



DRAFT PLAN OF MANAGEMENT

Gap Park and The Gunyah

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 Gap Park and The Gunyah, Crown land reserve categorised as natural area – bushland, and general community use, respectively.

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 Gap Park and The Gunyah, 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. Gap Park signage at the entry on Old South Head Road

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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 for managing 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 Gap Park and The Gunyah 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 Gap Park and The Gunyah.

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 Gap Park and The Gunyah 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 and 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 Gap Park.

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. Gap Park is habitat for a threatened species, which necessitates this specific plan of management.

3.3 Aim of this plan of management

The aim of this document is to provide a specific plan of management for Gap Park and The Gunyah 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. Harbour views from Gap Park

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 (DPIE) for approval
- Amendments as required including those necessitated by the *CLM Act* regulation of 4 June 2021 and by the DPReview
- Amended plan reviewed again by DPIE
- 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. Remnant gun battery in Gap Park

5. Land to which this plan applies

This plan of management applies to **Gap Park and The Gunyah**, Old South Head Road, Vacluse. Gap Park consists of a small parcel of Council owned community land and two larger parcels of Crown land. The Gunyah is on a separate parcel of Crown land.

5.1 Description

Gap Park is located north of Signal Hill Reserve on South Head. The eastern boundary is an escarpment of Hawkesbury sandstone cliffs and rock platforms forming part of the Tasman Sea coastline. The northern boundary is the coastal lookout, located at where the headland is most narrow, and beyond that, Sydney Harbour National Park. Old South Head Road forms the southern boundary, private residences along Gap Road, The Gunyah building and grounds and St Peter's Anglican Church form the western boundary.

Gap Park is largely characterised by the reconstructed bushland, recognised by Council to be of importance to the local region and the expansive ocean and harbour views. It is one of the premier tourist attractions of Sydney for local, regional, national and international visitors,

who come to the site to admire the picturesque landscape and views. Gap Park offers two contrasting perspectives, one of the calm harbour, sheltered by the headlands, the other of the crashing ocean waves beyond. The Gap refers to the steep vertical 'gap' in the sandstone cliff line. This unique natural area has inspired a range of human emotions, from admiration to despair. The high-profile tourist venue is also unfortunately a recurring location for self-harm.

The General Community Use area of the site includes The Gunyah, a c. 1876 sandstone building, originally built as a public school. It has been repurposed and is available for community hire. Located adjacent to The Gunyah is the Kuhli Hut, which consists of public male and female toilets, available for use by the hirers of the hall. It includes a Council staff lunch room

and is used by the bush regeneration team, arborists and beach cleaners for equipment storage.



Figure 7. Aerial photo of Gap Park

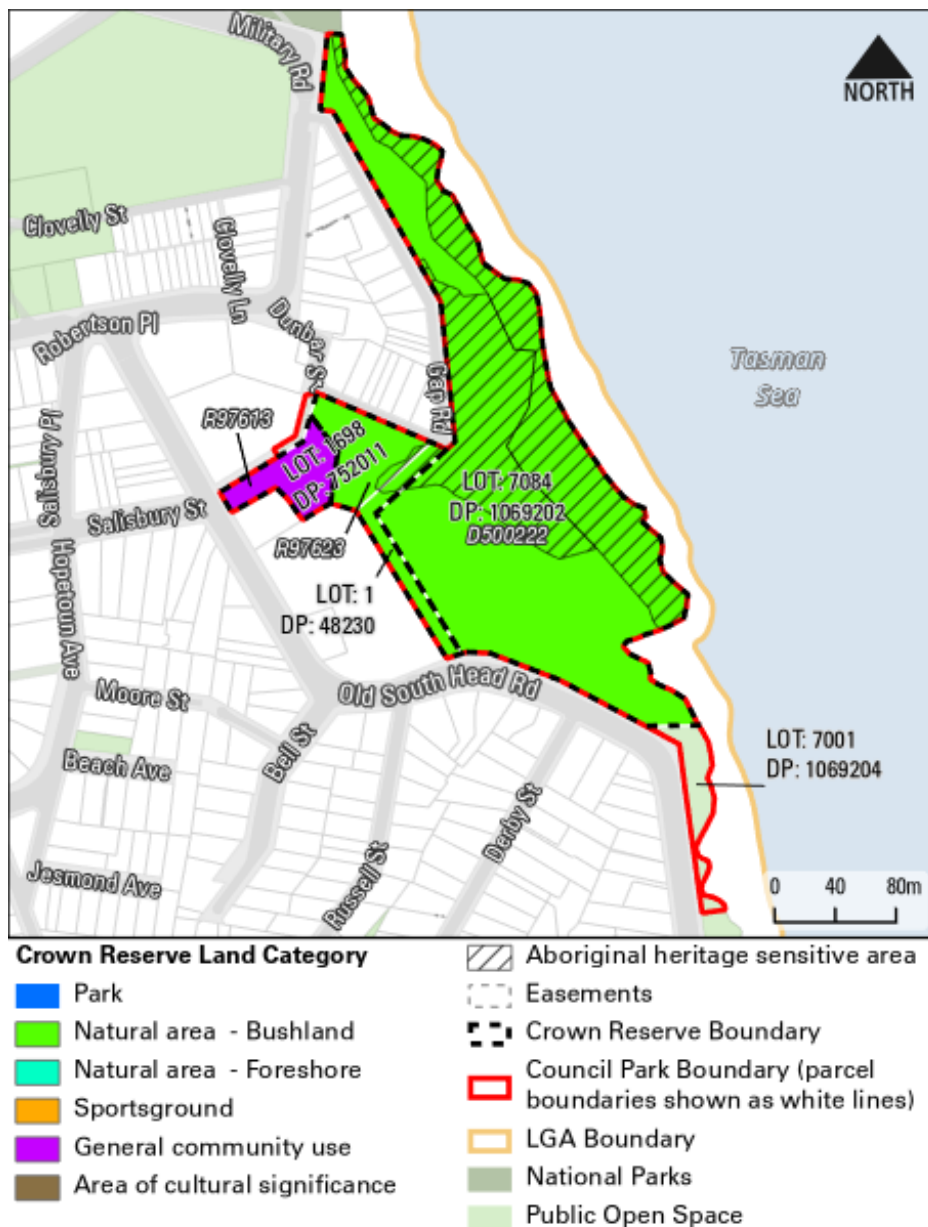


Table 1. Legal description for Gap Park and The Gunyah

Location	Old South Head Road, Vaucluse
Land area (m ²)	46,000m ²
Land owner	Crown & WMC
Crown reserve purpose	Public recreation (Gap Park) and community purposes (The Gunyah)
Land Zone in Woollahra LEP 2014	RE1 Public recreation
LG Act categorisation	Natural area – bushland and general community use
Legal description	Gap Park (Natural area – bushland) Crown D500222 Lot 7084 DP 1069202 & R97623 Part lot 1698 DP 752011 & Lot 1 DP 48230 WMC Lot 7001 DP 1069204 (Natural area – bushland) The Gunyah (GCU) R97613 Part Lot 1698 DP 752011

Figure 8. Gap Park and The Gunyah map including land categories

5.2 Crown land to which this plan of management applies

Gap Park and The Gunyah consists of three parcels of dedicated or reserved Crown land, as shown below. Dedicated or reserved 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 Gap Park and The Gunyah

Site	Reserve Name	Reserve / Dedication	Area
18	Gap Park	D500222, R97623	4.6ha approx.
	The Gunyah	R97613	

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 12km² 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.

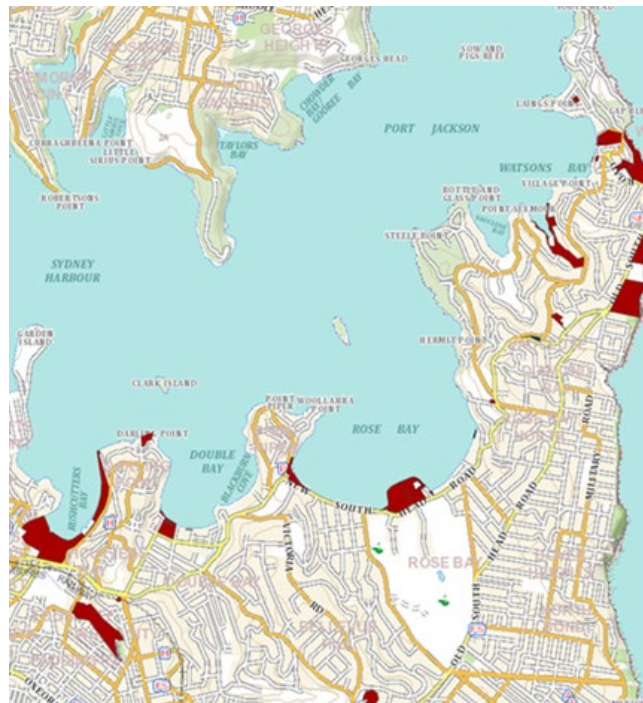


Figure 10. Location of Crown land within the LGA

6.2 Our Crown reserve portfolio

The Crown reserves of Woollahra represent almost 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.”¹ 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.

