

Spurway Park

Plan of Management

(Under the Local Government Act, 1993)

Prepared by Pittwater Council
Adopted February 2005

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Pittendrigh Shinkfield Bruce

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1.0 INTRODUCTION

1.1 LAND TO WHICH THIS PLAN OF MANAGEMENT APPLIES

This Plan of Management (POM) applies to the land known as Spurway Park (Lots 1- 3 in DP 1066239), located on the northern beaches of Pittwater, within the suburb of Newport. Spurway Park (the "Park") is bound by Palm Road to the south, Barrenjoey Road to the west, The Boulevarde to the north and residential housing to the east.

The Location Plan (**Figure 1**) shows the area covered by this POM and the site boundaries in relation to the surrounding locality.

1.2 PURPOSE OF PREPARING THIS PLAN OF MANAGEMENT

The main purpose of this POM is to provide the community, park users and Pittwater Council ("Council") with a clear direction regarding future use and management of the Park. The effective management of the Park is essential if its significant value to the community is to be maintained and enhanced.

Thereby the purpose of preparing this POM is to:

- Comply with the *Local Government Act 1993* (and recent amending legislation) regarding preparation of Plans of Management for community land (refer **Attachment 1**);
- Provide a framework for consistent management of the Park over the next ten (10) years by Pittwater Council;
- Provide a basis for effective day-to-day and longer-term decision making regarding the use and management of the Park;
- Set guidelines for permissible uses of the Park;
- Accommodate and integrate the needs of Council (as land owners/managers), residents (as neighbours and Park users), and current and future users of the Park.

1.3 OBJECTIVES OF THIS PLAN OF MANAGEMENT

This POM aims to provide a clear, concise and practical framework for the development and ongoing management of the Park. It aims to recognise the sporting and recreational values of the Park, while providing for local community needs and amenity. The POM is performance oriented in order to assist Council in achieving its vision and strategic goals for the Park, within the annual budgets allocated for its management.

In accordance with these broader objectives, this POM aims to provide the following strategic outcomes for Spurway Park: -

- Identify and assess the values and local significance of the Park;
- Define the Park's role within its Local Government Area and regional context;
- Address current and future permitted uses and purposes for the Park;
- Address future leases/licences attached to the Park;
- Identify and assess key management issues affecting the Park;
- Establish management strategies and the resourcing implications;
- Develop a master plan and works programme.

Figure 1 – Location Map

Spurway Park, Newport Location Map



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The information provided in this plan is indicative only. This Plan is not survey accurate and any reference to title details should be verified by a title search.

1.4 PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

The process of preparing this draft POM included: -

- Holding a public hearing regarding the categorisation of the land under Section 40A of the *Local Government Act, 1993* on 26 August 2004 (Refer Categorisation Hearing Report, **Attachment 2**);
- Reviewing background documents and information;
- Reviewing the POM for Sportsgrounds adopted by Pittwater Council in November 2000;
- Holding public meetings/information evenings with local residents on site in November and December 2003 and in March and September 2004.
- Concept Plan for Newport Recreation Centre developed and adopted by Council on 26 July 2004. (Concept Plan - refer **Attachment 3**).

Upon approval from Council the way forward for the POM at this point involves: -

- Exhibition of the Draft POM for the statutory period of 42 days, consisting of a 28 day public exhibition with a further 14 days permitted to enable all interested members of the community to make written submissions to Council regarding the Plan;
- Reviewing and considering written submissions received within the 42 days;
- Amending the POM if required and re-exhibition as necessary if the amendments are significant, as required by the Act; and
- Submissions of the final POM to Council for adoption and incorporation within *Pittwater 21* – Council's adopted Local Environmental Plan.

1.5 CONTENTS OF THIS PLAN OF MANAGEMENT

According to the *Local Government Act, 1993*, a POM for all community land must identify:

TABLE 1

A PLAN OF MANAGEMENT NEEDS TO IDENTIFY	HOW THIS PLAN OF MANAGEMENT SATISFIES THE ACT
The category(ies) of the land	Chapter 3
Core objectives for each category of land	Chapter 3 (refer Attachment 1)
The objectives and performance targets of the POM with respect to the land	Chapter 1 (also see Action Plan)
The means by which Council proposes to achieve the POM's objectives and performance targets	Chapter 6
The manner in which Council proposes to assess its performance in achieving the POM's objectives & performance targets	Chapter 6

The additional requirements of the *Local Government Act, 1993* for information to be included in a POM that applies to just one area of community land are:

TABLE 2

A PLAN OF MANAGEMENT FOR COMMUNITY LAND NEEDS TO INCLUDE:	HOW THIS PLAN OF MANAGEMENT SATISFIES THE ACT
Description of the condition of the land, and of any other buildings or improvements on the land, as at the date of adoption of the POM	Chapter 4
Description of the use of the land and any such buildings and improvements as at the date of adoption of the POM	Chapter 4
Statement of the purposes for which the land, and any such buildings or improvements, will be permitted to be used	Chapter 5
Specification of the purposes for which any further development of the land will be permitted, under lease or licence or otherwise	Chapter 5
Description of the scale and intensity of any such permitted use or development	Chapter 5
Leases, licences and other estates that can be granted	Chapter 5

2.0 VALUE STATEMENT

2.1 HISTORICAL OVERVIEW

Spurway Park was originally owned by Mr Frank Spurway, who gave the land to Warringah Shire Council as a deed of gift for the purposes of sport and recreation. The land was originally made up of marsh and landfill.

In 1941, the Newport Men's Bowling Club was formed, whose members built the original clubhouse and three bowling greens on the western portion of the Park. The then Warringah Shire Council leased the grounds to the men's bowling club, for a period of 21 years.

The Newport Beach Women's Bowling Club was formed in the early 1960's with a former Councillor of Warringah Shire Council, Mrs Beverly Job, who lobbied Council to allow the women's bowling club the use of the land. The women's bowling club, through fundraising efforts, built the No. 1 green and hired the Red Cross Hut located on The Boulevarde as a clubhouse. The Newport Recreation Centre (originally known as the Newport Women's Bowling Club) was built in 1965 and used as the Clubhouse for the women's bowling club and shared with the Peninsula Music Club.

The Newport Beach Women's Bowling Club joined up with the Newport Men's Bowling Club in 2002, and now shares the facilities originally only available to the men's bowling club, including the clubhouse and the three (3) western greens.

In more recent times, since the relocation of the Women's Bowling Club, the Newport Recreation Club has been used as a general community centre, accommodating a range of activities including, The Newport Ladies Probus Club, The Peninsula Music Club, Yoga and karate classes, weight watchers and activities for seniors. The two former bowling greens were being used by a group of croquet players who have also since relocated.

2.2 Local Significance

Local residents use and value Spurway Park for the community facilities and the open space it provides, and for the opportunities for formal and informal/passive recreation.

Spurway Park also has scenic values, which are important to the community. The open space, which contains trees, shrubs and grassed areas, provide amenity to the surrounding locality.

The Club House and other community facilities at Spurway Park, also provides the opportunity for socialisation, within and between sporting groups, the local community and with family and friends. Spectators can also derive much enjoyment from watching competitive or social games.

