, Sport and Recreation	Community-oriented sporting and / or recreational facilities.
Environmental Trust: Integrated Environmental Program	Department of Environment and Conservation	Environmental restoration and rehabilitation to prevent or reduce pollution, waste or other environmental degradation.
Heritage Study and Promotion Projects	NSW Heritage Office	Studies, promotion, interpretation and presentation, histories and other projects for heritage items in NSW.
Sharing Sydney Harbour Access Program	Department of Planning	Improve public access to and enhance the recreational enjoyment of Sydney Harbour and its tributaries for the people of Sydney and visitors to the city. Funding for specific capital works projects such as walking tracks, cycle paths, new public waterfront parks, jetties, pontoons and boat launching facilities.

6.4 Reporting

Under Section 122 of the *Crown Lands Act 1989*, a Reserve Trust must furnish a report on its activities for the previous financial year. Contents of the report are listed in Clause 32(2) of the *Crown Lands Regulation 2006*.

6.5 Implementation of this Plan of Management

Once Council adopts the Plan of Management and the Land and Property Management Authority approves it, it is incumbent on the Reserve Trust to “carry out and give effect to it” (Section 114 of the *Crown Lands Act 1989*). The Trust must only allow operations or development that is in accordance with the Plan of Management.

Implementation of the Plan will be monitored annually with the preparation of annual performance standards and capital works programs. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council’s Management Plan.

Funding for management of the Reserve will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.6 Review of this Plan of Management

This Plan of Management is intended to be reviewed and updated within five years, ie. by 2014, with a major review by 2019. It should be updated to reflect changing community and Council priorities and issues, to take into account changes in legislation or Ministerial directions, and to recognise completed actions. Review of this Plan of Management should also take into account the outcomes of periodic reviews of Council’s strategic and operational plans.

The Action Plan tables have a shorter life and therefore require more frequent reviews and updating. The Action Plan tables should be reviewed and revised yearly in accordance with Council's budgets, Capital Works Program and changing priorities.

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APPENDIX A

Legislation applying to Rosherville Reserve and Chinamans Beach

Environmental Planning and Assessment Act 1979

State Environmental Planning Policy 19 – Bushland in Urban Areas

Under SEPP 19, bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation. Section 8 of SEPP 19 applies to bushland zoned or reserved for public open space. Rosherville Reserve includes approximately one hectare of remnant and regenerated bushland.

SEPP 19 aims to protect and preserve bushland in urban areas because of its natural heritage value, aesthetic value, and value as a recreational, educational and scientific resource.

It states that Plans of Management shall be consistent with the aims of the Policy. In respect of the bushland to which it applies, a Plan should describe and analyse the bushland, and specify measures to be taken to:

- ☐ implement the specific aims of the Policy.
- ☐ enable recreational use of the bushland.
- ☐ reduce hazard from bushfire.
- ☐ prevent degradation of bushland.
- ☐ restore and regenerate degraded areas of bushland.

SEPP 19 also sets out matters that a consent authority must consider when assessing development within areas zoned for urban bushland or in an adjoining area.

SEPP 64 – Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and is of high quality design and finish.

SEPP 64 prohibits display of advertisements other than business identification signs in environmentally sensitive areas, heritage areas, natural or other conservation areas, open space (except sponsorship advertising at sporting facilities), waterways, and scenic protection areas.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Introduction

The SREP (Sydney Harbour Catchment) consolidates the provisions of SEPP 56 (Sydney Harbour Foreshores and Tributaries) and SREP 23 (Sydney and Middle Harbours). The Development Control Plan for Sydney Harbour Foreshores and Waterways accompanies the SREP (Sydney Harbour Catchment).

Although there is reference in the SREP (Sydney Harbour Catchment) to environmental planning instruments, environmental studies, and master plans for specific significant sites, there are no specific requirements for the preparation of Plans of Management.