¹ Jack, R. I. (1984) within the Hughes, Trueman, Ludlow *Heritage Study for the Municipality of Woollahra*. (See generic POM for full references)

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) in 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 Gap Park and The Gunyah

The natural environment of Gap Park creates a unique landscape setting. The Hawkesbury sandstone formations, including the ocean cliffs and the fragmented urban bushland are intrinsically valuable for their scenic and spatial qualities, for their conservation value and the habitat they provide.

Natural elements such as trees and shrubs and in situ geology provide a desirable contrast to the surrounding built environment. Gap Park provides welcome access to outdoor open space in an increasingly dense residential area where personal

outdoor space may be reduced. Due to the continuing presence of an endangered endemic plant species, Gap Park 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 Gap Park reserve does contribute significantly to the biodiversity of the area. It provides habitat opportunities for native flora and fauna and helps mitigate the effects of climate change by providing shade and large areas of unpaved surface for rainwater to infiltrate the soil. The natural elements of Gap Park are vital components of the green infrastructure of the LGA. *Greener Places* refers to these three categories of green infrastructure as being:

- 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 Gap Park and The Gunyah

Aesthetic quality and visual amenity is very high within the LGA. Gap Park performs an important role in providing publically accessible space to enjoy the views and features of Sydney Harbour and the Pacific Ocean. Aesthetic value is also found in the individual elements of the reserve, such as the bush and the historical features including the built fabric of The Gunyah. 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 Gap Park and The Gunyah

Gap Park 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 Gap Park and The Gunyah

Heritage and cultural values at Gap Park and The Gunyah add to the character of the site. The Gunyah is an example of Woollahra’s built heritage, item 451 on WLEP 2014, as are the Dunbar anchor, item 435, the Dunbar inscriptions item 437, the bicentennial walkway, item 343, the Grieve memorial item 438 and the tramway cutting item 436. The remnant bushland is representative of the landscape heritage of the area. Maintaining local character and identity is 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 the Aboriginal history at Gap Park. 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 Gap Park and The Gunyah

Gap Park and The Gunyah offer several opportunities for recreation, including walking and viewing and community gatherings. Such 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.

High impact recreation is not generally suitable in areas of bushland. 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 Gap Park. Dogs and commercial fitness training are not permitted at any time in bushland areas.

6.4.6 Access value of Gap Park and The Gunyah

These reserves provide valuable pedestrian access along the coastal walkway to the ocean lookout and

to the Watson Bay commercial area. The walkway is a part of the Bondi to Manly Walk. Due to the topography, level access is challenging and while desirable, inclusive access is not always possible to all areas. It is important to restrict access through bushland areas to the formal paths, in order to preserve the seedbank and germination potential..

6.4.7 Social and community value of Gap Park and The Gunyah

Gap Park has long been a place for the community and tourists to appreciate the landscape and views, and The Gunyah; a multi-purpose facility, provides the community with a space for various uses. These are significant roles and illustrate principles 1 and 2 of the *NSW Public Spaces Charter*, that public spaces be open and welcoming and community-focused.

Large groups of tourists may cause conflict for nearby residents due to the increase in traffic and parking pressures. Crowds may also adversely affect the park itself through wear and tear, damage, and reduced levels of cleanliness.

Unfortunately, Gap Park has a long history of self-

harm. In 2007, a unique partnership was formed with the community, experts in mental health, the Police and Council with a shared commitment to help reduce the numbers of preventable suicides at this iconic location.

A master plan was undertaken to rebrand the park as a destination landmark. It included major landscape upgrades to improve the image and ambience of the site. These works have assisted to activate the site, attracting thousands of local and international visitors. It has helped to change the community's perception and the sad historic reputation of the site.

A separate Self Harm Minimisation Masterplan was produced to focus on these principles and guide the implementation of works as a priority.

The following principles were developed to underpin the proposed suicide prevention measures:

- physically prevent access to the cliff top to effectively 'buy time' with those considering suicide.
- provide easy and free access for help and counselling.
- assist Police and Emergency Services to quickly

locate persons at risk of suicide through CCTV technology.

- install signage to encourage reconsideration of intended actions and provide phone numbers to access Lifeline.
- encourage people to stay longer and increase evening usage through seating and lighting. This is to allow increased chance of interaction with and observation of, persons at risk of self harm.

Council continues to deliver on this project, including open conversations with experts in this field.

6.4.8 Landscape value of Gap Park and The Gunyah

Consultation results indicate that our community appreciate a high quality, well-groomed landscape. In natural areas where the goal is to regenerate the endemic vegetation community, the landscape may look less ornamental than in a park type setting. Bushland is not a static arrangement of plants and is more robust and self-sufficient when it is not disturbed. A bushland vegetation community consists of trees, shrubs, grasses and herbs or vines of many different species. While they may be growing together, they each have different requirements in

terms of light, nutrients and water and will have different methods of seed dispersal, growth rates and life spans. While some trees for example may take 50-100 years to mature, shrubs may be dying of old age after 25 years and herbs after many less. At any one time the community may look different depending on the presence of threats, sequence of events and weather conditions which will alter the combination of species present at a given time.

At the time of writing, Council is restoring the indigenous vegetation community of Gap Park, with particular attention to the preservation of the Sunshine Wattle. This work requires that the natural life cycle of the community be re-established, and is in keeping with the *CLM Act* which requires that the soil, flora, fauna and scenic quality of Crown land be conserved wherever possible.

A high quality landscape also includes all of the hardscape materials and structures at the site such as the outdoor furniture and pavements. Council's intention is to maintain these fixtures to meet principle ten (10) of the *NSW Public Spaces Charter*, which acknowledges that public space is more inviting when it's well cared for.

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

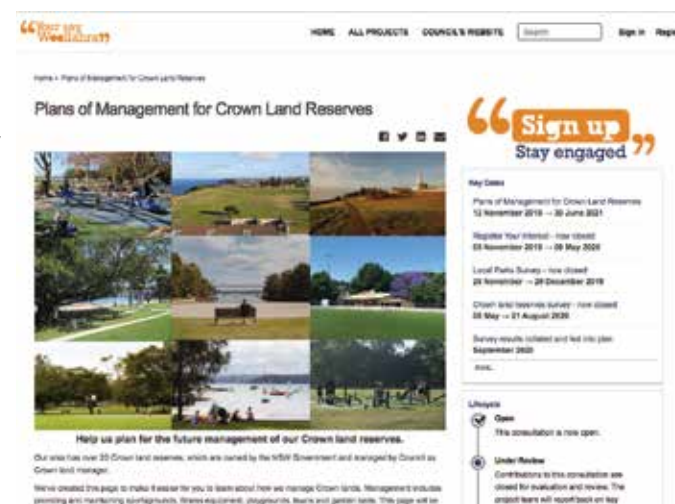


Figure 12. Project online homepage

- 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.

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 13. 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*.

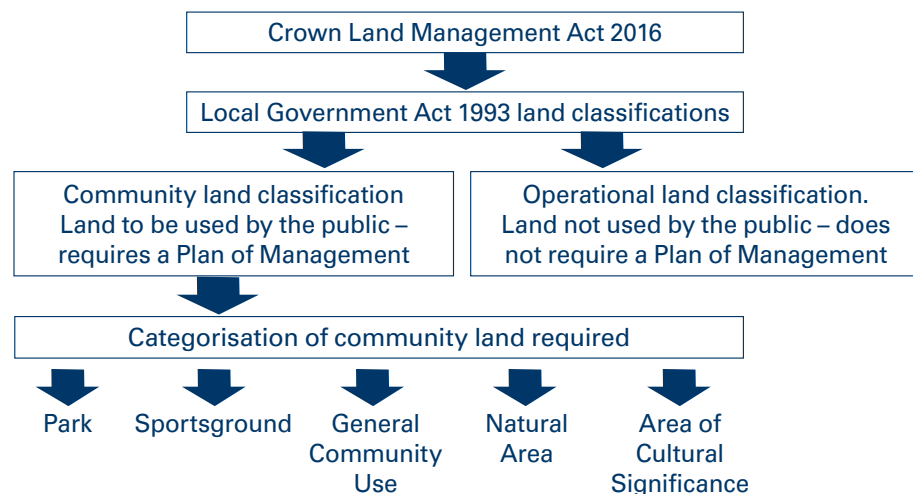


Figure 14. The categorisation process

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 Gap Park may be used is public recreation. The purpose for which The Gunyah may be used is community purposes.

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.

Gap Park is categorised as natural area – bushland. The Gunyah is categorised as general community use. 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>
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"> • To promote, encourage and provide for the use of the land, and • 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"> a) public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and 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).

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>

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 5-21 year 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.

72.4 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).

Gap Park is land comprising critical habitat for Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*). 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*. There is a national recovery plan for this species.

Gap Park may also be habitat for Netted Bottlebrush (*Callistemon linearifolius*), listed as vulnerable under the State legislation. A draft Saving Our Species

strategy is currently being developed by the NSW government for this species.

The Gunyah is categorised as general community use land and is not considered critical habitat, it has however been included in the specific plan of management for Gap Park as it is immediately adjacent.



Figure 15. *Acacia terminalis* subsp. *terminalis*, detail of inflorescence. Source: Australian Plants Society NSW.

