



# Bayview Park **Bayview**

## Plan of Management

Prepared under the Crown Lands Act, 1989 & Local Government Act, 1993

Prepared by Pittwater Council

Adopted 1 December 2008



PITTWATER COUNCIL

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## EXECUTIVE SUMMARY

### Vision - significance of Bayview Park

Bayview Park is valued for its distinctive landscape character. It is a small park of 1.09ha containing a grassed picnic area with magnificent views over Pittwater estuary and with easy public access to the foreshore. The park provides opportunities to build strong communities through membership of Bayview Tennis Club and the 1<sup>st</sup> Bayview Sea Scouts.

The plan of management aims to enhance the existing parkland character in order to distinguish this park from surrounding parklands. Bayview Park is an important node in the walk between Winnererremy Bay and Church Point. Each space along this linear foreshore thread should convey a distinctive landscape character and variety of facilities in order to provide a range of parkland experiences for park users and for pedestrians or cyclists. Managing the landscape in this way is critical to creating identity, structure and meaning to the southern shores of Pittwater estuary.

### Public consultation

Meetings were held with key stakeholders and the public on the following dates:

- Bayview Tennis Club - April 30, 2008
- 1<sup>st</sup> Bayview Sea Scouts - May 1, 2008
- 1<sup>st</sup> Bayview Sea Scouts – May 19, 2008
- Bayview Tennis Club and 1<sup>st</sup> Bayview Sea Scouts - June 4, 2008
- informal public discussions at the park - 15 September 2008
- public meeting 17 September 2008
- viewing of the 'Aerosystem' lights at a private home 7 October 2008

### The structure of this document

1. **Introduction** describes why the plan of management has been prepared and outlines the document's content.
2. **Description of Bayview Park and site analysis** describes the park's history, defines its current landscape character and recreation facilities and uses.
3. **Legislation and policy** outlines the ownership of the various allotments of land that make up Bayview Park, management responsibilities under State Government legislation and Pittwater Council's planning requirements.
4. **Management principles** sets out the basis for management of the park, including the permitted uses, developments, the requirements for leases, licences and permits to use the park.
5. **Masterplan** - this section is divided into three areas:
  - Vision for the Park
  - Strategies
  - Illustrative Masterplan

The vision pinpoints the most important elements of the park to ensure that the plan of management achieves the best outcome for the site for current and future generations. The strategies are organised into five principles or themes which will be retained and enhanced:

- 1 A place for picnics, recreation and relaxing
- 2 A place for building strong communities
- 3 A distinctive node in the foreshore walk between Winnererremy Bay and Church Point
- 4 The park as a combination of natural environment and parkland
- 5 A safe place that is well maintained and accessible

The illustrative Masterplan provides a plan-view of the park and identifies the location of the improvements on the drawing.

6. **Implementation** identifies the processes for implementing the strategies and how they will be prioritised in a works program.

### Summary of principles and corresponding strategies

Principles	Strategies	Priority	
1. A place for picnics, recreation and relaxing	Install two additional picnic shelters	medium	
	Install one long picnic table with seating at the water's edge	medium	
	Clad existing barbeque in sandstone	low	
	Upgrade bench seating at foreshore in a style to match picnic shelters	ongoing	
2. A place for building strong communities	New internal driveway and parking areas in porous paving for improved access, added amenity, safety and fire regulations. Driveway to allow wide turning area for trailers.	high	
	Provide one disabled parking space	high	
	Provide collapsible bollard to retain vehicular access to foreshore	high	
	Landscape parking area and around buildings	high	
	Consider public bins in the carpark area	low	
	Provide directional signage for visitors to the clubs	low	
	Grade lawn area away from buildings, new soil and turf	high	
	Direct stormwater runoff into bioswales to clean the water before entering the estuary	high	
	<b>Assist the clubs to improve their facilities for the benefit of their members:</b>		
	<b>Bayview Tennis Club</b> Lighting to two tennis courts	high	
<b>1st Bayview Sea Scouts</b> Allocate area for storage (extension or separate building) and rain water tank adjacent to the western side of the building  Boat ramp or steps adjacent to the building on the east  Flag pole  Promote the use of the building for extended public use	as required by the club		

	Provide shade tree near the entrance to the building	
3. A distinctive node in the foreshore walk between Winererremy Bay Reserve and Church Point	Install minimum 2100mm wide path along the foreshore west of the boat ramp in Bayview Park	medium
	Install minimum 1200mm wide path along Pittwater Road - link paths to adjoining parklands and pathways	
	Retain and enhance parkland qualities as a small-scale park by carefully arranging facilities and plantings to create a sense of enclosure (retain views from Pittwater Road and neighbouring properties).	ongoing
	Create a comfortable resting place	ongoing
	Enhance the feeling of a traditional bay-side picnic ground	ongoing
	Coordinate palettes of colour, materials, furniture and fittings throughout the park	ongoing
4. The park as a combination of natural environment and open space parkland	Retain open grassed area	ongoing
	Plant replacement trees when required to replace existing trees in poor condition – place trees sensitively to retain open parkland and water views from the park, Pittwater Road and neighbouring properties	high
	Plant vegetative buffer along Pittwater Road (see Principle 5)	low
	Continue environmental education programs - encourage public involvement in rehabilitation strategies and provide interpretative information on the natural environment	ongoing
	Protect Grey Mangroves ( <i>Avicennia mariana</i> ) in the foreshore and intertidal creek-line areas	ongoing
	Protect the biodiversity and ecological values of the wetlands (address water quality and water flow) (see Principle 2)	ongoing
5. A place with good access, that is safe and well maintained	Improve vehicle and pedestrian access (see Principle 2)	high
	Ensure there are no trip hazards on paths	ongoing
	Plant vegetative buffer along the proposed pathway beside Pittwater Road for increased pedestrian safety (see Principle 4)	low
	Ensure the facilities and access to the facilities are fully accessible for people with special needs	ongoing
	Upgrade bubblers for disabled use	low
	Replace and relocate bins (recycle)	high
	Install new signs addressing directions, safety and interpretative information. Include location of restroom and dog off-leash area at Rowland Reserve	high
	Reinforce the prohibition on unleashed dogs at Bayview Park	high
investigate the provision of a pedestrian refuge on Pittwater Road and bollards / fencing between the footpath and Pittwater Road adjacent to Bayview Park. These elements are subject to RTA approval.	high	

## 1. INTRODUCTION

### 1.1 Land to which this plan of management applies

This plan of management applies to Bayview Park, see figure 1. The area of land known as Bayview Park covers approximately 1.09 hectares of parkland which is a combination of Community land and Crown land.

### 1.2 Location of Bayview Park

Bayview Park is located within the Parish of Narrabeen, County of Cumberland.

The park is situated on the southern shores of Pittwater estuary at Bayview which is 31 kilometres north of Sydney CBD and situated within Pittwater local government area, see figure 2. This region of Pittwater is the most accessible area for people wishing to use Pittwater estuary from the north / west suburbs of Sydney.



Figure 1. The area known as Bayview Park.

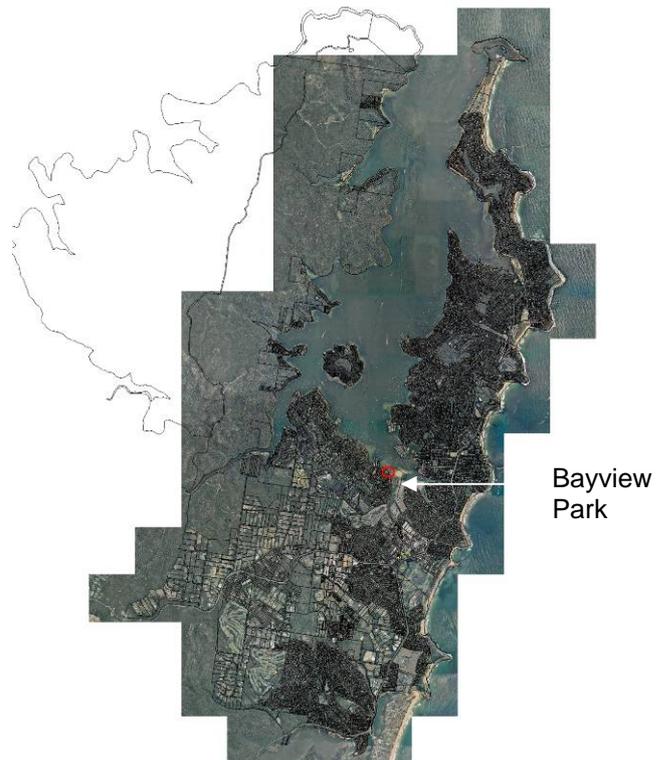


Figure 2. Location of Bayview Park in relation to Pittwater local government area.

### 1.3 Purpose of preparing this plan of management

The purpose of preparing this plan of management is to:

- comply with the Local Government Act, 1993 in regards to the preparation of Plans of Management for Community land;
- meet legislative requirements for the preparation of Plans of Management for Crown land under Sections 112 and 114 of the Crown Lands Act, 1989;
- update the previous plan of management as adopted by Council in 2002;
- provide a framework for consistent management of Bayview Park by Pittwater Council over the next five years;
- provide a basis for effective day-to-day decision making;
- set guidelines for permissible uses of Bayview Park; and
- accommodate and integrate the requirements of all stakeholders - Council and the Department of Lands as land owners and managers), local residents (as neighbours), and current and future users of the park.

### 1.4 Process of preparing this plan of management

The process of preparing this plan of management has involved:

- review background documents and information;
- discussions with stakeholders;
- prepare the draft plan;
- refer the draft plan to the Department of Lands for comment
- exhibit the draft plan;
- advertise the draft plan in the Government Gazette for a minimum of 28 days;
- review public submissions, amend the draft plan if required, and re-exhibit if the amendments are significant;
- The Minister, Department of Lands, adopts the PoM (Crown land component);
- Council adopts the PoM

### 1.5 Contents of the plan of management

1. **Introduction** describes why the plan of management has been prepared and outlines the content of the document.
2. **Description of Bayview Park and site analysis** describes the park's history, defines its current landscape character and recreation facilities and uses.
3. **Legislation and policy** outlines the ownership of the various land allotments that make up Bayview Park, management responsibilities under State Government legislation and Pittwater Council's planning requirements.
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- 6 **Implementation** identifies the processes for implementing the strategies and how they will be prioritised in a works program.

**2. DESCRIPTION OF BAYVIEW PARK AND SITE ANALYSIS**

**2.1 History**

The first land grant at Bayview was in 1812, however it was another 70 years before the name Bayview was officially adopted on 21 August 1982. During these early years the land was cleared for farms and orchards. Early settlers worked as shell collectors and timber merchants. Local timber was shipped to Sydney after being split to make roof shingles or cut into firewood. In 1886 a land grant of 80 acres (31.4 hectares) was made to Mr B. Crem covering the area now known as Bayview Park and adjoining lands.

The recreational use of Bayview Park for tennis has an historic association dating to 1937-38 when the first tennis court in Pittwater was constructed in this park. The use and purpose of the building occupied by the 1<sup>st</sup> Bayview Sea Scouts has varied over the years and has included the original Bayview Aquatic Club and later the ambulance depot for Pittwater area before becoming a public hall and home to the 1<sup>st</sup> Bayview Sea Scouts.

The area around Bayview Park has been subjected to successive episodes of land-filling, reclamation and dredging since the early twentieth century. By the late 1940s the area had been almost totally reclaimed and by the early 1970s dredging of the bay and reclamation of saltmarsh had been completed. The western edge of bay had been prepared and realigned in anticipation of the seawall and a proposed marina development at Winnererremy Bay which did not eventuate (see figure 3).

Until the past few decades estuarine wetlands were regarded as unhealthy swampy wastelands requiring 'reclamation' which was often achieved by way of waste landfills. This intervention of the natural environment eliminated the transitional zone – the estuarine complex of mudflats, saltmarsh meadows, mangroves and Swamp Oak forests.

