

# DRAFT PLAN OF MANAGEMENT

## Parsley Bay Reserve



January 2023

### **Acknowledgement of Country**

Woollahra Council acknowledges the Gadigal and Birrabirragal people who are the traditional custodians of this land and pay respects to Elders both past and present and leaders emerging.

**Draft plan of management for Parsley Bay Reserve, Crown land reserve categorised as park, general community use, natural area – foreshore, and natural area – bushland.**

**Adopted by Council XXXX**

Version number	Date approved	Approved By	Next Review
03 Draft	XX XXXX 2022	Manager Open Space and Trees	December 2027

**To be read in conjunction with the generic plan of management for Crown land reserves, 2021.**

#### **Document History and Version Control Table**

Version number	Date approved	Approved By	Brief Description Of Amendments
01 Draft	21 June 2021	Manager Open Space and Trees	Initial draft for S & C committee review
02 Draft	05 July 2021	Manager Open Space and Trees	S & C committee amendments, see HPE 21/120815 & 21/131744, for DPE review
03 Draft	29 September 2022	Manager Open Space and Trees	CLM Act amendment regulation 2021 & DPE amendments, see HPE 22/65488



# 1. Preliminary

## Title

This plan is known as the Woollahra Municipal Council Plan of Management for Parsley Bay Reserve, 2023.

## Authority

This plan is made under the Crown Land Management Act 2016.

## Commencement

This plan commences XXX

## Cancellation of Previous Plans

This plan cancels and supersedes previous plans in relation to the land to which this plan applies



Figure 1. The inclusive playground at Parsley Bay Reserve

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# Glossary of Terms

Word or phrase	Meaning
Actions	Practical, measurable and achievable activities that need to be done to implement the management strategies
Active transport	Walking or cycling for transport
Capital Works Program	The annual assignment of work activities to be completed by Council, it has set budgets assigned to develop individual projects by various groups within Council
Community Land	Land intended for public access and use. To prevent alienation, it cannot be sold, leased or licenced or have any other estate granted over it for more than 21 years.
CPTED	Crime prevention through environmental design
Crown Land or Reserve	Reserved or dedicated lands administered under the Crown Land Management Act, 2016
CSR	Customer Service Request, internal system to manage all service requests
Green Links	Pedestrian and cycleways interconnected by tree canopy for shade
Lease	Confers an exclusive right to possession or use of the land / facility on the lessee. It is a written legal document between Council and the lessee.
LEP	Local Environment Plan
LGA	Local Government Area
Licence	Confers a non-exclusive right to utilise the land / facility for a limited purpose and time.
Objective	The desired outcome of land use
Performance Measure	An example of how to assess if the objectives and targets have been met by undertaking the actions
Performance Target	A measureable outcome (of a completed action) of what a set objective is aiming to achieve. The action is undertaken, and the target is either achieved or not.



## Glossary of Terms *cont'*

Word or phrase	Meaning
Recreation - Active	Recreation activities that require physical exertion but are unstructured, such as parkrun events, skateboarding, casual basketball and charity bike rides, also including structured, organised activities such as sports, that require physical exertion and/or skill, and may involve training and competition.
Recreation - Passive	A range of unstructured activities and social interactions undertaken for enjoyment, relaxation, and mental health, with limited physical exertion. Passive recreation can be undertaken at all forms of open space and may include the use of playgrounds, reading, meditation and relaxing in nature.
Values	Ideals and qualities of a space that are significant to the community
WSUD	Water sensitive urban design

## 2. Executive Summary

This document is a plan of management for Parsley Bay Reserve, Vacluse. It has been prepared under the *Crown Land Management Act 2016*.

The land covered by this plan was previously administered under the Foreshores Plan of Management, 1996.

When adopted by Council, this plan of management will replace the Foreshores document in relation to the land at Parsley Bay Reserve.

This plan was developed by Council staff in consultation with the community and will be reviewed regularly to ensure that it remains current with legislative updates, changes in community needs and uses for public open space.

The management framework within this plan identifies strategies for the ongoing use of Parsley Bay Reserve to achieve Council's vision, that:

“Woollahra will continue to be a great place to live, work and visit, where places and spaces are safe, clean and well-maintained. Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.

We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city. We will be a harmonious, engaged and connected community that looks out for each other.”

# 3. Introduction

## 3.1 What is a plan of management?

A plan of management (POM) is a land management tool. It provides forward planning and governance for the use of public “community” land under the *Local Government Act 1993* (LG Act).

Classification as “community” reflects the importance of the land to the community because of its use or special features. The ongoing management of community land is undertaken with community participation.

The *LG Act* requires that a plan of management for community land categorises the land as either natural area, park, sportsground, area of cultural significance, or general community use. Categories are assigned based on the way the land is used and provide the core land management objectives. In addition to categorisation, the plan of management must include objectives and performance targets with respect to the land, the means by which Council proposes to achieve those objectives and performance targets how it measures its performance.

A plan of management provides information about the land, including how it is currently used and how

it may be used and developed in the future. It may be structured as a generic plan and prepared for more than one parcel of land, or a specific plan for a single area of land.

## 3.2 The need for this plan of management

The *Crown Land Management Act 2016* (CLM Act) authorises local councils to manage the dedicated or reserved Crown land for which they are appointed the Crown land manager as if those reserves were public land under the *LG Act*. In practice, Crown land will now be managed as if it were community land.

When the *CLM Act* came into effect, most of the Crown reserves in Woollahra were covered, in varying degrees of detail, by 12 plans of management. These were written between 1996 and 2013. Several were generic and covered more than one site, such as the Foreshores plan which covered Parsley Bay Reserve.

While the *LG Act* allows generic plans to be prepared for many areas of community land, not all land can be included in a generic plan. Sites that comprise the habitat of endangered or threatened species must be covered by a specific plan of management that applies to that land only. The area of land at

Parsley Bay Reserve that is categorised as natural area – bushland is habitat for 2 endangered species, this necessitates a specific plan of management for Parsley Bay Reserve.

## 3.3 Aim of this plan of management

The aim of this document is to provide a specific plan of management for Parsley Bay Reserve to comply with the *CLM Act* and the *LG Act*. It seeks to provide a clear land management framework that aligns with the State government’s vision for public open space, the values of the reserves and achieves Woollahra’s strategic objectives.

The State government’s vision for public open space as referenced throughout this plan is set out in the following key documents:



Figure 2. The cover of the State Strategic Plan



Figure 3. The cover of the Greener Places Guide

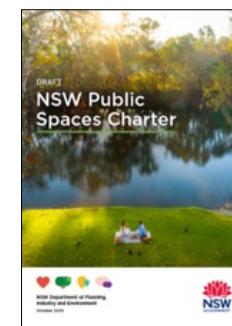


Figure 4. The cover of the NSW Public Spaces Charter

### • **State Strategic Plan – A Vision for Crown Land**

Identifies 4 priorities for Crown land in NSW, they are to:

- enable jobs growth in regional and rural NSW
- expand green space, by linking Crown land reserves and other green spaces to form a 'green grid' across Greater Sydney, expand sustainable quality of life and climate change resilience
- strengthen and support evolving community connections
- work with Aboriginal communities to realise the potential of their land rights

These priorities, (with the exception of the first) have been imbedded in the performance targets of the management framework within this plan.

### • **Greener Places – An Urban Green Infrastructure Design Framework**

Recognises the benefits of green infrastructure; open space for recreation, urban tree canopy and bushland and waterways and encourages the delivery of well-designed green infrastructure through the principles of:

- integration
- connectivity
- multifunctionality
- participation

This policy promotes the concept that green infrastructure is as crucial to a city as the grey infrastructure, such as roads and pipes. Crown land in Woollahra provides vital green infrastructure to the community. The management framework within this plan of management incorporates actions to deliver a more integrated, connected and multifunctional network of green infrastructure that encourages community stewardship of the land to achieve sustainable land use.

### • **NSW Public Spaces Charter**

Quality public space, including open space is achieved through the application of the following 10 planning and design principles. The space should be / encourage:

- open and welcoming
- community focused
- culture and creativity
- local character and identity
- green and resilient
- healthy and active
- local business and economies
- safe and secure
- designed for people
- well managed

As the Crown land in Woollahra continues to transform, it must go beyond aesthetic appeal to be considered quality space and consider each of these principles equally.

### 3.4 Review of this plan of management

To ensure this plan of management remains relevant over time, the management framework should be reviewed, usually between 5 - 10 years from the date of adoption.



Figure 5. The waterfall at Parsley Bay Reserve



## 4. Process followed to prepare this plan

The process of preparing this plan of management involved the following tasks:

### 4.1 Researching the plan

- Review *Crown Land Management Act 2016* and *Local Government Act 1993* for requirements
- Review the schedule of Crown lands in the LGA on the Crown Land Manager Reserves Portal to identify the sites to include in this plan
- Review of existing WMC Plans of Management that reference these Crown land reserves
- Review of the WMC Community Strategic Plan, (CSP) Woollahra 2030 and other plans and policies, to ensure corporate consistency of strategic direction
- Project brief circulated to relevant WMC staff

### 4.2 Site inspections

- Observation of existing site conditions

### 4.3 Community consultation

- Thorough community engagement plan and strategies for the collection of values and management issues. (Due to COVID-19 this was disrupted, with face to face interaction cancelled due to social distancing.)

### 4.4 Preparing a draft plan of management

- Initial categorisation of Crown land reserves sent to the Department of Planning, Industry and Environment for approval. (Categories were assigned that most closely related to the purpose for which the land was dedicated or reserved, to cause no material harm and to reflect Council's intentions for future management of the land. WMC provided initial categorisation to the NSW Department of Planning, Industry and Environment on 21 October 2019. Categorisation approval was received on 27 February 2020.)
- Generic plan of management structure adapted for the majority of the reserves
- Specific plan of management structure adapted for sites of cultural significance and critical habitat for endangered species
- Incorporate elements from relevant documents, such as adopted master plans
- Survey results collated and fed into plan
- Native title manager advice acquired on the draft plans of management
- Report to Council to refer the draft plans to the NSW Minister for Planning, Industry and Environment

- Draft plans of management sent to the Department of Planning, Industry and Environment (DPE) for approval
- Amendments as required including those necessitated by the *CLM Act* regulation of 4 June 2021 and by the DPE review
- Amended plan reviewed again by DPE
- Obtain ministerial consent to adopt the plan under the *CLM Act*

### 4.5 Council resolution and public exhibition

- Amended draft plans endorsed by Council for public exhibition
- Proceed with community engagement strategy, see HPE 21/168751 for details
- Notify stakeholders and community groups
- Place notices in *The Wentworth Courier*
- Place draft plans of management on display on the Council website and at the customer service centre at Redleaf for 28 day public exhibition, with a further 14 days for written submissions
- Provide a community information session and briefing sessions as requested

#### 4.6 Adopting the plan

- Review and evaluate public submissions
- Amend draft plans and incorporate feedback from the public exhibition
- Prepare final plans of management
- Report to Council to consider adoption
- Adoption of plans
- Additional ministerial consent only required if there are significant changes made to the draft plans
- Commence implementation of the plans



Figure 6. Playground detail at Parsley Bay Reserve



## 5. Land to which this plan applies

This plan of management applies to **Parsley Bay Reserve** – Hopetoun Avenue, Vaucluse. Parsley Bay Reserve consists of a small parcel of Council owned community land and 2 larger parcels of Crown land.

### 5.1 Description

Parsley Bay Reserve is located on the southern foreshore of Sydney Harbour, between Seymour Point and Village Point, in the suburb of Vaucluse.

The reserve is enclosed by steep sided sandstone cliffs to the north-east, east, south and west. Private residences surround the reserve on these three boundaries atop the cliff faces on Parsley Road, The Crescent, Hopetoun Avenue and Fitzwilliam Road. A small, sandy harbour beach, flanked by high sandstone rock faces, forms the north-western boundary.

This placid north-west facing bay includes a netted swimming enclosure; the shark net is approximately 250m from the foreshore. A heritage listed suspension bridge crosses the bay about half way between the beach and the shark net. The beach is separated from the largely level grassed recreation area by a low curving seawall built on the

intertidal sand flats. The grassed park area leads further into the reserve, past the kiosk, an extensive and inclusive children's playground, carpark, toilet block and into the remnant bushland via paths and a small pedestrian timber bridge over the creek.



Figure 7. Aerial photo of Parsley Bay Reserve

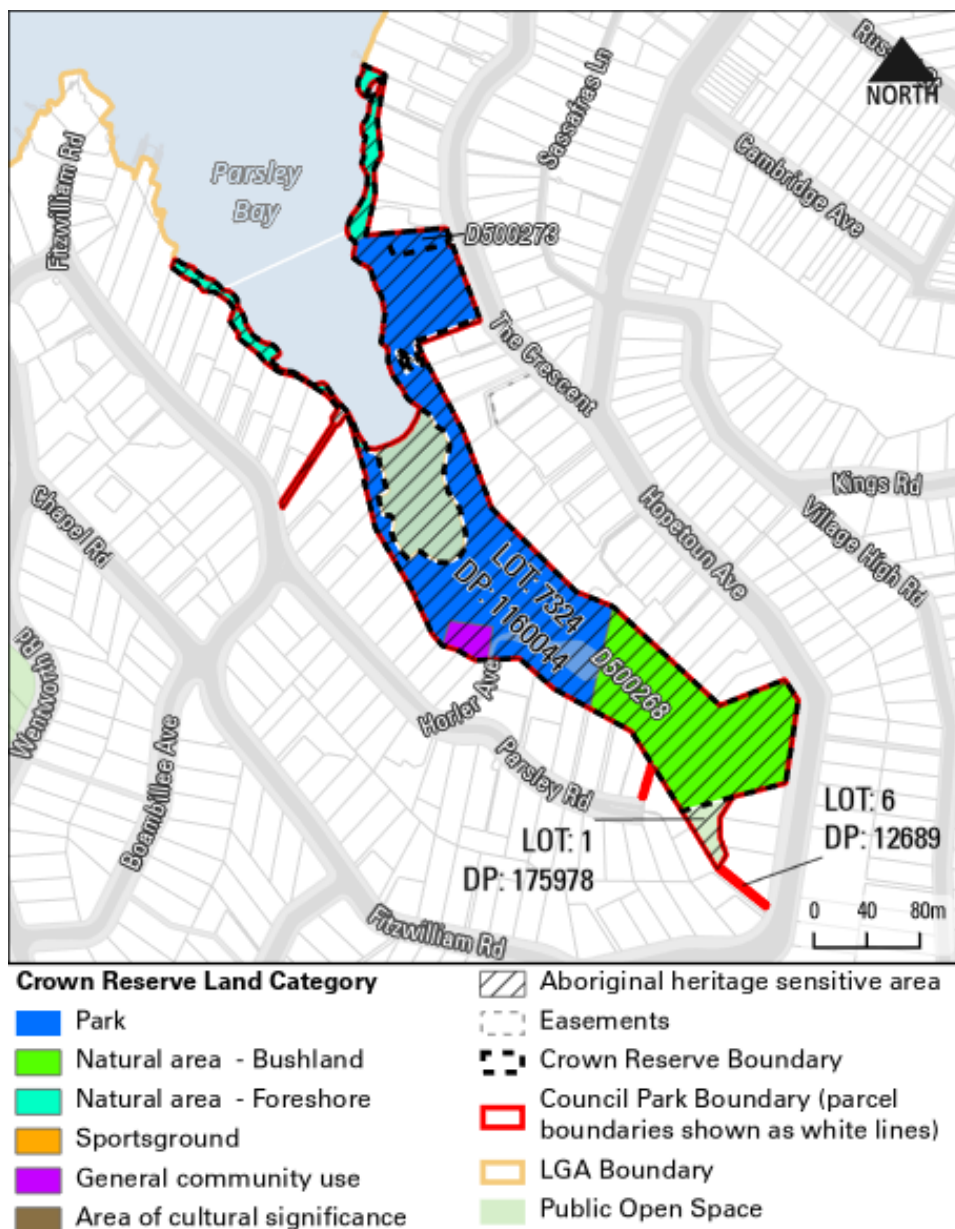


Figure 8. Parsley Bay Reserve map including land categories

**Table 1. Legal description for Parsley Bay Reserve**

Location	86A Hopetoun Ave, Vacluse
Land area (m <sup>2</sup> )	36,373m <sup>2</sup>
Land owner	Crown & WMC
Crown reserve purpose	Public recreation
Land Zone in Woollahra LEP 2014	RE1 Public recreation
LG Act categorisation	Park, General Community Use, Natural Area – Foreshore & Natural Area – Bushland
Legal description	Crown D500268 Lot 7324 DP 1160044 & D500273 Part Lot 7324 DP 1160044  WMC Lot 1 DP 175978 (natural area – bushland) Lot 6 DP 12689 (park)

**5.2 Crown land to which this plan of management applies**

The majority of the site is made up of 2 parcels of dedicated Crown land, as shown below. Dedicated Crown land is owned by the state of NSW and managed by Woollahra Municipal Council as Crown Land Manager under the *CLM Act*.

**Table 2. Crown land parcels at Parsley Bay Reserve**

Site	Reserve Name	Reserve / Dedication	Area
19	Parsley Bay Reserve	D500268, D500273	3.8ha approx.



# 6. Context

## 6.1 Our LGA

The Woollahra local government area is located on a peninsula of land 5km to the east of the CBD of the City of Sydney. It covers 12km<sup>2</sup> of land and is home to nearly 59,000 people living in the suburbs of Bellevue Hill, Darling Point, Double Bay, Edgecliff, part of Paddington, Point Piper,



Figure 9. Location of the LGA within the greater Sydney context

part of Rose Bay, part of Vaucluse, Watsons Bay and Woollahra. The LGA neighbours the City of Sydney LGA to the west and the Waverley LGA to the east and south. A small area to the south is also bordered by the Randwick LGA.

## 6.2 Our Crown reserve portfolio

The Crown reserves of Woollahra represent almost

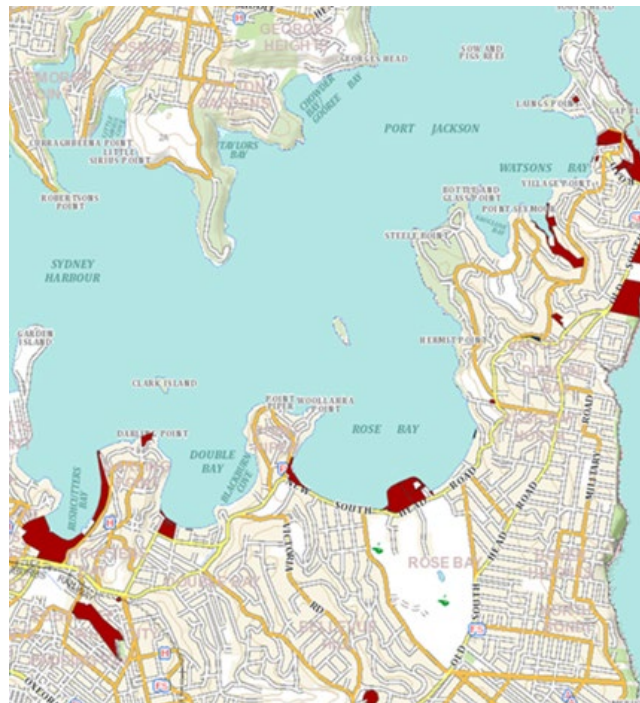


Figure 10. Location of Crown land within the LGA

one third of the total public open space of the LGA. They encompass remnant bushland, harbour foreshores, sportsgrounds and culturally significant features such as war memorials, mature ornamental trees and historic structures. They tell a composite story of the physical and cultural landscape of Woollahra, a place that has been described as a “complex palimpsest unequalled in NSW.”<sup>1</sup>

In bringing together the relevant contextual information of these Crown reserves, well-informed and appropriate decisions can be made for their future use and management.

The WMC generic plan of management for Crown land reserves 2021 contains further contextual information about the Crown reserve portfolio, including a detailed physical and cultural landscape analysis.

<sup>1</sup> Jack, R. I. (1984) within the Hughes, Trueman, Ludlow *Heritage Study for the Municipality of Woollahra*.

### 6.3 Our community and council's corporate objectives

Our Community Strategic Plan (CSP) Woollahra 2030, sits above all other Council plans, strategies and policies in the hierarchy. Other documents, including this plan of management, must be consistent with Woollahra 2030.