8. Use and development

8.1 Community Input – Gap Park 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 17, 18 and 19 of the Your Say survey refer specifically to Gap Park and The Gunyah, to which 55, 58 and 38 responses were received respectively. 6 postal surveys were received for Gap Park and / or The Gunyah.

Most of the survey participants visited Gap Park occasionally, on weekdays and arrived on foot.

Use of this site by our community is mostly to:

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

The key management issues here are:

- suicide prevention
- bushland regeneration
- over development

8.2 Current use overview

The broad development and maintenance strategy for Gap Park is to attempt to restore the bushland while allowing for passive public recreation. For The Gunyah, the strategy is to provide a multi-functional venue for hire to the community.

At the date of adoption of this plan, the condition of the land and structures in Gap Park and The Gunyah is generally fair to good.

8.2.1 Access

Pedestrian access is available along the coastal walkway which enters the site from Old South Head Road and runs approximately parallel to the coast along the eastern boundary. This path is not fully accessible, it is uneven and stepped in places due to the terrain.

Public transport is available from buses along Old South Head Road and Military Road. There is no public vehicular access.

Access to The Gunyah is via a driveway on Old South Head Road. Limited on-site parking is available and the venue is fully accessible.

8.2.2 The Physical Landscape

The physical landscape of Gap Park, as a part of the South Head peninsula, is defined by the proximate coast line of dramatic cliffs and outcrops of the Hawkesbury sandstone bedrock geology and the expansive views of the Pacific Ocean and Sydney Harbour.



Figure 16. Hawkesbury sandstone formation at Gap Park

Exposed coastal areas on Hawkesbury Sandstone such as this were originally covered by extensive heathland. This low, scrubby vegetation community was a complex assemblage of plants including many sclerophyllous species such as the Heath Banksia (*Banksia ericifolia*) and the Dagger Hakea (*Hakea teretifolia*). This flora had adapted to grow in the shallow, sandy, infertile soils and windy conditions of the area, which prevents the growth of very tall trees.

The original vegetation community no longer exists, as this site has been extensively modified from at least the colonial era to accommodate other uses such as lookout post, defence and recreation.

The site receives high levels of sun and wind exposure.

8.2.3 The Cultural Landscape – Aboriginal History and Heritage

Overview:

Gap Park includes clifftop areas overlooking the Pacific Ocean coast along its eastern edge, and a gully back from this outcrop that faces back towards the harbour. Aboriginal people would have used clifftop area like this as vantage points and potentially as locations for rock engravings. They are unlikely to have camped in such exposed locations, but the western edge of the sandstone outcrop contains more sheltered locations, and possibly sandstone overhangs.

No Aboriginal sites have yet been recorded within Gap Park, though it has been considered in two previous Aboriginal heritage assessments.² These

have noted the impacts of past activities including the construction and use of a tramway through the park and landscaping of the southern part of the park after the tramline closed in 1960. Two parts of the park have the potential to contain Aboriginal sites and have been identified as sensitive areas; as engravings or grooves from the sharpening of stone tools along the cliff areas, or as sandstone overhangs on the western side of the sandstone outcrop.

Recommendations:

1. Any proposed activities within the sensitive areas should be subject to Aboriginal Heritage Impact Assessment.
2. For any proposed activities within the remainder of Gap Park, an unexpected finds protocol should be in place for any excavation works. See appendix C for more details.

8.2.4 The Cultural Landscape – European History and Heritage

Overview:

This area of the LGA has facilitated public recreation

use since the early 19th century, primarily as a destination from which to admire the landscape and views. The completion of Old South Head Road in 1811 and New South Head Road in the 1840s improved the journey to South Head. Gap Park was dedicated as a public recreation reserve on 28/06/1887.

From the early 1900s, accessibility was further increased when the tram line was extended to Military Road. With improved access, Gap Park and Watsons Bay was increasingly developed. Facilities and attractions for tourists followed, including tearooms and a camera obscura, housed within an octagonal red wooden building located in Gap Park. Wooden summer houses and a tenanted wooden cottage were also built within the park. In the 1920s, the park was further improved with asphalt paths. At a certain point, the tram line crossed one of the pedestrian paths and an electric light was installed there. It was the responsibility of the conductor on

2. AHMS Pty Ltd (2007). *Re: The Gap, Watsons Bay, NSW – Preliminary Aboriginal Archaeological Investigation*, Report to Thompson Berrill Landscape Design Pty Ltd; Coast History & Heritage (2020). *Re: Due Diligence Aboriginal Heritage Assessment Gap Park Tramway Path, Watsons Bay*, Report to Woollahra Municipal Council.

the last tram from Watsons Bay to switch it off at night. Telescopes for hire were located in the park in the 1930s.



Figure 17. The Grieve Memorial in Gap Park



Figure 18. The Dunbar Memorial in Gap Park

Two memorials are located within Gap Park. The Grieve Memorial, located near the southern boundary, which commemorates a local resident killed during the Boer War. The Dunbar Memorial is the salvaged anchor of the ship, wrecked off South Head in 1857. It was positioned in its present location in August 1930.

In 1934 the landscape architect Mr A. L. Doust drew plans to improve Gap park, including:

1. To renew all defective timber in the fence along the edge of the cliff and to paint same in white.
2. To demolish two existing summerhouses in Gap Park and construct three new ones in brick similar to those in Robertson Park.
3. The whole of the lantana and other scrub, excepting natural trees and shrubs, to be removed and a general scheme of beautification of the Park in the form of rock pockets and the planting of additional trees and shrubs and installation of water services for same.
4. Provide additional park seats for use by the public and renovate all existing seats and new ones with three coats of paint.
5. The existing gent's lavatories at the Gap are to be demolished.

6. The horse drinking trough at the Gap is to be repaired and a new water service provided to same.

South Head has historically performed a defensive role. This is evident within Gap Park, as it is at other reserves along the coastline. The remnant housing structure for a small calibre gun, which was never installed, dates from World War 2.

In 1960 there was a proposal to establish a bowling club at Gap Park. This proposal, rejected by the Minister for Lands, caused some controversy in the area. It initiated the formation of the Committee for the Preservation of Gap Park, and Council soon resolved to investigate a long term plan for the improvement of the area.

In 1964, the then redundant tram tracks were removed and Council filled in the old tramway cutting. The Vaucluse Progress Association expressed interest in the park and drew up plans of its own for its restoration. In 1965, Council moved to carry out further improvements and restoration work in the park. The ground was regraded to restore the original contours, with great care being taken at the time to preserve the natural rock

surfaces and the few remaining specimens of tea tree (*Leptospermum laevigatum*).

A year later Council decided that a special area be set aside for the planting of native shrubs and plants. Work including stone revetments, regrading and topdressing, relocation of a shelter shed, construction of concrete kerb and gutter and concrete footpath was undertaken.

Miss Thistle Stead, one of the original members of the Committee for the Preservation of Gap Park, was invited by Council to prepare a schematic plan of improvements for Gap Park. Part of the plan was adopted by Council in October 1972.

In 1981, Gap Park was identified by the National Trust as an area requiring high priority in a bush regeneration programme. At that time, an area of closed heathland between Jacob's Ladder and The Gap was referred to as being in fair condition, and of prime importance as a single remnant of a community which most likely, was very common on South Head in 1788. The remaining areas of Gap Park were in poor (abundant weeds) to very poor (mostly weeds) or cultivated (no bush, mostly grass)

condition. In 1982, Council resolved that particular emphasis be placed on the rehabilitation of Gap Park and adjacent areas of open space.

The Bradley method was used to begin eradication of weed species and Council staff were employed in weed removal and control and buffer community revegetation was undertaken in the areas surrounding the core area of closed heathland to protect it.

Council continues to undertake this important bush regeneration work as the key managerial strategy for Gap Park.

In 2007 Council commissioned the Gap Park Master plan to guide the future improvements to the park, and address a number of pre-existing social, environmental and recreational issues. Council has continued to implement this master plan which has activated the site and provided strategies and infrastructure to assist with the unfortunate existing social issue at this location.

Heritage Items

Bicentennial coastal walkway WLEP 2014 item 343 of local significance

Dunbar anchor WLEP 2014 item 435 of state significance

Dunbar rock inscriptions WLEP item 437 of state significance

Grieve memorial WLEP item 438 of local significance

Tramway cutting WLEP item 436 of local significance

The Gunyah (former Watsons Bay Public School) WLEP item 451 of local significance

Potential Heritage Items

Historic archaeology from previous structures and previous land uses.

The whole of the park has potential to be a heritage item.



Figure 19. A new pedestrian path is to be located on the old tramway in Gap Park

Recommendations:

1. Continue to implement the master plan and bushland regeneration.
2. Investigate opportunities to undertake a heritage assessment of Gap Park in accordance with the NSW Heritage criteria.
3. An unexpected finds protocol should be in place to guide future excavation works. See appendix C for more details.

8.2.5 Landscape Character

Extensive bush regeneration since 1982 has resulted in a landscape character reminiscent of Eastern Suburbs coastal heath in the majority of

the park. Together with the Hawkesbury sandstone outcrops, the proximity to the ocean and military relics and the cultural plantings of Norfolk Island Pines, the Gap Park landscape is representative of much of coastal Sydney.