The 2006 census places the population of Bayview at 2,994 people.

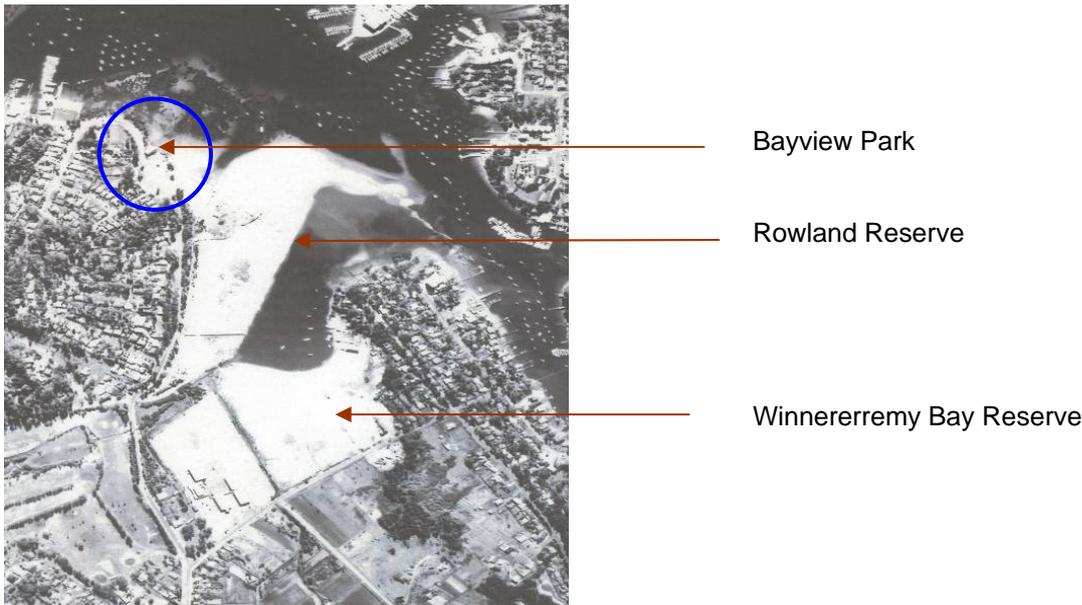


Figure 3. Aerial photo July 1972 showing realignment of the bay.

## 2.2 Physical description and site analysis

### 2.2.1 Context

Bayview Park provides a small area of foreshore parkland on the southern shores of Pittwater estuary. The park is highly valued by local residents and visitors for its traditional parkland feel, quiet atmosphere and views over the water. The park's character is largely open and informal with a fragmented canopy of Swamp Oaks (*Casuarina glauca*). The park provides an ideal setting for passive recreation.



Figures 4 - 6. Bayview Park context.

### 2.2.2 Topography & Soils

The original land profile of Bayview Park has been highly modified. The shoreline has been raised and reclaimed with landfill eliminating the original transitional saltmarsh habitat and land clearing has deposited sedimentation in the bay. The soils are composed of alluvial deposits of sand, silt and mud with varying amounts of organic matter.

### 2.2.3 Landscape and environmental values

Bayview Park, although highly modified by landfill, retains the environmental qualities of the sandy beach, mangroves and inter-tidal mud-flats. Mature and regenerating stands of Grey Mangrove (*Avicennia maritima*) occur along the foreshore and intertidal creek line on the western boundary. The mangroves provide a vital component of the ecosystem by filtering stormwater, stabilising the foreshore and providing habitat.

A large proportion of the park is an open grassed area. A number of local indigenous and non-indigenous trees have been planted including Swamp Oaks (*Casuarina glauca*), Tallowwood (*Eucalyptus microcorys*), Moreton Bay Figs (*Ficus macrophylla*), and a row of Paperbarks (*Melaleuca*

sp.) which are located against the tennis courts. Bayview Tennis Club and the 1<sup>st</sup> Bayview Sea Scouts have planted shrubs which aid in softening the appearance of buildings.

#### **2.2.4 Condition of the Park**

Bayview Park is well maintained with most landscape elements in good repair. The picnic shelter, bench seats and barbeque are in good condition. The boat launching facility, tennis courts and club house are in excellent order. The building occupied by the 1<sup>st</sup> Bayview Sea Scouts is well maintained, however it is an old building which requires ongoing maintenance. The building is particularly lacking in storage space to meet the needs of an active scout group.

#### **2.3 Existing recreation facilities and activities**

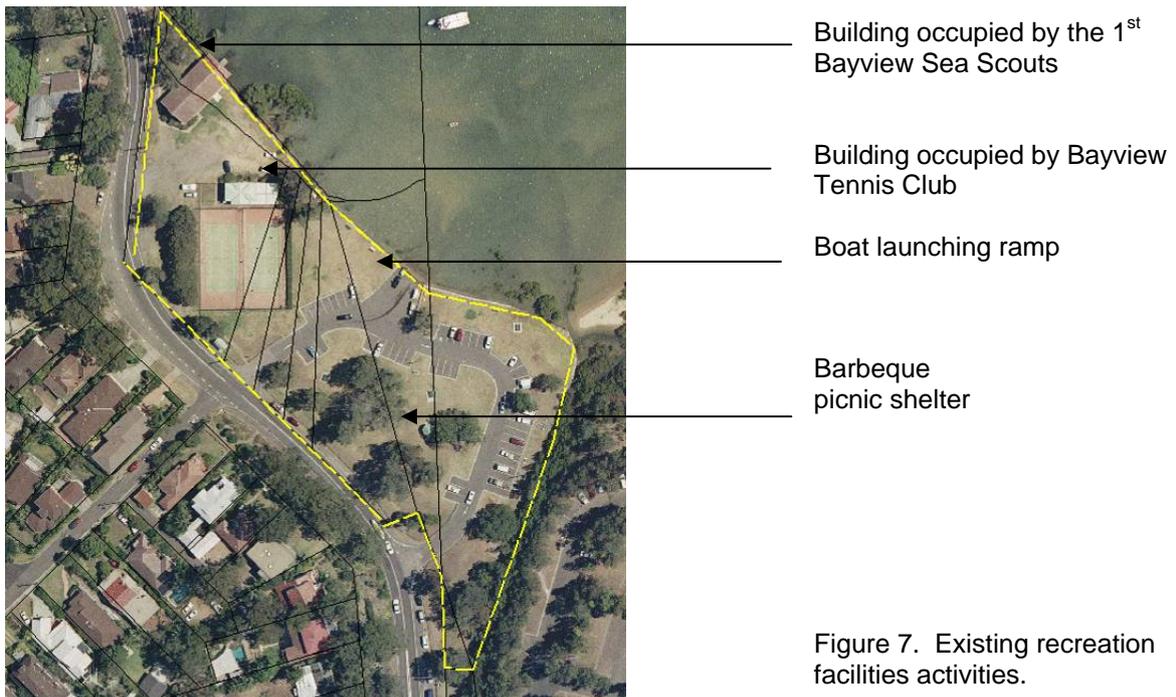
Bayview Park has spectacular views over Pittwater estuary, making it an ideal place for picnicking, boating, fishing, walking and relaxing by the water's edge. The park has been furnished with a picnic shelter, tables, bench seats and bubblers. The existing boat ramp at Bayview Park is an important and strategic recreational facility for local and regional visitors particularly over the summer months and weekends. Adjacent to the boat ramp is a carpark for approximately 50 vehicles with additional trailer parking.

Bayview Park adjoins an unleashed dog exercise area in Rowland Reserve and many dog owners use this park for access and overflow parking. Unleashed dogs are not permitted in Bayview Park, including the inter-tidal foreshore area below the seawall.

Bayview Park accommodates the 1<sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club. The tennis club as has two all-weather courts and a clubhouse.

Bayview Park is recognised as an essential link in the main pedestrian walk along Pittwater Road between Mona Vale and Church Point. The park provides visitors with a quiet place to rest and revive on the pathway around the southern foreshores of Pittwater estuary. Currently the footpath terminates at the corners of Bayview Park; however a well-worn 'desire-line' along Pittwater Road verge indicates a high level of pedestrian use.

An informal vehicular entry / exit point has been created by park users to the area occupied by the clubs. Sight distances are limited at this point due to a curve in Pittwater Road which raises safety and risk management issues.



## 2.4 Linkages with adjoining land and water

Pittwater estuary covers an area of more than 18 square kilometres, which is similar in size to Port Jackson east of Sydney Harbour Bridge. Unlike Port Jackson, which is bounded by numerous local government areas, Pittwater estuary is wholly located within the one local government area of Pittwater. This provides a uniform management strategy for the east and southern shores. Ku-ring-gai Chase National Park forms a natural bushland backdrop to the western shores of the estuary which, apart from the areas occupied by a number of off-shore residential communities, is under the management of the National Parks and Wildlife Service. Ku-ring-gai chase National Park, Lion Island, Long Island and Spectacle Island Nature Reserves were placed on the National Heritage List on 15 December 2006 for their biodiverse Hawkesbury Sandstone environment and representation of species that contribute to this environment.

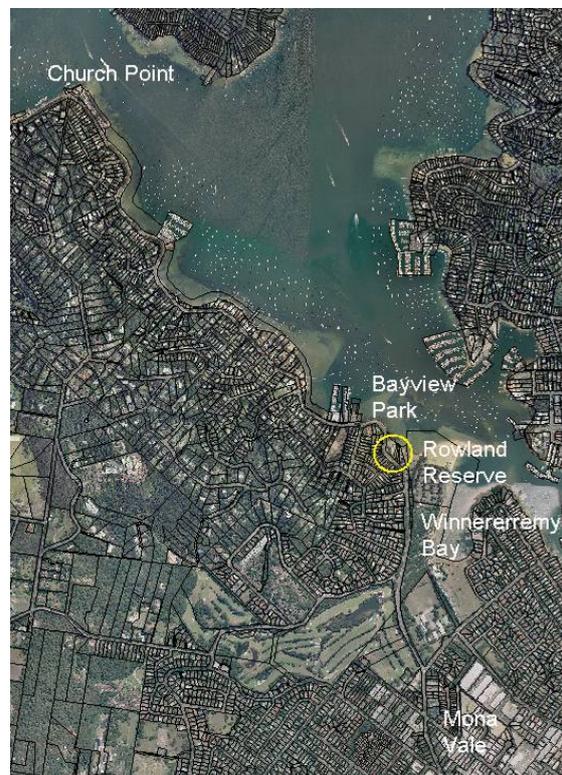


Figure 8. Foreshore between Mona Vale and Church Point.

Pittwater estuary forms the southern arm of the much larger Hawkesbury / Nepean catchment and provides direct water access to the Broken Bay estuary and Brisbane Waters. The estuary is accessed from 27 public wharves and many kilometres of foreshore reserves with playgrounds, picnic facilities and landscaping. The foreshore is also the waterfront for many local residents who reside on the mainland as well as Scotland Island and the western shores of Pittwater.

Bayview Park is located on the southern shores of Pittwater estuary and the boat ramp at the park is one of only seven ramps on the southern shores. The boat ramps at Bayview are located at Bayview Park, Riddle Reserve, Maybanke Cove and Rowland Reserve which has two ramps. The boat ramps at Church Point are located at Church Point Carpark and McCarrs Creek Reserve. These ramps provide the most direct access for the recreational boating community of Sydney's north and northwest regions.

The southwestern boundary to the park is defined by Pittwater Road which is the main arterial link from Mona Vale to Church Point. Residential areas are located on the higher western slopes above Pittwater Road and to the northwest along the waterfront.

Adjacent to Bayview Park to the southeast is Rowland Reserve, which along with Winnererremy Bay Reserve, form a much larger area of public open space. Rowland Reserve contains a large carpark, boat launching facilities and an unleashed dog exercise area while Winnererremy Bay Reserve contains a café and associated playground with high quality equipment.