The themes and goals of the CSP are:

#### **Theme: Community wellbeing**

Goal 1: A connected, harmonious, engaged community for all ages and abilities

Goal 2: A supported, enabled and resilient community

Goal 3: A creative and vibrant community

#### **Theme: Quality places and spaces**

Goal 4: Well-planned neighbourhoods

Goal 5: Liveable places

Goal 6: Getting around

#### **Theme: A healthy environment**

Goal 7: Protecting our environment

Goal 8: Sustainable use of resources

#### **Theme: Local prosperity**

Goal 9: Community focused economic development

### **Theme: Community leadership and participation**

Goal 10: Working together

Goal 11: A well-managed Council

To achieve these goals, the CSP sets strategies to guide how we budget and plan for all our services, operations and projects. The Local Strategic Planning Statement (LSPS) is a key Council strategy, it sets out the planning priorities and vision to guide land use planning specifically and outlines what those priorities aim to achieve in the future. See appendix C for more information.



Figure 11. The cover of the Community Strategic Plan

The actions within a plan of management for community land are integrated into the strategic framework in order to be resourced and achieved.

The Crown land reserves values, gathered through project specific consultation, align with the themes of the CSP.

### 6.4 Our Crown land reserves values

Values are the qualities of a place that are significant, special or important. In recognising the values associated with community land, the objectives and performance targets are determined for its successful management.

Engaging with our community for this plan of management included gathering the values associated with the Crown land reserves through a comprehensive survey. Consultation unexpectedly coincided with the period of lockdown brought about by the COVID-19 pandemic. During this time, the importance of passive open space as a respite from the indoors was raised many times by our community.

Responses to the Crown reserves survey indicated that the following qualities, in order of significance are valued by our community:

- natural environment
- aesthetic quality
- health and well-being opportunities
- heritage and cultural opportunities
- recreational opportunities
- access
- social and community opportunities
- landscape quality

#### **6.4.1 Natural environment values of Parsley Bay Reserve**

The natural environment of Parsley Bay Reserve creates a unique landscape setting. The Hawkesbury sandstone formations, remnant bushland and harbour foreshore are intrinsically valuable for their scenic and spatial qualities and for the habitat they provide.

Natural elements such as trees, grass, in situ geology, sand and water provide a desirable contrast to the surrounding built environment. Parsley Bay Reserve provides welcome access to outdoor open space in an increasingly dense residential area



Figure 12. Natural area- bushland at Parsley Bay Reserve

where personal outdoor space may be reduced. Due to the continuing presence of 2 endangered endemic plant species, Parsley Bay Reserve has high conservation value, which increases the value of the natural environment.

The term “natural” in this context does not mean that the land is in a completely natural or undisturbed state. No land in Woollahra is in a totally natural state. The remnant native vegetation that remains is threatened by several factors such as weeds, pollutants and trampling. Although urbanised, the bushland of Parsley Bay reserve does contribute significantly to the biodiversity of the area. It provides habitat opportunities for

native fauna and helps mitigate the effects of climate change by providing shade and large areas of unpaved surface for rainwater to infiltrate the soil. Threats to the foreshore include stormwater pollution and sedimentation.

The natural elements of Parsley Bay Reserve are vital components of the green infrastructure of the LGA. *Greener Places* refers to these three categories of green infrastructure; they are:

- open space for recreation, the green infrastructure for people
- urban tree canopy, the green infrastructure for climate adaptation and resilience, and
- bushland and waterways, the green infrastructure for habitat and ecological health

#### **6.4.2 Aesthetic value of Parsley Bay Reserve**

Aesthetic quality and visual amenity is very high within the LGA. Parsley Bay Reserve performs an important role in providing publically accessible space to enjoy the views and features of Sydney Harbour. Aesthetic value is also found in the individual elements of the reserve, such as the waterfall, the bush, the kiosk building and the suspension bridge. The *NSW Public Spaces Charter*

refers to the quality of a public space as being just as important as its availability. Aesthetic value increases the perception of quality of a site.

#### **6.4.3 Health and well-being value of Parsley Bay Reserve**

Parsley Bay Reserve provides the community with health and well-being opportunities by providing a place for escape, enjoyment, exercise, contact with nature, inspiration and reflection. During the COVID-19 restrictions, the importance of these opportunities was heightened as mental and physical health concerns intensified within the community and the country as a whole. Principle 6 of the *NSW Public Spaces Charter* is “healthy and active”, it recognises this key role of public open space to the people of NSW.

#### **6.4.4 Heritage and cultural value of Parsley Bay Reserve**

Heritage and cultural values at Parsley Bay Reserve add to the character of the site. The suspension bridge and kiosk are examples of built heritage and the remnant bushland is representative of the landscape heritage of the area. Maintaining local character and identity relates to Principle 4 of the

*NSW Public Spaces Charter*, as it recognises that our public spaces make us proud of where we live.

There is scope to provide interpretation of Aboriginal history at Parsley Bay Reserve. This will help deepen cultural respect within our community. Opportunities may also exist for Indigenous people to continue their connections with country on the Crown land of Woollahra. A priority of the *State Strategic Plan – A vision for Crown Land* is to work with Aboriginal communities to realise the potential of their land rights.

#### **6.4.5 Recreational value of Parsley Bay Reserve**

Parsley Bay Reserve offers many opportunities for recreation, including swimming, walking, viewing, picnicking and playing informal games. The large inclusive children’s playground increases this amenity in keeping with a principle of the *CLM Act*, that where appropriate, multiple use of Crown land be encouraged. These many possibilities are compatible with principle 6 of the *NSW Public Spaces Charter*, that public space support a healthy and active community through flexible, multifunctional offerings in different areas for different activities.

Picnicking, ball games and children’s play activities are most suitable in the area categorised as park, rather than the natural areas. Unrestricted access to natural areas can cause negative impacts and increase the occurrence of threats, such as soil compaction, weed dispersal and trampling. In order to preserve the natural areas, certain restrictions are in place at Parsley Bay Reserve. Dogs are not permitted at any time and commercial fitness training is not permitted on the foreshore or in the bushland areas.

#### **6.4.6 Access value of Parsley Bay Reserve**

This reserve provides valuable pedestrian access through the neighbourhood of Vaucluse, to the foreshore and bushland. This role is facilitated by the suspension bridge and several paths into the reserve. Due to the topography, level access is challenging and while desirable, inclusive access is not always possible to all areas of the reserve. The site is also a part of the Bondi to Manly Walk.

#### **6.4.7 Social and community value of Parsley Bay Reserve**

Parsley Bay Reserve has long provided a place for the community to gather for swimming, picnics,



parties and other celebrations, as discussed in the historical paper *Parsley Bay – place of the heart*. Parsley Bay Reserve has played a significant role in community life for over a century and illustrates principles 1 and 2 of the *NSW Public Spaces Charter*, that public spaces be open and welcoming and community-focused.

Private use of public land by large groups must be carefully managed to avoid alienation of public land. Use of the land must remain for the majority use by the public, to meet the principle of Crown land management under the *CLM Act*, that public use and enjoyment of appropriate Crown land be encouraged.



Figure 13. Crowds on Australia Day 2021 at Parsley Bay Reserve

Public holidays, particularly Australia Day and Boxing Day draw large crowds to Parsley Bay Reserve and this increase in demand may cause conflict for nearby residents and adversely affect the park itself through wear and tear, damage, and reduced levels of cleanliness. The popularity of the park during the summer months also affects parking and congestion through neighbouring streets.

#### **6.4.8 Landscape value of Parsley Bay Reserve**

Consultation results indicate that our community appreciate a high quality, well-groomed landscape. Providing appropriate vegetation and well-maintained ornamental gardens and lawns in the park area of Parsley Bay Reserve is important to the overall aesthetic appeal of the reserve and the ongoing health and longevity of the vegetation. Robust and vigorous plant material is less likely to suffer from pests and diseases and therefore require less resources in terms of weed and pest removal and fertiliser application. The *CLM Act* requires that the soil, flora, fauna and scenic quality of Crown land be conserved wherever possible. Additionally, in keeping with best practice in ornamental horticulture, each site requires some level of on-going tasks, such as weeding, pruning, mulching

and litter removal to keep it “fit for purpose.” Keeping the ornamental landscape in good condition is increasingly difficult during extended periods of drought with associated water usage restrictions. A high quality landscape also includes all of the hardscape materials and structures at the site such as the outdoor furniture and pavements. Principle 10 of the *NSW Public Spaces Charter* acknowledges that public space is more inviting when it’s well cared for.

The bushland landscape too requires maintenance to ensure it retains its inherent value. The required maintenance in these areas is specific bush regeneration to conserve and restore the vegetation community, with particular reference to Sunshine Wattle and Magenta Cherry. The goal is that the native vegetation community will be restored to a level that allows it to be self-sufficient.



# 7. Legislative Requirements

This plan of management is prepared under the NSW *Crown Land Management Act 2016* (CLM Act) and the NSW *Local Government Act 1993* (LG Act).

Legislation will always take precedence over a plan of management.

## 7.1 Crown Land Management Act 2016

Plans of management for Crown land were previously adopted under the *Crown Lands Act 1989*. The new *CLM Act* s3.23 (6) requires appointed Crown land managers of dedicated or reserved Crown land to manage the land as if it were community land under the *LG Act* and therefore adopt a plan of management for that land.

Dedicated or reserved Crown land may only be used for:

- the purposes for which it is dedicated or reserved,
- any purpose incidental or ancillary to a purpose for which it is dedicated or reserved
- any purpose specified in a plan of management for the land, or
- any other purpose authorised by an Act

The objectives and principles of the *CLM Act* have informed the performance targets of this plan of management. The objectives of the *CLM Act* as listed in s1.3 are to:

- provide for the ownership, use and management of the Crown land of New South Wales, and
- provide clarity concerning the law applicable to Crown land, and
- require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and
- provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and
- facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and
- provide for the management of Crown land having regard to the principles of Crown land management.

The principles of Crown land management, as listed in s1.4 of the *CLM Act* are that:

- environmental protection principles be observed in relation to the management and administration of Crown land, and
- the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- public use and enjoyment of appropriate Crown land be encouraged, and
- where appropriate, multiple use of Crown land be encouraged, and
- where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- Crown land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the State consistent with the above principles

Further requirements of *CLM Act* include that:

- Council managers must give written notice of the land categories assigned to Crown land reserves to the minister as soon as practicable
- the nature and use of Crown land must not be changed while the adoption of a plan of management is pending
- existing tenures may continue for the term of the original grant

- current authorised uses are allowed and existing leases may be renewed (must be less than 21 years) if the renewal does not authorise any additional use for the land
- short-term licences are allowed for a range of prescribed purposes such as holding sports activities
- new leases may be granted (must be for less than 21 years) if there was a pre-existing lease prior to 1 July 2018 and the new lease does not authorise any additional use of the land
- public exhibition of the draft plan of management is required as described by the *LG Act*
- native title manager advice is required on a draft plan of management
- the *CLM Act* Regulation 2021 amended the *CLM Act* regulation 2018; Council is now exempt from public hearings in regards to altering the land categorisations assigned and must obtain Minister's consent to adopt the plan.

Council Crown land managers must ensure there is a compliant plan of management for all Crown land they manage as community land as soon as practicable. This is to ensure that Crown land is lawfully used and occupied.

### **7.1.1 Leases and licences over Crown land**

Sections 2.19 and 2.20 of the *CLM Act* allow for secondary interests; leases, licences, permits, easements or a right of way to be granted over Crown land. However, there are restrictions as how public land can be used by one group or one person.

Before granting a secondary interest over Crown land, the *CLM Act* requires that the Crown land manager be satisfied under s2.19 (2) (a) & (b) that:

- the lease would be in the public interest and
- the lease or licence use would not be likely to cause material harm to the land

In order to establish whether a use will cause material harm, the following should be considered under the *CLM Act* s2.19 (3) (a – f):

- the proportion of the area of the land that may be affected by the secondary interest (i.e. the lease or licence)
- if the activities to be conducted under the secondary interest will be intermittent, the frequency and duration of the impacts of those activities
- the degree of permanence of likely harm and in particular whether that harm is irreversible
- the current condition of the land

- the geographical, environmental and social context of the land

A secondary interest may be granted for purposes not limited to public purposes.

### **7.1.2 Community engagement requirements**

The *CLM Act* s3.35 requires that a Crown land manager undertake community engagement on a draft plan of management. The minimum requirements of that consultation are provided in the *LG Act* s38. These are that:

- draft plans must be made available for the community to comment on prior to being adopted by Council
- public exhibition must be for a period of at least 28 days
- the public be given at least a further 14 days to make a submission if they wish

Also, any amendments to a draft plan, including altering a category, must be publicly exhibited in the same way, until the Council can adopt the draft plan without further amendment.

### 7.1.3 Community and stakeholder engagement for this plan

The engagement strategy for this plan of management included seeking input from the community prior to preparing the draft plan. The objective was to gather the aspirations, concerns, needs and values of the community in order to set the overlying land management intentions.

Engagement activities for this plan of management were modified several times due to the COVID-19 pandemic. Ultimately, the following consultation was undertaken:

- an online homepage for this project was created on 12 November 2019 within Your Say Woollahra on Council's website to invite the community to register their interest, inform the community of progress, key dates and to collect comments in an online guest book, or via email at any time, it was available for the duration of the project
- a community survey was made available on the Your Say Woollahra platform from 29 November to 20 December 2019 for several of the smaller local parks (later also included in the larger survey)
- a community survey was made available on the Your Say Woollahra platform from 8 May to 21

August 2020, for all of the sites, to gather the values associated with the reserves, their use and management issues or concerns. Paper copies of the survey were also made available on request.

- over 170 stakeholders were individually notified via email of the project and survey opportunity, including those who had registered their interest, the community pre-school and playgroup, the local Aboriginal Land Council as well as other community groups and local schools
- "Zoom" style virtual meetings (due to social distancing requirements during the COVID-19 pandemic) as requested by two community groups
- at the completion of the survey, Council staff responded via email to many individual questions and issues that had been raised by the community within the survey
- the draft plan was put on public exhibit and public submissions were encouraged, all stakeholders were notified of the exhibition dates
- an information session was provided during the period of public exhibition to explain the draft plan to interested stakeholders

"Pop-ups" had been organised to provide a

contextualised opportunity for the public to comment on any issues. These were postponed several times and eventually cancelled due to restrictions on public gatherings during the COVID-19 pandemic.

The project and survey opportunity were promoted using:

- notices in *The Wentworth Courier* on 20/11/19, 5/8/20 and 12/8/20
- advertising on Council's website homepage
- advertising and posts on Council's Facebook and Instagram

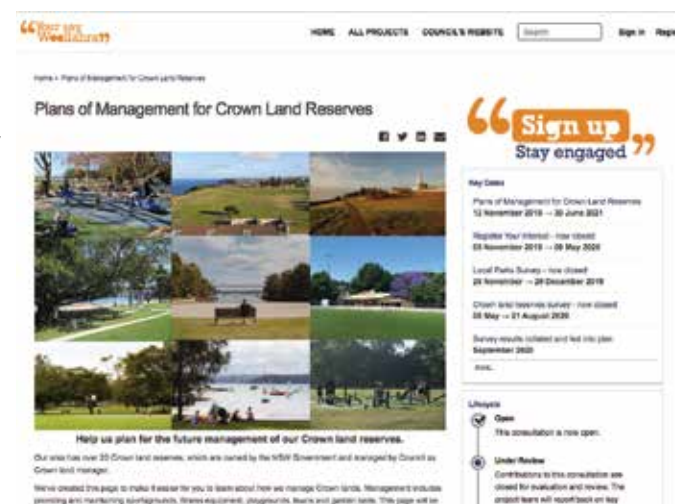


Figure 14. Project online homepage

- advertising on Council's Customer Service digital noticeboards
- advertising on Council's "Out and About" posters
- articles in the environment and Bushcare e-newsletters
- advertising posters in the Crown land reserves

for the plans of management and other work within Council. The whole survey report is available in appendix BB of the Generic Plan of Management.

**Public exhibition** - Yet to be undertaken as at 7/6/21

The survey was open for comment for 15 weeks from 8 May 2020 to 21 August 2020. (The original closing date of 31 July 2020 was extended). During this time, 384 individuals engaged with us through Your Say. This resulted in 1469 survey responses, an average of over 3 site surveys completed per individual through Your Say. An additional 96 surveys and/or submissions were received via post. Data from these was manually entered into Your Say to consolidate the results, excluding personal comments. This is a total of 1565 unique responses, a significant result containing valuable information



Figure 15. Advertising poster

#### 7.1.4 Native title rights over Crown land

The *CLM Act* includes specific provisions to facilitate compliance with the Commonwealth *Native Title Act 1993* (NT Act). Native title is the legal recognition of the individual or communal rights and interests which Aboriginal people have in relation to land and waters, held continuously by them under their traditional laws and customs, since before colonisation. Native title rights are different to and separate from the statutory right of Aboriginal Land Councils to make claims for land under the *NSW Aboriginal Land Rights Act 1983*.

Part 8 of the *CLM Act* provides that council Crown land managers must manage Crown land in relation to native title to ensure the requirements of the *NT Act* are addressed. A qualified native title manager must be engaged to oversee and approve dealings that may affect native title to ensure they are valid under native title legislation.

Native title rights and interests must be assumed to exist on Crown land unless the land is excluded land. Part 8 of the *CLM Act* provides that native title manager advice is not required for dealings in relation to excluded land. Excluded land generally covers land for which there is sufficient evidence

to show that native title does not exist or has been wholly extinguished, or for which a 'clearance' has been given for an act to be validly carried out in relation to native title. Native title managers are not required to establish whether native title rights and interests have been extinguished in relation to Crown land. An approved determination of native title can only be made by the Federal Court, High Court or a recognised body.

Excluded land is defined in the *CLM Act* and includes land:

- where all native title rights and interests in relation to the land have been compulsorily acquired
- subject to an approved determination of native title that has determined that:
  - all native title rights and interests in relation to the land have been extinguished, or
  - there are no native title rights and interests in relation to the land
- where all native title rights and interests in relation to the land have been surrendered under a registered Indigenous land use agreement
- to which section 24FA protection under the *NT Act* applies
- for which a native title certificate is in effect.

All activities on Crown land must address the issue of native title. Advice must be obtained prior to issuing leases or licences and before a plan of management that authorises use of the land is submitted for approval.

Whilst a successful claim for native title will lead to official recognition of native title rights, those rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Proposed activities must be validated under the future act procedures in Division 3 of the *NT Act* by Council's Native Title Manager. Under the *CLM Act*, Council Crown land managers will be liable for any acts they carry out on Crown land that may affect native title. Council Crown land managers will not be liable for any acts that preceded their management of land affected by native title. This liability will remain with the State.



CGM Planning, accredited Native Title Managers, were engaged to provide the required advice. A detailed (separate) report has been provided to Council to guide the use of this Crown land in relation to native title rights. The CGM Planning report does not form part of this plan of management, however it is available for viewing upon request to Council.

The written advice is that Council may, in good faith, endorse this draft plan of management, with the proposed uses, developments and tenures as valid future acts, as a draft for referral to the landowner

## 7.2 Local Government Act 1993 & Local Gov. (General) Regulation 2021

The *CLM Act* requires appointed Crown land managers of dedicated or reserved Crown land to manage the land as if it were community land under the *LG Act*.

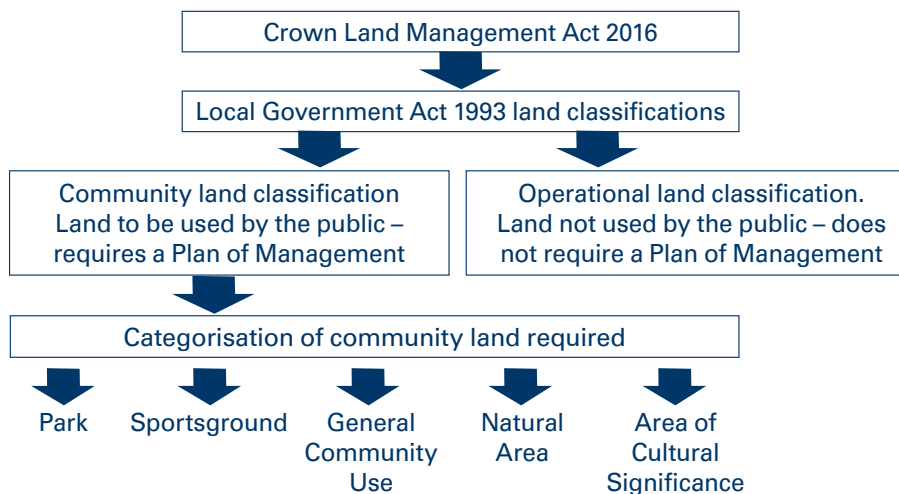


Figure 16. The categorisation process

### 7.2.1 Classification and categorisation of public land

Classification as community land reflects the importance of the land to the community. Community land is that which must be kept for use by the general public. Following classification as community land, the *LG Act* s35 states that a plan of management must be prepared for it in consultation with the community in order to preserve the qualities of the land. The nature and use of community land must not change without an adopted plan of management. *LG Act* s44.