3.0 PLANNING CONTEXT

3.1 LAND OWNERSHIP, TENURE AND MANAGEMENT

The community land that is the subject of this POM comprises of three (3) lots and a drainage channel running through the reserve on public land. The three (3) lots are owned in fee simple by Pittwater Council and are described in Council's Land Register as Lots 1-3 in DP 1066239. The drainage channel is in Crown ownership.

3.2 ZONING AND ADJOINING LAND USES

In accordance with the provisions of both the current *Pittwater Local Environmental Plan 1993 (PLEP 1993)* and the *Pittwater 21 draft Local Environmental Plan (Pittwater 21)*, the land areas of Spurway Park and the adjoining portions of Newport are zoned as shown in the zoning map. Refer **Zoning Map - Figure 2**.

Barrenjoey Road defines the western boundary to the Park and forms the main arterial link to Newport. The southern area adjoins Palm Road with the northern boundary being The Boulevarde. Spurway Park is zoned as 6(a) Existing Recreation. An established commercial area, which is zoned 3(a) (General Business 'A'), occupies the land directly to the north and northwest of the park, residential housing is located to the south, east and north of the park. Newport Oval is located directly opposite Spurway Park.

Both the *PLEP 1993* and *Pittwater 21* state that the uses permissible on community land zoned 6(a) are those set out in any POM, which has been prepared and adopted by Council under the Local Government Act or the Crown Lands Act. This POM contains a schedule of Permissible Uses (requiring/not requiring development consent) and Prohibited Uses for land zoned 6(a) Existing Recreation at Spurway Park in accordance with the relevant statutory requirements (Refer Chapter 3).

3.3 LAND CLASSIFICATION

This POM applies only to public land at Spurway Park, Newport. All public land must be managed in accordance with the *Local Government Act, 1993* and as applicable, the Local Government Amendment (Community Land Management) Act 1998 (refer **Attachment 1**). The Act requires that all councils classify public land as either "operational" or "community" and that POM's must be prepared for all land classified as community land.

In this POM, existing parkland at Spurway Park remains "community land", as originally classified by Pittwater Council.

3.4 LAND CATEGORISATION

Community Land is then required, under Section 36 of the *Local Government Act, 1993*, (refer **Attachment 1**) to be categorised as one or more of the following:

- Natural area (further categorised as either bushland, wetland, escarpment, watercourse or foreshore);
- Sportsground;
- Park;

- Area of cultural significance;
- General community use.

Consistent with the guidelines for categorising community land in the *Local Government (General) Amendment (Community Land Management) Regulation 1999*, Spurway Park has been categorised as a combination of Sportsground, Park and General Community Use in accordance with **Figure 3 – Categorisation Map**.

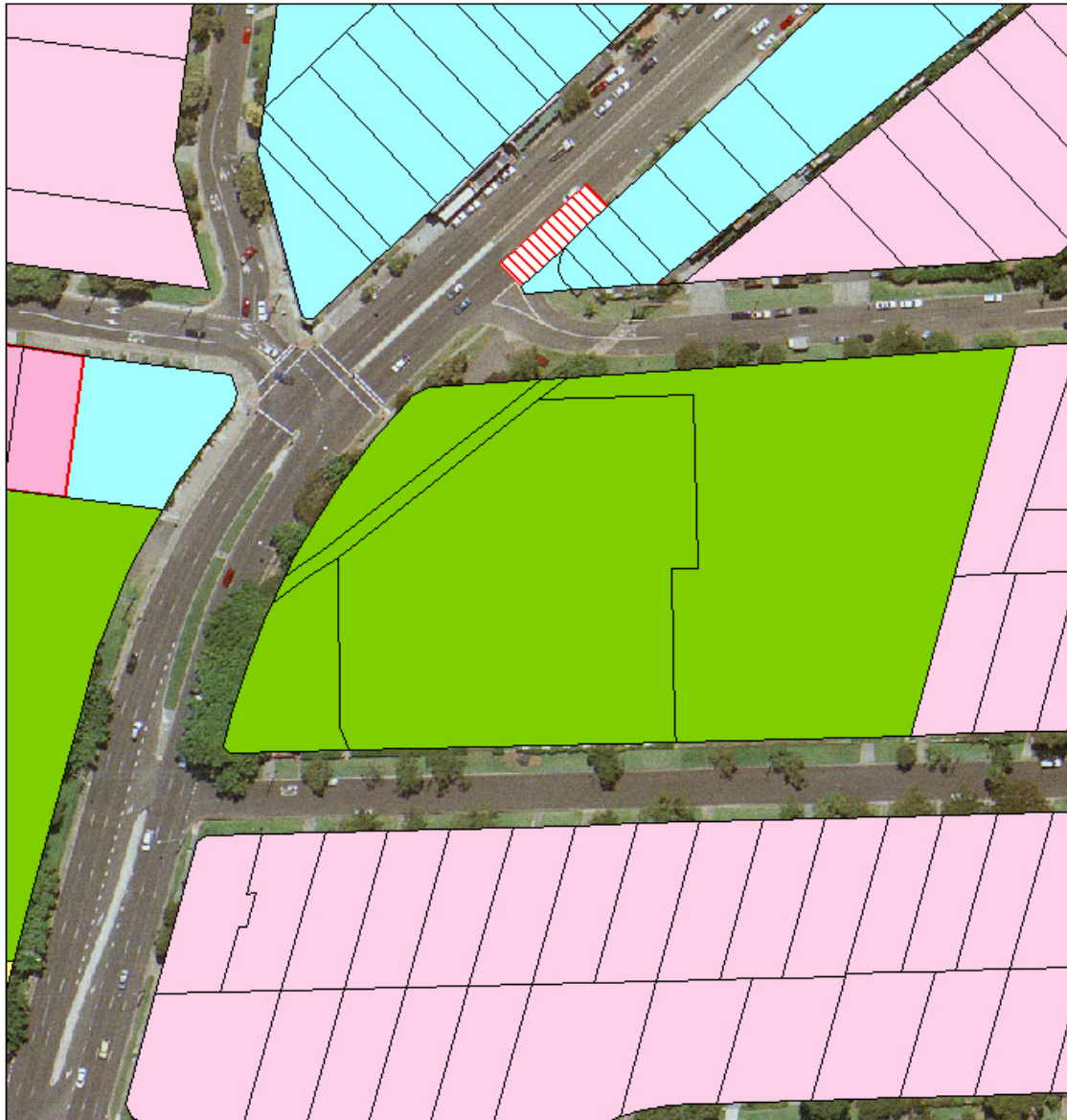
Under Section 40A of the Local Government Act a public hearing must be held in regard to the categorisation of community land. A public hearing on the categorisation of community land contained within Spurway Park was held on Thursday evening 26th August 2004 at the Newport Community Centre. The final report on the public hearing is attached at **Attachment 2**.

3.5 COUNCIL'S LAND MANAGEMENT POLICIES AND PLANS

Open Space, Bushland and Recreation Strategy, 2000

Plans of Management for parks and reserves in Pittwater are also guided by various plans, strategies and policies prepared by Council. The *Open Space, Bushland and Recreation Strategy* for Pittwater local government area, sets out priorities for future provision of open space, bushland and recreation facilities and opportunities. The Section 94 Contributions Plan for Open Space, Bushland and Recreation (2000) draws on these identified priorities and outlines how they can be funded by developer contributions.