A formal pathway between Winnererremy Bay Reserve and Church Point was commenced in 1995 to provide pedestrian access and recreational opportunities for the public. This linear foreshore path provides a continuous pedestrian route with foreshore access points. It is recognised as a major achievement for Pittwater Council and is extensively used.

Over time, as funding permits, Council intends to progressively provide multi-use pathway linkages between Winnererremy Bay and other public open space networks. Similar walks include the 'Bay to Barrenjoey' the 'Bay to Beaches' and the 'Bay to Warriewood Valley / Escarpment' Walkway'.

## 2.5 User analysis

The increasing range of recreation activities, particularly water sports will continue to impose pressures on Bayview Park due to its foreshore location. Increased use can create negative impacts such as crowding and conflicts between user groups. Therefore it is important that environmental and social impacts are managed in a sustainable manner in order to meet the future needs of the public.

Management strategies in this plan of management have considered the following principles:

- maintain easy public access to the foreshore, particularly for people with special needs (aged, frail, children, people with disabilities);
- review controls on visitor numbers and type of activities, such as bookings, time limits to vehicle parking;
- retain restrictions on unleashed dogs;
- provide appropriate facilities / amenities, hiring and leasing;
- provide environmental education including interpretive facilities / signage, brochures;
- enhance pedestrian / cycle linkages along the foreshore and Pittwater Road;

- integrate recreational activities along the foreshore to expand visitor experiences; and
- establish limits of desirable or acceptable change.

Bayview Park provides a range of activities for the public through membership of the 1<sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club. Table 1 outlines the activities and participation rates for both clubs.

Table 1. Stakeholders – their membership and use of the park.

Group	Activities	Participants
1 <sup>st</sup> Bayview Sea Scouts	<ul style="list-style-type: none"> <li>▪ Serves the Pittwater local government area and beyond</li> <li>▪ Caters for children between 7 and 14 years old</li> <li>▪ Offers a wide range of water activities including sailing</li> <li>▪ Invites other groups to attend their courses which are extremely affordable or free</li> <li>▪ The hall is available for hire</li> </ul>	<ul style="list-style-type: none"> <li>▪ Each week over 100 members attend the club</li> <li>▪ Offers school holiday activities including sailing training days</li> <li>▪ The building is available for hire and is generally hired by scouts from other areas around six times a year</li> </ul>
Bayview Tennis Club	<ul style="list-style-type: none"> <li>▪ Provides two all-weather tennis courts</li> <li>▪ Caters for casual games</li> <li>▪ Offers competition grade tennis for ladies and gents</li> </ul>	<ul style="list-style-type: none"> <li>▪ 220 members;</li> <li>▪ 35 junior members and would like to increase junior membership, particularly for coaching and matches after school hours which will require lighting</li> </ul>

### 3. LEGISLATION AND POLICY

#### 3.1 Introduction

This section of the plan describes Council's obligations under the *Crown Land Act 1989* and the *Local Government Act, 1993*. Information on other relevant legislation is included in Appendix A and a definition of Crown land is included in the glossary.

Bayview Park consists of a combination of Crown land (26%) owned by the Department of Lands, and Community land (74%) owned by Pittwater Council including an area of road reserve. The primary legislation for preparing a plan of management for Crown land is the *Crown Lands Act 1989* while for Community land, the *Local Government Act 1993* is the overriding legislation.

It is important that all parcels of Crown reserve are managed within the broader context of all land under Council's control. Therefore this Plan aims to satisfy the requirements of the *Crown Lands Act 1989* and the *Local Government Act 1993* by addressing the following items:

For Crown land

- the plan of management has been prepared in accordance with the *Crown Lands Act 1989*, and in particular the **Principles of Crown land management** under Section 11 of the Act;
- existing and proposed uses, developments, leases and management practices must be consistent with the **public purpose** of the reservation;
- the plan of management must address any matters required by the Minister responsible for *Crown Lands Act, 1989*; and
- the draft plan of management must be exhibited publicly and submissions must be referred to the Minister, responsible for Crown land, prior to adoption.

For Community land:

The plan of management must be consistent with the requirements of the *Local Government Act 1993* (as amended) for community land, including its categories and core objectives, s 36(a) – (n).

#### 3.2 The Crown Lands Act, 1989

##### 3.2.1 Introduction

The *Crown Lands Act 1989* governs the planning, management and use of Crown land, including reservation or dedication for a range of public purposes, and leasing and licensing.

Any proposed uses, developments and management practices of Crown land must conform to the public purpose for the reserve or dedicated land, and any particular policies of the Department of Lands regarding Crown reserves. The Minister may, by notification in the Government Gazette, reserve any Crown land from sale, lease or licence or for future public requirements or other public purpose (s. 87 CLA 89). Bayview Park contains two parcels of reserved Crown land.

Table 2 outlines the matters that should be addressed in the draft Plan to comply with the *Crown Lands Act, 1989*.

Table 2. How this plan satisfied the requirements of the *Crown Lands Act 1989*.

<i>Crown Lands Act, 1989 Section</i>	<i>Issue</i>	<i>How this Plan addresses the issue</i>
S. 10	Objects of the Act	Item 3.2.2
s. 11	Principles of Crown land management	Table 3
s. 87	Power of the Minister to reserve land – the public purpose	Item 3.2.3
s. 92-95	Reserve trusts	Item 3.2.4
s. 102	Consent of the Minister to sale, lease, easement, licence or mortgage	Item 3.2.4
s. 106	Proceeds / compensation for sale / loans, etc	Item 3.2.5
s. 112	Preparing a draft plan of management including an 'additional purpose' – Minister's consent required	Item 3.2.4
s.113	Referral of draft plans	3.2.3
s. 114	Adoption of the plan	Item 3.2.3 and Table 8
s. 108	Temporary licences	Item 4.3.3
s. 112	Reports by reserve Trusts clause 32 CL Regulation 2006	Item 3.2.6

### 3.2.2 Objects of the Crown Lands Act 1989 (s.10)

This plan of management complies with the objects of the *Crown Lands Act 1989* which aims to ensure that Crown land is managed for the benefit of the people of New South Wales and in particular provide for:

- the proper assessment of Crown land;
- the management of Crown land having regard to the principles of Crown land management contained in the Act;
- the proper development and conservation of Crown land having regard to those principles;
- the regulation of the conditions under which Crown land is permitted to be occupied, used, sold, leased, licensed or otherwise dealt with;
- the reservation or dedication of Crown land for public purposes and the management and use of the reserved or dedicated land; and
- the collection, recording and dissemination of information in relation to Crown land.

### 3.2.3 Requirements for the implementation of the plan of management

This plan of management has been prepared and funded by Pittwater Council. Funding for management of Pittwater's parks and reserves will be sought from a range of Government, Council and community sources.

The plan must address any matters required by the Minister responsible for Crown lands (s.112 CLA 89). Upon adoption of the Crown land component of the draft plan by the Minister for Lands, Council as manager may not allow any operations or developments that are not permitted by the plan (s. 114 CLA 89). Alterations are permitted (s. 115 CLA 89).

The requirements of the *Crown Lands Act 1989* relating to the plan of management are:

- that the Minister administering the *Crown Lands Act 1989* gives consent for the preparation of a plan of management and for a draft plan going on public exhibition;
- that the plan of management observe appropriate reserve uses in accordance with the public purpose along with relevant land management case law; and
- that the draft plan of management shall be placed on public display for not less than 28 days and cause notice of the plan to be published in the government gazette to allow for submissions to be made on the plan of management (*Crown Lands Act, Regulation, 2006 Clause 35 and s. 113A CLA 89*).

### 3.2.3 The principles of Crown land management

The Principles of Crown land management (s. 11 CLA 89) forms the basis for managing Crown land. The table below demonstrates how this Plan of Management is consistent with the principles.

Table 3. How this draft plan satisfies the Principles of Crown Land Management.

<i>Principle</i>	<i>How the draft PoM is consistent with the principles</i>
Observe environmental protection principles (management & administration).	The protection, enhancement and conservation of all natural values relating to open space and plantings underpin the draft PoM.
Conserve natural resources, including water, soil, flora, fauna and scenic quality (wherever possible).	The conservation of Bayview Park and associated natural resources have been retained and enhanced in this draft PoM.
Encourage public use and enjoyment of appropriate Crown land.	Where appropriate and safe, unrestricted public use, access and enjoyment of the park have been promoted in this draft PoM.
Encourage multiple use of Crown land where appropriate.	Multiple uses have been encouraged with consideration of park values including natural, social, recreational and educational.
Use and manage the park to sustain resources; in perpetuity, where appropriate.	Use and management of Bayview Park is to be sustained as long as appropriate or safe.
Occupy, use, sell, lease, license or deal with Crown land in the best interests of the State, consistent with the principles of Crown land management.	Reserve Trust to responsibly administer and manage Bayview Park in the best interests of the State of NSW.

### 3.2.4 Reserve Trust

A Reserve Trust is a corporation established and appointed by the Minister for Lands to manage a Crown reserve (s. 92 CLA 89). A Trust Board is responsible for the care, control and management of the reserve consistent with the public purpose of its reservation and dedication. Pittwater Council has been appointed trustee of Reserve 68306. The Department of Lands encourages the public to be either directly involved in, or contribute to, the planning and management of the system as trustees of reserved and dedicated land.

The consent of the Minister is required for leases and licences and they may be granted by the Trustee. A lease or licence on a reserve will only permit the lessee / licensee to use the reserve in a way that is acceptable with the purpose for which the reserve was 'dedicated' or 'reserved' (s. 102 CLA, 89).

### 3.2.5 Accountability

The *Crown Lands Regulation (2000)* specifies that the Reserve Trust is required to keep records that will permit dissection of monetary details including revenue, details of improvements and details of all leases and licences. Proceeds generated by trust lease or licence must be spent within the reserves (s. 106 CLA 89).

A reserve Trust must furnish to the Minister each year a report on its activities, including financial statements, assets, heritage, works undertaken, insurance, fire prevention OH&S measures, plans of management, leases or licences etc. (*Crown Lands Act, Regulation, 2006* Clause 32).

### 3.2.6 The public purpose

Crown Reserves R68306 and R45642 are reserved for public recreation. All uses on the reserves must be acceptable to the public purpose.

## 3.3 The Local Government Act 1993

The *Local Government Act 1993* specifies that a plan of management must identify certain issues, with additional inclusions required for Community land (there are no obligations for Operational land. Tables 4 and 5 demonstrate how this plan of management addresses these issues and requirements.

Table 4. What a plan of management needs to identify under the *Local Government Act, 1993*.

A plan of management needs to identify	How this plan satisfies the Act
The category(ies) of the land	3.3.3 Land categorisation
Core objectives for each category of land	3.3.3 as above
The objectives and performance targets of the Plan with respect to the land	1.3 and Table 10 Action Table
The means by which Council proposes to achieve the Plan's objectives and performance targets	Table 10 Action Table
The manner in which Council proposes to assess its performance in achieving the Plan's objectives and performance targets	Table 10 Action Table

Table 5. What a plan of management needs to include for Community land under the *Local Government Act 1993*.

<b>A plan of management for community land needs to include</b>	<b>How this plan satisfies the Act</b>
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 plan of management	2.2 Physical description and site analysis
Description of the use of the land, and any such buildings and improvements, as at the date of adoption of the plan of management	2.2 Physical description and site analysis
Statement of the purposes for which the land, and any such buildings or improvements, will be permitted to be used	Table 9 Permissible Land Uses
Specification of the purposes for which any further development of the land will be permitted, under lease or licence or otherwise	4.2 Permitted future uses of Bayview Park
Description of the scale and intensity of any such permitted use or development	4.2 Permitted future uses of Bayview Park
Permitted uses of the land	4.2 Permitted future uses of Bayview Park
Leases, licences and other estates that can be granted	4.3 Leases, licences and other estates

### 3.4 Land tenure, ownership and management

Bayview Park consists of eleven separate allotments. These have been outlined in Table 6 which provides a description of each land parcel Bayview Park and adjacent areas where relevant. The location of the land parcels can be seen in Figure 9 which shows the area of land known as Bayview Park outlined in yellow, Rowland Reserve in blue and Winnererremy Bay Reserve in red. The ownership of the allotments can be seen in Figure 10.