8.2.6 Relevant Documents

- National recovery plan for Sunshine Wattle (*Acacia terminalis* subsp. *terminalis*)
- 2020 REF prepared by City Plan for installation of the tramway footpath
- 2008 masterplan and report prepared by Thompson Berrill Landscape Design P/L.
- Woollahra Libraries, Local History Research File.



Figure 20. Gap Park Master Plan

8.2.7 Current condition, issues and use of the land and structures on NATURAL AREA– BUSHLAND category land at Gap Park

The whole site is categorised as natural area – bushland, due to the value and scarcity of the remnant bushland. Within the site however, there are areas of non-endemic planted vegetation, such as the Norfolk Island pines at Don Ritchie Grove near Jacobs Ladder and the copse of planted trees flanking the path from Jacobs Ladder to Gap Road. This later group is referred to as the littoral rainforest and includes species native to Queensland.

The adopted master plan recommends retention of these cultural plantings while continuing to

conserve and regenerate the bushland around them.

Following the recommendations of the National Trust in the 1980s, the key managerial focus for Gap Park for the past 40 years has been regeneration of the remnant bushland. As this site is critical habitat for the endangered Sunshine Wattle (*Acacia terminalis subsp. terminalis*), Council has a legislative responsibility to protect and encourage the recovery of this species. A detailed habitat restoration plan, including threat abatement measures is required to ensure the longevity of this habitat and the survival of Sunshine Wattle. The National recovery plan states that conservation for

Sunshine Wattle will also benefit other endangered species of flora and fauna that rely on this habitat for survival. This includes the Netted Bottle Brush (*Callistemon linearifolius*) a vulnerable species previously found at Gap Park, although not seen since 2013.

In addition to the endangered flora, Gap Park is also habitat to a range of fauna species including Superb Fairy-wren (*Malurus cyaneus*), Fork-tailed Swift (*Apus pacificus*), Large Bent-winged Bat (*Miniopterus orianae oceanensis*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Cream-striped Shinning-skink (*Cryptoblepharus virgatus*). Specific planting has been conducted to create small bird habitat within the park. Further species lists can be found in the Environmental and Biodiversity Monitoring Report.

The bushland continues to experience various threats, including weed infestations, contaminants and trampling. The National recovery plan states that the key threatening processes to affect Sunshine Wattle are clearing and grazing by rabbits, changes to fire in the landscape, the spread of *Lantana camara* and *Phytophthora cinnamomi*.



Figure 21. Bush regeneration area east of The Gunyah



Figure 22. Pathway through Don Ritchie Grove in Gap Park



Figure 23. Gap Park c.1900. Source Local History file.

Gap Park was significantly cleared in the past resulting in a fragmented, weed infested, altered landscape. Restoration began in the 1980s and is undertaken in defined work zones. Primary weeding is complete in all zones and most of the site is now at secondary weeding level. As at 2020, most of the work zones have between 10-30% weed cover, and several have <10% weed cover.

Sound horticultural hygiene practices, including sterilisation of tools, in areas of bushland are important to reduce the spread of *Phytophthora*. As such, Council has established Environmental Hygiene Guidelines to reduce the risks of introducing, and improved the management of pathogens including *Phytophthora*. Where appropriate, fire should be

reintroduced into the landscape to revitalise the vegetation community and improve germination rates of the Sunshine Wattle.

Feral rabbits are known to prefer to graze on Sunshine Wattle seedlings and efforts to exclude them should include temporary tree guards around existing seedlings. Foxes predate on native fauna including the small birds which assist in pollinating Sunshine Wattle, and fox management has been recommended by the Biodiversity Conservation Strategy. Domestic cats also prey upon native fauna. Residents are asked to keep cats inside at night to reduce the threat of predation.

Dogs negatively impact on bushland by disrupting native flora and fauna. Their urine and faeces and digging disturbs existing plant growth, the viability of the soil seed bank and alters the soil chemistry which in turn degrades the quality of the bushland.

Public recreation can also threaten bushland and must be managed to ensure the longevity of the vegetation community. Impacts include soil compaction and degradation, loss of seed bank and germinated seedlings, canopy dieback, thinning and



Figure 24. The coastal walkway provides pedestrian access through Gap Park



Figure 25. Viewing area in the northern section of Gap Park

premature senescence. All park users are asked to stay on the footpaths, and not create informal paths through the bushland.

Use of the land is passive public recreation, aesthetic and conservation. The coastal walkway, also part of the Bondi to Manly walk, is a concrete path that runs



Figure 26. Lifeline emergency phone and signs in Gap Park



Figure 27. Signage at the Marine Parade entry to Gap Park

approximately parallel to the cliff line along the eastern boundary of site. It passes the Norfolk Island pines, known as Don Ritchie Grove and several historic structures. The path branches at Don Ritchie grove, the secondary arm heading towards Gap Road. Solar

bollard lights were installed along the coastal walkway in 2020, these are in excellent condition. Other structures in Gap Park include CCTV cameras, Lifeline Phone booths, stairs, seating and the coastal fence. The paths, stairs, monuments, phone booth, cameras and seats are in fair to good condition. The fenceline above the cliff is in a fair to good condition.

Conservation and bush regeneration efforts are augmented by community volunteers who help to ensure the future ecological sustainability, biodiversity and natural beauty of Gap Park. 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.

The adopted master plan proposes to increase access through Gap Park by installing an accessible

pathway habitat from the steps at Military Road that connects to an all ability access link near the Norfolk Island pines, leading to Old South Head Road near Don Ritchie Grove along the alignment of the former tram tracks. This work is due to commence in May 2021. Work in this area should not disturb the existing specimens of the threatened species, should retain and protect the soil seedbank and should be vigilant against increasing threats such as weeds and soil contaminants.

8.2.8 Current condition, issues and use of the land and structures on GENERAL COMMUNITY USE category land at The Gunyah.

The Gunyah building is currently in fair condition,



Figure 28. The Gunyah



Figure 29. The “Kuhli Hut”

with the roof being due for replacement FY 21/22. It is available for hire by the community for a variety of uses such as social events and meetings. The adjacent “Kuhli Hut” consists of male and female public toilets that are used by hirers of The Gunyah. Part of the Kuhli Hut is also used by Council staff for storage of tools and equipment used in park maintenance, it also includes a lunch room.

The area surrounding The Gunyah is largely level bitumen carpark and is in good condition.

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**

This policy is relevant to Gap Park. 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 C. 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 Gap Park and The Gunyah.

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 Gap Park and The Gunyah in land category	
		G.C.U	Natural Area – Bushland
Amusement devices, e.g. jumping castles	Yes	Yes	No
Casual active recreation such as cycling on designated paths	No	Yes	Yes
Casual passive recreation such as walking and viewing on designated paths	No	Yes	Yes
Ceremonies, including for religious reasons	Yes	Yes	Yes
Council events, festivals, markets etc.	Yes	Yes	No
Community event including educational activities, clean up days	Yes	Yes	Yes
Construction access	Yes	Yes	Yes
Corporate promotional activities or functions	Yes	Yes	Yes
Commercial activities of any trade or business	Yes	Yes	Yes
Commercial fitness training, see adopted policy	Yes	Yes	No
Emergency services access	No	Yes	Yes
Filming, including with a drone	Yes	Yes	Yes
Fireworks	Yes	No	No
Group recreation for less than 20 people such as a picnic or party	No	Yes	Yes
Group recreation for more than 20 people such as a picnic or party	Yes	Yes	Yes
Photography, including bridal	Yes	Yes	Yes
Public address, public entertainment event or public meeting	Yes	Yes	Yes
Temporary enclosures / structures	Yes	Yes	Yes
Singing, or playing a musical instrument for a fee or reward	Yes	Yes	No
Using a loudspeaker or sound amplifying device	Yes	Yes	Yes
Weddings	Yes	Yes	Yes

Table 5. Permissible long term use / purpose

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

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

Permissible long term use / purpose subject to relevant approval	Type of agreement			Permissible at Gap Park and The Gunyah in land category	
	Lease	Licence	Other estate	G.C.U	Natural Area – Bushland
Public utilities 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
Biodiversity Stewardship Agreements , examples include:					
• offset projects, when the land is protected and managed to achieve an improvement in biodiversity values	No	No	Yes	No	Yes
Provision of roads in accordance with s47 of the <i>LG Act</i>	No	No	Yes	Yes	Yes

Table 6. Permissible development

Permissible development subject to relevant approval	Permissible at Gap Park and The Gunyah in land category	
	G.C.U	Natural Area – Bushland
Amenity buildings , such as toilets, change rooms, kiosks, grandstands	Yes	No
Art installations , see adopted policy	Yes	Yes
Carparks , single storey only, associated with the use of the site	Yes	No
Child minding services , i.e. a building or place used for the temporary supervision and care of children, ancillary to use of the reserve for public recreation	Yes	No
Community facilities , i.e. a building or place owned or controlled by a public authority or non-profit community organisation, used for the physical, social, cultural or intellectual development or welfare of the community	Yes	No
Cycle paths and bicycle related storage facilities such as racks	Yes	Yes
Demolition of buildings , 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
Depots for maintenance purposes , i.e. a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use	Yes	No
Environmental facilities , 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
Environmental management works , 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
Environmental protection works , 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
Information boards , and other information facilities including park entry booths and visitor information centres	Yes	Yes

Table 6. Permissible development *cont'*

Permissible development subject to relevant approval	Permissible at Gap Park and The Gunyah in land category	
	G.C.U	Natural Area – Bushland
Information and education facilities , 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
Irrigation systems	Yes	Yes
Kiosks , 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	No
Landscaping , including landscape structures or features	Yes	Yes
Lighting , ensure light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Australian Standard	Yes	Yes
Maintenance of landscaping and infrastructure including access roads	Yes	Yes
Outdoor furniture , e.g. seats, picnic tables, bins	Yes	Yes
Pathways , for pedestrian access, walking tracks, bridges, raised walking paths, boardwalks, ramps, stairways and handrails, gates, viewing platforms with an area not exceeding 100m ²	Yes	Yes
Recreation areas , 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	No
Roads , 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	No
Shade structures , if the visual impact of the development on surrounding land uses is minimal	Yes	No
Shelters , if the visual impact of the development on surrounding land uses is minimal	Yes	No

Note: Development consent is required for work on a heritage item other than that of a minor nature such as maintenance.