Under s36 (3) (a) of the *LG Act*, a land category must be applied to all community land. The category assigned needs to be most closely related to the purpose for which the land was dedicated or reserved,

to cause no material harm and to reflect Council's intentions for future management of the land.

The purpose for which Parsley Bay Reserve may be used is public recreation.

### 7.2.2 Community land categories

Under the *LG Act* s36 (4), there are five possible categories of community land; park, sportsground, general community use, natural area and area of cultural significance. Natural areas are further categorised as either bushland, wetland, escarpment, watercourse or foreshore.

The core objectives and guidelines for assigning categories to community land are provided under the *LG Act* and have been used to categorise the Crown land in the LGA.

Parsley Bay Reserve consists of 4 categories of community land, park, general community use, natural area – foreshore and natural area – bushland. The guidelines and objectives for which are shown below:

**Table 3. Guidelines and core objectives for the land categories**

Category	Guidelines for categorisation from <i>Local Government (General) Regulation 2021</i>	Core objectives from <i>LG Act</i>
Park	The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> <li>• To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>• To provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>• To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>
General Community Use	The land may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and does not satisfy the guidelines for categorisation as a natural area, a sportsground, a park or an area of cultural significance.	<ul style="list-style-type: none"> <li>• To promote, encourage and provide for the use of the land, and</li> <li>• To provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> <li>a) public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>b) purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul> </li> </ul>

**Table 3. Guidelines and core objectives for the land categories *cont'***

Category	Guidelines for categorisation from <i>Local Government (General) Regulation 2021</i>	Core objectives from <i>LG Act</i>
Natural area (generally)	The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.	<p>To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and</p> <p>To maintain the land, or that feature or habitat, in its natural state and setting, and</p> <p>To provide for the restoration and regeneration of the land, and</p> <p>To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</p> <p>To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Biodiversity Conservation Act 2016</i> or the <i>Fisheries Management Act 1994</i>.</p>

**Table 3. Guidelines and core objectives for the land categories *cont'***

Category	Guidelines for categorisation from <i>Local Government (General) Regulation 2021</i>	Core objectives from <i>LG Act</i>
Natural area – bushland	The land contains primarily native vegetation and that vegetation is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.	<p>To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro- organisms) of the land and other ecological values of the land, and</p> <p>To protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>To restore degraded bushland, and</p> <p>To protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>To protect bushland as a natural stabiliser of the soil surface.</p>



**Table 3. Guidelines and core objectives for the land categories *cont'***

Category	Guidelines for categorisation from <i>Local Government (General) Regulation 2021</i>	Core objectives from <i>LG Act</i>
Natural area – foreshore	The land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<p>To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and</p> <p>To protect and enhance all functions associated with the foreshore's role as a transition area, and</p> <p>To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>

### 72.3 Leases and licences over community land

The *LG Act* allows Council, with certain restrictions and with public consultation, to enter into or create a range of leases, licences and other estates, in order to encourage the appropriate use of community land and / or buildings.

Typically, a lease is granted where exclusive use of a part of the land is required, while a licence allows for multiple, non-exclusive uses of an area. Several licences for different users can apply to the same area at the same time, provided there is no conflict of interest. Leased or licenced areas may be renewed or changed in the future and areas may be reconfigured to reflect changes in community needs.

The term “estate” is a technical, legal definition. An “estate” includes any “interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity.” The grant of easements is an example of an estate.

A lease, licence or permit on Crown land may impact native title rights and interests. Any lease, licence or permit issued on Crown land must be

issued in accordance with the future act provisions of the *NT Act* and in accordance with Part 8 of the *CLM Act* unless native title is extinguished. For Crown land which is not excluded land, this will require written advice from Council’s Native Title Manager that it complies with any applicable provisions of the native title legislation. The advice should also note that the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*.

This plan of management expressly authorises existing leases and licence agreements until the end of their current term, and the issue of future leases, licences, permits or other estates over any parcel of land to which this document applies, provided that:

- the purpose is consistent with the reserve purpose of the land
- the purpose is consistent with the core objectives of the land category
- the purpose is consistent with the land zoning under WLEP 2014
- the purpose is consistent with the management objectives of this plan of management
- the issue of the lease, licence, permit or other estate will not materially harm the use of the land for any purposes for which it was dedicated or reserved

- the lease, licence, permit or other estate is for a permitted use or purpose listed in tables 8 and 9. The types of uses Council considers appropriate for each land category are identified in these tables
- the issue of the lease, licence, permit or other estate can be validated under the *NT Act*
- any proposed lease or licence of land that is subject to a claim under the *Aboriginal Land Rights Act 1983*, considers the claim accordingly
- tenders are called for leases or licences over 5 years, unless the lease or licence is to a non-profit organisation
- the lease or licence is for a period of less than 21 years
- public notice of the proposal is given, including on the land and to adjoining residents
- any sub-leases are only allowable for the same purpose as the original lease

Council will consider any submissions made about a lease proposal and refer a 5-21year lease proposal to the Minister for Local Government if there is an objection to it.

Council must not grant a lease or licence over

community land for more than 21 years.

Each proposal will be reviewed specifically under s46, 46A, 47 & 47A-D of the *LG Act* to ensure that it meets these requirements.

Leased or licenced areas may be renewed or changed in the future and areas may be reconfigured to reflect changes in community needs.

Leases and licences existing at the time of preparation of this plan are listed with the site information.

#### **7.2.4 Land comprising the habitat of endangered or threatened species**

The *LG Act* requires that site specific plans of management be prepared for community land comprising the habitat of endangered (s36A) or threatened species for which there is a recovery plan (s36B).

Parsley Bay Reserve is land comprising critical habitat for the following species:

- Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*) and
- Magenta Cherry (*Syzygium paniculatum*)

Sunshine Wattle is listed as endangered under Federal legislation, the *Environment Protection*

*Biodiversity and Conservation Act 1999* and State legislation, the *Biodiversity Conservation Act 2016* and Magenta Cherry is listed as vulnerable under Federal and endangered under State legislation. There are national recovery plans for both species which necessitates a specific plan of management for Parsley Bay Reserve.



Figure 17. *Syzygium paniculatum*, detail of fruit. Source: Gardening with Angus website, [gardeningwithangus.com.au](http://gardeningwithangus.com.au)

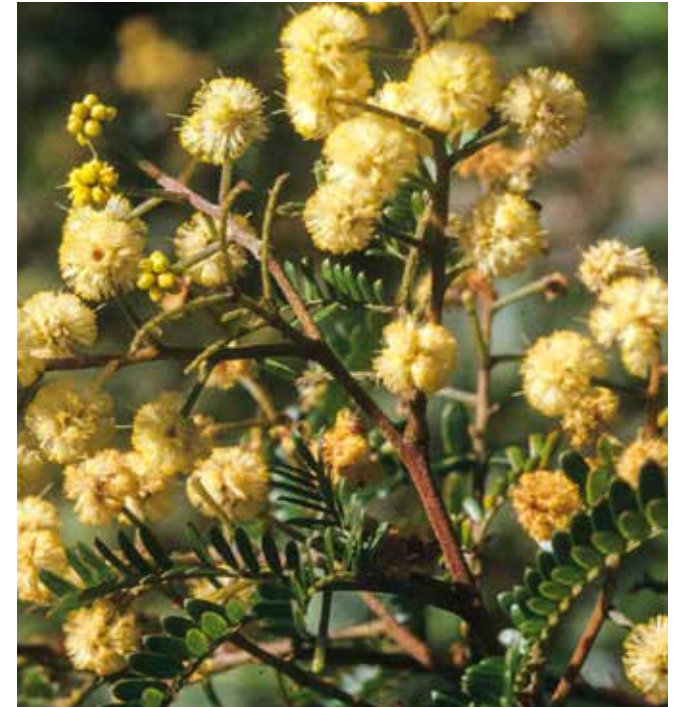


Figure 18. *Acacia terminalis* subsp. *terminalis*, detail of inflorescence. Source: Australian Plants Society NSW.



# 8. Use and development

## 8.1 Community Input – Parsley Bay Reserve Use and Management Issues

This section provides a summary of the contributions made by our community through the Crown lands plan of management survey. Refer to the complete survey report in appendix BB of the generic plan of management for all responses. Questions 60, 61 and 62 of the Your Say survey refer specifically to Parsley Bay Reserve, to which 60, 61 and 62 responses were received respectively. 3 postal surveys were received for Parsley Bay Reserve.

Most of the survey participants visited Parsley Bay Reserve occasionally, on weekends and arrived on foot.

Use of this site by our community is mostly to:

- appreciate the place, the environment, the space, the views
- go for a swim
- go for a walk

The key management issues here are:

- restoring the bushland
- maintaining the landscape character
- what is permissible use and why dogs are prohibited

## 8.2 Current use overview

The broad development and maintenance strategy for Parsley Bay Reserve is to attempt to restore the bushland while allowing for public access to the majority of the reserve, including the swimming enclosure, playground and lawn areas. At the date of adoption of this plan, the condition of the land and structures in all categories is generally fair to good. The inclusive playground is in excellent condition, having been installed approximately 18 months ago.

### 8.2.1 Access

Pedestrian access to the reserve is possible from several locations, although none are level. There is a steep, stepped concrete path known as 'Hopetoun

Alley' between 80 and 82 Hopetoun Avenue. It runs roughly parallel to the natural creek for 150 metres through remnant bushland, branching off to Parsley Road and terminating in the carpark. Further



Figure 21. Path from the carpark to Hopetoun Avenue, within Parsley Bay Reserve



Figure 19. Path to Hopetoun Avenue within Parsley Bay Reserve



Figure 20. Bridge over Parsley Creek in Parsley Bay Reserve



pedestrian access from Hopetoun Ave is via an unpaved path adjacent to number 88. This path winds through the bushland, crossing the creek three times and leads to the playground.

Pedestrian paths lead to the suspension bridge from between numbers 14 and 16 The Crescent and from between numbers 43A and 41 Fitzwilliam Road. On the eastern side of the bay, the path is multi-branched, continuing into the reserve and also along the rocky foreshore to the swimming ramp and public wharf below 16 The Crescent.

Vehicular access is possible from Horler Avenue, off Parsley Road. This access road is narrow and steep



Figure 22. Parsley Bay Reserve carpark and access to toilets

and limits the size of service vehicles able to access the reserve. It leads to a small, level 30 space car-park.

Public transport via buses is in nearby residential streets, although not specifically to the site.



Figure 23. Parsley Bay Reserve, Hawkesbury sandstone geology



Figure 24. The waterfall at Parsley Bay Reserve

## 8.2.2 The Physical Landscape

Parsley Bay Reserve lies in a steep, roughly rectilinear, sheltered gully of Hawkesbury sandstone. It has weathered to cliffs, ledges, rock overhangs and rocky, colluvial slopes. In places the natural rock is up to 8 metres high and some of the larger overhangs extend horizontally to 3 metres. Sandstone blocks ranging in size from ½ to 4 metres have collected on the slopes.

A natural creek line enters the gully from three locations within the rock face on the eastern and southern boundaries. At the southern boundary as a small picturesque waterfall.

The geology, topography and hydrology of the gully would have originally supported a tall closed forest vegetation community consisting of Smooth-barked Apple (*Angophora costata*), Sydney Peppermint (*Eucalyptus pipertia*), Bangalay (*Eucalyptus botryoides*) and some rainforest species such as Blueberry Ash (*Elaeocarpus reticulatus*), Cheese Tree (*Glochidion ferdinandi*) and Black Wattle (*Callicoma serratifolia*). The remnant of this community is being restored.

Where the land levelled out along the creek and towards the foreshore the vegetation most likely opened up to a woodland, and on the more exposed land on the ridge of The Crescent sclerophyllous scrub would have most likely been present.

With public use as a recreational area, the physical landscape has been altered over time. The creek has long been channelized, running under the ground for approximately 200 metres to the foreshore where it discharges at the south-west end of the beach. This stormwater drain is a source of litter, sediments and contaminants into the bay. The bay was dredged in the early 2000's to remove built up sediment and improve water quality.

Endemic vegetation has been removed over time to create the open space for recreation. Some non-endemic plants have been introduced, such as the now mature Hill's Weeping Figs, (*Ficus microcarpa* var *hillii*) near the toilet block.

Although altered, the physical landscape of Parsley Bay Reserve remains its most significant characteristic, having high conservation value. The remnant bushland is habitat for 2 endangered plant

species, and the bay itself is habitat for both animal and aquatic plant life.

### **8.2.3 The Cultural Landscape – Aboriginal History and Heritage**

#### **Overview:**

Parsley Bay is a long, narrow, sheltered bay ringed by sandstone outcrops containing numerous sandstone overhangs. The bay is fed by a freshwater creek and is flanked by extensive tidal rock platforms. Prior to reclamation and dredging over the past century, the beach covered what is now a grassed picnic area. Aboriginal people caught fish and shellfish around the bay, living in rockshelters, and probably also camping along the creek below. For most of the nineteenth century, the bay and its surrounds were part of the vast Vacluse Estate owned by the Wentworth family. There were Aboriginal settlements around the property throughout the estate, including at Parsley Bay.<sup>2</sup> In the 1890s, residents of this settlement were said to have made money by giving demonstrations of spear and boomerang throwing in front of the Greenwich Pier Hotel at Watsons Bay.<sup>3</sup>

There are several documented Aboriginal sites around the reserve. While there has been significant disturbance to parts of the reserve, some of these activities have covered over some formerly exposed areas, and other parts are concealed by vegetation. There remains the potential for further sites to be present, such as grinding grooves or engravings on sandstone outcrops, or evidence of past campsites within rockshelters. For this reason the entire reserve has been identified as a sensitive area.

#### **Recommendations:**

1. Opportunities could be explored to interpret the continuing nineteenth-century use of the area by Aboriginal people and its ancient roots, and could be addressed in a specific study, or as part of a future management plan for the park. Care should be taken not to identify the specific location of Aboriginal sites around the reserve.

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2. Irish (2017), pp.69-72

3. Irish (2017), pp.126-127; Hanna, Kim (2020), "Parsley Bay: "One of the people's playgrounds", Dictionary of Sydney, [www.dictionaryofsydney.org/parsley\\_bay\\_one\\_of\\_the\\_peoples\\_playgrounds](http://www.dictionaryofsydney.org/parsley_bay_one_of_the_peoples_playgrounds) (accessed 5/6/20).

2. An Aboriginal heritage management plan should be completed for Parsley Bay Reserve to provide detailed management recommendations to guide future activities.

3. Until an Aboriginal heritage management plan is adopted for the reserve, any proposed activities within the sensitive area should be subject to Aboriginal Heritage Impact Assessment. See appendix C for more details.

## 8.2.4 The Cultural Landscape – European History and Heritage

### Overview:

In 1793 a grant of land at the head of Parsley Bay<sup>4</sup> was given to Thomas Laycock, an officer in the New South Wales Corps. The area was referred to as Parsley Bay at least from this time, however the origin of the name is uncertain. It is likely that it comes from an edible native plant, *Apium prostratum* (Sea Parsley). Endemic to coastal areas, the leaves of this plant resemble culinary parsley, and it was regarded as a survival food among the Sydney colonists. It was described by a French naturalist on expedition to the east coast of Australia

in 1804. Another suggestion is that the name comes from a possibly eponymous George Parsley who is said to have lived in a cave at the head of the gully.

Laycock's land was consolidated with other land parcels over time, it was bought at auction in 1803 by Sir Henry Hayes and renamed Vacluse. W.C. Wentworth bought the Vacluse estate, including Vacluse House in 1827. The land remained in the private ownership of the Wentworth family for almost eighty years.

Subdivision of the Wentworth estate began in the late 19th century. During this time the Harbour Foreshores Vigilance Committee lobbied the State Government to secure areas of waterfront land for the people of Sydney, including Parsley Bay. In 1905, Parsley Bay was described by the editor of the Sydney Morning Herald as a:

"...beautiful narrow inlet, with low rocky cliffs on each side...with a bottom of pure white sand, which would form an ideal bathing reserve..., one of the finest salt-water bathing spots in Australia, if not the world."



Figure 25. Parsley Bay Reserve Kiosk c. 1910 . Local History File.

In 1907, following several years of negotiation, the bay and immediate surrounds were formally dedicated for public recreation. The first of the two reserves was gazetted on 4/12/1907.

The popularity of the newly created Parsley Bay Reserve, especially as an Edwardian picnic ground, brought about the design of a visitor's kiosk in 1909. The architect was Mr Varney Parkes, son of the 'Founder of Federation' Sir Henry Parkes. This single storey, shingled timber structure, in the style of a Japanese Tearoom, was built close to the creek, set back amongst the trees at the head of the bay. It fell into disrepair by the mid-1920s and was demolished.

4. Britten, Jane and Yeh, Caroline. (1998). *Parsley Bay, place of the heart*. Woollahra Library.





Figure 26. The suspension bridge in Parsley Bay Reserve

The suspension bridge was also begun in 1909, to improve access to the then ferry wharf on Point Seymour at the end of Fitzwilliam Road. This cabled suspension footbridge is listed as item 386 in WLEP 2014. It is of local heritage significance and continues to provide an important harbour foreshore pedestrian link from Fitzwilliam Road and The Crescent.

In May 1911, a Japanese ship en-route to the Antarctic on a scientific expedition, camped at Parsley Bay for six months, probably to avoid poor weather and an Antarctic winter. The crew set up shelters in what is now the carpark and formed strong connections with the local community. The site continues to be visited regularly by



Figure 27. The residence and kiosk building in Parsley Bay Reserve

representatives of the Japanese Navy and this event is commemorated by a plaque located near the car park and creek.

The present Art Deco style kiosk building, was built in 1929 to replace the original kiosk. This new kiosk, which included a residence, became the focus of social life in Parsley Bay during the inter-war period.

Swimming in the calm waters of Parsley Bay has long been a popular form of recreation. In 1930, the then Vacluse Council installed shark proof netting across the head of the bay to improve swimming amenity. A floating net, installed in 1982 replaced the original mesh structure.



Figure 28. The swimming enclosure at Parsley Bay Reserve



Figure 29. The swimming net at Parsley Bay Reserve

During the 1930's, under the government's unemployment relief scheme, improvement works were undertaken within the reserve. These

included dredging the bay, building the stone sea wall to increase the area of public open space and channelling the natural creekline. With these improvements, the profile of the reserve increased and post WW2 it was a popular setting for large scale picnics organised by various clubs. A lifesaving group was formed and St John's ambulance personnel attended from the kiosk. An additional portion of land was added to Parsley Bay Reserve adjacent to The Crescent after WW2, it was gazetted 25/06/1948.

The reserve continues to be popular for family picnics and birthday parties. The first children's playground was built in early 1980. Bush regeneration efforts since the 1990's aim to encourage the endemic vegetation to re-establish into a robust vegetation community. A group of dedicated Bushcare volunteers meet regularly to assist Council with bush regeneration.

In 2003-4 stormwater remediation work was undertaken around the foreshore and on the sea floor. A quantity of sand was removed to return the bay to its original depth. This was done to improve the water quality in the vicinity of the stormwater outlet, as this is where most toddlers swim.

The playground was upgraded in 2019 to incorporate inclusive play equipment.



Figure 30. The playground and kiosk at Parsley Bay Reserve



Figure 31. The toilets at Parsley Bay Reserve. Land immediately to the left of this photo is habitat for endangered species

Sydney Water plan to demolish the existing toilet block and construct a wastewater pump station in that location. New toilet facilities will be needed within the reserve. Careful site planning and future construction works must be undertaken in a thoughtful way to minimise negative environmental impact and avoid depletion of site values.

### Heritage Items

Suspension footbridge is listed as item 386 in WLEP 2014.

### Potential Heritage Items

At the time of preparing this document, Council staff are currently preparing a draft heritage gap analysis. It is anticipated that one of the recommendations of this work will be to assess the heritage significance of the cultural landscapes of the Woollahra LGA, including this site.

Potential heritage items include:

Several mature endemic trees.