#### 3.4.1 Land classification

*The Local Government Act 1993* requires that councils classify public land as Operational or Community and that plans of management must be prepared for Community land. The ways in which Community land can be used and managed are strictly governed in accordance with an adopted plan of management and any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

Community land must not be sold, exchanged or otherwise disposed of by the Council except in the instance of enabling the land to be added to Crown reserve or a protected area under the *National Parks and Wildlife Act 1974*. Leases, licenses or estate may be granted subject to requirements of the Act. The period for leases and licenses cannot exceed 21 years. The use and management of Community land must also be consistent with its designated categories and core objectives. Furthermore, the nature and use of Community land may not change without an adopted plan of management. In comparison, Operational land is not subject to the same level of restrictions. Classification or reclassification may be made only by means of a local environmental plan or a

resolution of council in accordance with the Act. Road reserves represent a planning layer or control layer.

### 3.4.2 Land categorisation

Community Land is required to be categorised and identified within the applicable plan of management (s. 36 *Local Government Act, 1993*). Land may be categorised as one or more of the following:

- natural area (further categorised as bushland, wetland, escarpment, watercourse or foreshore);
- sportsground;
- park;
- area of cultural significance; or
- general community use.

Each category is subject to a set of core objectives for the management of Community land. Guidelines for the categorisation of community land are identified in *Local Government (General) Regulation 1999* s10 to s19.

Community land at Bayview Park: Areas of Community land within Bayview Park have been categorised as either a 'park' or 'general community use' depending on their purpose. These categories have been determined in order to facilitate the best use of the land and to meet the recreational needs of the community. The categories were adopted by Council on 10 February 2003 following a public hearing which was held on 5 December 2002, in accordance with s. 40A *Local Government Act 1993*.

Areas of Bayview Park have been categorised as a 'park' because it is land which is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not unduly introduce on the peaceful enjoyment of the land by others and includes the picnic and barbeque areas and parkland.

The management categories and the core objectives of 'park' under s36G, *Local Government Act 1993* are to:

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

Areas of Bayview Park have been categorised for 'general community use' because these areas 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 a park or an area of cultural significance.

This area includes the 1<sup>st</sup> Bayview Sea Scout Hall, the Bayview Tennis Club and tennis courts and the existing and proposed carpark and boat ramp.

The proposed management categories and the core objectives for managing Community land categorised as 'general community use' under s36I, *Local Government Act 1993* are 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; and
- 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).

### 3.4.3 Zoning

In accordance with the provisions of the *Pittwater Local Environmental Plan (as amended) 1993* Bayview Park is zoned 6(a) Existing Recreation, 9(d) Arterial Road Reservation and 7(a1) Environmental Protection, Waterways (see Figure 13).

The area zoned 9(d) Arterial Road Reservation, forms a corridor that runs along the foreshore and through the centre of the park, the foreshore section is underwater which possibly represents the historic shoreline. The RTA has requested that Council remove the road reservation from the Local Environmental Plan. As Council is preparing a new Standard LEP for Pittwater, this request will be implemented as part of the preparation of the Standard Plan. In removing the road reservation, Council will rezone the land to appropriate zonings. At the current time, this would mean the land component being rezoned 6(a) Existing Recreation and the land below MHWL being zoned 7(a1) Environmental Protection Waterways. The Standard LEP uses different zone names, therefore when the land is rezoned it will be according to the new names.

A narrow wedge shape in the eastern portion of the park is currently zoned 7(a1) Environmental Protection – Waterways. A section of this is underwater, the balance of this zoning is an anomaly as it refers to existing recreational open space within the park, including the picnic area, boat ramp and portion of carpark. The land component should be rezoned in accordance with the zoning of the rest of Bayview Park, i.e. 6(a) Existing Recreation or the equivalent zone under the new *Pittwater Local Environmental Plan*.

Under the current Pittwater Local Environmental Plan, the objectives for zone No. 6(a) Existing Recreation are:

- (a) to provide a range of open space and recreational land; and
- (b) to ensure that development on such land:
  - (i) is for a purpose that promotes or is related to the use and enjoyment of open space;
  - (ii) is consistent with the purposes for which the land was reserved or otherwise set aside for public use;
  - (iii) does not substantially diminish public use of . or access to, open space; and
  - (iv) does not adversely affect the natural environment, the heritage significance of any heritage items or heritage conservation areas or the existing amenity of the area.

*Pittwater Local Environmental Plan 1993* states that the uses permissible on Community land, zoned 6(a) Existing Recreation, are those set out in any plan of management prepared and adopted by Council under the *Local Government Act 1993*. This plan contains a schedule of Permissible Land Uses which allocates permissible uses and whether they require development consent in accordance with the relevant statutory requirements.

The Environmental Planning and Assessment Regulation 2000. Reg. 49 'Who can make a development application', states that:

1. A development application may be made by:

- (a) the owner of the land to which the development application relates, or
- (b) by any other person, with the consent in writing of the owner of that land.

2. Subclause (1) (b) does not require the consent in writing of the owner of the land for a development application made by a public authority if, before making the application, the public authority serves a copy of the application on the owner.

3. Despite subclause (1) a development application made by a lessee of Crown land may only be made with the consent in writing given by or on behalf of the Crown.

The changes in land management that have been identified under this plan are summarised in Table 6 under the 'Actions' heading. Corrections in zoning will be postponed until council has implemented the State Government's Standard Instrument – Principal Local environmental Plan which will replace the current *Pittwater Local Environmental Plan 1993*.

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### 3.5 Community Consultation

The preparation of the Plan of Management has included public consultation as specified under the *Local Government Act, 1993*, the *Crown Lands Act, 1989* and Pittwater Council's *Community Engagement Policy No 170*. In accordance with Council's Policy No 170, Bayview Park draft plan of management has been classified as a Level 3 impact on the community. Four meetings were held with stakeholders on the following dates:

- Bayview Tennis Club - April 30, 2008
- 1<sup>st</sup> Bayview Sea Scouts - May 1, 2008
- 1<sup>st</sup> Bayview Sea Scouts - May 19, 2008
- Bayview Tennis Club and 1<sup>st</sup> Bayview Sea Scouts - June 4, 2008

Three meetings have been held with the public during the exhibition period:

- Informal discussions at the park on 5 September 2008 (53 attendees)
- Public meeting at North Narrabeen Reserve on 17 September 2008 (22 attendees)
- Meeting at a private home to view the lights in operation 7 October 2008 (13 attendees)

Table 6. Land ownership, tenure and management responsibilities

Ownership	Land held by the State of NSW as Crown Lands administered by the Department of Lands under the <i>Crown Lands Act 1989</i>		Land held in fee simple by Pittwater Council and administered under the <i>Local Government Act 1993</i>				
	Name:	Bayview Park Reserve R68306	Bayview Park Reserve R45642	Bayview Park	Bayview Park	Bayview Park	Rowland Reserve
DP / Lot details	Lot 7047 DP 93802	Lot 7046 DP 93802 part submerged.	Lot 23 DP 4010	Lot 1 DP 14555	Lots 2, 3, 4 DP 14555	Lot 8 Part of DP 578688	Lots 5, 6, 7, 8 DP 127565 Bayview Park.  Lots 1,2,3,4 DP 127565 residue road widening owned by the RTA.
Gazette Reservation of Crown Land (s. 87 CLA 89)			-	-	-	-	-
Gazette Establishment of Reserve Trust (s. 92 (1) CLA 89)			-	-	-	-	-
Gazette Appointment of corporation to manage the Reserve Trust (s. 95 CLA 89)	5 May 1939	24 August 1910	-	-	-	-	-
Management	Vested in Warringah council as Trustee, now Pittwater Council.	Care, control and management. Devolved to Hornsby Council in error – under investigation to correct).	-	-	-	-	-
Purpose	Public Recreation	Public Recreation	-	-	-	-	-
Category (PLEP) Local Govt. Act, 1993	-	-	part Park part General Community Use	part Park part General Community Use	part Park part General Community Use	Park	Park - Lots 5, 6, 7, 8
Classification (PLEP)	-	-	Community	Community	Community	Community	Community – Lots 5, 6, 7, 8
Zoning (PLEP)	6 (a) Existing recreation A  9(d) arterial road reservation	7(a1) Environmental protection waterways  9(d) arterial road reservation	6(a) existing recreation A  9(d) arterial road reservation	6(a) existing recreation A  9(d) arterial road reservation	6(a) existing recreation A  9(d) arterial road reservation	6(a) existing recreation A	Lots 5, 6, 7, 8 6(a) existing recreation A
Size	0.07ha	0.24ha	0.37ha	0.07ha	0.35ha	0.4ha	
Address – Pittwater Road, Bayview	1678	1670	1676	1672	1672	1670	Lots 5, 6, 7, 8 1672
Leases	Department of Lands – Permissive occupancy 6775		Part of the Sea Scouts building. Part of the Tennis Club's	Part of the tennis courts	Part of the tennis courts		

	(boatshed / ramp below MHWM in favour of the Scouts Association of Australia Ref. MN81H997. Trust lease for scout hall (part) Ref. MN86R85.  Part of the Sea Scouts building.		building and part of the courts.				
<b>ACTIONS</b>							
Name:	Bayview Park Reserve R68306	Bayview Park Reserve R45642	Bayview Park	Bayview Park	Bayview Park	Rowland Reserve	Bayview Park and RTA
DP / Lot details	Lot 7047DP 93802	Lot 7046 DP 93802 (part submerged).	Lot 23 DP 4010	Lot 1 DP 14555	Lots 2, 3, 4 DP 14555	Lot 8 Part of DP 578688	DP 127565 Lots 5, 6, 7, 8 - Bayview Park. Lots 1,2,3,4 residue road widening owned by the RTA.
		Lot 7046 is devolved to Hornsby Council in error. This will be corrected and gazettal notices forwarded to Pittwater council.	Pittwater Road was resumed by the RTA for road widening. The road cuts the corner near the tennis courts infringing on the park (DP 4010). Discuss with the RTA.				Lots 5, 6, 7, 8 – consolidate into Rowland Reserve  Lots 1,2,3 - If the RTA are in agreement, would like to consolidate into Winnererremy Bay Reserve (Registered with the Geographical Names Board as Winnererremy Flat).
			<ul style="list-style-type: none"> <li>Consolidate Community land parcels where possible.</li> </ul>				
Community land component: Re zone road reservation to Existing Recreation or Environmental Protection, Waterways, or equivalent following adoption of the new LEP.							



Figure 9. Allotments - Deposited Plans and Lot numbers that make up Bayview Park.

Table 7 Regulations relating the land ownership, classification, categories and zoning.

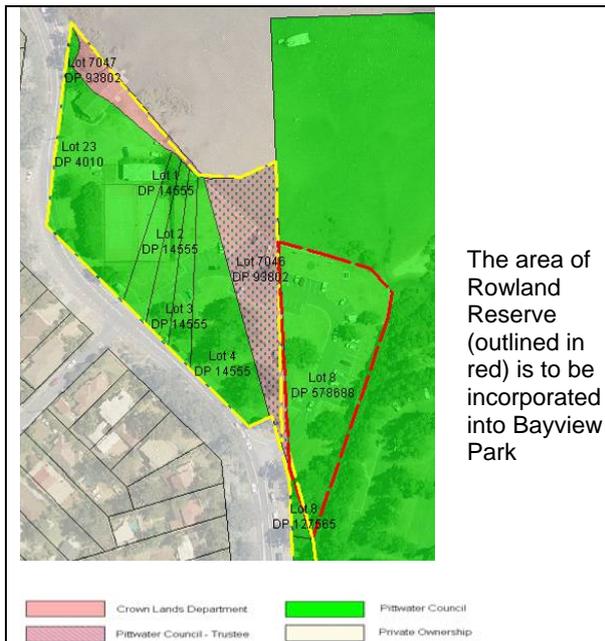


Figure 10. Land ownership  
Bayview Park consists of Crown land owned by the Department of Lands (pink) and Community land owned by Council (green).