Table 7. Current and Future Permissible Use of Gap Park and The Gunyah

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 and 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. social gatherings, public meetings, parties	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	The Gunyah and Kuhli Hut	The Gunyah venue is available for hire See appendix B for details Public toilets located in Kuhli Hut, part of building used by council staff for storage of equipment etc.	1.57 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. See appendix B for details. 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.		
	Improvements Refer to Council's built asset register for complete list, which itemises every structure on the land, including condition rating	Bitumen carpark, walls, paths	Nil	Av. 2	Development related or ancillary to the recreational, physical, cultural, social or intellectual needs of the community is permissible, e.g. community facilities, environmental facilities / management / protection works (subject to the relevant approval process).		

Table 7. Current and Future Permissible Use of Gap Park and The Gunyah *cont'*

Current Use					Future Use		
Category	Within category	Use	Lease / licence	Condition	Permissible use / purpose. Refer tables 4, 5 and 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.	Small scale and 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, CCTV cameras, help phones, fences	Nil	Av 2	Development related or ancillary to low impact passive recreation and / or aesthetic use is permissible, e.g. park furniture, pathways and lighting, fencing, CCTV and help phones, viewing platforms, signage, 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: 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 the area as class 5 acid sulphate soils. Location is within the Watsons Bay Heritage Conservation Area.

Currently budgeted capital works: Tramway pathway, Gap Park CCTV upgrades

Current Council resolution:

27/4/20 it was resolved to progress the tramway pathway.

9. Management framework for Gap Park and The Gunyah

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
1	A		
Safe, clean, well-maintained, functional and varied	Ensure public safety is considered during the planning, design, construction, maintenance and use of each site	<ul style="list-style-type: none"> • Continue to collaborate with industry experts around the social issues existing at the site • Review and update the master plan to remain relevant and consistent with up to date technology and strategies to assist with self-harm minimisation • 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"> ◦ passive surveillance ◦ good sight lines ◦ appropriate lighting • All installations to meet the Building Code of Australia (BCA) and Australian Standards (AS) • Provide for emergency services / response access • Respond promptly to reported hazards • Liaise with local police to identify and act on safety issues • Where appropriate, consider creative lighting design that improves visibility at night, a principle of the <i>NSW Public Spaces Charter</i> 	<p>Collaboration between relevant groups undertaken</p> <p>Master plan updated as necessary</p> <p>Perception of user safety is increased, reduced CSRs</p> <p>Reduced incidents of reported vandalism</p> <p>Specifications to meet the 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>

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
1	B		
Safe, clean, well-maintained, functional and varied	Ensure clean , litter free public land is well-maintained and available for use by the community	<ul style="list-style-type: none"> • Adhere to regular inspections, horticulture schedules, litter collections and cleaning schedules • Consider integrating smart infrastructure into public spaces to monitor cleanliness, as recommended by the <i>NSW Public Spaces Charter</i> • Provide bins, consider locations for separate recycling bins and butt out bins, use solar bins where appropriate • Provide surface / subsurface drainage as necessary to increase site useability • Events are planned with appropriate waste removal service levels provided • Promote and encourage community clean-up days, for example on Clean Up Australia Day on the first Sunday in March each year • Incorporate appropriate landscape renewals into forward works programs as needed 	<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
1	C		
Safe, clean, well-maintained, functional and varied	Ensure the facilities and experiences at each site meet community expectations , and are fit for purpose , (a strategy of <i>Greener Places</i>)	<ul style="list-style-type: none"> • Where necessary, improve the quality of the site, as recommended in the <i>NSW Public Spaces Charter</i> • Maintain the asset register of all built structures, repair and / or replace as necessary to ensure they are functional and fit for purpose • Adhere to horticulture maintenance schedules • 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 • 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> • Plan for our community's changing needs in line with Council's Recreation Needs Study (currently in draft stage) 	<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>
	D		
	Ensure a variety of opportunities are available and the landscape character 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"> • Maintain the current landscape character of the site by establishing appropriate replacement planting strategies • Use consistent design vocabulary of outdoor furniture and other hardscape materials that is appropriate to the setting • Ensure proposed installations are complementary to the landscape character 	<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
1	E		
Safe, clean, well-maintained, functional and varied	Where there is opportunity to improve layout, provide site interpretation , improve functionality and aesthetic appeal, provide landscape master plans	<ul style="list-style-type: none"> • Continue to adhere to the 2008 adopted masterplan • Review and update master plan as necessary to remain relevant 	Future capital works installed to a cohesive, well documented plan, selected for their appropriateness within the landscape
2	A		
Accessible and inclusive	Provide universal access , 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"> • Wherever possible strive to meet DDA requirements, including: <ul style="list-style-type: none"> ◦ accessible paths ◦ ramps ◦ handrails ◦ tactile surfaces ◦ braille signage ◦ inclusive playgrounds • Entry points clearly identified to provide a welcoming sense of arrival • Consider raised, flexible paths, including for disabled access through bushland to alleviate soil compaction and trampling of emergent seedlings 	<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>

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
2	B		
Accessible and inclusive	Optimise public access to all sites and improve connectivity via improvements to walking and cycling paths (a principle of the <i>NSW Public Spaces Charter</i>)	<ul style="list-style-type: none"> Investigate relevant parts of the Woollahra Bike Plan surrounding Gap Park Improve active transport linkages where possible and appropriate, as recommended in the <i>Sydney Green Grid</i> Promote connectivity with tree lined footpaths wherever appropriate, as recommended in the <i>Greener Places Design Guide</i> 	<p>Cycling routes provided in appropriate locations</p> <p><i>Green Grid</i> sites identified and linkages created where possible</p> <p>Increased tree canopy over pedestrian paths and cycle ways i.e. “Green Links” established across the LGA</p>
	C		
	Ensure fairness and equity of use for all public land	<ul style="list-style-type: none"> Plan for our community’s changing active and passive recreational needs in line with Council’s Recreational Needs Study (currently in draft stage) Manage enquiries to use land equitably and issue approvals that comply with Council’s policies 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 	<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>
	D		
	Reduce traffic and parking pressures in and around public land to improve useable and retain residential amenity	<ul style="list-style-type: none"> Review and investigate appropriate timed parking in streets adjacent to popular locations, including known tourist venues, to facilitate resident car use and parking 	Timed parking signage installed

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
3	A		
Well managed for public use	Ensure POMS are prepared and reviewed as required	<ul style="list-style-type: none"> Compliant POM prepared by Council Prioritise and select actions for inclusion in Council's annual DPOP and capital works programs Review and update plans to reflect completed actions and to remain relevant 	POM adopted as soon as practicable Capital works informed by POM POM reviewed to remain relevant
	B		
	Ensure the land remains available for majority use by the public	<ul style="list-style-type: none"> Manage appropriate use by private groups to meet public access requirements 	Majority of public open space remains available to the public
	C		
	Ensure land zoning is appropriate for public recreation	<ul style="list-style-type: none"> Land is zoned appropriately under WLEP 2014 (and subsequent LEPs) to allow for public recreation 	No conflicts in permissible use / development

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
3	D		
Well managed for public use	Ensure planning and development controls across the LGA conserve the natural environment, aesthetic quality and heritage values on Crown land	<ul style="list-style-type: none"> Identify and promote site specific natural environment, aesthetic and heritage values e.g. habitat, view corridors, significant trees Work collaboratively to update planning and development controls so that the controls are compatible with the natural environment, aesthetic and heritage values 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 Ensure construction methods for the tramway project adhere to the recommendations of the endangered species National recovery plan 	<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>
	E		
	Support appropriate use of land through leases, licences and other estates for the best interest of the community	<ul style="list-style-type: none"> Manage typical use of the land through appropriate leases and licences that do not limit public use of the land Select lessees / licensees equitably and transparently, draft agreements that reflect the core objectives of the land, community need, and meet the requirements of the LG Act 	<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>