Aims and objectives

The SREP (Sydney Harbour Catchment) 2005 controls planning and development in the Sydney Harbour catchment which includes Rosherville Reserve and Chinamans Beach. With respect to the Sydney Harbour catchment, the SREP (Sydney Harbour Catchment) 2005 aims to:

- ☐ ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset and as a public asset of national and heritage significance for existing and future generations.
- ☐ ensure a healthy, sustainable environment on land and water.
- ☐ achieve a high quality and ecologically sustainable urban environment.
- ☐ ensure a prosperous working harbour and an effective transport corridor.
- ☐ encourage a culturally rich and vibrant place for people.
- ☐ ensure accessibility to and along Sydney Harbour and its foreshores.
- ☐ ensure the protection of, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

The objective of the SREP (Sydney Harbour Catchment) is to provide a clear set of planning principles to protect the natural assets of Sydney Harbour, ensure appropriate use of foreshore land, and encouraging public access to and along the foreshores. These principles need to be considered when preparing environmental planning instruments, development control plans, environmental studies and master plans under the *Environmental Planning and Assessment Act 1979*. The planning principles for the Sydney Harbour Catchment include to:

- ☐ protect and improve hydrological, ecological and geomorphological processes affecting catchment health.
- ☐ maintain and, where possible, restore the natural assets of the catchment for their scenic and cultural values and their biodiversity and geodiversity.
- ☐ consider the cumulative environmental impact of development within the catchment.
- ☐ achieve the targets of the Water Quality and River Flow Interim Environmental Objectives for Sydney Harbour and Parramatta River Catchments, while being consistent with the guidelines in Australian Water Quality Guidelines for Fresh and Marine Waters.
- ☐ protect the functioning of natural drainage systems on floodplains, and comply with guidelines in the Floodplain Development Manual 2005.
- ☐ protect and enhance the visual qualities of Sydney Harbour.
- ☐ increase the number of viewing points accessible to the public.
- ☐ improve the water quality of urban runoff, reduce the quantity and frequency of urban runoff, prevent the risk of flooding, and conserve water.
- ☐ achieve the objectives and targets in the Sydney Harbour Catchment Blueprint.
- ☐ protect and rehabilitate developed land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity.
- ☐ avoid or minimise disturbance of acid sulphate soils resulting from development.

Issues such as foreshore access, visual and natural environments, recreation and maritime industrial uses are subject to performance-based criteria and guidelines that aim to:

- ☐ protect ecological communities within the areas covered by SREP (Sydney Harbour Catchment) 2005.
- ☐ ensure that the scenic quality of the area is protected and enhanced.
- ☐ provide site planning and design principles for new buildings and waterside structures within the area.
- ☐ identify potential foreshore access locations in the area.

Rosherville Reserve and Chinamans Beach are within the Foreshores and Waterways Area designated in the SREP (Sydney Harbour Catchment). Matters applying to development decisions need to be considered by consent authorities when they assess development applications under Part 4 of the EPA Act, and by public authorities and others in carrying out proposed activities under Part 5 of the Act. The matters for consideration are aimed at ensuring better development decisions in the immediate harbour area, relating to ecological and scenic quality, built form and design, public access, and recreational and working waterfront uses.

The planning principles for land in the Foreshores and Waterways Area include to:

- ☐ protect, maintain and enhance the natural assets and unique environmental quality of Sydney Harbour, and its islands and foreshores.
- ☐ increase, maintain and improve public access along the foreshore, while minimising its impact on natural environments.
- ☐ increase, maintain and improve access to and from waterways for public recreational purposes.
- ☐ enhance the unique visual qualities of Sydney Harbour, its islands and foreshores.
- ☐ provide public access on foreshore land used for industrial or commercial maritime purposes where such access does not conflict with the use.
- ☐ use foreshore land so that it does not conflict with adjacent land used for commercial maritime purposes.
- ☐ encourage water-based public transport to link with land-based public transport at public spaces along the waterfront.
- ☐ encourage provision and use of public boating facilities along the waterfront.