Figure 11. Community land classification.  
The allotments owned by Pittwater council are classified as Community land (coloured orange). Crown land is not classified.

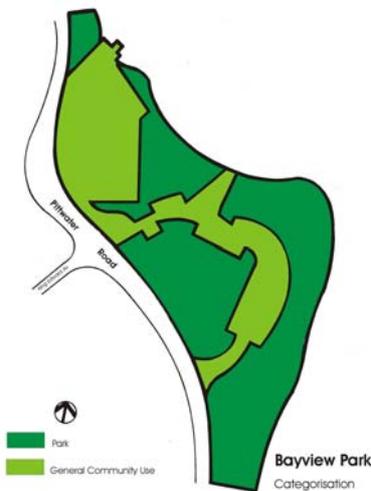


Figure 12. Community land categories.  
Bayview Park has been categorised as a combination of 'park' and 'general community use' in accordance with the *Local Government (General) Amendment (Community Land Management) Regulation Act, 1999*. Crown land is not categorised under the LGA 93. It is defined by public purpose.



Figure 13. Zoning – Crown land and Community land  
Bayview Park is zoned according to *Pittwater Local Environmental Plan, 1993*:  
6 (a) Existing Recreation (green)  
9 (d) Arterial Road Reservation (red stripes)  
7 (a) Environmental Protection, Waterways (narrow wedge shape – not shaded)

## 4. MANAGEMENT PRINCIPLES

Council's goals relating to the planning and management of open space in Pittwater are contained in *Pittwater Council Management Plan 2000-2005* and *Pittwater Open Space, Recreation and Bushland Strategy (2000)*. The goals and strategies in these documents have been used to guide the outcomes of this Plan of Management.

### 4.1 Guidelines for future development and uses

*Pittwater Local Environmental Plan (as amended, 1993)* requires plans of management for Community land to specify the uses, activities and developments that will be permitted on the subject land that is zoned 6(a) Existing Recreation, both with and without development consent. See Table 9 Permissible Land Uses.

### 4.2 Permitted future uses of Bayview Park

Any proposed uses or development and building works are to be consistent with the uses listed in Table 9 and subject to the normal development application process as required by Council in accordance with the *Environmental Planning and Assessment Act 1979*.

*Pittwater Local Environmental Plan, 1993* makes provision for Council to consent to the use or other development of any land or building within zone 6(a) Existing Recreation, for any lawful temporary purpose, other than designated development, being carried out for a maximum period of 28 days in any one year.

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

Other activities not subject to development consent require a permit issued by Council or a temporary licence for Crown land. 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 leased area there must be an exemption and /or alternative procedure specified in the lease.

## 4.3 Leases, licences and other estates

### 4.3.1 Leases & licences on Community land

This plan of management authorises the existing leases at Bayview Park, which are held by the 1<sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club.

To comply with the *Local Government Act 1993* a plan of management 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 the park.

The nature of the leases, licences and other estates that Council intends to grant under this draft plan of management is set out under in this section under 4.3. This draft plan authorises the renewing of the current existing leases at Bayview Park as outlined in Table 8.

A lease will be typically required where exclusive use or control of all or part of the park is desirable for effective management of the area. 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 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.

### 4.3.2 Leases & licences on Crown land

A reserve Trust (refer Section 3) may lease or licence activities on the reserve subject to the terms of the Minister's consent in writing (s.102 CLA 89). Revenue generated on Crown reserves, in the absence of a direction from the Minister, must be directed to the general purposes of the reserve trust (s. 106 CLA 89).

The Minister of Lands has to consent in writing to leases on Crown land (s.102 CLA 89). A temporary licence does not require the Minister's consent and can be granted for a maximum period of one year. All leases and licences over Crown land should be registered with the Department of Lands. Lease agreements should be modelled on the specific conditions applying to the leasing of Crown land (s.34 CLA 89).

Where a development or activity is undertaken on land over which Council has management responsibility as well as land (or a water body) for which Council has no legal responsibility an applicant may be required to obtain a separate licence agreement with both Council and the Department of Lands. Such joint licence arrangements may be required where an activity is undertaken on unreserved Crown land such as a waterway, but gains access by or also uses Council controlled land such as schools for water based activities.

The lease for the building occupied by the 1<sup>st</sup> Bayview Sea Scout satisfies both Crown reserve policy under the *Crown Lands Act 1989* and Community land management requirements under the *Local Government Act 1997*. There are specific policy guidelines for ensuring public access to Crown land. Exclusive uses are not permitted. The Department of Land and Water conservation policy on Crown land leases is that a reasonable entry fee or equitable pricing for facilities is not considered a barrier to public access. Bayview Tennis Club is not affected directly by this policy however it is appropriate that land management is consistent for all parcels of land within the park and the that tennis courts can be booked by the general public when available.

Leases are conditional on the lessee carrying out their activities in an environmentally responsible manner. Consideration is to be given to the impact of activities on air pollution, water pollution, noise pollution and waste management in line with relevant sections of the *Protection of the Environment Operations Act 1977*.

Table 8. Existing leases at Bayview Park

<b>Lease holder</b>	<b>Description</b>
1 <sup>st</sup> Bayview Sea Scouts	Twenty one year lease for the building commenced 17 February 2004 until 16 February 2025 as a 'nett community benefit lease'.
Bayview Tennis Club	Twenty one year lease commenced June 17 2002 until June 16, 2023. The rental is based on a percentage of turnover on court hire fees and membership fees.

#### 4.3.3 Activities

Subject to the relevant provisions of the *Crown Lands Act 1989* (including the Principles for Crown Land Management) this plan of management authorises the creation of leases, licences or other estates over the reserve areas covered by this plan for activities (including activities of a commercial nature) that will ensure that:

- the conservation, economic, recreation and social values of the reserve are recognised, protected and enhanced for public enjoyment by current and future generations; and
- the public's right of choice, access and equity is recognised and preserved.

#### 4.4 Schedule of Permissible Land Uses

##### 4.4.1 Permitted future development and uses

The details outlined in Chapter 3 Legislation and Planning identified the relevant planning policies and controls appropriate to Bayview Park. The controls dictate what future uses, activities and development are considered permissible and prohibited. The Schedule of Permissible Land Uses Table relates to land zoned Existing Recreation (6a) and outlines:

Permissible Uses 'exempt' – development and permissible activities that generally do not require consent from council, but may require assessment under Part V of the *Environmental Planning and Assessment Act 1980*.

Permissible uses – any purpose other than a purpose for which development may be carried out without development consent or only with development consent. Includes prohibited activities in accordance with Council policies.

Bayview Park is located in Region 1 under *Pittwater Development Control Plan No. 22*. This region can be subject to constraints relating to natural elements such as slip, flooding, slope, proximity to a ridgeline, proximity to foreshores, heritage or environmental protection. Bayview Park is located at the foreshore of Pittwater estuary and subject to management policies that retain and enhance the natural environment (see Appendix A).

#### 4.4.2 Activity controls

Complementary to the statutory controls applicable to Bayview Park are a set of activity controls. Activities may be permissible or prohibited; as outlined in Table 9, and identified within the park with the use of signage in accordance with Council policies. Warning and prohibition symbols deemed most suitable are selected dependent on reserve specific users and facilities.

Generally, 'developments' and 'activities' that will be considered at Bayview Park will be those that are:

- (i) consistent with or ancillary to the reservation purpose on a Crown reserve for 'public recreation';
- (ii) consistent with the relevant zoning objectives; and
- (iii) listed as permissible (with or without development consent)

Any new works or activities to be carried out at the park by the lessees or the public are subject to discussions and approval by Council. For a tenure on Crown land, consent is granted under the *Crown Lands Act 1989*. The Crown lease over part of the building occupied by the 1<sup>st</sup> Bayview Sea Scouts is permitted to be used as a Scout Hall by the Crown; other uses shall be approved by Council. The deck area (below the MHWL) is subject to the lease. All activities are subject to the *Protection of the Environment Operations Act 1977*.

Table 9. Permissible Land Uses

PERMISSIBLE USES – exempt from development consent	PROHIBITED USES
<p><b>The following developments do not require a Development Application. Development can be granted under the <i>State Environmental Planning Policy (infrastructure) 2007</i> and able to be approved under a Part V assessment of the <i>Environmental Planning and Assessment Act, 1979</i>.</b></p>	<p><b>Includes prohibited activities in accordance with Council policies.</b></p>
<p>Activities that are temporary or developments requiring a casual booking or permit under the relevant Council policies or tenure under the CLA 89.</p> <p>Activities that are temporary or developments requiring a lease, licence or other estate under the LGA 93 or the CLA 89.</p> <p>Advertising – temporary</p> <p>Amenity facilities</p> <p>Boat launching facilities, boat ramps or steps at the sea wall</p> <p>Boating activities using non-powered watercraft (windsurf, dinghy, canoe) subject to NSW Maritime approval</p> <p>Buildings ancillary to the park including toilets, change rooms, canteen, meeting room, storage and the like.</p>	<p>Any purpose other than a purpose for which development may be carried out without development consent or only with development consent</p> <p>Advertising – permanent</p> <p>Alcohol consumption other than with the express permission of Council</p> <p>Agriculture</p>

<p><b>PERMISSIBLE USES – exempt from development consent</b></p> <p><b>The following developments do not require a Development Application. Development can be granted under the <i>State Environmental Planning Policy (infrastructure) 2007</i> and able to be approved under a Part V assessment of the <i>Environmental Planning and Assessment Act, 1979</i>.</b></p>	<p><b>PROHIBITED USES</b></p> <p><b>Includes prohibited activities in accordance with Council policies.</b></p>
<p>Community / cultural events such as market days, fundraisers, awareness campaigns of one day or less</p> <p>Concerts, playing of musical instruments or singing for fee or reward for organised events during the hours of 8.000am and 10.00pm</p> <p>Construction, maintenance and repair of:</p> <p>(i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures</p> <p>(ii) viewing platforms with an area not exceeding 100sqm, or</p> <p>(iii) sporting facilities including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or</p> <p>(iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1200mm away from any fence</p> <p>(b) routine maintenance (including earthworks associated with playing field regarding or landscaping and maintenance of existing access roads)</p> <p>Dinghy and watercraft storage facility</p> <p>Drainage and stormwater works</p> <p>Earthworks to construct structures identified on the masterplan including filling, levelling, grading and topdressing</p> <p>Environmental management works including bioswales and seawall and revetment structures and foreshore protection works</p> <p>Evacuation area for large animals under Local Emergency Plan</p> <p>Fencing including security, childproof, protective and temporary fencing</p> <p>Feral animal control and eradication as required</p> <p>Filming and still photography in accordance with Council Policy No 96.</p> <p>Fire hazard reduction activities</p> <p>Fireworks displays</p> <p>Flagpole with a height under 30m and not to be used for any commercial advertisements</p> <p>Garbage storage enclosures / structures (external &amp; communal)</p> <p>Helicopter landings if consistent with the core objectives of the park and with the General Manager of Council's approval (in accordance with Council Policy No 98)</p>	<p>Agistment of stock</p> <p>Dogs – unleashed</p> <p>Domestic Drainage outlets</p> <p>Extractive industries</p> <p>Gaming</p> <p>Private alienation or encroachment</p> <p>Recreational motor vehicles, including four-wheel driving, motor bike or trailbike riding or similar, other than use for filming on a short term basis</p> <p>Residential</p> <p>Showground</p> <p>Unauthorised dumping of refuse including building materials, soil, fill, garden wastes and the like (other than importing or fill for permitted works)</p> <p>Vegetation removal not in accordance with Council's Tree Preservation and Management Order or this Plan of Management. Or any other Act as notified by Council</p>