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
3	F		
Well managed for public use	Support Aboriginal land – management and caring-for Country principles , (a principle of the <i>NSW Public Spaces Charter</i>)	<ul style="list-style-type: none"> • Seek advice from local Aboriginal community organisations regarding appropriate land management techniques and consider how to incorporate • 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 	<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>
	G		
	Encroachment on Crown land is reduced and the whole estate remains available for public use	<ul style="list-style-type: none"> • Investigate and remove encroachments • Discourage the dumping of rubbish by means of education, signage, enforcement and penalties • Discourage private planting by means of education, signage, enforcement and penalties, as the species may not be appropriate and may impact on maintenance requirements • Preserve boundaries and eliminate privatisation of public open space through planning and development controls • Educate and discourage local residents from accessing bushland from private property 	<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>

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
3	H		
Well managed for public use	Reduce conflicts of use, provide regulation and, where appropriate, provide additional wayfinding signage to inform all user groups of what is prohibited use, so that all user groups are able to enjoy the land and facilities provided	<ul style="list-style-type: none"> • Install informative regulatory signage at appropriate locations, clearly stating regulations • Manage regulations by means of enforcement and penalties • Consider additional wayfinding / interpretative signage at identified locations to highlight site opportunities and significance 	<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>
4	A		
Natural environment conserved	Ensure environmental protection principles are observed (an objective of the <i>CLM Act</i>)	<ul style="list-style-type: none"> • Use of land meets statutory responsibilities required by environmental legislation administered by the EPA 	No major incidents of environmental pollution are reported

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
4	B		
Natural environment conserved	Ensure best environmental practice in use and maintenance of the land to build green and resilient public land, that enhances biodiversity, conserves natural resources and improves sustainability (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>)	<ul style="list-style-type: none"> • Fulfil statutory responsibilities required by relevant legislation, including the actions within the National recovery plans for Sunshine Wattle • Implement relevant actions of the <i>Biodiversity Conservation Strategy 2015-2025</i>, including: <ul style="list-style-type: none"> ◦ work to complete and implement habitat restoration plans for relevant sites (HAB 03) ◦ consider fully biodiversity conservation at each site (HAB 04) ◦ develop and implement threatened species management plans (HAB 05) ◦ develop procedure for trapping foxes when sighted in key habitat areas (DOM 04) ◦ monitoring for <i>Banksia aemula</i> (HAB 07) • Build climate change resilience and biodiversity conservation into site design by actively seeking the best environmental outcomes, including: <ul style="list-style-type: none"> ◦ appropriate choice of soft and hardscape materials ◦ increasing tree canopy for shade ◦ onsite water retention, WSUD (water sensitive urban design) and storm water harvesting ◦ minimising the use of herbicides, pesticides and fertilisers wherever possible ◦ use of renewable and / or green energy sources ◦ increase bush regeneration efforts ◦ seek locations for artificial nest boxes ◦ 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> ◦ follow the recommendations of the <i>Australian Government National Light Pollution Guidelines</i> 	<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		
Natural environment conserved		<ul style="list-style-type: none"> ◦ maintaining and / or creating habitat within core habitat areas including species that form future hollows ◦ schedule works to maintain habitat connectivity ◦ installing tree guards to Sunshine Wattle to prevent grazing by rabbits as recommended in the National recovery plan • Improve sustainability by actively seeking the best environmental outcomes, including: <ul style="list-style-type: none"> ◦ reduce electricity use i.e. use LED lights and timers to reduce greenhouse emissions where feasible ◦ use renewable and / or green electricity ◦ enforcing Council's single use plastic policy ◦ reducing water usage and waste wherever possible ◦ installing solar panels wherever possible and in keeping with site character 	<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		
Natural environment conserved	Raise community awareness of natural environment values within the community, including the value of all green infrastructure and promote stewardship of the land (strategies of <i>Greener Places</i>)	<ul style="list-style-type: none"> • 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 • 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 <i>Biodiversity Conservation Strategy</i>. • 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 • Encourage community tree planting programs at appropriate locations • Provide information to the community on the importance of keeping cats inside at night, as recommended by DOM 02 action of the <i>Biodiversity Conservation Strategy</i> • 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 • 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 	<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>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
4	D		
Natural environment conserved	Ensure the existing mature tree canopy is retained to preserve landscape character and create an inter-connected tree canopy across public land, (strategies of <i>Greener Places</i>)	<ul style="list-style-type: none"> • Uphold planning and development controls to maintain and enhance all green infrastructure • Identify potential locations for increased tree planting, especially along boundaries and pathways • Update vegetation mapping to locate mature trees within the land categorised as natural area – bushland • Retain senescent old growth in bushland areas • Mark on ground locations of removed trees to estimate potential seedbank locations 	<p>Tree canopy protected and enhanced</p> <p>Landscape character and landscape heritage is retained</p> <p>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</p> <p>Ground markings visible</p>
5	A		
Aesthetic and landscape quality remains high	Ensure public view corridors are retained wherever possible and minimise visual impact of development on land adjoining the Crown reserves	<ul style="list-style-type: none"> • Ensure planning and development controls are in place to maintain public views from and into Gap Park wherever possible • Prune and remove vegetation if necessary to maintain public views to the ocean (and North Head) and ensure all tree works are undertaken by a qualified arborist • Install appropriate screen planting wherever necessary 	<p>Public access to iconic views are retained from within each site</p> <p>Desirable public views into and out of each site are retained</p> <p>Undesirable views are screened by appropriate vegetation</p>

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
5	B		
Aesthetic and landscape quality remains high	Consider the amenity of residents adjacent to the Crown reserves	<ul style="list-style-type: none"> • Ensure planning and development controls consider amenity of residents • Consult nearby residents prior to proposed developments • Consider the potential future impacts on residents, including views, prior to all proposed landscape and recreational installations • Install appropriate screen / buffer planting wherever necessary to reduce undesirable impact on residential amenity 	<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>
	C		
	Aesthetic and landscape quality of all Crown land assets remain high	<ul style="list-style-type: none"> • Adhere to adopted horticulture maintenance schedules • Adhere to adopted built asset maintenance schedules • 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 • Install selected design elements in appropriate locations as documented, where appropriate and feasible specify warm lighting for passive open space 	<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
6	A		
Heritage and cultural awareness	Investigate and assess environmental heritage and ensure land is used and managed to be consistent with heritage significance	<ul style="list-style-type: none"> • Manage environmental heritage in accordance with statutory obligations • 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 • Seek recommendations for the management of heritage items • Identify European history • Identify opportunities to enhance and celebrate environmental heritage, including interpretation, conservation works, art works and signage 	<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</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
6	B		
Heritage and cultural awareness	Investigate, assess and manage First Nations culture and history on Crown land (a principle of the <i>NSW Public Spaces Charter</i>)	<ul style="list-style-type: none"> Identify registered Aboriginal sites Investigate Aboriginal history Assess potential Aboriginal heritage and sensitive areas Manage Aboriginal heritage in accordance with the <i>National Parks & Wildlife Act 1974</i> Identify opportunities to enhance Aboriginal heritage, including interpretation, conservation works, art works and signage 	<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>
	C		
	Enable the community to hold cultural events on Crown land (a principle of the <i>NSW Public Spaces Charter</i>)	<ul style="list-style-type: none"> Permit appropriate use of the land for events that bring positive community outcomes 	Event proposals approved where appropriate and positive feedback received
	D		
	Work with Aboriginal communities 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"> Engage with the La Perouse Local Aboriginal Land Council as necessary in regards to the incomplete land claim at Gap Park 	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
6	E		
Heritage and cultural awareness	Ensure obligations under the <i>Native Title Act 1993</i> are met	<ul style="list-style-type: none"> • 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> • 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 	<p>Obligations fulfilled</p> <p>Native title rights to relevant land facilitated</p>
7	A		
Recreational opportunities	Ensure the unique opportunities of each site are enhanced for inclusive public recreation	<ul style="list-style-type: none"> • Maintain the landscape character for a variety of passive recreation experiences • Prior to approvals being issued, refer to POM to ensure that permissible uses, including scale and intensity, are appropriately managed • Advertise recreational opportunities on Council's website, social media, at the libraries and community centre • Consider incorporating additional user friendly attributes into Council's website to promote recreational opportunities, e.g. interactive maps showing unique site features 	<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
7	B		
Recreational opportunities	Encourage multiple use of Crown land, ensure land is multifunctional, flexible and versatile , proposed facilities to multi-purpose 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"> • Permit a variety of short-term use through appropriate licensing • Consider proposed installations that provide multiple community benefits wherever possible • Promote adaptive re-use of existing facilities is considered to meet community need, including the venues for hire • Work collaboratively to ensure development contribution funds are allocated to align with open space recreation needs, as identified in various strategies and action plans 	<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>
8	A		
Social and community opportunities	Crown land is used and managed to reflect the goals and themes of our community	<ul style="list-style-type: none"> • 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 	Internal collaboration implemented and integrated planning outcomes improved