Spurway park, Newport Zoning map




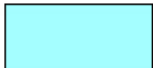


- | | |
|---|---------------------------------------|
|  | 6(a) Existing Recreation |
|  | 3(a) General Business 'A' |
|  | 9(d) Arterial Road Reservation |
|  | 2(a) Residential 'A' |

Figure 3 – Categorisation Map



4.0 MANAGEMENT ISSUES

4.1 KEY MANAGEMENT ISSUES

This section of the Plan of Management, as required under the Act, identifies and discusses the **key management issues** for Spurway Park.

These issues provide the basis for the direction of future management of the Park. Each issue is then outlined in the Action Table (refer **Section 6**), and is developed to:

- Identify the desired outcomes or **objectives** with regard to each issue.
- Develop **actions** for the achievement of these objectives.
- Develop **performance measures** or mechanisms for the measurement of success.

4.2 RECREATIONAL FACILITIES AND AMENITY

4.2.1 Landscape Character

Discussion

Spurway Park is predominantly an open green space, which contains trees, shrubs and grassed areas surrounding the bowling greens and Clubhouse buildings. The Park provides amenity to the surrounding residences and to the adjacent commercial centre of Newport.

It is of great importance that any new development be designed and sited sensitively, so as to minimise the physical and visual impact on the existing character of the Park.

4.2.2 Newport Bowling Club Limited Clubhouse and Bowling Club Facilities

Discussion

The Newport Men's and Newport Beach Ladies' Bowling Club Clubhouse (the 'Clubhouse'), which is located on the western side of the Park, provides a venue for the club and visitors to conduct their activities. In addition to the Clubhouse, there are other associated structures within this western portion of the site, including a timber bridge connecting the car park to the clubhouse, a small building which houses lockers, toilets, BBQ, workshop and toolshed, also one roofed gazebo, two flag poles and signage.

This Plan of Management permits the placement of chairs and tables on the outdoor seating deck for recreational use with details of numbers and usage times to be determined through the lease and development approvals process.

4.2.3 Newport Recreation Centre Building

Discussion

The Newport Recreation Centre was originally known and used by the Newport Women's Bowling Club. In 2002, the Women's Bowling Club relocated and joined the Men's Bowling Club on the western side of the Park. A lease was then taken up by the Newport Recreation Club and the

building was used as a general community centre accommodating a range of uses and activities, including, The Newport Ladies Probus Club, The Peninsula Music Club, Yoga and Karate classes etc..

In the following months of the new lease, with the Newport Recreation Club, a review of the condition of the building, highlighted that a number of maintenance and safety issues needed to be addressed. A building report estimated the value of the repair and improvement works, which would need to be done to the building. As the Recreation Club were not in a financial position to pay for the work, Council decided to relocate the existing hirers and close the building.

In November 2003, Council resolved to establish a Community Advisory Panel (CAP) to develop concept plans for the redevelopment of the Newport Recreation Centre. Whilst the building is structurally sound, it is envisaged that the building could be refurbished to become a vibrant community centre for Newport. It is proposed to relocate the Family Day Care Service, to occupy part of the Newport Recreation Centre. (Refer Section 5.4 - Permissible Developments and Activities).

4.2.4 Bowling Greens

Discussion

There are currently five (5) bowling greens on the site.

The three (3) western bowling greens are currently used by the Newport Bowling Club Limited. The other two (2) eastern bowling greens, which were originally used by the Newport Women's Bowling Club, were then being used by a group of croquet players, who have also since relocated.

At the time of preparing this POM the Club were negotiating with Council for a community based lease for a term of twenty-one (21) years for the three (3) western bowling greens.

The two (2) eastern bowling greens however, are under-utilised and it is proposed to provide two (2) tennis courts and a park area in their place, so as to provide further opportunities for passive and active recreation and to enhance the use of this valuable open space.

4.2.5 General Facilities and Amenity

Discussion

The recreational value of Council's parks is influenced by the provision of quality facilities and amenities for local residents and visitors.

The provision of clean toilet and change facilities, playgrounds, picnic and barbeque areas, shade, benches and seating and litterbins, were identified by the *Pittwater Recreation Needs Study (1994)* as the key needs of the community.

In general the existing seating, shade, litterbins and pathways are all in good condition. However, it has been identified there is an opportunity to improve the existing boundary fences as these are generally in poor condition. The number type and location of these facilities will need to be assessed so as to best facilitate the Park and ensure a high level of amenity.

Consideration also needs to be given to disabled access within the park to all publicly available facilities.

4.3 ACCESS

4.3.1 Pedestrian Access and Linkages

Discussion

Spurway Park is readily accessible to pedestrians via points of access off Barrenjoey Road, Palm Road or The Boulevarde, which immediately adjoin the Park. Bus stops are located within a short walking distance along Barrenjoey Road.

The pathway network and footpath links within the site largely link the bowling greens with a concrete footpath linking Palm Road to The Boulevarde located behind the existing Recreation Club building. There are no footpaths on the road reserves of Palm Road and The Boulevarde.

4.3.2 VEHICLE PARKING, TRAFFIC AND SAFETY

Discussion

Vehicle access to the Park is gained from Barrenjoey Road, The Boulevarde and Palm Road. Parking is largely accommodated by on street parking adjoining the Park on Palm Road and The Boulevarde. Additional parking is provided by the unformed car park on the corner of Barrenjoey Road and The Boulevarde, which is linked by a pedestrian bridge to the Bowling Club facilities and the unformed car parks to the south and north of the Newport Recreation Centre building.

4.3.3 SIGNAGE

Discussion

Provision of quality information, about the recreational opportunities available at Council's reserves, has several benefits. These benefits include, the potential to improve access, expand knowledge and raise awareness levels, encourage safe and sensitive use of the area, and guide visitors to maximise their recreational experiences.

Current signage and information regarding the public reserves in Pittwater and specifically at Spurway Park is inconsistent. Whilst Council does not have an overall signage and interpretive system, this is under development. Without such a co-ordinated approach, the current signs have corroded and faded, are of ad hoc design, contain out of date information and many are situated inappropriately.

Temporary signs such as banners must adhere to Council's policy and requirements.

There are three (3) different Council sections with responsibilities in relation to sign erection.

4.4 RISK MANAGEMENT

Discussion

Risk management is a significant issue for Council in formulating management practices for public land. It is necessary for Council to have

risk management strategies in place, to improve safety in the Park, in order to minimise potential losses, which may result from accidental risk.

In June 2002 the NSW Government enacted the first piece of Legislation nationally to implement reforms to personal injury claims – the Civil Liability Act 2002. The Government has also released a draft of the Civil Liability Amendment (Personal Responsibility Bill). This Bill is designed to reinstate personal responsibility, reduce the culture of blame and litigation. The Bill strikes a balance between people with legitimate negligence claims and the increase in recent public liability payouts.

4.5 MAINTENANCE

Discussion

Council's Reserves Section is responsible for maintenance standards and priorities. There are regular maintenance regimes in place for mowing, re-turfing, watering, aerating, fertilising grounds and surface repairs.

Council also has regular maintenance regimes in place for cleansing of toilet amenities, garbage collection, electrical and plumbing repairs, repair of fences and walkways, building works and repair of vandalism as required.