<b>PERMISSIBLE USES – exempt from development consent</b>  <b>The following developments do not require a Development Application. Development can be granted under the <i>State Environmental Planning Policy (infrastructure) 2007</i> and able to be approved under a Part V assessment of the <i>Environmental Planning and Assessment Act, 1979</i>.</b>	<b>PROHIBITED USES</b>  <b>Includes prohibited activities in accordance with Council policies.</b>
<p>Information facilities such as visitors' centres and information boards</p> <p>Landscaping including irrigation schemes (whether they use recycled water or other water)</p> <p>Lighting –provided light spill and artificial sky glow is minimised in accordance with AS/NZS1158:2007, Lighting for Roads and Public Spaces. Lighting of tennis courts to relevant Australian Standards</p> <p>Maintenance – general repairs to buildings, facilities, grounds, parking areas, as required</p> <p>Noticeboards</p> <p>Outdoor recreational facilities including playing fields, but not including grandstands</p> <p>Park furniture i.e. seating, bins, shade structures, outdoor showers and shelters, viewing platforms / decks</p> <p>Parking area in accordance with the masterplan &amp; works program. Overflow vehicle parking on a temporary basis for special events, large film shoots, etc. Park and pay facilities if required</p> <p>Paths - multi-use pedestrian and cycle tracks, including footpaths, cycle tracks, boardwalks, minor bridges</p> <p>Picnic / barbecues and associated facilities</p> <p>Playground facilities / structures for children</p> <p>Rainwater tanks to existing buildings</p> <p>Recreational facilities other than buildings</p> <p>Roads, cycleways, single storey car parks, ticketing facilities and viewing platforms</p> <p>School activities</p> <p>Scouting organisations events and the like</p> <p>Signage – compliance, directional, interpretive, identification and safety in accordance with Council Policy No 129</p> <p>Temporary activities, developments or events that meet the legislative criteria outlined in this plan and require a casual booking or permit from Council, or a lease or licence under the <i>Crown Lands Act, 1989</i>, that do not exceed one of the following criteria:</p> <ul style="list-style-type: none"> <li>• the number of participants and / or spectators on any one day of an</li> </ul>	

<b>PERMISSIBLE USES – exempt from development consent</b>  <b>The following developments do not require a Development Application. Development can be granted under the <i>State Environmental Planning Policy (infrastructure) 2007</i> and able to be approved under a Part V assessment of the <i>Environmental Planning and Assessment Act, 1979</i>.</b>	<b>PROHIBITED USES</b>  <b>Includes prohibited activities in accordance with Council policies.</b>
<p>event does not exceed 3,000</p> <ul style="list-style-type: none"> <li>• Activities that occur outside the period between 8.00 am and 12.00 midnight</li> <li>• Activities or temporary facilities will occur over a total of more than 7 continuous days</li> </ul> <p>Wedding ceremonies / receptions</p>	

## 5 MASTERPLAN

### 5.1 VISION – SIGNIFICANCE OF BAYVIEW PARK

#### Vision

Bayview Park is valued for its distinctive landscape character. It is a small park of 1.09ha containing a grassed picnic area with magnificent views over Pittwater estuary and with easy public access to the foreshore. The park provides opportunities to build strong communities through membership of Bayview Tennis Club and the 1<sup>st</sup> Bayview Sea Scouts.

#### Aim

The plan of management aims to enhance the existing parkland character and social and recreational opportunities, which distinguish this park from adjacent parklands. Bayview Park is an important node in the walk between Mona Vale and Church Point; particularly the foreshore section between Winnereremy Bay Reserve and Church Point. Each space along this linear thread should work collectively to provide a range of experiences for the pedestrian or cyclist. This creates identity, structure and meaning to the southern shores of Pittwater estuary.

### 5.2 STRATEGIES

The key concepts for Bayview Park are consistent with the core objectives for Community land categories under the *Local Government Act 1993*, the *Local Government Amendment (Community Land Management) Act 1998* and the *Crown Lands Act, 1989*.

#### 5.2.1 Principle 1 - A place for picnics, recreation and relaxing

#### Values

Bayview Park's role as a place for picnics recreation and relaxing is based on its bay-side setting and its small size which creates a sense of seclusion. As development increases in Sydney and throughout Pittwater local government area, there will be increasing demand for foreshore recreational opportunities. Bayview Park provides flat, open space with easy vehicular and pedestrian access to the foreshore. The accessibility of the park and ease in moving within the park demonstrates its importance in providing amenity for people with special needs such as wheelchairs, walking frames, strollers and prams.

Bayview Park has an established picnic area containing an electric barbeque, picnic shelter and several bench seats along the foreshore providing quiet and secluded places for individuals to sit as well as comfortably accommodating small groups of people.

The park contains a grassed area that is suitable for informal active recreation. There is enough space for children to run and play, providing a park that is particularly suitable for families with young children.

The easy access and shallow beaches provide ideal paddling areas for small children and the boat launching ramp provides direct boat / kayak launch areas and fishing opportunities.

## Strategies

- install two additional picnic shelters;
- install one long picnic table with seating at the water's edge;
- clad existing barbeque in sandstone; and
- upgrade seating at the foreshore in a consistent style.



Figures 14 - 16. Recreational opportunities.

### 5.2.2 Principle 2 - A place for building strong communities

#### Values

Bayview Park accommodates Bayview Tennis Club and the 1<sup>st</sup> Bayview Sea Scouts. The clubs provide the public with the opportunity to socialise with the broader community and develop friendships. The clubs are well located in the park as they enjoy spectacular views over Pittwater estuary.

The clubs share a small parking area which requires sealing to improve access, amenity and safety. Formalising the car parking area will provide the opportunity to incorporate bioswales or rain-gardens into the design to eliminate sedimentation and pollutants from entering Pittwater estuary.

The 1<sup>st</sup> Bayview Sea Scouts provides facilities for 100 members who attend weekly and of which thirty percent are girls. The building is rented to scouts from other areas for weekends and the club offers sailing training days to their members and members from other clubs. The club is limited by space, not people wanting to join.

The building occupied by the 1<sup>st</sup> Bayview Sea Scouts is not listed as a heritage item under *Pittwater Local Environmental Plan 1993*. However, the building has probably been constructed in the 1920s and is likely to have historical significance due to its community and social use over the last 80 years or so. This use has included the Bayview Aquatic Club, an ambulance depot and community hall. It is recommended that further investigations should be made to assess the building's social and cultural significance and whether it should be listed as a heritage item. In the meantime, the building's associations with the local residents of Bayview and the wider Pittwater community should be recognised by the continued use of the building for community based activities.

Bayview Tennis Club provides two courts which service 220 members including 35 juniors. The club provides the opportunities for the public to participate in social tennis and competition tennis. However, the club is limited in what they can offer due to lack of lighting. The club would like to encourage more young people to play tennis and the proposal for lighting the courts would enable after-school coaching and matches during the winter months.

### **Bayview Tennis Club – tennis court lighting proposal**

Pittwater local government area is not well supplied with public tennis courts. There are seventeen (17) public tennis courts for a population of 56,600 people with limited lighting for evening use:

- Bayview Park at Bayview - two courts with lighting proposed;
- Epworth Park, Elanora Heights - two courts without lights;
- Hitchcock Park at Careel Bay - five courts with lighting available until 11.00pm seven nights a week;
- Kitchener Park, Mona Vale - four courts with lighting available until 11.00pm seven nights a week;
- North Narrabeen Community and Tennis Centre - two courts without lights; and
- Newport Recreation Centre – two courts under construction without lights.

Bayview Tennis Club would like to install lighting for the two tennis courts. The club has, for a long time, been disadvantaged by lack of lighting for the courts. The lighting proposal would bring the courts up-to-date with similar public facilities and enable members and the public to take full advantage of this uniquely situated facility.

Lighting the courts would address the following issues:

#### **1. Junior membership.**

During recent years the club have encouraged juniors to join and presently have 35 junior members. The club would like to allocate courts after school throughout the year and on weekdays for social play and coaching for juniors.

#### **2. Senior membership**

Lighting the courts for evening use would enable members to play tennis in the evenings. This would benefit families in particular, as many couples find it difficult to be available at the same time due to work and family pressures. Lighting the courts in the evenings would provide additional periods when courts would be available for the public to hire.

#### **3. Competition**

The club members hire courts elsewhere for evening competition on Mondays and Wednesdays. Competitions generally finish at 11.00pm. Currently Bayview Tennis Club cannot offer semi-final and final matches on Saturday afternoons because matches are completed in the evenings and require lighting.

### **The proposed lights**

Lighting for the tennis courts at Bayview Park has been proposed in 1995 and again in 2002. Both times lighting was rejected by local residents. Since these proposals, advances in lighting technology have resulted in more aesthetically pleasing designs. Lights now provide glare-free illumination for players, precise light control and minimal light spillage outside the court area.

The proposed lighting system for the two courts at Bayview Tennis Club will comply with the Australian Standard for lighting. Reflectors will throw light in a forward direction to uniformly light the courts while eliminating stray light and backside cut-off. The intended height of the poles is six (6) metres which will allow the lights to fit in below the adjacent tree canopies and thereby further lessen the visual impact of the lights.

### **Lighting - hours of operation:**

Commence 4pm until the following times:

- Sundays – no lights
- Monday to Saturdays until 10.00pm

Lighting the tennis courts may create some additional noise for local residents during the evenings. It is difficult at this stage to determine whether the noise generated is likely to be 'offensive' as described in the *Protection of the Environment Operations Act 1997* (see Appendix A). In response, the plan proposes to allow lighting the tennis courts for the hours stated above for a twelve (12) month trial period. After the 12 month period Council will review the hours of lighting with consideration given to comments received from local residents. Any complaints are required to include the effect that the noise is having on the complainant. Any review of hours will not result in extending the hours beyond 10.00pm.

### **Lighting – conditions**

Lighting the tennis courts is conditional on the club agreeing to the following conditions:

- lights will be switched off immediately after play has been finalised (even if before 10.00pm) and regulated by timers to shut down at 10.00pm Monday to Saturday as an automatic overdrive;
- no ball machine is to operate during the evenings when lighting is in use;
- a Code of Conduct will be developed by the club outlining court usage times and expected standards of behaviour both within and outside the club's premises, including Bayview Park and its locality and signed by club members and casual court hirers. A representative from each court usage period will be appointed to enforce the Code of Conduct;

- the Code of Conduct is to be approved by Council and include the condition “when tennis finishes at 10.00pm players must vacate the premises within 15 minutes and conduct their activities quietly”;
- the Code of Conduct will be displayed in prominent locations at the club on the fence of each court, inside the clubhouse and externally near the entrance to the facility. Local residents and Council will be provided with a copy of the Code of Conduct. The tennis club will nominate two members to liaise with the residents and Council will nominate one staff member to liaise with the residents should issues arise;
- following the 12 month trial period Council will assess the impact derived from the court lights on the local residents and make any necessary adjustments to the operation of the lights and the hours of operation;
- after dusk, people using Bayview Tennis Club’s facilities are to park their vehicles in the existing carpark, near the boat ramp, to lessen noise on neighbours (vehicle engines, doors closing, people talking, headlights etc.); and
- Bayview Tennis Club will manage unreasonable noise being generated from users, visitors, guests or service providers of Bayview Tennis Club and Council will enforce penalties under the *Protection of the Environment Operations Act 1997* where a breach occurs.

## Strategies

- Formalise and landscape existing parking area in permeable paving;
- provide one disabled parking bay;
- provide collapsible bollard to retain vehicular access to foreshore;
- landscape parking area and around buildings;
- consider public bins in the carpark area;
- provide new vehicle entry from existing entrance to the park off Pittwater Road with turning area to allow for trailers;
- provide directional signage for visitors to the clubs;
- grade lawn area away from buildings, new soil and turf; and
- direct stormwater run-off into bioswales / rain-gardens to clean the water before entering the estuary.