Objectives 1 – 8 reflect the land management goals and values

Objective	Performance targets	Actions	Performance measures
8	B		
Social and community opportunities	<p>Public use and enjoyment of Crown land is encouraged, land use is community-focused and strengthens and supports evolving community connection and local business (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>)</p>	<ul style="list-style-type: none"> • 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 • Facilitate community use of Crown land locations 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 • Advertise recreational opportunities on Council's website, social media, and at community facilities • Continue ongoing discussion with the La Perouse Aboriginal Land Council to build a stronger local relationship • Investigate opportunities, including appropriate temporary events, to activate the walkway, showcasing the spectacular views and cultural heritage of the area, ensure environmental, aesthetic and heritage values are upheld 	<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> <p>Compatible events and / or activations considered</p> <p>Broader community appreciation of unique Crown land values facilitated through selected events</p>
	C		
	<p>Provide stronger avenues for community consultation, encourage stewardship of the land and community participation in decision making</p>	<ul style="list-style-type: none"> • Improve community consultation and actively seek community feedback prior to installation of significant new capital works • Encourage greater community participation in community planting days, Bushcare, clean-up days • Liaise with NPWS to collaborate on issues such as stormwater management, suicide prevention, bush regeneration, tree and weed management across the whole of South Head, as recommended in action COL 04 of the <i>Biodiversity Conservation Strategy</i> 	<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 holistic management of South Head</p>

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
11	A		
GENERAL COMMUNITY USE category land meets the <i>LG Act</i> objectives	To promote, encourage and provide for the use of the land, and 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 public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public	<ul style="list-style-type: none"> • 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 • When additional needs are identified, seek to provide the required facilities in appropriate locations 	Venues are adaptable and adequate to provide for our community needs Internal teams collaborate on current community expectations and recommend solutions
	B		
	To promote, encourage and provide for the use of the land, and 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 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)	<ul style="list-style-type: none"> • 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 • New long term (>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 	POM is referred to prior to leasing or licencing the land, internal teams collaborate on what is appropriate Appropriate use of public land facilitated transparently, obligations fulfilled

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
12	A		
NATURAL AREA (generally) category land meets the <i>LG Act</i> objectives	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	<ul style="list-style-type: none"> • Adhere to the recommendations of the <i>Biodiversity Conservation Strategy 2015-2025</i> action plans • 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 	<p>Internal collaboration on action plans, resulting in compatible land use objectives</p> <p>Environmental values protected</p>
	B		
	To maintain the land, or that feature or habitat, in its natural state and setting	<ul style="list-style-type: none"> • Limit the use of horticultural chemicals wherever possible • Uphold permissible use within land category and limit to low impact activities • Uphold development controls on adjacent land to prevent stormwater runoff and other contaminants or pollution entering into natural areas 	<p>Less ecological disturbance</p> <p>Land use is not detrimental to environment values</p> <p>Environment values prioritised</p>
	C		
	To provide for the restoration and regeneration of the land	<ul style="list-style-type: none"> • Establish and advertise community clean-up days • Encourage volunteers to participate in appropriate restoration programs • 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 • Provide adequate litter and recycling bins at appropriate locations • Seek locations to re-establish native plant material including grasses and other soil-stabilising species 	<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 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
12	D		
NATURAL AREA (generally) category land meets the <i>LG Act</i> objectives	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	<ul style="list-style-type: none"> • Provide low impact installations such as floating paths over tree root zones • Encourage the community through appropriate signage to remain on paths in bushland • Monitor use of areas, limit access if necessary to protect the environment 	<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 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>	<ul style="list-style-type: none"> • Adhere to the recommendations of the National recovery plan for Sunshine Wattle • Limit access to areas as needed to support the survival of the endangered Sunshine Wattle, install fencing as required • Undertake the management and maintenance of sensitive natural areas using suitably qualified persons only in accordance with Council's relevant environmental plans 	<p>Actions are consistently undertaken to improve survival of both of the endangered flora species</p> <p>Fences installed as necessary, rocks and sea grass retained</p> <p>Suitably trained staff working on site uphold work place practices to protect environment</p>
14	A		
NATURAL AREA – BUSHLAND category land meets the <i>LG Act</i> objectives	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	<ul style="list-style-type: none"> • Encourage regeneration of native vegetation by working to reduce threats to the endemic vegetation community • Adhere to HAB 09 of the Biodiversity Conservation Strategy, i.e. plant locally native species in bushland areas, when additional planting is required • Minimise edge effect by: <ul style="list-style-type: none"> ◦ consolidating access points (close unnecessary trails) ◦ clearly defining bushland areas (e.g. non-intrusive fencing) 	<p>Threats reduced and greater rates of spontaneous germination observed</p> <p>Edge effect reduced</p>

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	A		
NATURAL AREA – BUSHLAND category land meets the <i>LG Act</i> objectives		<ul style="list-style-type: none"> • Reintroduce fire into the landscape where appropriate (e.g. flame weeding and pile burns if possible) to improve germination rates within the vegetation community • Work to stop the spread of pests, including invasive weed species and diseases (such as <i>Phytophthora cinnamomi</i>) • Retain old growth and dead standing trees (stags) wherever possible to assist in the retention and / or creation of hollows • Use fallen logs / branches to create habitat in bushland areas as recommended in HAB 18 action of the <i>Biodiversity Conservation Strategy</i> • Schedule works to maintain habitat connectivity (e.g. maintain weed cover until native vegetation is able to support local biodiversity populations) • Monitor <i>Banksia serrata</i> remnants at Gap Park to determine the presence of <i>Banksia aemula</i> as recommended by HAB 07 of the <i>Biodiversity Conservation Strategy</i> 	<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> <p>Habitat retained as native vegetation community is restored</p> <p>Ongoing monitoring complete</p>
	B		
	To protect the aesthetic, heritage, recreational, educational and scientific values of the land	<ul style="list-style-type: none"> • Install comprehensive regulatory signage to inform all users of dog regulations • Manage regulations by means of enforcement and penalties • Target ranger patrols to assist with compliance • Consider additional wayfinding / interpretative signage at identified locations to highlight site opportunities and significance • Continue with and extend efforts in the Bushcare program 	<p>Dog regulatory signs are installed at appropriate locations</p> <p>Greater compliance around dog regulations</p> <p>Signage installed as required</p> <p>Observe improved outcomes in bushland regeneration, resilience and self-sufficiency</p>

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	C		
NATURAL AREA – BUSHLAND category land meets the <i>LG Act</i> objectives	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	<ul style="list-style-type: none"> • Implement action EDU 07 of the <i>Biodiversity Conservation Strategy</i>, 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"> ◦ the value of the bushland at Gap Park ◦ the concept of total catchment management and how it relates to Gap Park ◦ the threats to the bushland at Gap Park and how to ameliorate them ◦ the benefits of bush regeneration ◦ the Bushcare volunteer opportunity at Gap Park • Promote community clean up days • Install fencing where necessary to limit pedestrian access to bushland 	Education programs facilitated Information made available and promoted throughout the community Greater numbers of volunteers participate in Bushcare at Gap Park Greater numbers of volunteers participate in clean up days Fences installed, observe more robust bushland

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	D		
NATURAL AREA – BUSHLAND category land meets the <i>LG Act</i> objectives	To restore degraded bushland	<ul style="list-style-type: none"> • Continue the Bushcare program, undertake in-situ recovery of endemic vegetation and encourage more volunteers to participate • Identify and manage threatening factors, e.g. weed invasion, stormwater runoff • Work to mitigate and / or ameliorate threats • Continue monitoring of <i>Banksia serrata</i> remnants to determine presence of <i>Banksia aemula</i>, as recommended by HAB 07 action of the <i>Biodiversity Conservation Strategy</i> • 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"> ◦ update vegetation mapping to accurately locate existing live, senescent and / or dead specimens of endangered species ◦ protect key known specimens by means of appropriate fencing and / or tree guards to ensure wild populations remain viable in the long term ◦ continue weed management strategies to reduce competition ◦ establish in-situ and ex-situ conservation practices to ensure genetic integrity, (i.e. do not revegetate with other <i>Acacia terminalis</i> subspecies, to avoid hybridisation) 	<p>Greater numbers of volunteers participate in Bushcare at Gap Park, observe higher numbers of germinating endemic seedlings, including the endangered species</p> <p>Threats identified, mitigated and impact of threats is reduced</p> <p>Ongoing monitoring completed</p> <p>Sunshine Wattle population increases</p> <p>Digital survey completed</p> <p>Fencing and tree guards installed</p> <p>Competition from weeds reduced</p> <p>In-situ conservation practices undertaken within bush regeneration work</p>

Objectives 11 – 14 reflect the management goals of each land category

Objective	Performance targets	Actions	Performance measures
14	D		
NATURAL AREA – BUSHLAND category land meets the LG Act objectives		<ul style="list-style-type: none"> ◦ investigate alternate methods of germination, i.e. controlled fire pile burns to encourage seed germination, min. fire-free interval of between 6 -12 years, max. 20 years ◦ adopting best practice horticultural hygiene to reduce the spread of <i>Phytophthora cinnamomi</i> 	<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>
	E		
	To protect existing landforms such as natural drainage lines , watercourses and foreshores	<ul style="list-style-type: none"> • Limit stormwater and runoff effects by removing, channelling, treating or piping stormwater as required • Repair erosion as necessary, consider spray on seeding 	<p>Stormwater system removes water efficiently from site as necessary</p> <p>Less occurrence of erosion</p>
	F		
	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	<ul style="list-style-type: none"> • Discourage and remove encroachments onto and through bushland • Complete habitat restoration plans, noting presence of Sunshine Wattle 	<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 Gap Park</p>
	G		
	To protect bushland as a natural stabiliser of the soil surface	<ul style="list-style-type: none"> • Limit access as necessary to reduce soil erosion • Stabilise slopes by encouraging the growth of native plant species to retain site soil, leaf litter and potential soil seed bank 	<p>Fences installed where necessary to limit access</p> <p>Slopes stabilised with appropriate material</p>