5.0 PERMITTED FUTURE DEVELOPMENT & USES

This section defines the range of activities that can occur and the facilities and structures that can be constructed and operated and the extent or intensification of any development permitted at the Park. It also specifies the leases, licences and other interest in land, which are expressly authorised to be granted in respect of the community land at Spurway Park. It also identifies the need for development consent for a proposed activity, and provides guidelines to assist Council in determining any Development Applications required for proposed structures and activities.

This POM forms the heads of consideration for all development applications required for activities and developments at Spurway Park.

5.1 COUNCIL'S GOALS & OBJECTIVES FOR OPEN SPACE

Council's current goals and strategies relating to planning and management of parks and reserves in Pittwater are contained within *Council's Management Plan 2004-2009*, the *Pittwater Open Space, Recreation and Bushland Strategy (2000)*, and the *Landscape Management Policy (1993)*. These goals and strategies have been used to guide the outcomes of this POM.

Pittwater's reserves form an extensive open space system, which is characterised by a diverse range of recreational settings and opportunities (*Pittwater Council Open Space and Recreation Plan, June 1997*). Recreational values are closely linked with the environmental quality of a place as well as the opportunities, activities and facilities available for public recreation and visitation.

Spurway Park is a significant community asset in Pittwater's open space network and is highly valued for its structured sports area. The Park is located along a main road, is central to Newport and is bounded by residential housing, which are important factors in determining this Park's unique character.

Pittwater Council's objectives for open space and recreation include responding to the changing leisure needs of the community, in a planned, flexible, and responsible manner, whilst establishing a systematic approach to the upgrading of facilities in their open space system.

5.2 GUIDELINES FOR PERMISSIBLE USES

Community Land

Both *PLEP 1993* and *Pittwater 21* require POM's for community land (Refer Section 3.3) to specify the uses, activities and developments that will be permitted on the subject land that is zoned 6(a) (Existing Recreation "A"), both with and without development consent.

This is outlined in the Permissible Uses Table. Refer **Section 5.5**.

Permissible Uses Table

A Permissible Uses Table (the "Table") outlines the permissible and prohibited activities and developments on the subject land. Whilst the Table cannot specify every likely proposed activity, the criteria will assist Council in determining an application for development consent, or a permit, lease, licence or other estate at the Park.

Generally, developments and activities that will be permissible at the Park will be those that are consistent with:

- The Table that specifies examples of permissible and prohibited uses;
- The guidelines and core objectives for the categories of Sportsground, Park and General Community Use under the *Local Government Act, 1993*. (Refer **Attachment 1**).

Refer **Section 5.5** for Permissible Uses Table.

Development application and permit procedures

Under the 6(a) zoning, any land use set out in the Table under the heading "Permissible Uses Exempt" in any relevant POM is permitted without development consent. However, development consent is required for any land use set out under the heading "Permissible Uses Requiring Development Consent" in any relevant POM.

Both *PLEP 1993* and *Pittwater 21* make provision for Council to consent to the use or other development of any land or building within Zone No. 6(a), for any lawful temporary purpose, other than designated development, being carried out for a maximum period of 28 days in any one-year.

Any proposed uses or development and building works that are permitted only with Development Consent (consistent with the uses listed in the Table) would be subject to the normal Development Application process required by Council, in accordance with the *Environmental Planning and Assessment Act 1979*.

Larger scale developments and activities that are consistent with the criteria listed in Section above will be subject to development consent procedures under the *Environmental Planning and Assessment Act 1979*.

Certain developments, such as new or replacement buildings, or extensions to existing buildings on community land must be determined by the Council itself, rather than by staff under delegated authority under Section 47E of the *Local Government Act, 1993*. However, the following development types are exempt from this provision: toilet facilities, small refreshment kiosks, shelters, picnic facilities, structures for the playing of games and sports, playground structures, and works / storage sheds.

Both *PLEP 1993* and *Pittwater 21* state that Council shall not consent to the carrying out of development on land owned or controlled by the Council within Zone No. 6(a) unless consideration has been given to: -

- The need for the proposed development on that land;

- The impact of the proposed development on the existing or likely future use of the land;
- Whether the proposed development will be secondary and complementary to the existing or proposed use of the land as public open space;
- Whether the proposed development will substantially diminish public use of and access to open space;
- Whether the proposed development is consistent with the objectives of the zone in which the land is situated and the purposes for which the land was reserved or otherwise set aside for public use;
- Whether the proposed development is compatible with adjacent uses in relation to its height, bulk and noise generation and other aspects that might conflict with surrounding land uses; and
- The need to retain the land for its existing or likely future use.

Other activities not subject to development consent require a permit issued by Council. Applications for permits are required to be submitted to Council's Reserves and Recreation Officer. The event organiser is responsible for lodging the application for a permit, except in the case of activities within leased areas, in which case the leaseholder is responsible for lodging the application.

The approval requirements outlined above apply equally to any leased areas and non-leased parts of the subject land. For the above procedure to be altered for an activity or a facility within a lease area, there must be an exemption and/or alternative procedure specified in the lease.

Scale and Intensity of Future Uses and Development

The scale and intensity of future uses and development permitted on the site at Spurway Park will be determined by the Table, the concept Master Plan and the objectives of this POM, including the objectives set out in the *Local Government Act 1993* (Refer **Attachment 1**).

5.3 LEASES, LICENCES AND OTHER ESTATES

Council is permitted to grant leases, licences and other estates over community land in accordance with the provisions set out in the *Local Government Act, 1993* and the aims and objectives of this POM.

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

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of a

reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

An assessment of each lease, licence or other estate granted would be carried out in terms of environmental quality and public access.

Existing Leases, Licences and Other Estates

Newport Bowling Club Limited

The Newport Bowling Club Limited have a current community based lease for the use of the three bowling greens, located on the western side of the site, and a current commercial based lease for the use of the Bowling Club Clubhouse for a term of twenty-one (21) years from 9 February 2004 till 8 February 2025.

This POM expressly authorises the continuation of the leasing of the three bowling greens and the clubhouse to the Newport Bowling Club Limited.

Authorisation of Futures Leases, Licences and Other Estates

To comply with the *Local Government Act 1993*, a POM for community land must clearly specify the leases, licences and other estates that are authorised on the land. Terms and conditions of a lease or licence should reflect the interest of the Council, protect the public, and ensure proper management and maintenance of Spurway Park.

Proposed Future Leases, Licences And Other Estates

This POM specifically authorises the leasing, licensing or granting of an estate in the land that is the subject of Plan, including the following:

Proposed Tennis Court Licence

This POM authorises uses set out in the Table (Refer Section 5.5) and Council will, subject to the proponent obtaining development consent, grant licence agreement/s for the use of the land as a two-tennis court sports facility (as shown on the Landscape Master Plan – refer **Attachment 4**). Any Licence agreement should consider development of junior tennis in the Newport area.

5.4 PERMISSIBLE DEVELOPMENTS AND ACTIVITIES

Proposed Redevelopment of the Newport Recreation Centre.

The existing building known as the Newport Recreation Centre was the subject of a building condition report undertaken by the NSW Department of Commerce. This report indicated that the building did not comply with a number of conditions and would require significant repair and improvements works to be carried out.