The SREP defines a series of performance criteria that are aimed at conserving biological diversity within and around Sydney Harbour and its tributaries. Within this context, criteria have been devised to ensure that:

- ☐ ecological communities, particularly those which form wildlife habitats, are protected and where feasible, enhanced.
- ☐ development is sited to retain native vegetation, wetlands and natural foreshores.
- ☐ development is accompanied by revegetation and rehabilitation of degraded foreshores.

Permissible uses

The SREP (Sydney Harbour Catchment 2005) uses a zoning system to suit the differing character of the waterways of the harbour and its tributaries. The water immediately adjoining Chinamans Beach is zoned W2 Environment Protection as follows.

Zone	W2 Environmental Protection
Description	Provides for the protection, rehabilitation and long term management of the natural and cultural values of the waterways and adjoining foreshores. The zone covers significant estuarine ecosystems and habitats of parts of Middle Harbour.
Objectives	Protect the natural and cultural values of waters in this zone. Prevent damage or the possibility of longer term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores. Give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores. Provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.
Permissible activities / structures without development consent	Aids to navigation General restoration works Naval activities Single mooring
Permissible activities / structures only with development consent	Boat launching ramps (public) Community facilities Dredging Flora and fauna enclosures Maintenance dredging Private landing steps Public boardwalks, Public water recreational facilities Public water transport facilities Recreational or club facilities Telecommunications facilities

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) 2005 sets out the detailed design considerations for the use and development of land identified in the *SREP (Sydney Harbour Catchment) 2005*.

Objectives of the DCP include that all development in the harbour foreshores and waterways area should aim to:

- ☐ minimise any significant impact on views and vistas.
- ☐ ensure it complements the scenic character.
- ☐ provide a high quality of built and landscape design.
- ☐ contribute to the diverse character of the landscape.

The DCP identifies ecological communities and their conservation status for the areas to which it applies. Different statements of intent and performance criteria are set out for each level of conservation status.

Four ecological communities apply to Rosherville Reserve and Chinamans Beach, which have various conservation status as follows.

Ecological unit	Type	Land applies to	Conservation status
Open Forest (Type B)	Terrestrial	South-eastern side of Rosherville Reserve	High
Grassland	Terrestrial	Eastern side of Rosherville Reserve	Low
Mixed Rocky Inter-tidal and Sand	Terrestrial	Chinamans Beach	High
Seagrass beds	Aquatic	At the southern end of Chinamans Beach	High

Rosherville Reserve is a Landmark under the DCP.

Rosherville Reserve and Chinamans Beach are located within the Landscape Character Type (LCT) 6 area described below.

Landscape character type applying to Chinamans Beach

Applies to	Statement of Character and Intent	Performance criteria for development
6 Chinamans Beach	The key features of these areas are the uninterrupted sandy beaches and headlands where the backdrop of development is interspersed with vegetation. While development is suitable in parts of these areas, the key natural features should be retained and protected. Bays have key beaches and headlands that contain significant vegetation and rocky outcrops which should be preserved. The leafy nature of the upper slopes and ridgelines provides an important contribution to the visual character.	<input type="checkbox"/> Retain headlands, points and in their current, generally undeveloped state. <input type="checkbox"/> Site and design development to maintain the visual character of shorelines and to maximise retention of existing vegetation. <input type="checkbox"/> Visual continuity of elements such as beaches is not lost or broken by development. <input type="checkbox"/> The scale of the built form of development is consistent with predominantly low density residential. <input type="checkbox"/> Is sited so that it follows the topography and minimises cut and fill of slopes. <input type="checkbox"/> Overall colours should match vegetation as closely as possible with trim colours drawn from natural elements such as tree trunks and stone.