10. Appendix A

Gap Park and The Gunyah Survey Responses – User Profile

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

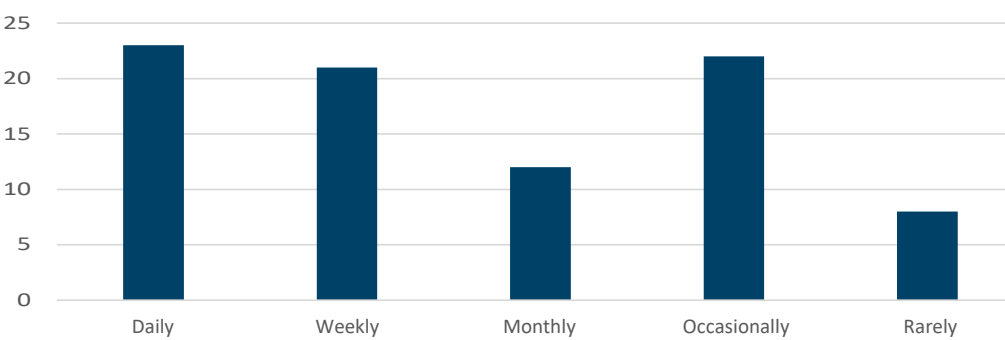


Figure 30. How often do you visit Gap Park and/or The Gunyah?

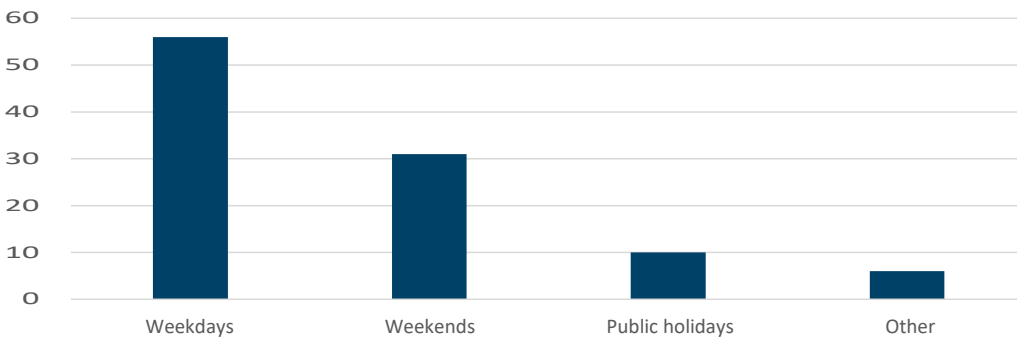


Figure 31. When do you usually visit Gap Park and/or The Gunyah?

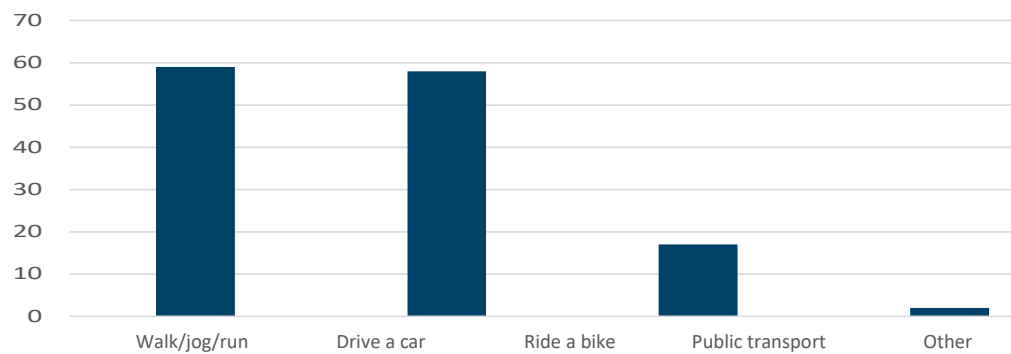


Figure 32. **When do you usually visit Gap Park and/or The Gunyah?**

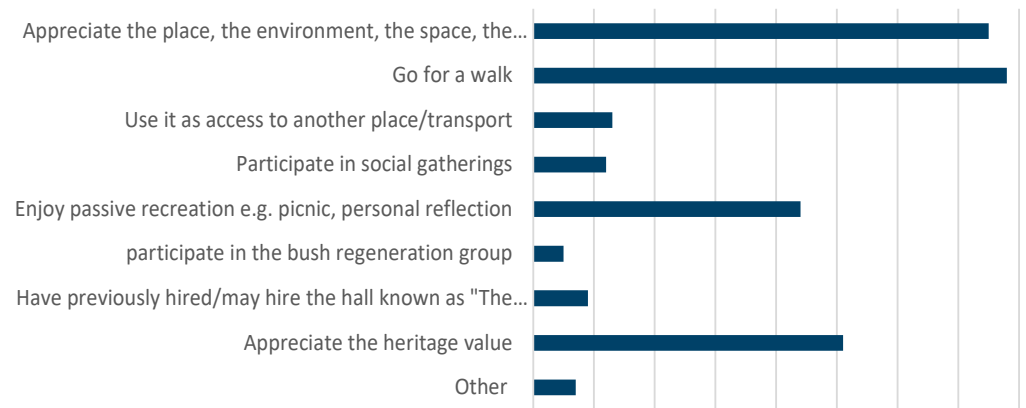


Figure 33. **What do you usually do at Gap Park and/or The Gunyah?**

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

Table 8. The Gunyah and Kuhli Hut Building Condition Report

Item	Condition
Structure	3
Doors and windows	2
Lights / power outlets	1
Ceilings / walls	1
Essential services	1
Plumbing	1
Floors and coverings	2
General	1.57
Comments / capital works	<ul style="list-style-type: none"> - amenities refurbished FY19/20 - kitchen replace FY18/19 - full roof replacement required FY21/22
Ratings: 1 – Good, 2 – Fair, 3 – Requires Maintenance, 4 – Requires Replacement	

Table 9. The Gunyah Venue for Hire – Details

Name	The Gunyah
Address	335 Old South Head Road, Watsons Bay
Venue for Hire	Available for hire from 4pm to 11pm on Friday and 8am to 11pm on Saturday and Sunday. Music must be turned off by 10pm. Use for social events, recreational activities, meetings and community groups
Capacity	Up to 70 people
Fees and charges for The Gunyah hire only (incl. GST – valid to 30 June 2021)	
Children's Party Session (12 years and under)	
Type of booking	Hire per session
Hire Fee	\$159
Bond	\$175
Cleaning Fee	n/a
Community / Arts / Recreation	
Type of booking	Hire per hour (min 2 hours)
Hire Fee	\$45
Bond	\$175
Cleaning Fee	n/a

Community / Arts / Recreation	
Type of booking	Hire per exercise session (1.5 hours)
Hire fee	\$67.50
Bond	\$175
Cleaning fee	n/a
Community / Arts / Recreation	
Type of booking	Hire up to 6 hours
Hire fee	\$180
Bond	\$175
Cleaning fee	n/a
Community Groups, not for profit	
Type of booking	Hire per hour (min 2 hours)
Hire fee	\$37
Bond	\$175
Cleaning fee	n/a
Community Groups, not for profit	
Type of booking	Hire up to 6 hours
Hire fee	\$148
Bond	\$175
Cleaning fee	n/a

Private Parties / Youth Events (13 yrs – 25 yrs)	
Type of booking	Hire per hour (min 2 hours)
Hire fee	\$110
Bond	\$350
Cleaning fee	\$140
Type of booking	Hire – up to 6 hours
Hire fee	\$440
Bond	\$350
Cleaning fee	\$140
Cancellation fees	
Type of booking	Less than 28 days of event
Hire fee	100%
Bond	n/a
Cleaning fee	n/a
Type of booking	Greater than 28 days of event
Hire fee	\$55
Bond	n/a
Cleaning fee	n/a

Area m ²	93.5
Notes / Special Conditions	<p>Equipment and facilities available:</p> <ul style="list-style-type: none"> • The Gunyah has kitchen facilities including a fridge, microwave, kettle and urn. There are tables (standard trestle table, <i>Dimensions:</i> 1830 (W) x 750 (D) x 730 (H) mm) and chairs available for use. • Room measures 17m x 5.5m • There is a small deck area at the rear of the building with ramp access. <p>Accessibility</p> <ul style="list-style-type: none"> • Wheelchair ramp and access throughout the hall • Accessible toilet • Accessible parking • Change table <p>Parking: There is a small parking area at the front of the hall.</p>

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

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 Nettle 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.³ Where

³ 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. 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).

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.

Acts administered by the Environmental Protection Authority:

- 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

Promotes and encourages the preservation of the State's heritage. It provides 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.

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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