Aboriginal sites.

Evidence made by the Japanese expedition in 1911, including markings and carvings.

Historic archaeology from previous structures and



previous land uses, both on land and underwater. The whole of the reserve has potential to be a heritage item.

### Recommendations:

1. Investigate opportunities to undertake a heritage assessment of Parsley Bay Reserve in accordance with the NSW Heritage criteria.
2. An unexpected finds protocol should be in place to guide future excavation works on land and in the water. See appendix C for more details.

### 8.2.5 Landscape Character

The landscape character of Parsley Bay Reserve is largely created by the geomorphology. The height of the sandstone rock faces creates a walled effect to the space and a sense of enclosure and protection is thereby created.



Figure 32. Parsley Bay Reserve looking to swimming enclosure



Figure 33. Parsley Bay Reserve, the landscape character of the natural area- bushland

Within the sheltering sandstone walls, the open, sunny foreshore and grassed area contrast with the more closed, partially shaded bushland. In the bush, the sensory experience is heightened by the dappled shade of the interconnected tree canopy, the soft feel of the leaf litter underfoot and the gentle, calming sounds of the trickling creek.

### 8.2.6 Relevant Documents

- National recovery plan for Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*)
- National recovery plan for Magenta Cherry (Lilly Pilly) (*Syzygium paniculatum*)
- Saving Our Species Report to fulfil DPE service agreement, 1/6/20 for Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*).
- Woollahra Libraries, Local History Research File.

### Sydney Water Refresh Vacluse and Diamond Bay Project

Sydney Water is progressing the 'Refresh Vacluse and Diamond Bay' project. Currently, wastewater (sewage) from the Vacluse catchment is discharged untreated into the ocean 1m below the base of the cliffs at Christison Park. To improve environmental and public health outcomes, Sydney Water plans to upgrade its infrastructure and redirect the wastewater to Bondi where it will be treated prior to discharge.

The project involves construction of underground pipes through Dover Heights, Vacluse, and Rose Bay, and the construction of a new pumping station at Parsley Bay. A pumping station is already in place at Parsley Bay, however a larger facility is required. The pump will be underground, with its footprint largely on the site of the existing amenities block. A small service 'kiosk' and vent will be above ground on a concrete platform.

Following the release of the Review of Environmental Factors (REF), Council and local residents raised concerns with Sydney Water about the amount of excavation and vegetation clearing proposed at

Parsley Bay. Council staff met with the Sydney Water project team onsite to discuss the concerns. The outcome of the discussions was a redesign of the pumping station, with limited clearing of vegetation and far less excavation required.

Although there will be disruption for users of Parsley Bay during construction, visitors will benefit from a new amenities block, to be located in a more convenient (as yet unplanned) location. The platform will encroach a small distance onto the existing carpark, however Sydney Water will upgrade and reconfigure the carpark in an attempt to retain the same number of parking spaces. Planting and use of sandstone for wall construction will soften the aesthetic.

During the construction period, access to Parsley Bay will be via Parsley Road, The Crescent or Fitzwilliam Street. Access via Horler Avenue will be retained for Council maintenance vehicles and kiosk deliveries.

Sydney Water has provided Council with the graphics in figures 34 and 35, showing the existing site and the site post construction.



Figure 34. Site of proposed pump station in Parsley Bay Reserve, current view

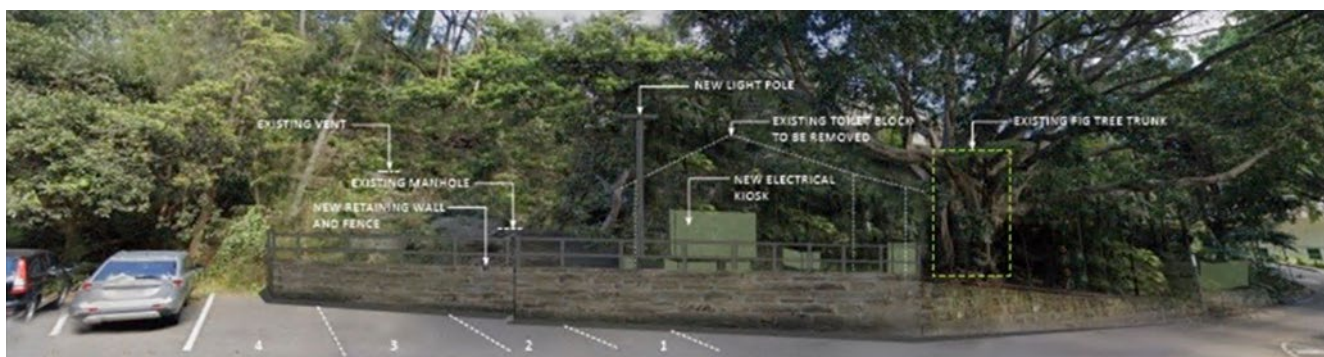


Figure 35. Site of proposed pump station in Parsley Bay Reserve, post works

For further information on this project please visit; <https://www.sydneywater.com.au/sw/water-the-environment/what-we-re-doing/current-projects/improving-our-wastewater-system/refresh-vaucluse-and-diamond-bay/index.htm>

## 8.2.7 Current condition, issues and use of the land and structures on PARK category land at Parsley Bay Reserve

The level area of the reserve is categorised as park. It is mostly mown turf grass with a variety of exotic and mostly native trees, shrubs and groundcovers towards the rock faces on either side of the lawn. Structures are generally in good condition and include picnic seating and tables, rubbish bins and the inclusive playground.



This area has high recreation value and is used by the local and regional community for both passive and active recreation, including by groups for parties. Management issues are similar to other passive recreation locations, such as lawn mowing and other general horticulture maintenance, litter pick and upkeep of park furniture. The area near The Crescent is also categorised as park and consists of an open lawn area with seating and fragments of endemic vegetation. This zone

importantly supports native ground orchids and the endangered Sunshine Wattle, and is considered to have high conservation value. The land here contains a good diversity of dormant native seed in original soil and rates of regeneration have been good. Sunshine Wattle is known to have high seed dormancy, the seed is long lived and persistent. The national recovery plan confirms this species survives in seedbanks for up to 50 years, remaining viable with up to 95% germination

rates possible. Germination of Sunshine Wattle usually occurs after fires, which indicates that small pile burns could be considered in this area as a bush regeneration tool. Detailed habitat restoration plans are required to ensure the longevity of this critical habitat that supports Sunshine Wattle.

Lighting near The Crescent was removed to deter anti-social gatherings. Use by the community is for passive recreation and access. The walkway is part of the Bondi to Manly walk. The Crescent area is a thoroughfare connected by a suspension bridge to Fitzwilliam Avenue. Issues in this area include general horticulture and bush regeneration in an area that experiences high levels of usage.



Figure 36. View of the lawn at Parsley Bay Reserve, looking towards the playground and residence



Figure 37. View of the lawn at Parsley Bay Reserve, looking towards the swimming enclosure



Figure 38. Picnic facilities and signboard at Parsley Bay Reserve

### 8.2.8 Current condition, issues and use of the land and structures on GENERAL COMMUNITY USE category land at Parsley Bay Reserve

General community use category land performs several functions and is the location of the c. 1929 kiosk and caretaker building and the irrigation water tank. These structures are in fair condition. The kiosk building contributes significant character to the reserve as an example of an interwar destination kiosk and as such has high cultural and social value. Current use is Council work shed on ground level, Council caretaker residence upstairs and a kiosk at ground level. There is scope to improve the amenity and use that this facility provides. The terms of the



Figure 39. The kiosk and residence at Parsley Bay Reserve

lease of the kiosk and provision of adequate staff facilities are the key issues in this area.

### 8.2.9 Current condition, issues and use of the land and structures on NATURAL AREA – FORESHORE category land at Parsley Bay Reserve

Land categorised as natural area – foreshore consists of the rock platforms and associated cliff faces around the bay. These features have high geomorphological and scenic value and need to be managed for ongoing safety. Some of the overhanging rock outcrops have been stabilised with concrete piers and require ongoing risk assessment, generally they are in good condition.



Figure 40. Support piers and kayaks on natural area – foreshore land

The sandy beach zone is outside the boundary of the Crown reserve, although it is maintained by Council staff as community land foreshore category and has high recreation and scenic value, as well as significant ecological value. It is cleaned 3 times a week with a beach tractor. Sand is an ever-changing dynamic feature which requires maintenance as shifting sand piles on the lawn outside the boundaries of the rock wall. The sand is relocated back onto the beach every 2 – 3 years.

Marine life in Parsley Bay includes endangered plant and animal species such as seagrass (*Zostera* species) and White's Seahorse (*Hippocampus whitei*) and a variety of protected marine species



Figure 41. The beach at Parsley Bay Reserve



such as stingrays. Maintaining good water quality is requisite to their survival. Water quality is variable and dependent on the stormwater entering the bay from the channelized creek outlet on the western side of the beach. Stormwater enters the creek line via drains in surrounding residential street with



Figure 42. White's Seahorse at Parsley Bay Reserve. Photo: Ecodiving

the urbanised catchment. Therefore upgrades to this current system, such as a gross pollutant traps (GPT's), rain gardens, increasing permeable surfaces, pit litter baskets and other catchment improvements are needed upstream to continue to improve the environmental values of the foreshore area.

The structures in this area include ladders and a concrete pedestrian ramp that provide access to the swimming enclosure, the swimming net, and concrete paths around the foreshore. The paths, ramp and ladder are in fair condition. The swimming net is currently in poor condition and any upgrades would need to focus on allowing for tidal flushing, maintaining existing habitat and reducing maintenance burden. There is a public wharf, in fair

condition on the eastern foreshore, outside of the swimming net. Adjoining private properties have access ramps and ladders across the rock platform to the bay outside the swim enclosure, many of which are encroachments. Use by the community is passive and active recreation and access.

Lighting has been installed in the trees around the foreshore paths and suspension bridge and underwater in the bay by a local resident, without Council approval. While some may enjoy these additions, privatisation of public space is discouraged. Additionally, some of these illegal works have potential to breach the *Fisheries Management Act 1994* as they impact protected and listed marine life. Encroachments such as



Figure 43. Signage at Parsley Bay Reserve



Figure 44. Ramp and stairs into the swimming enclosure at Parsley Bay Reserve



Figure 45. Parsley Bay Reserve, concrete path on eastern foreshore



these will be removed to ensure public safety and appropriate use of public open space. The main issues for the foreshore are minimising risk, maintaining water quality and habitat, reducing encroachment and human impacts.

#### 8.2.10 Current condition, issues and use of the land and structures on NATURAL AREA – BUSHLAND category land at Parsley Bay Reserve

The area categorised as natural area – bushland is the land to the side and rear of the playground and carpark. The tri-branched creek flows through this area. The central section of the bushland towards Hopetoun Avenue is considered to have high conservation value as the soil contains a good diversity of dormant native seed in original soil and rates of regeneration here have been good. Two endangered species (as per the *Biodiversity Conservation Act 2016*), Sunshine Wattle (*Acacia terminalis subsp. terminalis*) and Magenta Cherry (*Syzygium paniculatum*) occur in this part of the reserve. As do several species of native fauna, including water dragons (*Intellagama lesueurii*), powerful owls (*Ninox strenua*) and micro bats. Detailed habitat restoration plans are required



Figure 46. Parsley Bay Reserve, natural area – bushland land category



Figure 49. Parsley Bay Reserve, natural area – bushland land category includes the waterfall



Figure 47. Parsley Bay Reserve, detail of Parsley Creek



Figure 50. Parsley Bay Reserve is habitat for powerful owls



Figure 48. Parsley Bay Reserve is habitat for waterdragons



Figure 51. Parsley Bay Reserve, detail of the waterfall



to ensure the longevity of this critical habitat that supports both Sunshine Wattle and Magenta Cherry.

There is a small weir across the creek at the base of the waterfall. A gross pollutant and sediment capture system was built in Hopetoun Ave to help

keep the creek and swimming enclosure clean. The existing accessible toilet block and associated sewer pipes and vents, is adjacent to the 30 space bitumen carpark, east of the vehicular entry within the bushland area. The toilet block (which is the subject of the Sydney Water Refresh Vacluse project) is in fair condition. Lighting, also in fair

condition is provided to the carpark and on a timer along the concrete path to Hopetoun Avenue. This stepped bushland path is in fair condition and provides valued neighbourhood access and a passive recreation bushland experience. Informal paths, sometimes known as “goat tracks” have been created by adjoining residents for private access through this area. This encroaching practice is strongly discouraged in order to preserve the bushland which is critical habitat for the 2 endangered species of flora.



Figure 52. Parsley Bay Reserve toilets



Figure 54. Parsley Bay Reserve signage prohibiting dogs



Figure 53. Parsley Bay Reserve carpark and access to toilets



Figure 55. Parsley Bay Reserve gully sandstone wall and bushland

The bushland and creek in Parsley Bay Reserve continue to experience various threats, including weed infestations of up to 30%, contaminants from stormwater runoff and trampling. In particular, the areas near the playground and lawn experience high levels of impact from pedestrian access. This results in canopy dieback and thinning, soil compaction, loss and damage to mid and ground story plants as well as loss of germinated seedlings. Domestic animals also threaten the biodiversity of the bushland through direct and chase predation, soil deterioration brought about by their urine and faeces and digging which disturbs plant growth and the soil seed bank.

The key managerial focus for Parsley Bay Reserve over the past 30 years has been regeneration of the remnant bushland. The value and scarcity of this native vegetation is well recognised and restoration remains a key priority. While the majority of the bushland area is now on a maintenance program following initial primary weed removal, it remains a challenge to re-establish the complex vegetation community that once existed here in such a highly used, urban environment due to its continued disturbance by park users

Bush regeneration efforts are augmented by community volunteers who strive to ensure the future ecological sustainability, biodiversity and natural beauty of Parsley Bay Reserve. This is a significant role given the natural environment is considered by the community to be the most valuable feature of the Crown land reserves. Volunteers receive Bushcare training, our biannual newsletter “The Bush Telegraph”, a certificate of participation and achievement, and are provided with all necessary tools and equipment, morning tea and site supervision. Council’s website provides information about current volunteer opportunities.

[https://www.woollahra.nsw.gov.au/environment/bushland\\_and\\_biodiversity/get\\_involved/bushcare](https://www.woollahra.nsw.gov.au/environment/bushland_and_biodiversity/get_involved/bushcare).

### 8.3 Future use and development

Permissible use and development of community land is prescribed and regulated by the relevant legislation, including the *LG Act* and the instruments of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### 8.3.1 Environmental Planning & Assessment Act 1979

This Act ensures that the effects on the natural environment, along with social and economic factors, are taken into account by Council when granting approval for or undertaking works, developments or activities.

A statutory system of environmental and land use planning has been established through Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs) under the *EP&A Act*.

#### • The Woollahra Local Environment Plan (WLEP) 2014

The land described in this plan is zoned RE1 public recreation under WLEP 2014, and is subject to the

permitted and prohibited land use and development of that zone, and any other relevant provisions.

The objectives for land zoned RE1 public recreation 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.

Amendments to WLEP 2014 shall take precedence over the provisions of this plan of management.

#### • SEPPs

SEPPs provide planning rules for specific environmental matters. They contain development controls to protect or manage certain environmental values. A proposed development may require assessment that investigates the potential impacts on the environment to ensure compliance with the Act. Such assessment may be a review of Environmental Factors (REF), a statement of Environmental Effects (SEE) or an Environmental Impact Assessment (EIS) for large proposals.

See appendix C for additional SEPPs to consider prior to the installation of any improvements on community land.

- **SEPP (Infrastructure) 2007**

This instrument supports greater flexibility in the location of infrastructure and service facilities such as roads, pathways, cycleways, outdoor recreation facilities and lighting. It permits certain infrastructure works to be carried out in one of the following ways:

- exempt development,
- complying development,
- development permitted without consent, or
- development permitted with development consent.

Development permitted without consent under SEPP (Infrastructure) 2007 does not require consent under Part 4 of the *EP&A Act*, but must still be subject to an environmental assessment under Part 5 of the *EP&A Act*.

- **SEPP No 19 – Bushland in Urban Areas 1986**

Although the bushland has been created at Trumper Park, this policy is relevant. It applies to land on which there is vegetation which 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 bushland. It aims to protect and preserve bushland within urban areas.

This plan of management does not over-rule any existing legislation that also applies to the management of community land. Other pieces of legislation, plans, strategies and policies that should be considered in the management of the land in this plan of management have been included in appendix B. Additional Council plans, strategies and policies adopted after the date of this plan, which have relevance to the planning, use and management of community land, will apply as though they were in force at the date of adoption of this plan of management.

### **8.3.2 Permissible use and development**

This plan of management authorizes the following permissible use and development of Parsley Bay Reserve.

The use and development of Crown land should be compatible with the reserve purpose and the assigned category. Use is often supported by appropriate ancillary development such as amenity blocks and playground equipment. The types of anticipated uses and associated development shown in the following tables are intended to provide a general guide rather than an exact meaning. For example a reference to active recreation includes many codes and if demand for one code increases, the land may need to be modified to facilitate it.

Use is subject to approval, and if required, it must be obtained in writing prior to commencement. Approval is dependent on various factors including site conditions at any given time, and whether the use is in the public interest. Use must not result in physical damage to the land or the placement of any permanent structures. Use should not result in a significant adverse impact on adjoining residents

and organisers are responsible for cleaning up the site and repairing any damage that may occur. Fees for short-term casual use will be charged in accordance with Council's adopted fees and charges at the time, including the payment of the applicable bond. Development permissibility is provided under legislation, including the LG Act, the EP&A Act and the Heritage Act and National Parks & Wildlife Act, where relevant, and is subject to the relevant application and approval processes.

High levels of access to the natural area – bushland may need to be restricted in future to protect the environmental values that exist there.