The DCP also sets out design guidelines for land-based developments located wholly above the Mean High Water Mark. Such guidelines include for foreshore access, building setbacks, signage, sea walls, landscaping, maritime activities, and community boating and water-based recreation facilities.

Wetlands Protection Zone

Waters adjoining Chinamans Beach are designated Wetland Protection Area in the SREP. Wetlands Protection Areas comprise wetland habitats and a 40 metre buffer zone to address movement, growth and seasonal variation. The SREP requires consent for certain types of development on land within a wetlands protection area that may have a detrimental impact on a wetland. These provisions are aimed at preserving and protecting the harbour's wetland habitats.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 facilitates delivery of infrastructure in NSW by improving regulatory certainty and efficiency, and provides greater flexibility in the location of infrastructure and services by identifying a broad range of zones where types of infrastructure (such as parks and other reserves) are permitted.

The SEPP has significant implications for the management and development of Crown reserves. It provides for a range of development exemptions, including:

- ☐ additional uses to be undertaken on certain land where it would otherwise be prohibited under an LEP if those uses are compatible with surrounding land uses.
- ☐ prescribed low-impact development by the Land and Property Management Authority or any other authority.
- ☐ certain development on Crown reserves where Council is the manager.
- ☐ certain development for waterway or foreshore management activities by or on behalf of a public authority.
- ☐ for any purpose relating to implementing a Plan of Management adopted under the Crown Lands Act 1989.

These provisions do not apply to State land reserved for conservation or other environmental protection purposes, or in Council areas where a new principal local environmental plan is in place.

SEPP (Temporary Structures and Places of Public Entertainment) 2007

The *Environmental Planning and Assessment Act 1979* also regulates the erection of temporary structures (such as tents, marquees and mobile structures) and the use of buildings or temporary structures as a place of public entertainment (POPE). POPEs include public halls used for public entertainment.

SEPP (Temporary Structures and Places of Public Entertainment) 2007 and associated amendments to the *Environmental Planning and Assessment Regulation 2000* contains regulatory requirements and other provisions relating to temporary structures and POPEs. The SEPP provides that erection of a temporary structure or use of a building as a POPE requires development consent, except as otherwise provided for in the SEPP, or is exempt or complying development, or is prohibited, or is in another environmental planning instrument.

Companion Animals Act 1998

The *Companion Animals Act 1998* aims to promote responsible animal ownership in NSW. Under the Act, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation / consumption areas, and recreation areas (such as organised games) where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle.

Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. The Act also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The Act covers a range of areas including sport and recreation, and access to premises. The Act requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

The NSW *Anti-Discrimination Act 1997* also makes it unlawful to discriminate on the ground of disability.

Other relevant legislation

Other legislation that may address specific issues in the management of Rosherville Reserve and Chinamans Beach is listed below.

Other relevant legislation

Issue	Legislation	Responsible agency
Air, water and noise pollution	Protection of the Environment Operations Act 1997	Department of Environment and Climate Change Mosman Municipal Council
Waste disposal	Waste Minimisation Act 1995	Department of Environment and Climate Change

APPENDIX B

Legislation applying to leases and licences

Crown land

All tenures over part or all of a Crown reserve are made between the Reserve Trust and the lessee / licensee, and are subject to the provisions of the *Crown Lands Act 1989*. Lease agreements are modelled on the standard Crown lease conditions applying to the leasing of Crown land under Section 34 of the *Crown Lands Act 1989*.

A lease or licence over a Crown public reserve must be consistent with the purpose of the land's reservation or dedication. As such, any lease or licence granted over Crown land at Chinamans Beach must be consistent with the definition of Public Recreation, and guidelines for use of Crown reserves. Otherwise, the Minister cannot approve any leases or licences granted by the reserve trust. Recent amendments to the *Crown Lands Act 1989* allows reserve trusts some flexibility in approving leases and licences for uses not acceptable under the declared public purpose.