It is therefore proposed that the Newport Recreation Centre be redeveloped to accommodate the Newport Family Day Care Centre (which will relocate from their site at the corner of Barrenjoey Road and Gladstone Street), a community hall, a children's playground for the use of the Family Day Care Service, a number of offices, seminar rooms, kitchen, storage space, a flat paved area off the community hall and limited onsite car parking and landscaping works surrounding the building.

Any proposed usage of the redeveloped Newport Recreation Centre will be required to be consistent with the following: -

Hours of Operation:

Monday to Saturday – 7am till 10pm (10:30pm to vacate the premises)

Sunday – 7am till 5pm (7pm to vacate the premises)

Uses and Activities:

The Centre will be available for a wide variety of uses for community, recreational, social and cultural uses.

Bookings will be managed by Council and only accepted where the activity is considered appropriate for the venue, and will not unduly impact on the surrounding neighbourhood. The community hall will be available for hire for activities such as yoga, karate, etc.

It should be noted that with this particular centre, bookings for eighteenth (18th), twenty-first (21st) and youth dance parties are not considered appropriate. Therefore these events are not permissible under this POM.

The consumption of alcohol is permissible on the premises. Intention to sell alcohol will require a Functions Licence. Council promotes the responsible consumption of alcohol.

Proposed Tennis Courts.

It is proposed to redevelop the two existing eastern bowling greens, which are currently under-utilised to two tennis courts on the site.

It is proposed that Council staff will run the courts and that the courts will be available to members of the community for use. The courts will not have lighting for night time use of the courts.

Any proposed usage of the tennis courts would be required to be consistent with the following: -

Hours of Operation:

Summer (October – March) Weekdays – 7am till 8:30pm

Weekends – 8am till 8:30pm

Winter (April – September) Weekdays – 7am till 7:30pm

Weekends – 8am till 7:30pm

Newport Bowling Club

Proposed hours of operation and usage of the Club and Bowling Green area should be in accordance with any adopted lease or Development Approval Conditions relating to the Club.

Proposed Car parking along The Boulevard and onsite.

It is proposed to construct car parking spaces at a 90° angle along The Boulevard.

Limited onsite car parking will be available with access from Palm Road and The Boulevard. The onsite car parking is intended to be short-term car parking for deliveries, drop off and pick up of equipment by Family Day Care staff and disabled parking.

5.5 PERMISSIBLE USES TABLE

Where applicable, the land use terms and definitions contained in the following Permissible Uses Table have the same meaning as those contained in the Interpretation Dictionary of the *PLEP 1993* and in *Pittwater 21*.

Permissible uses not requiring development consent (these may require approval under Part V of the EPA Act 1979)	Permissible uses requiring development consent	Prohibited uses (including but not limited to the following)
Advertising – temporary	Amenities / toilets / change rooms	Advertising – permanent
Alcohol-free zones requiring consent of Council and consent of other relevant committees i.e. Traffic Committee	Buildings ancillary or incidental to the park	Agriculture
Car parking area (sealed or unsealed) ancillary to use of the park	Concerts, playing of musical instruments or singing for fee or reward after 10pm and before 8am	Busking
Charity events	Kiosk amenities and outdoor eating areas	Domestic drainage outlets
Children's playground equipment and associated structures	Refreshment Rooms	Equestrian activities
Community events, e. g. fundraisers, awareness campaigns, health campaigns	Roads or vehicle access tracks (formalised)	Extractive industries
Community facility	Sporting facilities, club houses and the like	Gaming
Concerts, playing of musical instruments or singing for fee or reward for organised events during the hours of 8am and 10pm.	Telecommunications / mobile telephone transmission facility or tower	Private alienation or encroachment
Corporate functions	Temporary activities, developments or events that meet the criteria outlined in Section 4 of this Plan of Management and require a casual booking or permit from Council, or a lease or licence under the <i>Crown Lands Act 1989</i> , that exceed one of the following criteria: The number of participants and/or spectators on any one-day of an event exceeds 200. Activities occurring outside the period of 7.30am to 10pm. Activities or temporary facilities occur over a total of more than 14 continuous days.	Recreational motor vehicles, including four-wheel driving, motorbike or trail bike riding, or similar, other than use for surf life saving and filming on a short term basis
Cultural events		Residential
Earthworks to construct structures identified on the Landscape Master Plan, including filling, levelling, grading and topdressing		Showground
Fencing including security, childproof, protective and temporary fencing		Unauthorised dumping of refuse including building materials, soil, fill, garden wastes and the like (other than importing of fill for permitted works)
Feral animal control and eradication		Vegetation removal not in accordance with Council's Tree Preservation and Management Order, or this Plan of Management
Filming and still photography		

Permissible uses not requiring development consent (these may require approval under Part V of the EPA Act 1979)	Permissible uses requiring development consent	Prohibited uses (including but not limited to the following)
Footpaths, minor bridges and multi-use pathways		
Landscaping works, including gardens, laying of turf, and re-turfing in accordance with Landscape master plan		
Lighting of reserve (excluding tennis courts)		
Low intensity commercial use subject to licence approval		
Maintenance / minor works		
Minor drainage, stormwater, erosion and sediment control works		
Park furniture, such as seating, shade structures and shelters		
Picnics and barbecues, and associated facilities and the construction of.		
Public addresses		
Recreational equipment hire, e.g. tennis racquets, locker storage equipment, etc.		
School activities		
Scouting organisations events and the like		
Signage – compliance, directional, interpretive, identification		
Sporting events e.g. tennis		
Tennis schools / lessons		
Utility installations		
Vehicular access subject to Council approval		

6.0 MANAGEMENT STRATEGIES

6.1 ACTION TABLE

An Action Plan defines the “means of achievement” (Management Actions) in response to desired outcomes and core objectives (refer to the following Action Table). The “means of assessment” provide a system of checks and balances to assess actions and performance. Priorities are assigned according to the specific action’s relative importance.

Based on the key management issues, which were discussed in **Section 4**, the intent of the Action Table, as required under the Act is to:

- Identify the desired outcomes or **objectives** with regard to each issue.
- Develop **actions** for the achievement of these objectives.
- Develop **performance measures** or mechanisms for the measurement of success.