Assist the clubs to improve their facilities for the benefit of their members:

### Bayview Tennis Club

- lighting for two tennis courts

### 1<sup>st</sup> Bayview Sea Scouts

- storage area to the northwest side of the building as an extension or separate building;
- rain water tank adjacent to the northwest side of the building;
- boat ramp or steps adjacent to the hall on the southeast;
- flag pole;
- shade tree at the entrance to the building occupied by the 1<sup>st</sup> Bayview Sea Scouts; and
- promote the hire of the building to the wider public for classes, meetings, etc.



Figure 17. existing carpark area and Bayview Tennis Club In the background



Figure 18. 1<sup>st</sup> Bayview Sea Scout Hall

### 5.2.3 Principle 3 - A distinctive node in the walk between Winnererremy Bay and Church Point

#### Values

Bayview Park plays an important role in the foreshore walk along the southern shores of Pittwater estuary between Winnererremy Bay Reserve and Church Point. The sealed path adjacent to Pittwater Road terminates at the south-western corner of Bayview Park and resumes at the northwestern corner. A well-worn desire-line indicates a high level of use along the entire route.

The proposed walk is intended to follow the foreshore wherever possible. This will provide the public with an exceptionally scenic walkway that is well designed and safe, being away from the traffic on Pittwater Road.

The proposed walk addresses 'access and equity requirements' under *Pittwater Council Management Plan 2008-2012*. The foreshore walk will:

1. Provide opportunities for people to exercise - Studies by NSW Health indicate that 35.1% of the adult population in NSW do not exercise<sup>1</sup>. The 2006 Census by the Australian Bureau of Statistics revealed that the most popular physical recreation activity for both males and females is walking for exercise. The participation rate for females is 32.9% and for males, 17.5%.
2. Provide equitable access to foreshore areas in accordance with *Pittwater Council Disability Discrimination Action Plan 1998* (see Appendix A). Much of Pittwater local government area is rugged terrain and the walk between Winnererremy Bay Reserve and Church Point is one of the few scenic walks which is reasonably long; at over three kilometres, and is relatively flat. Because of these features, the proposed path will provide a place for people who wish to build their level of fitness and for older residents, particularly people who depend on walking frames and wheelchairs (as well as

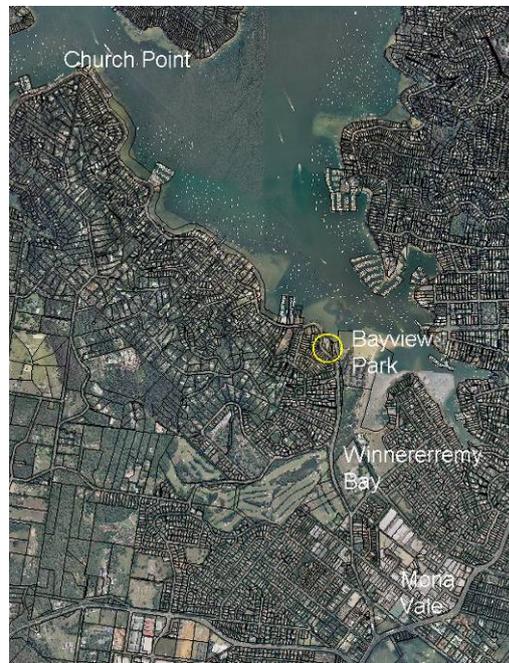


Figure 19. Pittwater estuary southern foreshore.

strollers and prams). Pittwater needs to cater for all residents. Pittwater's age structure has significantly changed over the last five years due to a large increase in people aged 50 to 69 years and currently 20.8% of the local population are aged 60 years and over (2001 and 2006 Census).

An essential principle of the foreshore walk is the creation of a series of public spaces that offer unique landscape qualities. The southern shores of Pittwater estuary offer outstanding landscape qualities that warrant protection and enhancement. Reinforcing the existing landscape qualities of Bayview Park, as a small, tranquil, traditional picnic ground, will differentiate this park from adjacent Rowland Reserve and Winnererremy Bay Reserve with their larger spaces and more dynamic facilities that cater for larger groups of people.

1. NSW Centre for Physical Activity and Health, *Trends in Population Levels of Sufficient Physical Activity in NSW 1998-2005*, NSW Health.

### Strategies

- install 2100mm wide path along the foreshore in Bayview Park, west of the boat ramp.
- Install path minimum 1200mm wide adjacent to Pittwater Road – link to adjoining parklands and pathways;
- retain and enhance existing parkland qualities as a small park by carefully arranging facilities and plantings to retain the grass area and planting the edges to create a sense of enclosure (retain neighbour's views);
- create a comfortable resting place and enhance the feeling of a traditional bay-side picnic ground; and
- coordinate palettes of colour, materials, furniture and fittings throughout the park.



Figures 20 – 21. Established sections of the walk between Winnererremy Bay and Church Point

### 5.2.4 Principle 4. The park as a combination of natural environment and open space parkland

#### Values

Bayview Park is a highly modified landscape which has been filled and retained with a seawall. Since then the park has developed into a traditional picnic ground that retains the intertidal creek zone and estuarine foreshore. These landscape qualities provide a distinct landscape. The biodiversity and ecological values of the foreshore could be further improved through sustainable principles aimed to reduce energy and water consumption and improve maintenance practices.

## Strategies

- retain open grassed area;
- plant replacement trees when required to replace existing trees in poor condition - place trees sensitively to retain open parkland and water views from Pittwater Road and neighbouring properties;
- plant edges of park against Pittwater Road with low growing shrubs with low water requirements (see Principle 5);
- provide interpretative information on the natural environment;
- continue environmental education programs and encourage public involvement in rehabilitation strategies;
- protect Grey Mangroves (*Avicennia mariana*) in the foreshore and intertidal creek areas;
- address water quality and water flow – treat stormwater before reaching the estuary; and
- recycle waste



Figure 22. Open grassed area.

### 5.2.5 Principle 5. A place with good access that is safe and well maintained

#### Values

The provision of well maintained clean facilities including toilets, picnic and barbeque areas, benches, seatings, litter bins, playgrounds and shade were identified in *Pittwater Recreation Needs Study 1994* as the key needs of the community. Consideration also needs to be given to disabled access within the park to all facilities. In general the picnic shelter is in good condition, park seats and bubblers require updating, while a new access road to the clubs and additional parking are required.

Bayview Park does not contain a restroom for the public, and the facility at Rowland Reserve is difficult to find due to insufficient signage. Provision of quality information about recreational opportunities available at the park provides several benefits including the potential to improve access, expand knowledge and raise awareness levels, encourage safe and sensitive use of the park and provide visitors with information to maximise their recreational experiences. Developing clear and recognisable graphics for signage is particularly important given the high number of visitors to Pittwater. See Council Policy No. 129, 'Signs - Council's Facilities' in Appendix A.

Unleashed dogs are permitted in a section of Rowland Reserve; however unleashed dogs are not permitted in Bayview Park.

### Risk Management

Risk management is a significant issue for Council in determining management practices for public land. Risk management strategies should aim to improve safety by minimising potential losses which may result from accidental risk. Refer to the *Civil Liability Act 2002* in Appendix A.

### Maintenance

Council's Reserves & Recreation Department 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 manages cleansing of restrooms, garbage collection, electrical and plumbing repairs, repair of fences and walkways, building works and repairs from vandalism as required.

### **Strategies**

- improve vehicle and pedestrian access (see Principle 2);
- ensure there are no trip hazards on paths;
- plant vegetative buffer along the proposed pathway beside Pittwater Road to increase pedestrian safety (see Principle 4);
- ensure the facilities and access to the facilities are fully accessible for people with special needs;
- upgrade bubblers for disabled use;
- replace and relocate bins (recycle);
- rationalise existing signage and develop consistent, well designed graphic signage including location of restroom at Rowland Reserve and identifying the area of Rowland Reserve designated for unleashed dogs;
- enforce restrictions on unleashed dogs at Bayview Park
- investigate the provision of a pedestrian refuge on Pittwater Road and bollards / fencing between the footpath and Pittwater Road adjacent to Bayview Park. These elements are subject to RTA approval.



Figures 23 – 24. Bayview Park is generally well maintained.



**ASSIST CLUBS TO IMPROVE FACILITIES FOR THE BENEFIT OF THEIR MEMBERS**

**1st Bayview Sea Scouts**

- 1. storage area as an extension to the existing building or a separate building
- 2. water tank
- 3. paved entrance
- 4. additional boat launching facility - either steps or ramp
- 5. flag pole
- 6. new lawn
- 7. garden to provide sense of enclosure to the lawn area
- 8. bollards - to allow vehicle access to the building and foreshore for the sea scouts

**Bayview Tennis Club**

- 9. proposed lighting to tennis courts
- 10. additional access to the tennis facility linking to existing parking area. Investigate disabled access

**VEGETATION**

- 11. retain vision along Pittwater Road with low vegetation
- 12. hedge to the south of the tennis court

Promote rehabilitation of the grey mangroves in the foreshore and intertidal creekline by reducing sedimentation from entering the bay.

**ACCESS AND CIRCULATION**

- 13. new internal drive extending off main vehicle entry to the park
- 14. additional parking  
Internal drive and parking in permeable paving or porous material, improve water quality by directing stormwater into bioswales
- 15. relocate bus stop include bus bay
- 16. pedestrian path along Pittwater Road
- 17. pedestrian refuge subject to RTA approval (location to be determined)
- 18. shared pedestrian/cycleway path along the foreshore in crushed sandstone or deco granite

**PARK AMENITY**

- 19. two additional picnic shelters
- 20. one long picnic table at the foreshore

all facilities to be wheelchair accessible

**SIGNAGE**

New signage to be well designed and consistent using maps to convey directional information, improve public safety and provide interpretive information on the natural environment and local history.

- EXISTING TREE
- PROPOSED TREE
- MANGROVES
- SHRUB
- GRASS
- PICNIC SHELTERS
- TENNIS COURTS
- PATHS

The masterplan is not survey accurate. It is conceptual only and subject to detailed design work.



## 6. IMPLEMENTATION

### 6.1 The Action Table

This section contains the major actions that will inform the planning, design and management of the park. The strategies are presented in a form that retains the specific parts of the park and link the strategies to the legislation.

The commencement and completion of any proposed works are dependent on available Council resources and funding. Priorities for implementing the Masterplan and indicative costs for each area of work are outlined in the following Action Table and Works Program.

The Action Table addresses key management issues as required under the *Local Government Act, 1993*, including:

- identify the desired outcomes or objectives with regard to each issue;
- develop actions for the achievement of these objectives; and
- develop performance measures or mechanisms for the measurement of success.