**Table 4. Permissible short term use**

Permissible short term use	Is approval required?	Permissible at Parsley Bay Reserve in land category			
		Park	G.C.U	Natural Area – Foreshore	Natural Area – Bushland
Amusement devices, e.g. jumping castles	Yes	Yes	Yes	No	No
Casual active recreation such as ball games, children’s play and cycling	No	Yes	Yes	Yes	No
Casual passive recreation such as walking, reading and viewing	No	Yes	Yes	Yes	Yes
Ceremonies, including for religious reasons	Yes	Yes	Yes	Yes	No
Council events, festivals, markets etc.	Yes	Yes	Yes	No	No
Community event including educational activities, clean up days	Yes	Yes	Yes	Yes	Yes
Construction access	Yes	Yes	Yes	Yes	Yes
Corporate promotional activities or functions	Yes	Yes	Yes	No	No
Commercial activities of any trade or business	Yes	Yes	Yes	No	No
Commercial fitness training, see adopted policy	Yes	Yes	Yes	Yes	No
Emergency services access	No	Yes	Yes	Yes	Yes
Filming, including with a drone	Yes	Yes	Yes	Yes	Yes
Fireworks	Yes	Yes	No	Yes	No
Group recreation for less than 20 people such as a picnic or party	No	Yes	Yes	Yes	No
Group recreation for more than 20 people such as a picnic or party	Yes	Yes	Yes	Yes	No
Photography, including bridal	Yes	Yes	Yes	Yes	Yes
Public address, public entertainment event or public meeting	Yes	Yes	Yes	No	No
Temporary enclosures / structures	Yes	Yes	Yes	Yes	Yes
Singing, or playing a musical instrument for a fee or reward	Yes	Yes	Yes	No	No
Using a loudspeaker or sound amplifying device	Yes	Yes	Yes	No	No
Water craft storage, see adopted policy	Yes	No	No	Yes	No
Weddings	Yes	Yes	Yes	Yes	No

**Table 5. Permissible long term use / purpose**

Permissible long term use / purpose      subject to relevant approval	Type of agreement			Permissible at Parsley Bay Reserve in land category			
	Lease	Licence	Other estate	Park	G.C.U	Natural Area – Foreshore	Natural Area – Bushland
Provision of <b>goods, services, facilities</b> or the carrying out of <b>activities</b> to the public, including as a commercial undertaking <b>for public recreation</b> , examples include:							
• hire or sale of recreational equipment	Yes	Yes	No	Yes	Yes	Yes	No
• fitness training, yoga class	Yes	Yes	No	Yes	Yes	No	No
Provision of <b>goods, services, facilities</b> or the carrying out of <b>activities</b> to the public, including as a commercial undertaking <b>for public physical welfare or development</b> , examples include:							
• health or medical services	Yes	Yes	No	No	Yes	No	No
• fitness training, physical skills tuition e.g. Nippers	No	Yes	No	Yes	Yes	Yes	No
Provision of <b>goods, services, facilities</b> or the carrying out of <b>activities</b> to the public, including as a commercial undertaking <b>for public cultural welfare or development</b> , examples include:							
• concerts, dramatic productions	Yes	Yes	No	No	Yes	No	No
Provision of <b>goods, services, facilities</b> or the carrying out of <b>activities</b> to the public, including as a commercial undertaking <b>for public social welfare or development</b> , examples includes:							
• kiosk, cafe, restaurant	Yes	Yes	No	Yes	Yes	No	No
• mobile refreshment stand	No	Yes	No	Yes	Yes	No	No
• community centre, men's shed	Yes	Yes	No	No	Yes	No	No
• events, fairs, festivals	No	Yes	No	Yes	Yes	Yes	No
Provision of <b>goods, services, facilities</b> or the carrying out of <b>activities</b> to the public, including as a commercial undertaking <b>for public intellectual welfare or development</b> , examples include:							
• educational sessions, classes, workshops e.g. Bushcare instruction	No	Yes	No	Yes	Yes	Yes	Yes

**Table 5. Permissible long term use / purpose 'cont**

Permissible long term use / purpose      subject to relevant approval	Type of agreement			Permissible at Parsley Bay Reserve in land category			
	Lease	Licence	Other estate	Park	G.C.U	Natural Area – Foreshore	Natural Area – Bushland
<b>Public utilities</b> and works associated with or ancillary to public utilities, pipes, conduits under the surface of the ground for the connection of premises adjoining the land to a facility of the Council or other public utility provider, examples include:							
• sewer connection, electricity provision	No	No	Yes	Yes	Yes	Yes	Yes
<b>Biodiversity Stewardship Agreements</b> , examples include:							
• offset projects, when the land is protected and managed to achieve an improvement in biodiversity values	No	No	Yes	No	No	Yes	Yes
Provision of <b>roads</b> in accordance with s47 of the <i>LG Act</i>	No	No	Yes	Yes	Yes	No	No

**Table 6. Permissible development**

Permissible development subject to relevant approval	Permissible at Parsley Bay Reserve in land category			
	Park	G.C.U	Natural Area – Foreshore	Natural Area – Bushland
<b>Amenity buildings</b> , such as toilets, change rooms	Yes	Yes	Yes	Yes
<b>Art installations</b> , see adopted policy	Yes	Yes	Yes	Yes
<b>Carparks</b> , single storey only, associated with the use of the site	Yes	Yes	No	No
<b>Cycle paths</b> and bicycle related storage facilities such as racks	Yes	Yes	No	No
<b>Demolition of buildings</b> , other than any building or structure that is, or is part of, a State or local heritage item or is within a heritage conservation area	Yes	Yes	Yes	Yes
<b>Environmental facilities</b> , i.e. a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures – permitted without consent.	Yes	Yes	Yes	Yes
<b>Environmental management works</b> , i.e. works for the purpose of avoiding, reducing, minimising or managing the environmental effects of development (including effects on water, soil, air, biodiversity, traffic or amenity), and environmental protection works.	Yes	Yes	Yes	Yes
<b>Environmental protection works</b> , i.e. works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works – permitted without consent	Yes	Yes	Yes	Yes
<b>Information boards</b> , and other information facilities including park entry booths and visitor information centres	Yes	Yes	Yes	Yes
<b>Information and education facilities</b> , i.e. a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like	Yes	Yes	No	No
<b>Irrigation systems</b>	Yes	Yes	No	No
<b>Jetties</b> , i.e. a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation	Yes	No	Yes	No

**Table 6. Permissible development *cont'***

Permissible development subject to relevant approval	Permissible at Parsley Bay Reserve in land category			
	Park	G.C.U	Natural Area – Foreshore	Natural Area – Bushland
<b>Kiosks</b> , i.e. a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials	Yes	Yes	No	No
<b>Landscaping</b> , including landscape structures or features	Yes	Yes	Yes	Yes
<b>Lighting</b> , ensure light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Australian Standard	Yes	Yes	Yes	Yes
<b>Maintenance</b> of landscaping and infrastructure including access roads	Yes	Yes	Yes	Yes
<b>Outdoor furniture</b> , e.g. seats, picnic tables, bins	Yes	Yes	Yes	Yes
<b>Pathways</b> , for pedestrian access, walking tracks, bridges, raised walking paths, boardwalks, ramps, stairways and handrails, gates, viewing platforms with an area not exceeding 100m <sup>2</sup>	Yes	Yes	Yes	Yes
<b>Recreation areas</b> , i.e. a place used for outdoor recreation that is normally open to the public, including children's playgrounds, areas used for community sporting activities, public parks, reserves or gardens and any ancillary buildings	Yes	Yes	No	No
<b>Play equipment</b> , ensure adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence	Yes	Yes	No	No
<b>Portable lifeguard towers</b> , ensure the footprint of the tower covers an area no greater than 20 square metres	Yes	No	Yes	No
<b>Restaurants or cafes</b> , i.e. a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided	No	Yes	No	No
<b>Roads</b> , i.e. a public road within the meaning of the <i>Roads Act 1993</i> , and in accordance with s47 of the <i>LG Act</i> , includes a classified road, and under <i>SEPP 2007</i> also vehicle barriers and ticketing machines	Yes	Yes	No	No
<b>Shade structures</b> , if the visual impact of the development on surrounding land uses is minimal	Yes	Yes	Yes	No
<b>Shelters</b> , if the visual impact of the development on surrounding land uses is minimal	Yes	Yes	Yes	No
<b>Water recreation structures</b> , i.e. a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp	Yes	No	Yes	No



**Table 7. Current and Future Permissible Use of Parsley Bay Reserve**

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 & 6.	Scale and intensity	Prohibited use
Park	Land	Passive recreation, bushland conservation near The Crescent	Commercial fitness activities permitted with a licence	3	Casual recreation use e.g. walking, informal ball games, picnics for groups of < 20 at all times, no permit required.  Uses that require a permit / short term casual licence include commercial fitness training, public meetings, all group activities of > 20 and for all filming, weddings, ceremonies, bridal photography, corporate activities or functions regardless of size.	Up to medium scale and medium intensity only	Camping, dumping rubbish, fires, golf, unauthorised vehicles and any use prohibited under WLEP 2014.  Dogs at all times.  Smoking within 10m of playground and in outdoor cafes.  Commercial fitness activities in playgrounds
	Buildings	Toilet block	Nil	1.29  See appendix B for report	Development related or ancillary to recreation and / or aesthetic use is permissible, e.g. amenity buildings, utilities if required, jetties, planting for shade and habitat, park furniture, recreation facilities, play equipment, temporary structures for recreational needs, community facilities, environmental facilities / management / protection works (subject to the relevant approval process).		
	Improvements  Refer to Council's built asset register for complete list, which itemises every structure on the land, including condition rating.	Paths, park furniture, carpark.	Nil	Av. 2			

**Table 7. Current and Future Permissible Use of Parsley Bay Reserve *cont'***

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 & 6.	Scale and intensity	Prohibited use
G C Use	Land	Passive recreation	Nil	3	Various use to meet the public recreation, or the physical, cultural, social or intellectual needs of the community, e.g. community facilities, kiosk, recreation areas.	Small scale and low intensity only	Camping, dumping rubbish, fires, golf, unauthorised vehicles and any use prohibited under WLEP 2014.  Dogs at all times.  Commercial fitness activities near cafes  Smoking in outdoor cafes.
	Buildings	Kiosk / caretakers cottage	Lease over kiosk, Deed of agreement over caretakers cottage	1.71 1.86  See appendix B for report	Uses that require a permit / short term casual licence include public meetings, all group activities of > 20, all building venues, and for all filming, weddings, ceremonies, bridal photography, corporate activities or functions regardless of size.		
	Improvements	30 000L creek water tank for irrigation use	Nil	Av 2	Long term leases / licences may be granted for provision of appropriate goods, services, facilities or purposes as currently used and / or as shown in table 5.  Development related or ancillary to the recreational, physical, cultural, social or intellectual needs of the community is permissible, e.g. kiosks, mobile refreshment stands, café/restaurant, temporary structures for recreational needs, community facilities, environmental facilities / management / protection works (subject to the relevant approval process).		

**Table 7. Current and Future Permissible Use of Parsley Bay Reserve *cont'***

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 & 6.	Scale and intensity	Prohibited use
NA – F	Land	Low impact passive recreation	Nil	3	Casual recreation use e.g. walking, water based passive recreation, picnics for groups of < 20 at all times, no permit required.	Small scale and low intensity only	Camping, dumping rubbish, fires, golf, unauthorised vehicles and any use prohibited under WLEP 2014.  Dogs at all times.
	Buildings	Nil	Nil	Nil	Uses that require a permit / short term casual licence include all group activities of > 20 and for all filming, weddings, ceremonies, bridal photography, corporate activities or functions regardless of size.		
	Improvements	Paths, ramp to swimming enclosure	Nil	Av 2	Development related or ancillary to low impact passive recreation and / or aesthetic use is permissible, e.g. park furniture, jetties, temporary structures for recreational needs, environmental facilities / management / protection works (subject to the relevant approval process).		

**Table 7. Current and Future Permissible Use of Parsley Bay Reserve *cont'***

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 & 6.	Scale and intensity	Prohibited use
NA – B	Land	Low impact passive recreation	Nil	3	Casual low impact passive recreation use e.g. walking, for individuals or groups of < 20 at all times, no permit required.	Very small and very low intensity only	Camping, dumping rubbish, fires, fireworks, golf, horses, unauthorised vehicles and any use prohibited under WLEP 2014.  Commercial fitness training.  Dogs at all times.
	Buildings	Nil	Nil	Nil	A permit / short term casual licence is required for all group activities of > 20 and for all filming.		
	Improvements	Paths, timber bridge over creek	Nil	Av 2	Development related or ancillary to low impact passive recreation and / or aesthetic use is permissible, e.g. park furniture, temporary structures for recreational needs, environmental facilities / management / protection works (subject to the relevant approval process).		

Condition ratings for land and park assets as follows: 1. Excellent – no work required or as new condition, 2. Good – well maintained, minor maintenance only, 3. Average – maintained but in need of repair, 4. Poor – in need of major repair or renewal, 5. Very Poor – urgent renewal or upgrading required

Condition ratings for buildings as follows: 1 – Good, 2 – Fair, 3 – Requires maintenance, 4 – Requires replacement

Special management requirements: The Sydney Water Refresh Vacluse and Diamond Bay project will impact use of the park. Issues to consider include an appropriate location within the park for new toilets.

Service Level Agreement 2020/21 grant of \$23,000 to control weeds in the vicinity of *Acacia terminalis subsp terminalis*, to install fences and signage to prevent recreational users from impacting individual specimens or habitat and to undertake eco-burns and mechanical disturbance to promote recruitment for the Saving our Species *Acacia terminalis subsp. terminalis* conservation project. WMC mapping shows class 2 acid sulphate soils near Horler Avenue and class 5 throughout the majority of the reserve.

Capital works currently budgeted for: Repair of cliff support columns, new shark net 2021/2022.

Current Council resolution: Nil.



# 9. Management framework for Parsley Bay Reserve

Objectives 1 – 8 reflect the land management goals and values			
Objective – the desired outcome	Performance targets – what the objective is trying to do	Actions – how to achieve the target	Performance measures – how to assess whether the objectives and targets have been met
<b>1</b>	<b>A</b>		
Safe, clean, well-maintained, functional and varied	Ensure public <b>safety</b> is considered during the planning, design, construction, maintenance and use of each site	<ul style="list-style-type: none"> <li>• Adhere to CPTED (crime prevention through environmental design) principles during planning and design documentation and during regular maintenance, including: <ul style="list-style-type: none"> <li>◦ passive surveillance</li> <li>◦ good sight lines</li> <li>◦ appropriate lighting</li> </ul> </li> <li>• All installations to meet the Building Code of Australia (BCA) and Australian Standards (AS)</li> <li>• Provide for emergency services / response access and ensure associated identification signage is prominent</li> <li>• Respond promptly to reported hazards</li> <li>• Liaise with local police to identify and act on safety issues</li> <li>• Where appropriate, consider creative lighting design that improves visibility at night, a principle of the <i>NSW Public Spaces Charter</i></li> <li>• Install no stopping / no parking signage on Horler Avenue and on Parsley Road near Horler Avenue intersection to allow for emergency vehicle access, including fire truck access</li> </ul>	<p>Perception of user safety is increased, reduced CSRs</p> <p>Reduced incidents of reported vandalism</p> <p>Specifications meet relevant BCA and AS</p> <p>Emergency services access needs identified, access points created and clearly signed</p> <p>CSR response targets met</p> <p>Strong relationship maintained with Eastern Suburbs Police Area Command</p> <p>Improved visibility at relevant sites</p> <p>Signage installed, service vehicles can access the site if necessary</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>1</b>	<b>A</b>		
		<ul style="list-style-type: none"> <li>Remove moss and oysters from steps into swimming enclosure as needed</li> <li>Install signs alerting the public to the potential hazards around the swimming enclosure, including those that may not be visible such as submerged rocks, oysters, stingrays</li> <li>Provide a first aid kit and emergency first aid instructions, including CPR in a prominent location, perhaps near the kiosk</li> <li>Repair and / or replace shark net with substitute net to maintain a safe swimming enclosure, until a new net is installed in 2022, in consultation with DPE – Fisheries to an improved design that allows for tidal flushing of the bay</li> </ul>	<p>Steps are safe for use as access to swimming areas</p> <p>Signage installed, public aware of hazards</p> <p>CPR poster installed, first aid kit installed</p> <p>Net is functional and designed to reduce environmental impacts</p>
	<b>B</b>		
	Ensure <b>clean</b> , litter free public land is <b>well-maintained</b> and available for use by the community	<ul style="list-style-type: none"> <li>Adhere to regular inspections, horticulture schedules, litter collections and cleaning schedules</li> <li>Consider integrating smart infrastructure into public spaces to monitor cleanliness, as recommended by the NSW Public Spaces Charter</li> <li>Provide bins, consider separate bins for recycling, use solar bins where appropriate</li> <li>Provide surface / subsurface drainage as necessary to increase site useability</li> <li>Events are planned with appropriate waste removal service levels provided</li> <li>Promote and encourage community clean-up days, for example on Clean Up Australia Day.</li> <li>Incorporate appropriate landscape renewals into forward works programs as needed</li> </ul>	<p>Maintenance schedules fulfilled</p> <p>Episodes of increased litter reported via technology for improved attendance by waste services</p> <p>Improved efficiency around collection of waste</p> <p>Surface water dissipation rate improved, majority of site available for maximum levels of public access</p> <p>Sites are cleaner, increased community land stewardship</p> <p>Well attended clean up events, increased community land stewardship</p> <p>Declining plant material is replaced as needed for a more aesthetically pleasing landscape</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>1</b>	<b>C</b>		
	Ensure the facilities and experiences at each site meet <b>community expectations</b> , and are <b>fit for purpose</b> , (a strategy of <i>Greener Places</i> )	<ul style="list-style-type: none"> <li>• Where necessary, improve the quality of the site, as recommended in the <i>NSW Public Spaces Charter</i></li> <li>• Maintain the asset register of all built structures, repair and / or replace as necessary to ensure they are functional and fit for purpose</li> <li>• Adhere to horticulture maintenance schedules</li> <li>• Review all horticulture maintenance schedules to ensure the green infrastructure on Crown land, i.e. the open space for recreation, the urban tree canopy, bushland and waterways can be adequately maintained</li> <li>• Ensure land for recreation is fit for purpose; use the site quality performance criteria to assess site suitability and intended purpose as recommended in the <i>Greener Places Design Guide</i></li> <li>• Plan for our community's changing needs in line with Council's Playspace Strategy and Recreation Needs Study (both are currently in draft stage)</li> </ul>	<p>Quality audit completed, quality of public space improved</p> <p>Built asset register maintained</p> <p>Maintenance schedules fulfilled</p> <p>Schedules reviewed, improvements identified and resourced</p> <p>Criteria developed and sites audited for suitability</p> <p>Outcomes from these strategies are identified to inform Council's DPOP and long term plans</p>
	<b>D</b>		
	Ensure a <b>variety</b> of opportunities are available and the <b>landscape character</b> of each site is preserved and that future design and use responds to the unique site conditions and identity(a strategy of <i>Greener Places</i> and a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Maintain the current landscape character of the site by establishing appropriate replacement planting strategies</li> <li>• Use consistent design vocabulary of outdoor furniture and other hardscape materials that is appropriate to the setting</li> <li>• Ensure proposed installations are complementary to the landscape character</li> </ul>	<p>Planting renewal schedules are established</p> <p>Installations selected for site suitability</p> <p>Landscape character of each site maintained</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>2</b>	<b>A</b>		
Accessible and inclusive	Provide universal <b>access</b> , wherever possible, to public land and any associated structures and facilities to ensure the sites are open and welcoming (a strategy of <i>Everyone Can Play</i> and a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Wherever possible strive to meet DDA requirements, including: <ul style="list-style-type: none"> <li>◦ accessible paths</li> <li>◦ ramps</li> <li>◦ handrails</li> <li>◦ tactile surfaces</li> <li>◦ braille signage</li> <li>◦ inclusive playgrounds</li> </ul> </li> <li>• Entry points clearly identified to provide a welcoming sense of arrival</li> <li>• Consider raised, flexible paths, including for disabled access through bushland to alleviate soil compaction and trampling of emergent seedlings</li> </ul>	<p>DDA requirements built into design guidelines for community land improvements and DDA compliance progressively achieved on public open space where practical</p> <p>Entry points created / emphasised / upgraded where appropriate</p> <p>Access is provided in such a way as to reduce impact on and threats to bushland</p>
	<b>B</b>		
	Optimise public access to all sites and <b>improve connectivity</b> via improvements to <b>walking and cycling paths</b> (a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Implement relevant parts of the Woollahra Bike Plan</li> <li>• Improve active transport linkages where possible and appropriate, as recommended in the <i>Sydney Green Grid</i></li> </ul>	<p>Cycling routes provided in appropriate locations</p> <p><i>Green Grid</i> sites identified and linkages created where possible</p>



## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>2</b>	<b>C</b>		
	Ensure <b>fairness and equity</b> of use for all public land	<ul style="list-style-type: none"> <li>Plan for our community's changing active and passive recreational needs in line with Council's Playspace Strategy and Recreational Needs Study (both are currently in draft stage)</li> <li>Manage enquiries to use land equitably and issue approvals that comply with Council's policies</li> <li>Permit use of the land through appropriate leases, licences and other estates in accordance to the provisions of the <i>LG Act</i> and the express authorisation of this POM</li> </ul>	<p>Outcomes from these strategies are identified to inform Council's DPOP and long term plans</p> <p>Applications to use community land are processed and approvals are issued as per policies</p> <p>Appropriate land use agreements are managed by Council</p>
	<b>D</b>		
	Reduce <b>traffic</b> and <b>parking</b> pressures in and around public land to improve useable and retain residential amenity	<ul style="list-style-type: none"> <li>Investigate no stopping / no parking signage on Horler Avenue and on Parsley Road near Horler Avenue intersection</li> <li>Investigate the need for time limiting the carpark at peak times</li> </ul>	<p>Emergency vehicles can access the site if necessary</p> <p>Timed parking signage installed</p>
	<b>E</b>		
	Improve <b>public access</b> to <b>foreshores</b>	<ul style="list-style-type: none"> <li>Wherever possible, seek to improve public access to foreshores, remove barriers and improve connections, as recommended by the <i>Greener Places Design Guide</i> and the <i>Sydney Green Grid</i></li> </ul>	<p>Greater and more connected public access to the foreshores is achieved</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>3</b>	<b>A</b>		
Well managed for public use	Ensure <b>POMS</b> are prepared and <b>reviewed</b> as required	<ul style="list-style-type: none"> <li>• Compliant POM prepared by Council</li> <li>• Prioritise and select actions for inclusion in Council's annual DPOP and capital works programs</li> <li>• Review and update plans to reflect completed actions and to remain relevant</li> </ul>	<p>POM adopted as soon as practicable</p> <p>Capital works informed by POM</p> <p>POM reviewed to remain relevant</p>
	<b>B</b>		
	Ensure the land remains available for <b>majority use</b> by the public	<ul style="list-style-type: none"> <li>• Manage appropriate use by private groups to meet public access requirements</li> <li>• Continue discussions with Sydney Water relating to the Refresh Vaucluse project.</li> <li>• Ensure Sydney Water undertake the necessary consultation regarding toilet relocation, carpark design, construction period and on-going maintenance</li> </ul>	<p>Majority of public open space remains available to the public</p> <p>Collaboration of all stakeholders to achieve an outcome that addresses the values and use of Parsley Bay Reserve</p>
	<b>C</b>		
	Ensure <b>land zoning</b> is appropriate for public recreation	<ul style="list-style-type: none"> <li>• Land is zoned appropriately under WLEP 2014 (and subsequent LEPs) to allow for public recreation</li> </ul>	No conflicts in permissible use / development