Objectives	Action	Performance Measures
Landscape Character		
To maintain the existing open landscape character of the Park	Prepare a master plan for the Park in accordance with the objectives of this plan	Landscape improvements implemented in accordance with the master plan
	Ensure appropriate development of the Park in accordance with the community land categories as adopted (Refer Attachment 2)	All developments meet the requirements of the development guidelines and relevant legislation
Newport Bowling Club Limited Clubhouse, Facilities & Bowling Greens		
To maintain the conditions of the lease for the Club house and Bowling Greens	Council to provide clear definition of responsibilities for the Bowling Club	Clear understanding of responsibilities for the Bowling Club
Newport Recreation Centre		
Ensure that the facility is effectively managed and is of minimal impact on the surrounding neighbourhood	Council to monitor appropriate usage of the facility so as to ensure minimal impact on the surrounding neighbourhood	Effective management of the facility and minimal number of complaints received from the community
Proposed Tennis Courts		
To maintain the two (2) tennis courts to a high standard within budgetary constraints	A program of systematic monitoring of the two (2) tennis courts to be developed to minimise risk	Tennis Court monitoring system in place

General Facilities and Amenity		
To provide and maintain a high standard of recreational facilities and amenities for Park users, including people with disabilities	Progressively upgrade recreational facilities such as seating/tables, shelters, litter bins and improve frequency of rubbish collection to cater for seasonal facilities	Number of facilities upgraded
	Upgrade toilet facilities within the Recreation Centre to provide easy access and use by people with disabilities	Change rooms and toilet facilities upgraded for access by people with disabilities
	Provide an improved level of cleanliness, repair and maintenance of amenities and facilities	Park users express satisfaction with appearance, cleanliness and maintenance of amenities block
Improve opportunities for social recreation at the Parks	Investigate opportunities for improved picnic/seating areas with appropriate shade planting and litter bins	Number of improved picnic/seating areas
Improve the landscape amenity of the Park	Plant appropriate shade trees and also appropriate screen planting where required e.g. screening tennis courts	Shade trees and screen planting effectively established
Pedestrian Access and Linkages		
To continue programme of installation, upgrading and enhancement of pedestrian linkages, improve safety and reduce points of conflict with vehicular traffic	Provide and maintain easy, clearly marked, visually interesting pedestrian access to the Park, wherever practicable, functional and safe	Upgraded pedestrian access and linkages
	Continue to identify and upgrade to a high standard those paths, steps, ramps at the Park which are in disrepair	Upgraded pedestrian access and linkages
	Provide appropriately designed and integrated directional and interpretive signage for pedestrian and vehicular traffic, improving linkages	Signage is clear and simple in communicating the required information
	Investigate lighting along pedestrian pathways	Lighting installed where required
Provide access to the Park for people with disabilities, as well as for young children, elderly and people with prams /strollers, that is in accordance with all relevant Australian Standards	Conduct an access and facilities audit for people with disabilities at the Park. Subject to this audit, paved pathways should be appropriately upgraded and maintained.	Access audit completed

Vehicle Parking and Traffic Safety		
To address the adequacy of parking layouts, circulation and delineation of car spaces	Council continues to monitor and address traffic and parking issues in the vicinity of the Park in consultation with the Pittwater Traffic Committee	Better line marking /delineation and signposting of parking spaces
To provide appropriately sized car parking spaces for people with disabilities	Designate disabled parking bays, and construct gutter ramps, where appropriate	Required number of car parking spaces for people with disabilities provided
To address traffic safety issues	Investigate current traffic flows and identify any areas which could be improved through traffic calming devices or similar	Investigation completed and traffic calming devices implemented where required
Signage		
Establish an effective signage and interpretive system	Rationalise signage and develop a consistent signage and interpretive/map system at the Park. Signs to be of high graphic quality	New signage system developed and implemented
	Conduct a signage audit at the Park and identify opportunities to integrate directional, safety and interpretive signage	Audit completed and signage established
Risk Management		
To adequately address risk management issues	Formulate and implement a regular inspection checklist to identify potential safety issues	Improved public safety and risk management
To ensure the highest safety standards	Refine current maintenance practices to meet risk management requirements and relevant standards	Area considered safe and accessible at all times
Provide a playground for use by the Family Day Care that complies with Australian safety standards	Carry out a regular maintenance audit of play equipment at the Recreation Centre	Maintenance audit conducted on a regular basis.
	Provide soft-fall and upgraded equipment in children's playgrounds in ocean beach reserves.	Softfall edging and upgraded equipment meets Australian Standards at all playgrounds
	Provide shade structures over the Recreation Centre playground, wherever mature shade trees are absent	Recreation Centre playground is shaded at midday in summer

Maintenance		
Ensure that best practise methods are used for all maintenance procedures and where necessary make suggestions for the improvements in the ongoing maintenance of areas	Review current work practices and procedures for maintenance operations through bench marking and adoption of industry best standards	The Park is considered safe and well maintained at all times
Promote efficient maintenance operations	Investigate the maintenance regime for the Park and make recommendations for improvements where necessary	Reduction of long-term maintenance costs and
Provide an improved level of cleanliness, repair and general maintenance of facilities	Prepare an annual maintenance schedule outlining routine maintenance procedures for all elements of the Park	Park users express satisfaction at the level of maintenance of facilities

6.2 MASTER PLAN

The Concept Landscape Master plan, refer **Attachment 4**, has been developed to illustrate the works and improvements to Spurway Park that are required to address key management issues and objectives.

The main elements of the Concept Master plan include:

- Redevelopment of the existing Newport Recreation Centre to accommodate the Newport Family Day Care Centre.
- A children's playground area for use of the Family Day Care.
- 90° angle car parking on The Boulevard.
- Redevelopment of two existing bowling greens into two tennis courts.
- Upgrade of car park on the corner of Barrenjoey Road and The Boulevard including asphaltting and line marking.
- Construction of landscaped walkway linking Palm Road and The Boulevard.
- Associated landscape works as per master plan.
- Car parking to the north and south of the redeveloped recreation centre.

It is intended that the Concept Master plan be interpreted with some degree of flexibility.

6.3 WORKS PROGRAMME

The following program of major works for Spurway Park will be updated and implemented according to the priorities and budget allocations assigned for each action by Council as a part of the process of annual review for the Pittwater Management Plan.

Note: Opinion of probable landscape construction costs are based on Landscape Master plan and are indicative only.

Item	Cost*
Redevelopment of the existing Newport Recreation Centre and associated building works	\$1,600,00.00
Establishment of two (2) tennis courts, a children's playground area for use of the Family Day Care, open space areas and proposed landscaping works.	\$600,000.00

* Probable cost estimated at time of drafting this POM

6.4 IMPLEMENTATION

This Plan of Management is to be reviewed on a five yearly basis. It should be recognised however, that the commencement and completion of actions identified in the Master Plan and Action Table are dependent on available Council resources and funding.

ATTACHMENT 1

LOCAL GOVERNMENT ACT, 1993 (RELEVANT SECTIONS) AND THE
LOCAL GOVERNMENT GENERAL REGULATION 1999 (SECTIONS 9-21)

Relevant sections of the Local Government Act 1993

Sections of the *Local Government Act 1993* that relate to community land, Plans of Management, categorisation of community land and public hearings are provided below.

For more information on the Local Government Act and other NSW government legislation, refer to www.legislation.nsw.gov.au, www.austlii.edu.au/au/legis/nsw, or contact the NSW Government Bookshop.

LOCAL GOVERNMENT ACT 1993 -SECT 25

All public land must be classified in accordance with this Part.

LOCAL GOVERNMENT ACT 1993 -SECT 26

There are 2 classifications for public land "community" and "operational".

Note. On the commencement of this Part, certain land that is vested in or under the control of a council is taken to have been classified as community land by the operation of clause 6 of Schedule 7.

LOCAL GOVERNMENT ACT 1993 -SECT 35

What governs the use and management of **community land**?

Community land is required to be used and managed in accordance with the following:

“the plan of management applying to the land

“any law permitting the use of the land for a or otherwise regulating the use of the land

“this Division.

LOCAL GOVERNMENT ACT 1993 -SECT 36

Preparation of draft plans of management for community land:

(1) A council must prepare a draft plan of management for community land.

(2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.

