



**MANAGEMENT OF OPEN SPACE
POLICY (including Encroachments,
Memorial Seats and Temporary
Access)**

Public Document

Version: 1 / ECM: Fixed Reference No.: 6581406

Adopted by: Council on 6 February 2024

Ownership: Environment and Planning

Purpose

The purpose of this policy is to ensure Mosman Council's open space assets are well maintained for the enjoyment of residents and visitors, now and in the future. Open space and healthy environments are essential for an urban population's physical and mental wellbeing.

Objectives

Council is committed to providing safe, high quality open space areas for residents and visitors. Council's aim is to manage and maintain Mosman's open space areas to the highest possible standard by effectively utilising available resources. Open space areas provide aesthetic, environmental, recreational, social, and cultural benefits to the community. Within Mosman there is a network of open space areas that serve as locations for various forms of passive recreation for all age groups. These areas are a key component of the community's assets because they:

- Provide opportunities to maintain and enhance the visual amenity of Mosman
- Can hold significant cultural value for residents and visitors to Mosman. Some areas are regionally significant whilst others are valued most by those in the immediate vicinity
- Provide positive influences on both the local and broader environment
- Provide meeting places for formal and informal functions, both public and private.

The specific objectives of the policy are to:

- Ensure safe, visually pleasing, high-quality and well-maintained open space areas throughout Mosman
- Protect and enhance the natural environment, and areas of ecological, scientific, heritage, cultural or aesthetic values
- Ensure the sustainable management of Mosman's open spaces by limiting consumption of natural resources and encourage and promote environmentally sustainable practices
- Manage ancillary activities within open space areas including temporary access, encroachments and memorial seats
- Ensure public lands are not privatised by adjoining properties.

Scope

This policy applies to everyone who uses or proposes to use open spaces within the Mosman Local Government Area (LGA) and to Council staff responsible for managing, maintaining and improving Mosman's open space areas. Specifically, this policy applies to:

- bushland
- parks, reserves and beaches
- playgrounds
- unmade roads.

Note, this policy does **not** cover nature strips or sporting fields and ovals – these are covered by separate policies.

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Strategies

To maintain open spaces, Council uses the following strategies.

	Bushland	Parks, reserves and beaches	Playgrounds	Unmade roads
Council-funded maintenance and capital improvements	✓	✓	✓	✓
Council-approved contract specifications and service levels	✓	✓	✓	✓
Specification contracts over 10 years for continuity of service levels	✓	✓	✓	✓
Monitor native vegetation cover	✓			✓
Charge fees where applicable		✓		
Active volunteers	✓	✓		✓
Consult on design			✓	
Community feedback survey every two years	✓	✓	✓	✓

Maintenance

Maintenance works vary depending on the space. For example, activities can range from revegetating bushland to repairing playground furniture, and from managing irrigation systems to weeding, pruning and clearing debris and litter.

Maintenance activities are managed through contracts, with reactive maintenance implemented when required and as per Council's Open Space Asset Management Plan. Council also is responsible for approving service levels for long term maintenance contracts.

Capital improvements

Capital works range from upgrading or renewing existing assets, like paths and park edging, to introducing new assets such as dinghy racks, fitness equipment and park furniture. As with maintenance programs, capital projects are selected based on ensuring facilities are fit for purpose, consistent with relevant planning documents and on the understanding that a review of environmental factors and community notification or consultation have been completed when required.

Capital works are funded through the annual open space capital works budget or through specific projects. Projects are based on MOSPLAN actions, Council's Parks and Open Space Asset Management Plan, Disability Inclusion Action Plan, and Plans of Management.

Encroachments

Encroachments relate to the private occupation of public land, including illegal extensions of private property boundaries, structures, equipment or storage of private assets on public land.

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Encroachments can compromise access, safety and aesthetics. They can also create legal liability and divert Council resources.

As a result:

- new encroachments will be removed unless a formal lease arrangement has been made with Council or a permit formally granted before the encroachment occurred
- existing/historical encroachments that contain no structures, do not restrict public access and are maintained to Council satisfaction (not impacting on adjacent lands, in particular biodiversity) will not be removed until Council has the necessary resources to take over management of the area
- adjoining property owners may have direct access from their property to open spaces via existing steps, providing they do not obstruct the public or damage vegetation.

Encroachments that cannot be managed under this policy or other Council policies will be reported to Council for their determination.

Donation of memorial seats

In limited circumstances, Council will consider applications to install memorial plaque seats in a park or reserve.

These will only be approved if:

- there is a need, and space, for a seat
- the memorial recognises a long-term resident or someone who has contributed to the Mosman community over many years
- the applicant agrees to meet purchase and installation costs.

Memorial seats remain Council property and may be relocated if necessary. Council is not responsible for replacing vandalised or stolen plaques. Council retains the right to relocate or remove a memorial seat to another location when it considers necessary to do so.

The location of a memorial seat will be determined by the Manager of Environment and Open Space based on site availability.

For details: [Memorial in Council Parks and Reserves \(nsw.gov.au\)](http://nsw.gov.au/Memorial-in-Council-Parks-and-Reserves)

Temporary access to private property across Council parks and reserves

Temporary access to private property across Council parks and reserves for building or maintenance purposes is only allowed in extenuating circumstances. Such temporary access may be restricted to lawn and garden areas, with no access permitted through bushland. Residents requesting access must make an application to Council and provide evidence of need for the access. Approval of temporary access will be undertaken by the Director Environment and Planning or the Manager Environment and Open Space.

Approved applications for temporary access are subject to strict conditions including payment of a substantial bond and fees. Council inspects and photographs the site before and after approved access. If the site has been affected by the access, Council will restore the area and deduct the cost from the bond.

For details: [Application for Temporary Access Across a Council Reserve \(nsw.gov.au\)](http://nsw.gov.au/Application-for-Temporary-Access-Across-a-Council-Reserve)

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Related information

Mosman Council's Management of Open Space Policy has been developed considering, and should be read in conjunction with, the following Council documents:

- Asset Management Parks and Open Space Plan
- Beach and Reserves Cleaning Contract Specification
- Bushland Management Contract Specification
- Disability Inclusion Action Plan
- Plan of Management: Natural Areas (Bushland)
- Plans of Management for Rosherville, The Spit, Rawson Park, Mosman Park, Clifton Gardens, Mosman Bay and Little Sirius Cove Foreshores and Balmoral Reserves
- Plan of Management: Parks
- Tree Management and Associated Works Contract Specification
- Open Space Small Area Maintenance Contract Specification.

Separate to this Management of Open Space Policy are the following documents:

- Environmental Sustainability Policy
- Nature Strip Maintenance Policy
- Parks and Sporting Fields Management Contract Specification.
- Sporting Fields and Ovals Maintenance Policy
- Urban Forest Management Policy

Review

This policy will be reviewed every four years unless otherwise directed by the Executive Team.

Contact

Enquiries should be directed to the Manager Environment and Open Space on 9978 4025.

Amendments

Date	Amendment	Reference
16/05/2024	Links to application forms updated	