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>3</b>	<b>D</b>		
	Ensure <b>planning</b> and <b>development controls</b> across the LGA <b>conserve the natural environment, aesthetic quality</b> and <b>heritage values</b> on Crown land	<ul style="list-style-type: none"> <li>• Identify and promote site specific natural environment, aesthetic and heritage values e.g. habitat, view corridors, significant trees</li> <li>• Work collaboratively to update planning and development controls so that the controls are compatible with the natural environment, aesthetic and heritage values</li> <li>• Participation in “<i>Get the site right</i>” in partnership with Sydney Coastal Councils group, and other programs to educate and assist compliance with planning controls</li> <li>• Work with Sydney Water around the Refresh Vaucluse and Diamond Bay project, promote the actions of the endangered species National recovery plans to conserve critical habitat</li> </ul>	<p>Unique site values confirmed, site opportunities pursued</p> <p>Potential conflicts identified and reduced</p> <p>Education programs provided in partnership with Sydney Coastal Councils to ensure environmental compliance at development sites and assist with improved total catchment management outcomes</p> <p>The endangered species, including their potential seed bank are protected throughout the development for the long term survival of both species</p>
	<b>E</b>		
	Support appropriate use of land through <b>leases, licences</b> and <b>other estates</b> for the best interest of the community	<ul style="list-style-type: none"> <li>• Manage typical use of the land through appropriate leases and licences that do not limit public use of the land</li> <li>• Select lessees / licensees equitably and transparently, draft agreements that reflect the core objectives of the land, community need, and meet the requirements of the <i>LG Act</i></li> <li>• Prior to re-issue of kiosk lease, rewrite terms of lease to better reflect community needs</li> </ul>	<p>Appropriate long term use of land permitted through sound agreements</p> <p>Site specific agreements are written to consider the unique qualities of each site and the needs of the community</p> <p>Lease agreement reflects the unique opportunities and constraints of Parsley Bay Reserve</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>3</b>	<b>F</b>		
	Support Aboriginal land – management and <b>caring-for Country principles</b> , (a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Seek advice from local Aboriginal community organisations regarding appropriate land management techniques and consider how to incorporate</li> <li>• Seek advice from the local Aboriginal community as to the appropriate use of fire, such as pile burns to assist with regeneration of Sunshine Wattle</li> </ul>	<p>Improved community understanding of Aboriginal land management</p> <p>Controlled fire introduced into the landscape as appropriate to improve germination of Sunshine Wattle</p>
	<b>G</b>		
	<b>Encroachment</b> on Crown land is reduced and the whole estate remains available for public use	<ul style="list-style-type: none"> <li>• Investigate and remove encroachments</li> <li>• Discourage the dumping of rubbish by means of education, signage, enforcement and penalties</li> <li>• Discourage private planting by means of education, signage, enforcement and penalties, as the species may not be appropriate and may impact on maintenance requirements</li> <li>• Preserve boundaries and eliminate privatisation of public open space through planning and development controls</li> <li>• Educate and discourage local residents from accessing bushland from private property</li> <li>• Remove and discourage private installations that have been installed in various locations</li> </ul>	<p>The community can access the site for public recreation</p> <p>Fewer reports of illegally dumped rubbish</p> <p>The plant palette remains appropriate at each site</p> <p>The Crown land portfolio remains intact for its public purpose</p> <p>Residents do not create informal paths through the bushland</p> <p>Private installations removed, less modification to the environment</p>



## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>3</b>	<b>H</b>		
	<p><b>Reduce conflicts</b> of use, <b>provide regulatory</b> and, where appropriate, provide additional <b>wayfinding signage</b> to inform all user groups of what is prohibited use, so that <b>all user groups are able to enjoy</b> the land and facilities provided</p>	<ul style="list-style-type: none"> <li>• Install informative regulatory signage at appropriate locations, clearly stating that dogs are prohibited from all areas of Parsley Bay Reserve</li> <li>• Manage regulations by means of enforcement and penalties</li> <li>• Consider additional wayfinding / interpretative signage at identified locations to highlight site opportunities and significance</li> </ul>	<p>Regulatory signage installed as appropriate</p> <p>Use of the land is more harmonious, fewer reported incidents of conflict</p> <p>Signage installed as required</p>
	<b>I</b>		
	<p>Ensure land use is compatible with the <b>carrying capacity</b> of the land, (a strategy of <i>Greener Places</i>)</p>	<ul style="list-style-type: none"> <li>• Use the <i>Greener Places Design Guide</i> to estimate and manage the carrying capacity of the land</li> <li>• Ensure design solutions and usage patterns consider the carrying capacity of the land</li> </ul>	<p>Carrying capacity is not exceeded if practical</p> <p>Reduction in comments received regarding visible signs of overuse</p>
<b>4</b>	<b>A</b>		
Natural environment conserved	<p>Ensure <b>environmental protection</b> principles are observed (an objective of the <i>CLM Act</i>)</p>	<ul style="list-style-type: none"> <li>• Use of land meets statutory responsibilities required by environmental legislation administered by the EPA</li> </ul>	<p>No major incidents of environmental pollution are reported</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
4	B		
	<p>Ensure <b>best environmental practice</b> in use and maintenance of the land to build <b>green and resilient</b> public land, that <b>enhances biodiversity, conserves natural resources</b> and <b>improves sustainability</b> (an objective of the <i>CLM Act</i> and principles of the <i>NSW Public Spaces Charter</i>, the <i>Woollahra Environmental Sustainability Action Plan (ESAP)</i>, the <i>Woollahra Biodiversity Conservation Strategy</i> and the <i>Woollahra Climate Emergency Statement</i>)</p>	<ul style="list-style-type: none"> <li>• Fulfil statutory responsibilities required by relevant legislation, including the actions within the National recovery plans for Sunshine Wattle and Magenta Cherry</li> <li>• Implement relevant actions of the <i>Biodiversity Conservation Strategy 2015-2025</i>, including: <ul style="list-style-type: none"> <li>◦ work to complete and implement habitat restoration plans for relevant sites (HAB 03)</li> <li>◦ consider fully biodiversity conservation at each site (HAB 04)</li> <li>◦ develop and implement threatened species management plans (HAB 05)</li> <li>◦ develop procedure for trapping foxes when sighted in key habitat areas (DOM 04)</li> </ul> </li> <li>• Build <b>climate change resilience</b> and <b>biodiversity conservation</b> into site design by actively seeking the best environmental outcomes, including: <ul style="list-style-type: none"> <li>◦ appropriate choice of soft and hardscape materials</li> <li>◦ increasing tree canopy for shade</li> <li>◦ onsite water retention, WSUD (water sensitive urban design) and storm water harvesting</li> <li>◦ minimising the use of herbicides, pesticides and fertilisers wherever possible</li> <li>◦ use of renewable energy sources</li> <li>◦ increase bush regeneration efforts</li> <li>◦ seek locations for artificial nest boxes</li> <li>◦ seek appropriate locations to plant additional trees, shrubs and groundcovers to increase habitat using locally endemic species as recommended in the <i>Greener Places Design Guide</i></li> <li>◦ follow the recommendations of the <i>Australian Government National Light Pollution Guidelines</i></li> </ul> </li> </ul>	<p>Legislative obligations met</p> <p>The habitat restoration plan is implemented</p> <p>Observe improvements in biodiversity at Parsley Bay Reserve, such as increased recorded sightings (as per EDU 04 of the <i>Biodiversity Conservation Strategy</i>) of native birds, fewer weed and pest species, and more robust vegetation</p> <p>Threatened species are conserved and populations are more resilient to threats</p> <p>Increased tree canopy, more shade</p> <p>Soil moisture improved where appropriate, less runoff, less use of potable water</p> <p>Habitats improved for native flora and fauna, greater species diversity noted through observation</p> <p>Light pollution guidelines met</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
4	B	<ul style="list-style-type: none"> <li>◦ maintaining and / or creating habitat within core habitat areas including species that form future hollows</li> <li>◦ schedule works to maintain habitat connectivity</li> <li>◦ installing tree guards to Sunshine Wattle to prevent grazing by rabbits as recommended in the National recovery plan</li> <li>• Improve <b>sustainability</b> by actively seeking the best environmental outcomes, including: <ul style="list-style-type: none"> <li>◦ reduce electricity use i.e. use LED lights and timers to reduce greenhouse emissions where feasible</li> <li>◦ use renewable and / or green electricity</li> <li>◦ enforcing Council's single use plastic policy</li> <li>◦ reducing water usage and waste wherever possible</li> <li>◦ installing solar panels wherever possible and in keeping with site character</li> </ul> </li> </ul>	<p>Greenhouse emissions reduced</p> <p>Carbon footprint across the LGA is reduced</p> <p>Single use waste reduced</p> <p>Irrigation systems use harvested stormwater wherever possible</p> <p>Reliance on carbon energy reduced, more solar panels installed</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
4	C		
	<p><b>Raise community awareness</b> of natural environment values within the community, including the value of all <b>green infrastructure</b> and <b>promote stewardship</b> of the land (strategies of <i>Greener Places</i>)</p>	<ul style="list-style-type: none"> <li>• Provide community education programs that promote the value of the natural environment and build knowledge and awareness of green infrastructure, highlighting the benefits of the urban tree canopy</li> <li>• Provide information to the community on total catchment management and responsible pet ownership including the need to pick up dog faeces, respect on-leash and prohibited areas, to meet DOM 3 of the Biodiversity Conservation Strategy.</li> <li>• Provide information and education on encroachment practices that are a threat to the natural environment e.g. dumping garden waste, creating private desire lines through bushland</li> <li>• Encourage community tree planting programs at appropriate locations</li> <li>• Provide information to the community on the importance of keeping cats inside at night, as recommended by DOM 02 action of the Biodiversity Conservation Strategy</li> <li>• Provide information and education on threats to water quality, including the importance of ensuring nothing other than stormwater goes down the drain</li> <li>• Increase profile of bush regeneration efforts, encourage the community to volunteer in and promote the Bushcare program opportunities and associated improved environmental outcomes to schools, residents and the broader community</li> <li>• Provide information and education to local residents around the presence of the threatened species, as recommended in the National recovery plans of the Magenta Cherry (Lilly Pilly) and Sunshine Wattle</li> </ul>	<p>Education programs are facilitated and well attended</p> <p>Tree canopy is retained and expanded</p> <p>Dog regulations are complied with</p> <p>Soil remains viable for native flora, nutrient levels remain constant</p> <p>Less encroachment reported and observed</p> <p>Greater community participation in tree planting events</p> <p>Cats do not predate on native fauna</p> <p>Improved water quality observed at harbour foreshore</p> <p>Greater community participation in Bushcare</p> <p>Profile of endangered species is promoted to local residents to assist with stewardship of the land</p>



## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>4</b>	<b>D</b>		
	Ensure the <b>existing mature tree canopy</b> is retained to <b>preserve landscape character</b> and <b>create an inter-connected tree canopy</b> across public land, (strategies of Greener Places)	<ul style="list-style-type: none"> <li>• Uphold planning and development controls to maintain and enhance all green infrastructure</li> <li>• Monitor health of mature trees and inspect by qualified arborist annually</li> <li>• Incorporate succession planning into policies and plans to ensure the ongoing provision of appropriate tree canopy that retains landscape character and user amenity</li> <li>• Protect the root zones of mature trees from compaction, erosion and mechanical damage including the consideration of dense ground cover planting or elevated platforms to discourage pedestrians</li> <li>• Consider propagating plant material from the existing trees to retain landscape heritage</li> <li>• Identify potential locations for increased tree planting, especially along boundaries and pathways</li> <li>• Update vegetation mapping to locate the significant mature trees within the land categorised as natural area – bushland</li> <li>• Retain senescent old growth in bushland areas</li> <li>• Mark on ground locations of removed trees to estimate potential seedbank locations</li> </ul>	<p>Tree canopy protected and enhanced</p> <p>Landscape character and landscape heritage is retained Arborist report undertaken</p> <p>Plans and policies incorporated into renewals</p> <p>Root zones are protected in high use areas Landscape heritage maintained Green infrastructure is robust and extensive</p> <p>Digitised survey completed</p> <p>Hollows for habitat, as part of a complex bushland community are present in the system Ground markings visible</p>
<b>5</b>	<b>A</b>		
Aesthetic and landscape quality remains high	Ensure <b>public view corridors</b> are retained wherever possible and <b>minimise visual impact</b> of development on land adjoining the Crown reserves	<ul style="list-style-type: none"> <li>• Ensure planning and development controls are in place to maintain public views from and into Parsley Bay Reserve wherever possible</li> <li>• Prune vegetation if necessary to maintain public views and ensure all tree works are undertaken by a qualified arborist</li> <li>• Install appropriate screen planting wherever necessary</li> </ul>	<p>Public access to iconic views are retained from within Parsley Bay Reserve</p> <p>Desirable public views into and out of each site are retained Undesirable views are screened by appropriate vegetation</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>5</b>	<b>B</b>		
	Consider the <b>amenity</b> of <b>residents</b> adjacent to the Crown reserves	<ul style="list-style-type: none"> <li>• Ensure planning and development controls consider amenity of residents</li> <li>• Consult nearby residents prior to proposed developments</li> <li>• Consider the potential future impacts on residents, including views, prior to all proposed landscape and recreational installations</li> <li>• Install appropriate screen / buffer planting wherever necessary to reduce undesirable impact on residential amenity</li> </ul>	<p>Residential amenity and privacy is not significantly impacted, wherever possible</p> <p>Increased consultation where appropriate</p> <p>Private view pruning undertaken as necessary under current policies</p> <p>Appropriate buffers installed where necessary</p>
	<b>C</b>		
	<b>Aesthetic and landscape quality</b> of all Crown land assets remain high	<ul style="list-style-type: none"> <li>• Adhere to adopted horticulture maintenance schedules</li> <li>• Adhere to adopted built asset maintenance schedules</li> <li>• Review all horticulture maintenance schedules to ensure the aesthetic and landscape quality of all green infrastructure on Crown land, i.e. the open space for recreation, the urban tree canopy, bushland and waterways remains high</li> <li>• Install selected design elements in appropriate locations as documented, where appropriate and feasible specify warm lighting for passive open space</li> </ul>	<p>Schedules fulfilled</p> <p>Schedules fulfilled</p> <p>Schedules reviewed, improvements identified and resourced</p> <p>Site specific appropriate installations undertaken that complement each place</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>6</b>	<b>A</b>		
Heritage and cultural awareness	Investigate and assess <b>environmental heritage</b> and ensure land is used and managed to be consistent with <b>heritage significance</b>	<ul style="list-style-type: none"> <li>• Manage listed environmental heritage in accordance with statutory obligations</li> <li>• Investigate opportunities to undertake heritage and cultural assessment studies to identify environmental heritage, including areas of historic archaeology sensitivity (both on land and underwater), built structures and natural heritage</li> <li>• Seek recommendations for the management of heritage items</li> <li>• Identify European history</li> <li>• Identify opportunities to enhance and celebrate environmental heritage, including interpretation, conservation works, art works and signage</li> </ul>	<p>Environmental heritage managed</p> <p>Potential environmental heritage items and archaeology (including cultural landscapes) are identified and assessed against heritage listing criteria</p> <p>Recommendations arising from heritage management documents are considered and implemented where possible</p> <p>European history noted</p> <p>Improved understanding and greater appreciation of environmental heritage at each site</p> <p>No negative impacts of management practices on sites with natural and cultural significance</p> <p>Only sympathetic and compatible uses are permitted</p> <p>Heritage and landscape character retained for future generations</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>6</b>	<b>B</b>		
	Investigate, assess and manage <b>First Nations culture</b> and <b>history</b> on Crown land (a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Identify registered Aboriginal sites</li> <li>• Investigate Aboriginal history</li> <li>• Assess potential Aboriginal heritage and sensitive areas</li> <li>• Manage Aboriginal heritage in accordance with the <i>National Parks &amp; Wildlife Act 1974</i></li> <li>• Identify opportunities to enhance Aboriginal heritage, including interpretation, conservation works, art works and signage</li> </ul>	<p>Where appropriate, registered sites on Crown land noted</p> <p>Aboriginal history of the site is noted</p> <p>Where appropriate, areas of Aboriginal sensitivity are identified</p> <p>Recommendations arising from relevant heritage management documents are implemented</p> <p>Improved understanding of Aboriginal heritage</p> <p>No negative impacts of management practices on site with Aboriginal significance</p> <p>Only sympathetic and compatible uses are permitted</p>
	<b>C</b>		
	Enable the community to hold <b>cultural events</b> on Crown land (a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Permit appropriate use of the land for events that bring positive community outcomes</li> </ul>	Event proposals approved where appropriate and positive feedback received
	<b>D</b>		
	Work with <b>Aboriginal communities</b> to realise the potential of their land rights (a priority of the <i>State Strategic plan for Crown land</i> )	<ul style="list-style-type: none"> <li>• Engage with the La Perouse Local Aboriginal Land Council as necessary in regards to the incomplete land claim at Parsley Bay Reserve</li> </ul>	Improved relationship and understanding of local Aboriginal community in respect of their land rights



## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>6</b>	<b>E</b>		
	Ensure obligations under the <b><i>Native Title Act 1993</i></b> are met	<ul style="list-style-type: none"> <li>Where it is proposed to construct or establish a public work on reserved or dedicated Crown land where native title is not extinguished, prior to approval, notify and give opportunity for comment to Aboriginal / Torres Strait Islander registered bodies, registered native title claimants and corporate bodies, in relation to the land or waters covered by the reservation or lease as required under the <i>Native Title Act 1993</i></li> <li>On Crown land where native title rights have not been extinguished, encourage, and if required, remove barriers to access and use by Aboriginal people for cultural practices and to care for Country</li> </ul>	<p>Obligations fulfilled</p> <p>Native title rights to relevant land facilitated</p>
<b>7</b>	<b>A</b>		
Recreational opportunities	Ensure the <b>unique opportunities</b> of each site are enhanced for inclusive public recreation	<ul style="list-style-type: none"> <li>Maintain the landscape character for a variety of passive recreation experiences</li> <li>Prior to approvals being issued, refer to POM to ensure that permissible uses, including scale and intensity, are appropriately managed</li> <li>Advertise recreational opportunities on Council's website, social media, at the libraries and community centre</li> <li>Consider incorporating additional user friendly attributes into Council's website to promote recreational opportunities, e.g. interactive maps showing unique site features</li> </ul>	<p>Sense of place is strong</p> <p>Compliance with permissible uses is maintained</p> <p>Opportunities easy to find through Council sources</p>

## Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
<b>7</b>	<b>B</b>		
	Encourage <b>multiple use</b> of Crown land, ensure land is <b>multifunctional, flexible</b> and <b>versatile</b> , proposed facilities to <b>multi-purpose</b> to maximise community benefit and meet changing community needs (strategies of <i>Greener Places</i> and a principle of the <i>NSW Public Spaces Charter</i> )	<ul style="list-style-type: none"> <li>• Permit a variety of short-term use through appropriate licensing</li> <li>• Consider proposed installations that provide multiple community benefits wherever possible</li> <li>• Promote adaptive re-use of existing facilities is considered to meet community need, including the venues for hire</li> <li>• Work collaboratively to ensure development contribution funds are allocated to align with open space recreation needs, as identified in various strategies and action plans</li> </ul>	<p>Land appropriately used</p> <p>Multifunctionality built into installations</p> <p>Sites and facilities meet community need</p> <p>Development contributions made available to fund identified open space improvements</p>
<b>8</b>	<b>A</b>		
Social and community opportunities	Crown land is used and managed to reflect the <b>goals and themes of our community</b>	<ul style="list-style-type: none"> <li>• Cross reference the performance targets and actions of this POM with the CSP and other adopted Council policies for consistency and to ensure an integrated approach to Council planning, land use and management</li> </ul>	Internal collaboration implemented and integrated planning outcomes improved
	<b>B</b>		
	<b>Public use and enjoyment</b> of Crown land is encouraged, land use is <b>community-focused</b> and strengthens and supports evolving <b>community connection</b> and <b>local business</b> (principles of the <i>CLM Act</i> and the <i>NSW Public Spaces Charter</i> and priority of the <i>State Strategic Plan for Crown land</i> )	<ul style="list-style-type: none"> <li>• Provide facilities that are flexible to a range of uses and appropriate to the needs of the community and where occurring, the needs of tourists</li> <li>• Facilitate community use of the land and venues through leases / licences that are equitably and transparently allocated to reflect the core objectives of the land, community need, and meet the requirements of the LG Act</li> <li>• Advertise recreational opportunities on Council's website, social media, and at community facilities</li> <li>• Continue ongoing discussion with the La Perouse Aboriginal Land Council to build a stronger local relationship</li> </ul>	<p>Multifunctionality built into installations wherever possible</p> <p>Secondary interests over Crown land approved where appropriate</p> <p>Opportunities easy to find through Council sources</p> <p>Cultural understanding grows and local land use requirements met on relevant land</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>8</b>	<b>C</b>		
	Provide stronger avenues for <b>community consultation</b> , encourage <b>stewardship</b> of the land and community <b>participation in decision making</b>	<ul style="list-style-type: none"> <li>• Improve community consultation and actively seek community feedback prior to installation of significant new capital works</li> <li>• Encourage greater community participation in community planting days, Bushcare, clean-up days</li> <li>• Establish a collaborative program with Sydney Living Museums, Vacluse House, as recommended in action COL 05 of the Biodiversity Conservation Strategy, to work to improve biodiversity conservation across the whole area</li> </ul>	<p>Wherever possible, improvements are consulted upon, developed, and implemented to the satisfaction of the majority of the community</p> <p>Community involvement is stronger, Council decisions are better understood and fewer complaints are received about decisions made about open space use and management</p> <p>Improved land stewardship</p> <p>Collaboration established, targets and actions set to work towards improvements in biodiversity conservation across Vacluse</p>
<b>9</b>	<b>A</b>		
<b>PARK</b> category land meets the <i>LG Act</i> objectives	<b>Encourage, promote and facilitate</b> recreational, cultural, social and educational pastimes and activities	<ul style="list-style-type: none"> <li>• Provide a variety of well-advertised opportunities for the community to enjoy in parks e.g. playgrounds, guided local landscape heritage walks, special events</li> </ul>	<p>Well attended events</p> <p>Community satisfaction measured through feedback</p>
	<b>B</b>		
	To provide for <b>passive recreational</b> activities or pastimes and for the <b>casual playing of games</b>	<ul style="list-style-type: none"> <li>• Provide a range of recreational spaces, including play and active areas, to meet the needs of the community</li> </ul>	Community satisfaction measured through feedback

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>9</b>	<b>C</b>		
	To <b>improve</b> the land in such a way as to promote and facilitate its <b>use to achieve the other core objectives</b> for its management	<ul style="list-style-type: none"> <li>When necessary, develop appropriate installations to improve user experience</li> </ul>	Community satisfaction measured through feedback
<b>11</b>	<b>A</b>		
<b>GENERAL COMMUNITY USE</b> category land meets the <i>LG Act</i> objectives	To <b>promote, encourage and provide facilities</b> on the land, to meet the current and future needs of the local community and of the wider public in relation to <b>public recreation and the physical, cultural, social and intellectual welfare</b> or development of individual members of the public	<ul style="list-style-type: none"> <li>Provide a range of well-advertised, multi-purpose venues and facilities to meet the diverse leisure pursuits, recreational, physical, cultural, social and intellectual needs of the community and the greater public</li> <li>When additional needs are identified, seek to provide the required facilities in appropriate locations</li> </ul>	<p>Venues are adaptable and adequate to provide for our community needs</p> <p>Internal teams collaborate on current community expectations and recommend solutions</p>
	<b>B</b>		
	To <b>promote, encourage and provide facilities</b> on the land, to meet the current and future needs of the local community, and of the wider public, in relation to purposes for which a <b>lease, licence or other estate may be granted</b> in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)	<ul style="list-style-type: none"> <li>Ensure lease / licence agreements are site appropriate, meet the core objectives of the land, are in the public interest, and do not negatively impact on the land or adjoining land</li> <li>New long term (&gt;12 months) leases / licences to be entered into for purposes authorised by this plan of management, following appropriate advice from the native title manager confirming the land is not excluded land and subject to Council approval</li> </ul>	<p>POM is referred to prior to leasing or licencing the land, internal teams collaborate on what is appropriate</p> <p>Appropriate use of public land facilitated transparently, obligations fulfilled</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>12</b>	<b>A</b>		
<b>NATURAL AREA</b> (generally) category land meets the <i>LG Act</i> objectives	To <b>conserve biodiversity and maintain ecosystem function</b> in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area	<ul style="list-style-type: none"> <li>• Adhere to the recommendations of the <i>Biodiversity Conservation Strategy 2015-2025</i> action plans</li> <li>• Manage and /or prohibit (via environmental assessments or DA conditions) proposed developments that may impact temporarily or permanently on natural areas to mitigate detrimental effects on biodiversity</li> </ul>	<p>Internal collaboration on action plans, resulting in compatible land use objectives</p> <p>Environmental values protected</p>
	<b>B</b>		
	To <b>maintain</b> the land, or that feature or habitat, in <b>its natural state and setting</b>	<ul style="list-style-type: none"> <li>• Limit the use of horticultural chemicals wherever possible</li> <li>• Uphold permissible use within land category and limit to low impact activities</li> <li>• Uphold development controls on adjacent land to prevent stormwater runoff and other contaminants or pollution entering into natural areas</li> </ul>	<p>Less ecological disturbance</p> <p>Land use is not detrimental to environment values</p> <p>Environment values prioritised</p>
	<b>C</b>		
	To provide for the <b>restoration and regeneration</b> of the land	<ul style="list-style-type: none"> <li>• Establish and advertise community clean-up days</li> <li>• Encourage volunteers to participate in appropriate restoration programs</li> <li>• Provide education programs and information to the community to raise awareness of natural area values and the potential impacts and responsibilities of using natural areas</li> <li>• Provide adequate litter and recycling bins at appropriate locations</li> <li>• Seek locations to re-establish native plant material including grasses and other soil-stabilising species</li> </ul>	<p>Greater community stewardship of the land</p> <p>Environment values protected and rehabilitated</p> <p>Programs established and well attended</p> <p>Litter removed, recyclables collected separately</p> <p>Soil erosion reduced, water holding capacity improved, runoff reduced</p>



## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
12	D		
	To provide for <b>community use of and access</b> to the land in such a manner as will <b>minimise and mitigate any disturbance caused by human intrusion</b>	<ul style="list-style-type: none"> <li>• Provide low impact installations such as floating paths over tree root zones</li> <li>• Encourage the community through appropriate signage to remain on paths in bushland</li> <li>• Monitor use of areas, limit access if necessary to protect the environment</li> </ul>	<p>Root zones protected from compaction</p> <p>Buffers and / or temporary fencing installed as needed to restrict access</p>
	E		
	To assist in and <b>facilitate</b> the <b>implementation</b> of any provisions <b>restricting the use</b> and management of the land that are set out in a <b>recovery plan</b> or threat abatement plan prepared under the <i>Biodiversity Conservation Act 2016</i> or the <i>Fisheries Management Act 1994</i>	<ul style="list-style-type: none"> <li>• Adhere to the recommendations of the National recovery plans for Magenta Cherry (Lilly Pilly) and Sunshine Wattle</li> <li>• Limit access to areas as needed to support the survival of endangered species, including fencing to the Magenta Cherry and Sunshine Wattle and retention and management of underwater structures that provide habitat for Whites Seahorses</li> <li>• Undertake the management and maintenance of sensitive natural areas using suitably qualified persons in accordance with Council's relevant environmental plans</li> </ul>	<p>Actions are consistently undertaken to improve survival of both of the endangered flora species</p> <p>Fences installed as necessary, Whites Seahorse habitat retained</p> <p>Suitably trained staff working on site uphold work place practices to protect environment</p>
13	A		
<b>NATURAL AREA – FORESHORE</b> category land meets the <i>LG Act</i> objectives	To <b>maintain</b> the foreshore as a <b>transition area</b> between the aquatic and the terrestrial environment, and to <b>protect and enhance</b> all functions associated with the foreshore's role as a transition area	<ul style="list-style-type: none"> <li>• Improve public access to the water at foreshores</li> <li>• Remove barriers to public access if necessary and wherever possible</li> <li>• Improve stormwater quality through total catchment management practices and education across the LGA</li> </ul>	<p>The community can access the public foreshores</p> <p>Privatisation of public foreshore access is reduced</p> <p>Education on TCM provided, foreshore pollution reduced</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>13</b>	<b>B</b>		
	To <b>facilitate the ecologically sustainable use</b> of the foreshore, and to <b>mitigate impact on the foreshore by community use</b>	<ul style="list-style-type: none"> <li>• Provide education programs and information to the community to raise awareness of foreshore issues</li> <li>• Ensure future installations do not compromise the integrity of the foreshore ecosystem or cause erosion</li> <li>• Continue facilitating community foreshore clean-up days, for example on Clean Up Australia Day</li> <li>• Prohibit commercial fitness training from foreshore</li> </ul>	<p>Programs established and well attended</p> <p>Coastal erosion reduced, ecological outcomes improved</p> <p>Community stewardship of the land is enhanced</p> <p>Commercial fitness training permits are not issued by Council</p>
<b>14</b>	<b>A</b>		
<b>NATURAL AREA – BUSHLAND</b> category land meets the <i>LG Act</i> objectives	To ensure the ongoing <b>ecological viability</b> of the land by <b>protecting the ecological biodiversity and habitat values</b> of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land	<ul style="list-style-type: none"> <li>• Encourage regeneration of native vegetation by working to reduce threats to the endemic vegetation community</li> <li>• Adhere to HAB 09 of the <i>Biodiversity Conservation Strategy</i>, i.e. plant locally native species in bushland areas, when additional planting is required</li> <li>• Minimise edge effect by: <ul style="list-style-type: none"> <li>◦ consolidating access points (close unnecessary trails)</li> <li>◦ clearly defining bushland areas (e.g. non-intrusive fencing)</li> </ul> </li> <li>• Reintroduce fire into the landscape where appropriate (e.g. flame weeding and pile burns if possible) to reverse the mesic shift and improve germination rates within the vegetation community</li> <li>• Work to stop the spread of pests, including invasive weed species and diseases (such as <i>Phytophthora cinnamomi</i>)</li> <li>• Retain old growth and dead standing trees (stags) wherever possible to assist in the retention and / or creation of hollows</li> <li>• Use fallen logs / branches to create habitat in bushland areas as recommended in HAB 18 action of the <i>Biodiversity Conservation Strategy</i></li> </ul>	<p>Threats reduced and greater rates of spontaneous germination observed</p> <p>Endemic species encouraged and / or planted</p> <p>Edge effect reduced</p> <p>Successful burns undertaken, vegetation moves towards a more balanced, diverse endemic community</p> <p>Threats reduced</p> <p>Greater occurrence of tree hollows for native fauna habitat</p> <p>Habitat created in appropriate locations</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	A	<ul style="list-style-type: none"> <li>Schedule works to maintain habitat connectivity (e.g. maintain weed cover until native vegetation is able to support local biodiversity populations)</li> </ul>	Habitat retained as native vegetation community is restored
	B		
	To <b>protect the aesthetic, heritage, recreational, educational and scientific values</b> of the land	<ul style="list-style-type: none"> <li>Install comprehensive regulatory signage to inform all users that dogs are prohibited at all times, even on a leash</li> <li>Consider stencilling footpaths with sign prohibiting dogs</li> <li>Manage regulations by means of enforcement and penalties</li> <li>Target ranger patrols to assist with compliance wherever possible</li> <li>Consider additional wayfinding / interpretative signage at identified locations to highlight site opportunities and significance</li> <li>Undertake assessment of Aboriginal heritage at Parsley Bay Reserve</li> <li>Continue with and extend efforts in the Bushcare program</li> </ul>	<p>Signs prohibiting dogs are installed at appropriate locations, including stencilled signs on paths</p> <p>Greater compliance around dog regulations</p> <p>Signage installed as required</p> <p>Study completed</p> <p>Observe improved outcomes in bushland regeneration, resilience and self-sufficiency</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>14</b>	<b>C</b>		
	To promote the <b>management</b> of the land in a manner that <b>protects and enhances the values</b> and quality of the land and <b>facilitates public enjoyment</b> of the land, and to implement measures directed to <b>minimising or mitigating any disturbance caused by human intrusion</b>	<ul style="list-style-type: none"> <li>• Implement action EDU 07 of the Biodiversity Conservation Strategy, i.e. provide a targeted education program for residents and landholders adjacent to key habitat areas, including information on: <ul style="list-style-type: none"> <li>◦ the value of the bushland at Parsley Bay Reserve</li> <li>◦ the concept of total catchment management and how it relates to Parsley Bay Reserve</li> <li>◦ the threats to the bushland at Parsley Bay Reserve and how to ameliorate them</li> <li>◦ the benefits of bush regeneration</li> <li>◦ the Bushcare volunteer opportunity at Parsley Bay Reserve</li> </ul> </li> <li>• Promote community clean up days</li> <li>• Install fencing where necessary to limit pedestrian access to bushland</li> </ul>	<p>Education programs facilitated</p> <p>Information made available and promoted throughout the community</p> <p>Greater numbers of volunteers participate in Bushcare at Parsley Bay Reserve</p> <p>Greater numbers of volunteers participate in clean up days</p> <p>Fences installed, observe more robust bushland</p>
	<b>D</b>		
	To <b>restore degraded bushland</b>	<ul style="list-style-type: none"> <li>• Continue the Bushcare program, undertake in-situ recovery of endemic vegetation and encourage more volunteers to participate</li> <li>• Identify and manage threatening factors, e.g. weed invasion, stormwater runoff</li> <li>• Work to mitigate and / or ameliorate threats</li> <li>• Undertake relevant actions from the Magenta Cherry (Lilly Pilly) Recovery Plan to work towards HAB 05 (threatened species management plans) of the <i>Biodiversity Conservation Strategy</i>, including:</li> </ul>	<p>Greater numbers of volunteers participate in Bushcare at Parsley Bay Reserve, observe higher numbers of germinating endemic seedlings, including both of the endangered species</p> <p>Threats identified, mitigated and impact of threats is reduced</p> <p>Digital survey updated</p>

**Objectives 9 – 14 reflect the management goals of each land category**

Objective	Performance targets	Actions	Performance measures
14	D	<ul style="list-style-type: none"> <li>◦ update vegetation mapping to accurately locate existing live, senescent and / or dead specimens of endangered species</li> <li>◦ protect key known specimens by means of appropriate fencing and / or tree guards to ensure wild populations remain viable in the long term</li> <li>◦ continue weed management strategies to reduce competition</li> <li>◦ establish in-situ and ex-situ conservation practices to maintain genetic integrity, note commercially available <i>Syzigium sp.</i> plant material may not be suitable</li> <li>• Undertake relevant actions from the Sunshine Wattle Recovery Plan to work towards HAB 05 (threatened species management plans) of the <i>Biodiversity Conservation Strategy</i>, including: <ul style="list-style-type: none"> <li>◦ update vegetation mapping to accurately locate existing live, senescent and / or dead specimens of endangered species</li> <li>◦ protect key known specimens by means of appropriate fencing and / or tree guards to ensure wild populations remain viable in the long term</li> <li>◦ continue weed management strategies to reduce competition</li> <li>◦ establish in-situ and ex-situ conservation practices to maintain genetic integrity, (i.e. do not revegetate with other <i>Acacia terminalis</i> subspecies, to avoid hybridisation)</li> <li>◦ investigate introducing alternate methods of germination, i.e. controlled fire pile burns, min. fire-free interval of between 6 -12 years, max. 20 years</li> <li>◦ adopting best practice horticultural hygiene to reduce the spread of <i>Phytophthora cinnamomi</i></li> </ul> </li> </ul>	<p>Fencing and tree guards installed</p> <p>Competition from weeds reduced</p> <p>In-situ conservation practices undertaken within bush regeneration work</p> <p>Ex-situ conservation practices undertaken to increase genetically pure population</p> <p>Controlled fire undertaken, results recorded</p> <p>The threat of <i>Phytophthora</i> reduced, Sunshine Wattle does not succumb to dieback</p>



## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	E		
	To <b>protect</b> existing landforms such as <b>natural drainage lines</b> , watercourses and foreshores	<ul style="list-style-type: none"> <li>• Continue with the ongoing and regular maintenance of Parsley Bay Creek. (HAB 14 action of the <i>Biodiversity Conservation Strategy</i>) as one of the few remaining natural waterways in Woollahra. Significant revegetation has occurred and therefore regular maintenance is required to maintain investment.</li> <li>• Limit and treat stormwater and runoff effects by removing, channelling, treating or piping stormwater as required</li> <li>• Limit access to natural drainage lines and watercourses, consider additional buffer planting if necessary</li> <li>• Consider naturalising the creek wherever possible, and work to improve water quality by encouraging bank stabilising riparian species</li> <li>• Repair erosion as necessary</li> <li>• Update aquatic fauna assessments of Parsley Bay Creek, as part of the overall biodiversity monitoring program, as recommended in HAB 15 action of the <i>Biodiversity Conservation Strategy</i></li> <li>• Collaborate with DPE and Service NSW – Maritime to improve the management of the seagrass habitat, as recommended in COL 02 action of the <i>Biodiversity Conservation Strategy</i></li> </ul>	<p>Regular creek maintenance fulfilled</p> <p>Stormwater system removes water efficiently from site as necessary Buffers to access installed, the creek is not accessed for public recreation Creek system moves towards a more natural state, observation of more balanced diverse endemic flora and fauna communities Less occurrence of erosion Assessment undertaken by appropriate personnel</p> <p>Management of seagrass habitat is consistent, resulting in improved environmental outcomes</p>

## Objectives 9 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
<b>14</b>	<b>F</b>		
	To <b>retain bushland</b> in parcels of a size and configuration that will enable the <b>existing plant and animal communities to survive in the long term</b>	<ul style="list-style-type: none"> <li>• Discourage and remove encroachments onto and through bushland</li> <li>• Complete the habitat restoration plans with reference to Magenta Cherry (Lilly Pilly) and Sunshine Wattle</li> </ul>	<p>Public land is retained for its public purpose in perpetuity</p> <p>Habitat restoration plan completed and actions undertaken to improve the survival outcome of the endemic vegetation community at Parsley Bay Reserve</p>
	<b>G</b>		
	To protect bushland as a natural <b>stabiliser</b> of <b>the soil</b> surface	<ul style="list-style-type: none"> <li>• Limit access as necessary to reduce soil erosion</li> <li>• Stabilise slopes by encouraging the growth of native plant species to retain site soil, leaf litter and potential soil seed bank</li> </ul>	<p>Fences installed where necessary to limit access</p> <p>Slopes stabilised with appropriate material</p>

# 10. Appendix A

## Parsley Bay Reserve Survey Responses – User Profile

(The following information includes the *Your Say* data plus any related postal data)

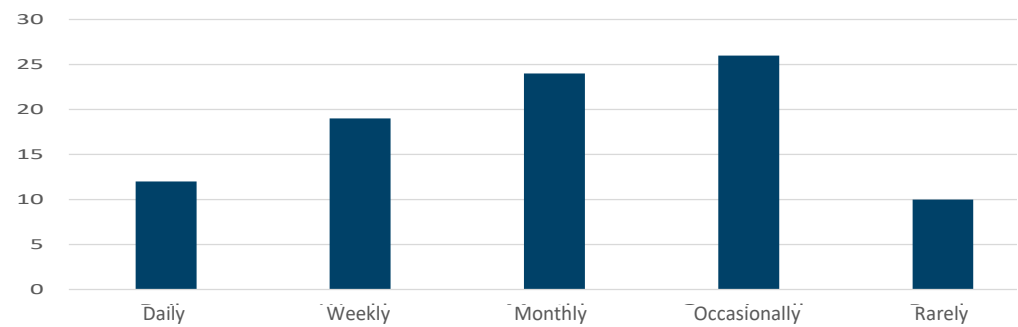


Figure 56. How often do you visit Parsley Bay Reserve?