(3) A plan of management for community land must identify the following:

(a) The category of the land;

(b) The objectives and performance targets of the plan with respect to the land.

(c) The means by which the council proposes to achieve the plan's objectives and performance target's

(d) The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.

(3A) A plan of management that applies to just one area of community land:

(a) Must include a description of:

(i) The condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and

(ii) The use of the land and any such buildings or improvements as at that date, and

(b) Must:

(i) Specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and

(ii) Specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and

(iii) Describe the scale and intensity of any such permitted use or development.

(4) For the purposes of this section, land is to be categorised as one or more of the following:

(a) A natural area, (b) a sportsground, (c) a park,

(d) An area of cultural significance, (e) general, community use.

(5) Land that is categorised as a natural area is to be further categorised as one or more of the following:

(a) Bushland

- (b) Wetland
- (c) Escarpment
- (d) Watercourse
- (e) Foreshore
- (f) A category prescribed by the regulations.

(6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:

- (a) Defining any expression used in subsection (4) or (5), and
- (b) Prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.

LOCAL GOVERNMENT ACT 1993 -SECT 36F

Core objectives for management of community land categorised as a **sportsground** are:

- (a) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

LOCAL GOVERNMENT ACT 1993 -SECT 36G

Core objectives for management of community land categorised as a **park**. The core objectives for management of community land categorised as a park are:

- (a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) To provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

LOCAL GOVERNMENT ACT 1993 -SECT 36I

Core objectives for management of community land categorised as **general community use** are to

- (a) Promote, encourage and provide for the use of the land and;
- (b) To provide facilities on the land, to meet the current and future needs of the local community and of the wider public: I
- (c) In relation to public recreation and the physical, cultural, social and intellectual welfare-or development of individual members of the public, and (b) 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).

LOCAL GOVERNMENT ACT 1993 -SECT 40

Adoption of plans of management

(1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.

(2) If the council decides to amend the draft plan it must either:

- (a) Publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or:
- (b) If it is of the opinion that the amendments are not substantial, adopt the amended draft
- (c) Plan without public exhibition as the plan of management for the community land concerned.

(2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.

(3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.

LOCAL GOVERNMENT ACT 1993 -SECT 40A

Public hearing in relation to proposed plans of management

(1) The council must hold a public hearing in respect of a proposed plan of management if the proposed plan would have the effect of categorising or recategorising community land under section 36(4) or (5).

(2) However a public hearing is not required if the proposed plan would merely have the effect of recategorising the land under section (5).

LOCAL GOVERNMENT ACT 1993 – SECT 47G

In this section, public hearing means any public hearing required to be arranged under this Part.

The person presiding at a public hearing must not be:

- A councillor or employee of the council holding the public hearing, or
- A person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

LOCAL GOVERNMENT (GENERAL) REGULATION 1999-SECT 9

Application of this Division

(1) This Division sets out guidelines for the categorisation of community land.

(2) A council that is preparing a draft plan of management under section 36 of the Act must have regard to the guidelines set out in this Division.

(3) Although this clause imposes a duty on councils, thing in this clause gives rise to, or can be taken into account in, any civil cause of action. -

LOCAL GOVERNMENT (GENERAL) REGULATION 1999- SECT 11

Guidelines for categorisation of land as a **sportsground**.

Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

LOCAL GOVERNMENT (GENERAL) REGULATION 1999 -SECT 12

Guidelines for categorisation of land as a **park**.

Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

LOCAL GOVERNMENT (GENERAL) REGULATION 1999 -SECT 14

Land should be categorised as **general community use** under section 36 (4) of the Act if the land:

- (a) 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
- (b) Is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 10 13 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

LOCAL GOVERNMENT (GENERAL) REGULATION 1999- SECT 21

Preparation of draft plan of management where land is categorised in more than one category

A draft plan of management that categorises an area be community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

ATTACHMENT 2

REPORT ON CATEGORISATION HEARING FOR SPURWAY PARK PREPARED BY
PITTENDRIGH SHINKFIELD BRUCE

Public Hearing under Section 40A of the *Local Government Act 1993* into the Proposed Categorisation of Community Land at Spurway Park, Newport

REPORT TO COUNCIL

**Prepared for
Pittwater City Council**

Pittendrigh Shinkfield Bruce Pty Limited
Environmental Planning & Landscape Architecture
1 September 2004
PSB04102

1 Introduction

This report documents the outcomes of a Public Hearing into the proposed categorisation of community lands at Spurway Park, Newport.

The report has been prepared to satisfy the requirements of Section 47G(3) of the *Local Government Act 1993* ("the Act").

All Council land classified as community is required to be categorised under the Act. Guidelines for categorising community land are in Sections 10 to 19 of the *Local Government (General) Regulation 1999*.

Under Section 40A of the Act, Council is required to conduct Public Hearings and to accept public submissions where a draft Plan of Management proposes to categorise previously uncategorised community land or to recategorise land that is categorised under a currently adopted Plan.

In order to fulfil Council's statutory obligations with regard to the proposed categorisation of the above described community land, a Public Hearing was conducted on the evening of Thursday 26 August 2004 at the Newport Recreation Centre.

The Public Hearing was presided over by Mr John O'Grady of PSB.

Council publicised the Hearing and invited interested members of the public to attend and make oral submissions.

2 Categorisation

Pittwater Council is in the process of preparing a draft Plan of Management for Spurway Park. The draft Plan of Management is required to be consistent with the *Local Government Act, 1993* and the *Local Government (General) Regulation, 1999* which specify that a Plan of Management must categorise all community land that it covers. Community land is to be categorised as one of more of the following under Section 36(4) of the Act:

- a natural area
- a sportsground
- a park
- an area of cultural significance
- general community use

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- bushland
- wetland
- escarpment
- watercourse
- foreshore
- a category prescribed by the regulations

One or more of the categories may apply to a parcel of land.

3. Report on Public Hearing

Details of the proposed categorisations of the land contained within Spurway Park and of submissions received to the Public Hearing follow.

Proposed Categorisation

Council has prepared a draft categorization map for the land within Spurway Park (see Appendix A). The draft map proposes that the Community Land categorised partly as Sportsground, partly as General Community Use and partly as Park according to the guidelines for categorisation in the *Local Government (General) Regulation 1999*.

The relevant guidelines for categorisation of land under Clause 10 of the *Local Government (General) Regulation 1999* are as follows:

Sportsground - Land should be categorised as a sportsground if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

Park - Land should be categorised as a park if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

General Community use – Land should be categorized as General Community Use in order to (a) make it available for use for any purpose for which community land may be used whether by the public at large or by specific public groups provided that (b) it is not required to be categorized as a natural area and does not satisfy the guidelines for categorization as a natural area, a sportsground, a park or an area of cultural significance.

Submissions to the Public Hearing

Submissions to the Public Hearing with direct or indirect reference to the proposed categorisation of Community land at Spurway Park are summarised below and commentary is provided. The submissions have been transcribed from the minutes of the Public Hearing.

Submission That the proposed categorisation of the land is appropriate.

Comment Submission noted

Submission That the categorization is inappropriate and that the entire land parcel should be categorized as Park.