Under any lease, the construction of facilities on Crown land will be permitted, provided the lessee obtains the consent of both the Minister and the Reserve Trust for any development applications or proposals for activity to enable construction of the premises. Development by Council requires the application to be served on the owner (Land and Property Management Authority) pursuant to Clause 49(2) of the Environmental Planning Assessment Regulation 2000.

A temporary licence can be granted only for the purposes prescribed in the *Crown Lands Regulation 2005*, which includes activities such as grazing, advertising, camping, catering, hiring of equipment, entertainment, equestrian events, exhibition functions, markets, meetings, sales, shows, sporting activities and stabling of horses. A temporary licence does not require the Minister's consent, but can only be granted for a maximum period of one year.

The Reserve Trust has the power to lease or license uses within a reserve. Leases and licenses can be established by the Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management, and that the residential and environmental amenity of these areas is maintained. Any lease or licence must be in accordance with the reserve purpose and the lessee must not provide any facilities that create any barriers to entry or other facilities within the reserve.

The Trust Manager has a responsibility to notify the Land and Property Management Authority of any leases. Consent must be obtained from the Minister for Lands before any long term licence on Crown land is granted. Leases greater than 5 years are required to be advertised under Clause 34 of the *Crown Lands Act 1989*. Licence agreements of less than 1 year (temporary licences) do not require the consent of the Minister and may be approved and issued by the Trust.

Other leases and licences may be considered during the life of this Plan and will be assessed against the reserve purpose, other legislation and planning documents, and this Plan. Any proposed use of the Park that requires consent from Council will be subject to a Development Application or Activity Approval with appropriate conditions imposed.

Community land

The *Local Government Act 1993* requires that any lease or licence of community land be authorised by a Plan of Management. Leases and licences formalise the use of community land by groups and organisations. Activities must be compatible with the zoning of the land and provide benefits, services, or facilities for users of the land.

Pursuant to the provisions of Section 46 of the Local Government Act, Council may lease or licence community land in a Plan of Management for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases and licences on community land allowable under the Local Government Act is 21 years for purposes consistent with the categorisation and core objectives of the particular area of community land. Community land may only be leased or licensed if public notice is given according to the requirements of the Local Government Act.

Where a lease arrangement has been entered into with Council for community land, subleasing of the land must be in accordance with the requirements of Section 47C of the Local Government Act.

This Plan of Management allows Council to grant “an estate” over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act.

In accordance with the requirements of the Local Government Act and the Local Government Regulation the following uses are authorised by this Plan of Management, as they are generally consistent with the management objectives developed for the parkland:

- ☐ wedding ceremonies and functions.
- ☐ playing of a musical instrument or singing for fee or reward.
- ☐ delivering a public address or speech
- ☐ markets and / or temporary stalls including food stalls.
- ☐ commercial filming and photography.
- ☐ corporate functions.
- ☐ birthday parties and family gatherings.
- ☐ other special events/ promotions provided they are on a scale appropriate to the use of a regional park, or to the benefit and enjoyment of the local community.

Permissible activities generally include those permissible under Council ordinance, and those that do not interfere with the use and enjoyment of the parkland by other park users. All uses would be subject to Council’s standard conditions, approval processes and booking fees. A temporary licence in the form of a hire approval would need to be issued by Council as part of the approval process prior to the reserves being used for these activities.

All short-term casual hire will be in accordance with the *Local Government (General) Regulation 2005*. To be considered as casual hire, activities must not:

- ☐ involve the erection of any building or structure of a permanent nature.
- ☐ continue for more than three consecutive days.
- ☐ continue to recur for a period of more than 12 months in the case of uses occurring more than once. Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.

The *Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001* transfers approvals formerly required under Section 68 of the Local Government Act to the Environmental Planning and Assessment Act. These transferred approvals include installing temporary structures on land. Consequently casual use hire of the

park may require a Development Application if the proposal includes the erection of temporary structures such as tents, booths, stage areas and mobile structures.