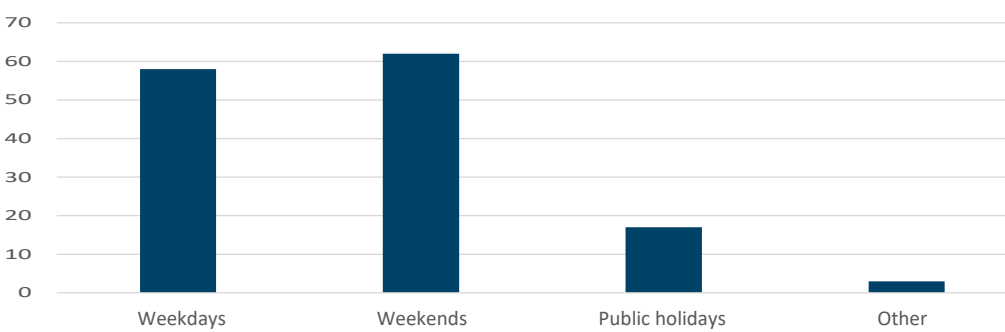


Figure 57. When do you usually visit Parsley Bay Reserve?

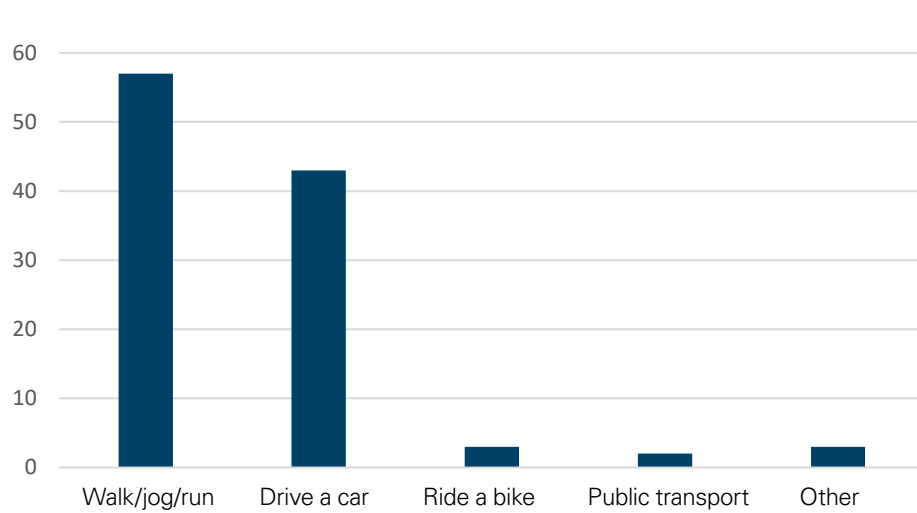


Figure 58. **How do you usually get to Parsley Bay Reserve?**

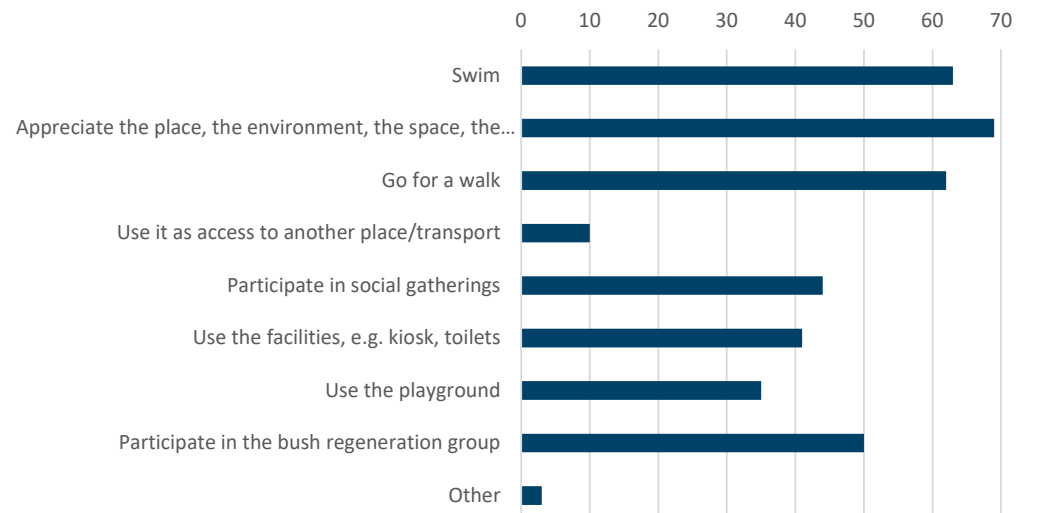


Figure 59. **What do you usually do at Parsley Bay Reserve?**

# 11. Appendix B – Building Condition Reports and Existing Lease / License Details

**Table 8. Parsley Bay Reserve Kiosk Building Condition Report**

Item	Condition
Structure	1
Doors and windows	2
Lights / power outlets	2
Ceilings / walls	2
Essential services	1
Plumbing	2
Floors and coverings	2
<b>General</b>	<b>1.71</b>
Comments / capital works	Leased
Ratings: 1 – Good, 2 – Fair, 3 – Requires Maintenance, 4 – Requires Replacement	

**Table 9. Parsley Bay Reserve Kiosk Lease Details**

Name	<b>Parsley Bay Kiosk</b>
Description	Parsley Bay Park (D500268 & D500273) Reserve Trust
Address	1 Horler Avenue, Vaucluse 2030
Lessee/Licensee	Three Big Guys Pty Ltd
Term Starts	4/11/2015
Term Ends	3/11/2020
Term	5 years
Renewal Options	No
Rental	\$16,909.08 pa (GST exclusive)
Area m <sup>2</sup>	32.2m <sup>2</sup>
Notes / Special Conditions	Kiosk is located to the north side of the Council Cottage within Parsley Bay Reserve. 1/8/2018: assignment from Giovanni Trione dated 3.8.2018 12 month holdover (4.11.2020 to 3.11.2021) with monthly holdover thereafter until new Plan Of Management is adopted



**Table 10. Parsley Bay Reserve Caretaker Cottage Building Condition Report**

Item	Condition
Structure	2
Doors and windows	2
Lights / power outlets	2
Ceilings / walls	2
Essential services	1
Plumbing	2
Floors and coverings	2
<b>General</b>	<b>1.86</b>
Comments / capital works	Occupied by Council staff caretaker under a deed of agreement, for an agreed weekly rent deducted from salary
Ratings: 1 – Good, 2 – Fair, 3 – Requires Maintenance, 4 – Requires Replacement	

**Table 11. Parsley Bay Reserve Toilet Building Condition Report**

Item	Condition
Structure	1
Doors and windows	2
Lights / power outlets	1
Ceilings / walls	2
Essential services	1
Plumbing	1
Floors and coverings	1
<b>General</b>	<b>1.29</b>
Comments / capital works	Sydney Water propose to demolish this building and construct a waste water pumping station in this location, this will necessitate a location be found within Parsley Bay Reserve for a new toilet block
Ratings: 1 – Good, 2 – Fair, 3 – Requires Maintenance, 4 – Requires Replacement	

# 12. Appendix C – Additional legislation, policies & guidelines that inform this plan of management:

## Commonwealth Legislation

### Native Title Act 1993

Native title rights continue to exist and must be addressed on Crown land across Australia in cases where they have not been extinguished by subsequent government legislation or actions. Rights are confirmed by a successful claim in the Federal Court.

Dealings in Crown land that may affect (impair or extinguish) native title are referred to as future acts and these future acts must comply with the Act. The inchoate interests of Aboriginal people are to be considered where an undetermined land claim exists. Future acts may include the issuing of a lease or licence or the construction of a public work.

Council must obtain advice from a qualified native title manager as to the status of the land in regards to native title rights before a plan of management can be approved.

### Environment Protection Biodiversity and Conservation Act 1999 (EPBC Act)

Provides a framework to protect and manage

species that are defined by the Act as having national environmental significance. National recovery plans are in place under this Act for two such species in Woollahra.

### Disability Discrimination Act 1992 (DDA)

Provides protection for all Australians against discrimination based on defined disability, including access to public open space.

### Telecommunications Act 1997

Allows for the installation of a limited range of facilities without seeking planning approval.

### Work Health and Safety Act 2011

Provides a framework to secure the health and safety of workers and workplaces through the elimination of risks arising from work.

### Australian Standards

While not legislation, standards set out technical specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable.

## NSW State Legislation

### NSW Environmental Planning and Assessment Act 1979

- SEPP No 19 – Bushland in Urban Areas 1986
- SEPP No 64 – Advertising and Signage 2001
- SEPP (Coastal Management) 2018
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (State and Regional Development) 2011
- SEPP (State Significant Precincts) 2005
- SEPP (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Environmental Planning and Assessment Regulation 2000

The State government is currently developing a new SEPP for protection and management of our natural environment. The proposed SEPP will consolidate several existing instruments, including the following relevant to Crown land in Woollahra:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

### **NSW Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* replaced the *Threatened Species Conservation Act 1995*. Its purpose is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Under this Act, Council has legislative responsibility to appropriately manage critically endangered species, endangered species and vulnerable species.

The listed species in the Crown reserves are Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*) and Magenta Cherry (*Syzygium paniculatum*) and under the Federal EPBC Act, also the Netted Bottlebrush (*Callistemon linearifolius*). Three sites in the LGA contain areas of land that are affected, Parsley Bay Reserve, Trumper Park and Gap Park.

### **NSW National Parks and Wildlife Act 1974**

#### **Aboriginal cultural significance**

In New South Wales, the *NSW National Parks & Wildlife Act 1974* (NPW Act) provides legal protection for both 'Aboriginal objects' and 'Aboriginal places' as defined in the Act. Aboriginal objects can include Aboriginal campsites in rockshelters and in the open, painted and engraved art, places of burial, scarred trees, and also artefacts of stone, bone or shell that were used by Aboriginal people in the past. The Woollahra Local Government Area contains many documented Aboriginal heritage sites, and it is likely that more undocumented sites also survive. Declared Aboriginal Places are places of special significance for Aboriginal culture in New South Wales that have been gazetted under the *NPW Act*. There are currently no registered 'Aboriginal places' within the Woollahra Local Government Area.

Under the *NPW Act* it is an offence to 'harm' Aboriginal objects either knowingly (s86 (1)) or unknowingly (s86 (2)), or to harm an Aboriginal Place (s86 (4)). *Harm* is defined in s5 (1) of the *NPW Act* to mean any act or omission that:

- (a) destroys, defaces or damages the object or place, or
  - (b) in relation to an object – moves the object from the land on which it had been situated, or
  - (c) is specified by the regulations, or
  - (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c);
- but does not include any act or omission that:
- (e) desecrates the object or place, or
  - (f) is trivial or negligible, or
  - (g) is excluded from this definition by the regulations.

In general, harm can only knowingly be done to an Aboriginal object or Aboriginal place in accordance with the conditions of an approved Aboriginal Heritage Impact Permit under s.90 of the *NPW Act*.

There are some defences and exemptions to the offence of unknowing harm. The two main ones are:

1. That the activity was one of a number of 'low impact activities' in 'disturbed land' as defined in Clause 58 of the *National Parks and Wildlife*

*Regulation 2019 (NPW Act s87(4))*. These definitions are very precise, and include some land management activities such as common farm and track maintenance activities.

2. That a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object (*NPW Act s87 (2)*).

While it is unlikely, it should not be assumed that all common land management activities that do not involve excavation will be regarded as ‘low impact activities’ or will not result in harm to Aboriginal objects. It is prudent to assess all activities in light of the particular characteristics of the land being managed. For example, slashing grass or weeds could damage an Aboriginal scarred tree, and pulling out roots could disturb Aboriginal artefacts associated with a campsite in a rockshelter or on the open. In general, it is advisable to exercise some form of Due Diligence with any activity, unless it is explicitly permitted under the *National Parks and Wildlife Regulation 2019* and it will not harm a documented Aboriginal site (object).

### **Aboriginal heritage recommendations**

The recommendations made in this report for each of the Crown Land areas are based on these legal protections for Aboriginal heritage. They also refer to ‘sensitive areas’ that have been identified in relation to Aboriginal heritage within some Crown Land areas in this report. These sensitive areas include the locations of documented Aboriginal sites (‘objects’ in the *NPW Act*), and areas in which currently undocumented Aboriginal sites may be found. Activities proposed in these areas will generally require some form of Aboriginal heritage assessment, while activities outside of these areas are all covered by an unexpected finds protocol. Recommendations have also been made about suitable locations for Aboriginal heritage and history interpretation. This can be summarised as follows:

#### **1. Aboriginal heritage management plan required**

This has been recommended in several cases where known sites occur within a Crown Land area, or where the area is known to have high Aboriginal cultural or historical significance. The plans will consider in detail the known and potential Aboriginal heritage sites within the Crown Land area and provide detailed guidelines as to which future

activities may require specific assessment. These would ideally be prepared in advance of any future activities, but in the interim, Aboriginal heritage impact assessment of each activity will provide adequate protection.

#### **2. Aboriginal heritage impact assessment required**

This applies to activities proposed in ‘sensitive areas’ in relation to Aboriginal heritage. Aboriginal heritage impact assessment is required to determine whether these activities may result in ‘harm’ to Aboriginal objects (both known and currently undocumented) and explore ways to avoid potential impacts. These assessments should be undertaken in accordance with the reporting requirements outlined in Council’s 2020 *Guide for preparing an Aboriginal heritage impact assessment*, which will also meet the reporting requirements of Heritage NSW for Due Diligence assessment.<sup>5</sup> Where

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<sup>5</sup> The guide is an appendix to the Woollahra Municipal Council DA Guide, which can be found at [www.woollahra.nsw.gov.au/building\\_and\\_development/submit\\_a\\_da/prepare\\_your\\_application](http://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application). NOTE this guide is yet to be finalised; DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (available at [www.environment.nsw.gov.au/research-and-publications/publications-search/due-diligence-code-of-practice-for-the-protection-of-aboriginal-objects-in-new-south-wales](http://www.environment.nsw.gov.au/research-and-publications/publications-search/due-diligence-code-of-practice-for-the-protection-of-aboriginal-objects-in-new-south-wales)).

impacts cannot be avoided, further investigations or heritage impact permits may be required.

### **3. Unexpected finds protocol required**

In all other areas except those designated as sensitive, Aboriginal heritage may be present but is either unlikely to be visible or detectable through assessment, or is likely to be in a disturbed context. Therefore an unexpected finds protocol has been recommended for excavation works. This will ensure that Aboriginal objects are protected in the event of discovery during project works.

### **4. Aboriginal heritage interpretation recommended**

Although not a legal requirement, greater public awareness of Aboriginal history and heritage can foster respect and better protection for Aboriginal heritage sites and other values. This has been recommended in areas known to have significant Aboriginal heritage or history.

### **Aboriginal Land Rights Act 1983**

In NSW available Crown land may be returned to Aboriginal Land Councils following a successful land claim. Crown land that is not subject to a claim, is lawfully used or occupied or required

for an essential public purpose may be leased or licenced if permitted under the Act. Crown land that is subject to a claim cannot be leased or licenced without the consent of the Local Aboriginal Land Council. Land validly claimed is to be transferred to the Aboriginal Land Council in freehold.

### **Anti-Discrimination Act 1977**

Promotes equality and provides protection from discrimination based on several factors including race, religion, sex and age.

### **Biosecurity Act 2015**

Lists prohibited species, including plants and insects that may pose a biosecurity risk and must be controlled or eliminated.

### **Companion Animals Act 1998**

This Act provides for owners responsibilities to have effective control of dogs and cats in public places. Councils must declare at least one off leash dog exercise area in their LGA. Dogs are prohibited within 10 metres of children's play areas, food preparation and consumption areas and areas of bushland.

### **Disability Inclusion Act 2014**

Promotes the inclusion of people with disability into all areas of community life.

### **Environmental Protection Authority administers:**

- Contaminated Land Management Act 1997
- Dangerous Goods Act 2008
- Environmentally Hazardous Chemicals Act 1985
- Forestry Act 2012
- National Environment Protection Council 1995
- Ozone Protection Act 1989
- Pesticides Act 1999
- Protection of the Environment Operations Act 1997
- Radiation Control Act 1990
- Recreation Vehicles Act 1983
- Waste Avoidance & Resource Recovery Act 2007

### **Fisheries Management Act 1994**

Necessitates the protection of foreshore vegetation.



### **Greater Sydney Commission Act 2015**

Established the Greater Sydney Commission, with specific roles and responsibilities for planning for Greater Sydney. It aims to make Sydney more productive, sustainable and liveable.

### **Heritage Act 1977**

for the identification and registration of items of State heritage significance. Items are assessed against the Heritage Council's criteria related to an item's aesthetic, historic, scientific, and social values. It must meet only one of the criteria to satisfy that it is of such particular significance to the state of NSW that it should be listed.

An unexpected finds protocol must be in place to guide future excavation works on land and water. If unexpected archaeological features are discovered during excavation:

- Immediately cease all work at the location
- Notify Heritage NSW as soon as practicable

Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**Note:** Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

### **Noxious Weeds Act 1993**

Provides the regulatory framework for controlling weeds in NSW.

### **Pesticides Act 1999**

Controls the use of pesticides in NSW.

### **Place Management Act 1998**

Aims to protect and enhance the natural and cultural heritage of the foreshore area.

### **Protection of the Environment Operations Act 1997**

### **Retail Lease Act 1994**

### **Roads Act 1993**

### **Smoke-free Environment Act 2000 & Regulation 2016 & Tobacco Legislation Amendment Bill 2012.**

It is illegal to smoke tobacco within 10 metres of children's play equipment and or an area set aside for or being used by spectators to watch an organised sporting event at a sportsground or other recreational area, when an organised sporting event is being held there.

### **Waste Minimisation Act 1995**

Aims to reduce the amount of waste produced across the state, including by encouraging recycling.

### **Water Management Act 2000**

Aims to protect, enhance and restore water courses.

### **NSW State Policies:**

#### **Everyone Can Play**

Sets out design considerations to improve physical access and comfort for child and adult play space users.

#### **Sydney Green Grid**

Is an integral part of the Greater Sydney Region and

District Plans and aims to connect communities to the landscape by creating a network of high-quality green space, linking green infrastructure through enhanced transport routes, footpaths and cycleways.

## Woollahra Municipal Council Plans, Strategies and Policies

### The Local Strategic Planning Statement 2020

The Local Strategic Planning Statement 2020, was adopted by Council in March 2020. It sets out the local planning priorities and long-term 20-year vision to guide land use planning specifically and outlines what those priorities aim to achieve in the future. It is prepared under the *EP&A Act* and must be consistent with the CSP.

Planning priorities with relevance to the Crown land reserves include:

- protecting our waterways and water ecosystems
- conserving, enhancing and connecting our green spaces including bushland, tree canopy, gardens and parklands
- improving walkability and cycleway connections through Green Grid initiatives

- increasing tree canopy along streets and pathways
- improving access to public transport
- protecting and enhancing our scenic and cultural landscapes
- upgrading ageing park grey infrastructure
- building climate change resilience

### Delivery Program and Operational Plan (DPOP)

The DPOP describes how Council will work with the community to achieve priorities and actions and meet community needs and expectations in a sustainable manner. The DPOP is reviewed, developed and publicly exhibited yearly.

### Local Policies, Strategies, Guidelines

Aged and Disability Study 2016  
 Asset Management Strategy 2011-2021  
 Biodiversity Conservation Strategy 2015-2025  
 Community & Cultural Grants Policy (25/11/2013)  
 Community Cultural Relations Statement (7/8/2013)  
 Community Garden Policy (2011)  
 Community Safety and Crime Prevention Plan (2014)  
 Community Services Policy (2013)  
 Disability Inclusion Action Plan 2017  
 Double Bay Place Plan 2014

Double Bay Public Domain Lighting Strategy (2017)  
 Double Bay Public Domain Strategy (2016)  
 Environmental Sustainability Action Plan (2013-2025)  
 Operational Plan 2019 – 2020  
 Oxford Street, Paddington Placemaking Roadmap Report 2014  
 Playground Policy (11/3/2002)  
 Playground Strategy (11/3/2002)  
 Policy for the Sponsorship of Events & Activities (27/3/2006)  
 Public Art Policy (10/2009)  
 Queen Street Strategic Masterplan (2014)  
 Reconciliation Statement (12/2012)  
 Reconciliation Statement Action Plan 2012  
 Recreational Needs Assessment and Strategy (2006)  
 Register of Significant Trees – July 1991, Volume 4 of 4, Significant Trees in Public Parks  
 Risk Management Strategy  
 Rose Bay Public Domain Improvements Plan

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