Comment A concept masterplan has been prepared for Spurway Park and has been subject to community scrutiny. The concept masterplan was adopted by Council on 26 July 2004. The categorization as proposed is required to facilitate execution of the masterplan as adopted. In

particular, the Core Objectives of the respective proposed categories in S.36 of the Local Government Act, 1993 provide for:

- Refurbishment of the existing Newport Recreation Centre and continued operation of the Newport Bowling Club (General Community Use)
- Development of two tennis courts and retention of two bowling greens (Sportsground)
- Retention and upgrading of surplus land within the reserve as play facilities, a sculpture garden and general parkland.

The categorization of the entire reserve as Park would not permit execution of the master plan as adopted.

At the conclusion of the Hearing, one community attendee requested that a show of hands be called regarding support or otherwise for the categorizations of the land as proposed. This request was accommodated and eight of the eleven community attendees indicated support for the categorization as proposed.

4 Conclusion

By conducting a Public Hearings into the proposed categorisation of community lands on Spurway Park, Council has fulfilled its statutory obligations under Section 40 (a) of the *Local Government Act 1993*.

.....
John O'Grady B.Land.Arch. Grad.Dip.Planning MPIA AAILA
Associate
PSB

APPENDIX A: Spurway Park – Proposed Categorisation



A Public Hearing under the *Local Government Act 1993* regarding the Categorisation of

Spurway Park Newport

will be held at **6PM on Thursday 26 August 2004** in the Community Hall (eastern end of the Park).
If you would like more information or to attend the hearing please call Sarah Rees on 9770 1357.

APPENDIX B: Minutes of the Public Hearing

SPURWAY PARK

PUBLIC HEARING INTO THE PROPOSED CATEGORISATION OF COMMUNITY LAND

NEWPORT RECREATION CENTRE

6PM, 26 AUGUST 2004

MINUTES OF THE PUBLIC HEARING

ATTENDEES

Community members

Eric Morgan
Lorrie Morgan
Ron Pate
Enid Pate
Joyce Saint
Marie MacInnes
Paul Thompson
Karen Skilling
Angela Shanahan
W.T. Hansford
Roy Skilling

Independent Chairperson

John O'Grady – Pittendrigh Shinkfield Bruce Pty Ltd (PSB)

Council Officers

Mark Eriksson
Sarah Rees

The Public Hearing opened at 6.05pm

1. Welcome and Introduction by PSB

Mr John O'Grady of PSB introduced himself as the independent chairperson appointed by Pittwater Council under Section 47G of the Local Government Act (the "Act") to chair the public hearing.

Mark Eriksson and Sarah Rees of Pittwater Council were also introduced.

2. Purpose of the hearing

Mr O'Grady explained that this is a public hearing under the Act into the proposed categorisation of community land at Spurway Park within the Pittwater Local Government Area. The purpose of the hearing is to receive submissions on the proposed categorisation of community land. Any other comments regarding Spurway Park are to be directed to Council staff.

Mr O'Grady informed everyone at the meeting that the hearing was being taped to assist him with accurately recording the comments made because of the need to report the findings of the hearing to Council for consideration.

3. Outline of the Process of Categorisation

Mr O'Grady explained that under Section 40A of the Act, Pittwater Council is required to conduct a public hearing into the proposed categorisation of the community land.

Mr O'Grady explained the requirements of the Local Government Act regarding operational and community land, categorization and the public hearing process.

Under the Local Government Act, Council is required to classify land that it owns as either community or operational land. Community land is generally accessible to the community, and is used for recreation, environmental protection and other purposes. Community land has restrictions on it, such as it cannot be leased for more than 21 years, and cannot be sold. Operational land is generally for a purpose for which Council may wish to restrict public access, such as a depot for storage of vehicles and equipment. Operational land can be sold.

Plans of Management are required to be prepared for all community land. Under the Local Government Act, Plans of Management need to identify the categories under which the land is to be managed. A map tabled at the Hearing identifies the proposed categories for the park.

There are five categories that can be applied to community land: natural area, sportsground, park, area of cultural significance, or general community use. Each category has guidelines for defining land in a particular category, and core objectives for their management, which are outlined in the handout.

Mr O'Grady said the purpose of the hearing was to receive comments on the proposed categories as shown on the maps.

4. Categorisation of Spurway Park

Question: Why has Council asked Mr O'Grady to chair this meeting and what are his credentials?

Reply: Background in Landscape Architecture and Planning

Mr O'Grady outlined his qualifications as a landscape architect and urban planner with extensive experience in the preparation of Plans of Management for community land and in conducting public hearings under the Local Government Act.

Question: What is the current status of the park?

Reply: The Park is currently categorised as Sportsground under Council's generic Plan of Management for Sportsgrounds.

Mark Eriksson explained the recent planning history of Spurway Park. The current categorisation is an historic anomaly that occurred when Plans of Management were first required to be prepared for community land after the gazettal of the Local Government Act in 1993. In July 2004, a draft concept masterplan for the Park was adopted by Council and, subsequently, a proposal for re-categorisation was prepared and a Public Hearing conducted. The proposed re-categorisation was not adopted and, subsequently, a new proposal for re-categorisation was prepared. It is that second proposal that is the subject of this Public Hearing.

Question: Why do we categorise before the Plan of Management is developed?

Reply: Categorisation is required in order to develop the Plan of Management.

Mark Eriksson explained that the Act requires the land to be categorised before the Plan of Management is adopted. The objectives for each category determines the way in which the particular parcel of land it relates to should be managed.

Question: Mrs Skilling (resident) states that she does not agree with the proposed categories and would like the whole park to be categorised as "Park".

Reply: Noted

Question: There is confusion over the process and when the details of the Plan of Management will be revealed?

Reply: Mark Eriksson explained the process involved with the Plan of Management and the further opportunities for community consultation relating to the finer details, such as lighting and hours of use for the recreation centre.

Question: How does Council plan to pay for the development?

Reply: Mark Eriksson replied that that will be an issue for Council to deal with.

Question: Residents at the meeting raised concern that detailed issues regarding; the operation of the community hall – hours of operating and types of events to be held there, the number of tennis courts and lighting for the

courts, to name a few, had not been properly addressed. Some were concerned and hesitant to sign off on any categorisation process until these issues had been dealt with and guaranteed by Council.

Reply: Mr Eriksson explained that the specific purpose of this public hearing was to do with the categorisation of the land only. He further explained that the next phase in this process, which is the Plan of Management phase, involved dealing with these specific details. The Plan of Management phase will involve more community consultation, including the exhibition of the draft Plan of Management (for the statutory 28 days and a further 14 days for submissions), which will give the opportunity for the community to address the specific concerns as raised.

At this point, one resident asked for a show of hands as to who was in favour of the proposed categorisation – the majority of residents indicating with a show of hands that they were. Three adult residents stated that they were not.

Meeting closed at 7pm.

Minutes prepared by John O'Grady, PSB
27th August 2004

ATTACHMENT 3

NEWPORT RECREATION CENTRE CONCEPT PLAN



KEY FEATURES OF NEWPORT RECREATION CENTRE



NEWPORT RECREATION CENTRE - CONCEPT PLAN

03/03



ATTACHMENT 4

SPURWAY PARK MASTER PLAN

Master Plan

Spurway Park, Newport

Spurway Park Plan of Management | Pfitzner Council, October 2004