Table 10 Action Table

Objectives	Action/ strategy	Priority and performance measures
<b>LAND OWNERSHIP AND MANAGEMENT</b>		
Correct land identification, ownership and management anomalies	Implement the actions as listed in Table 6 under 'Actions'	Land identification, ownership, management and development guidelines meet the guidelines of the relevant legislation. (high priority)
<b>A PLACE FOR PICNICS AND RELAXING</b>		
Protect scenic values by retaining open space and water views from the park and for neighbouring properties	Locate elements and trees sensitively to retain scenic values - open space and water views	Protect scenic values by retaining open space (ongoing)
Retain open space for informal recreation	Retain open areas of grass to allow for a variety of experiences within the park such as picnics, barbeques, children's play, informal ball games, rigging boats, etc.	Recreational opportunities encouraged (ongoing)
Provide and maintain a high standard of recreational facilities and amenities	Install two additional picnic shelters	Picnic shelters installed (medium priority)
	Install one long picnic table with seating at the water's edge	Picnic table installed (medium priority)
	Clad existing barbeque in sandstone	Barbeque clad in sandstone (low priority)
	Upgrade bench seating at foreshore to	Park furniture coordinated

	match style of new picnic shelters	(ongoing)
<b>A PLACE FOR BUILDING STRONG COMMUNITIES</b>		
Mange facilities effectively for minimal impact on the surrounding environment	Council to assist user groups to appropriately manage their facilities and provide assistance whenever possible	Effective management of the facilities at the park, fostering good relationships between the park user groups and local residents (ongoing priority)
Provide adequate and appropriate access and parking for all park user groups	Provide vehicle access from Pittwater Road to the area occupied by the clubs for improved safety and include a wide turning area to allow for trailers (relocate bus shelter)	Improved and safer access to the club houses / community buildings (high priority)
	Formalise, and seal in porous paving, the parking area alongside the tennis courts.	Adequate car parking provided (high priority)
	Provide one designated disabled parking bay	Required number of car parking spaces for people with disabilities has been provided (high priority)
Improve landscape qualities	Landscape parking area, maintaining existing landscaping where possible, and supplement with new plants	Overall 'softening' of buildings due to their integration into the parkland (medium priority)
	Plant a low barrier to screen Pittwater Road for the safety and comfort of pedestrians and park users	Screen planted (low priority)
	Plant a hedge along the southern edge of the courts (to match existing on eastern edge)	Hedge planted (low priority)
	Grade area of lawn away from the buildings, particularly the building occupied by the 1 <sup>st</sup> Bayview Sea Scouts. Turf this area.	Area drains following wet periods and drains away from buildings (high priority)
Improve litter collection	Consider bins in the carpark area for public use	Less litter in the park (low priority)
Improve way-finding	Allow directional signage to the 1 <sup>st</sup> Bayview Sea Scouts and the Bayview Tennis Club at the entrance to the access road (for visitors to their facilities)	Signage is installed and clearly communicates the required information in accordance with Council's codes and policies (high priority)
Improve sustainability - incorporate Water Sensitive Urban Design Principles (WSUD)	Treat stormwater runoff, particularly from the road and carpark by installing rain-gardens or bioswales	Water leaving site is clean and free from sedimentation and pollution (high priority)
	Allocate space for the 1 <sup>st</sup> Bayview	Water tank installed (as required)

	Sea Scouts to install a rainwater tank to the northwest of the building	
This POM authorises occupation of the relevant sections of the park by the 1 <sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club and authorises their leases in accordance with the plan	Council to provide clear definition of responsibilities to leasees	Clear understanding of responsibilities for the 1 <sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club (high priority)
Consider elements with possible historical / cultural significance	Assess the building occupied by the 1 <sup>st</sup> Bayview Sea Scouts for its cultural significance	Building assessed (as required)
<b>provide the 1<sup>st</sup> Bayview Sea Scouts and Tennis Club with the opportunity to improve their facilities for the benefit of their members:</b>		
Bayview Tennis Club:	Install lighting to tennis courts as specified in this plan	Lighting installed (high priority)
1 <sup>st</sup> Bayview Sea Scouts	Boat ramp or steps adjacent to the hall on the southeast	As required by the club
	Flagpole	As required by the club
	Additional storage as separate building or extension to existing building (northwest side)	As required by the club
<b>A DISTINCTIVE NODE IN THE FORESHORE WALK BETWEEN WINNERERREMY BAY AND CHURCH POINT</b>		
Provide pathways	Install 2100 mm wide path along the foreshore northwest of the boat ramp in Bayview Park	Pathway installed and well used by the public (medium priority)
	Install 1200 m wide path along Pittwater Road	Pathway installed and well used by the public (medium priority)
Enhance the feeling of a traditional bay-side picnic ground with additional well designed picnic shelters	Retain and enhance the existing landscape qualities of a small park with a traditional picnic ground appeal by carefully arranging facilities and vegetation to retain the open space (group facilities so the landscape does not become cluttered with elements) and plant the edges to create a sense of enclosure (retain the neighbour's water views)	New facilities installed and park has retained existing landscape qualities of open space (ongoing)
	Create a comfortable resting place	New facilities installed (medium priority)

	Coordinate palettes of colour, materials, furniture and fittings throughout the park	Park furnishings coordinated (ongoing)
<b>THE PARK AS A COMBINATION OF NATURAL ENVIRONMENT AND OPEN SPACE PARKLAND</b>		
Maintain the existing open landscape character of Bayview Park	Retain areas of grass	Open landscape character retained in accordance with the adopted plan of management (ongoing)
Improve the landscape amenity of the park	Continue to monitor the health of mature trees	Successful protection of mature trees (ongoing)
	Plant trees to replace existing trees in poor condition when required – place trees sensitively to retain open parkland and water views from Pittwater Road and neighbouring properties	New trees established and over time existing trees in poor condition removed water views retained (ongoing)
	Plant edges of the park against Pittwater Road	Vegetation established along Pittwater Road (medium priority)
Protect the biodiversity and ecological values of the foreshore areas.	Council to monitor Grey Mangroves ( <i>Avicennia mariana</i> ) in the foreshore and inter-tidal creek area – implement appropriate protective measures as required	The natural landscape character is preserved through continued regeneration of foreshore area. Landscape work has minimal disturbance of the foreshore environment (ongoing)
	Define public access locations to protect environmentally sensitive foreshore areas (direct people onto paths)	Foreshore protected (ongoing)
	Provide temporary fencing of fragments of vegetation as required, mulch, plant local indigenous ground covers / grasses and promote natural vegetation	(ongoing)
Minimise erosion and pollution problems associated with stormwater outlets.	Identify points of discharge into Pittwater estuary and undertake the necessary actions needed to reduce the impact of urban run-off and stormwater	Improved stormwater management with reduced foreshore erosion and pollutants (high priority)
Maximise opportunities for educational programs to reinforce public appreciation of the natural environment.	Continue environmental education programs and encourage public involvement in rehabilitation strategies	Improved public knowledge and understanding of the natural environment (ongoing)
	Provide interpretative information on the natural environment to protect environmental values by	(ongoing)

ensuring recognition by the public		
A SAFE PLACE THAT IS WELL MAINTAINED AND ACCESSIBLE		
Improve access and circulation:	Pittwater Road forms a tight corner over a crest, near the northwest access to Bayview Park. Relocate access point away from this location to a safer location to improve vehicle and pedestrian safety. This requires moving the bus shelter.	Completion of new access road (high priority)
	Ensure there are no trip hazards in paths	(ongoing)
	Plant vegetative buffer along the proposed pathway beside Pittwater Road	(medium priority)
Establish an effective signage and interpretive system	Install integrated signs addressing direction, safety and interpretative information. Include location of restroom and dog off-leash area at Rowland Reserve as well as prohibiting unleashed dogs at Bayview Park	New signage system developed and implemented (high priority)
Improve risk management strategies	Prepare and implement an inspection checklist to identify potential safety issues	Improved public safety and risk management (high priority)
	Continue to refine current maintenance practices to meet risk management requirements and relevant standards	Area considered safe and accessible at all times (ongoing)
	Provide picnic shelters with roofs and shade trees for seating	Adequate shade provided for the public (medium priority)
Provide an improved level of cleanliness, repair and general maintenance of the park and its facilities.	Continue to 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 (ongoing)
	Provide clean facilities that are well maintained	Park users express satisfaction with appearance, cleanliness and maintenance(ongoing)
	Continue to 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 (ongoing)
	Relocate bins (provide recycle)	New bins installed and rubbish recycled (high priority)
Enhance accessibility to cater for people with special needs, frail, aged, children, strollers etc.	Upgrade bubblers for disabled access	Bubblers upgraded (high priority)
	Provide paths to facilities. Provide picnic tables with space underneath for wheelchair access	Accessibility provided for all park users including people with special needs, frail, aged, children, strollers etc (ongoing priority)

## 6.2 Major works program

The following works program for Bayview Park is indicative only. Works will be updated and implemented according to priorities and budget allocations assigned for each action by Council as a part of the process of annual review for the Pittwater Management Plan. Funding is dependent on available Council resources and funding and must be assessed against the other priorities of Council.

The plan of management is intended to be reviewed on a five yearly basis.

Table 11. Major Works Program.

Major item	Estimated cost	Priority
▪ Access road to 1 <sup>st</sup> Bayview Sea Scouts and Bayview Tennis Club area in porous paving (move bus shelter) – bollard to provide vehicle access to the sea scout's building and foreshore	\$ 100,000	H
▪ New vehicle parking area as above with porous paving under the trees	100,000	M
▪ Bioswales to treat stormwater before entering the estuary		
▪ Amenity planting to new carpark area	50,000	M
▪ New lawn - grade away from buildings		
▪ Amenity planting to edge of Pittwater Road and additional trees to replace trees existing and provide additional shade	30,000	L
▪ Pedestrian path along foreshore 2100mm wide	22,500	L
▪ Pedestrian path along Pittwater Road 1200mm wide (paths constructed with stabilised decomposed granite or broom finished concrete)	16,000	
▪ Storm water quality at creek	20,000	M
▪ New park furniture – shelters and picnic table	50,000	L
▪ Two picnic shelters		
▪ One long picnic table.		
▪ New park seats as required		
▪ Stoneface barbeque		
▪ Interpretative signage	5,000	H
<b>TOTAL \$ 393,500</b>		

The above projects will be funded as follows:

- Proposed lighting for the tennis courts at Bayview Tennis Club – Pittwater Tennis Liaison Committee (funds available)
- Park upgrades, access, circulation and parking – Pittwater Council Capital Works Program and grants (to progress in stages as funding becomes available)

## APPENDIX A

### OTHER RELEVANT LEGISLATION AND POLICIES

This plan of management adheres to, but is not restricted to the following Acts and Policies:

#### STATE GOVERNMENT

##### Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* forms the basis of statutory planning in New South Wales including the preparation of Local Environmental Plans (LEP) by Councils to regulate land use and development.

##### Sydney Regional Coastal Management Strategy 1998

The *Sydney Regional Coastal Management Strategy 1998* includes the following primary objectives:

- ensure that ecological integrity is maintained, and that, when available, coastal zone resources are fairly and equitably used by the public and commercial interests alike, so that the long-term benefits derived by the community can be optimised;
- maintain adequate and appropriate access to the coast, so that it is possible to enjoy a range of recreational opportunities;
- manage public access in a way that will protect coastal resources, ecosystems and public safety;
- conserve and manage areas and features of significant ecological, physical, cultural, historical, landscape and scientific importance, so that their values are maintained.

##### NSW Coastal Policy 1997

The *Coastal Policy 1997* applies to the coastal zone as defined under the *Coastal Protection Act, 1979*. The policy responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values at risk. The Plan of Management is intended to guide decision-making and has a strong integrating philosophy based on the principles of ecologically sustainable development (Coastal Council of NSW).

##### Coastal Crown Lands Policy

The *Coastal Crown Lands Policy (1991)* includes the following primary objectives:

- conserve and maintain the intrinsic environmental and cultural quality of Crown lands;
- retain all coastal Crown lands, of an environmentally sensitive nature and / or required for a public purpose, in public ownership;
- optimise public access and use of coastal Crown lands;
- provide Crown lands, as appropriate, for recreation, tourism, residential and commercial coastal development with due regard to the nature and consequences of coastal processes;
- encourage the rehabilitation of degraded coastal Crown lands; and
- continue to acquire significant coastal lands for future public use.

## State Environmental Planning Policy (Infrastructure) 2006

The *State Environmental Planning Policy (Infrastructure) 2006* consolidates and updates planning processes for new infrastructure. The policy includes generic provisions relating to 23 classes of infrastructure (Schedule 1) for the more efficient delivery of infrastructure and service facilities, in particular:

- National parks, regional parks, marine parks and other reserves;
- port, wharf and other boating infrastructure facilities; and
- waterway or foreshore management activities.

The policy includes a list of minor works that can be undertaken by public authorities as exempt development. Infrastructure works, such as “the construction, operation, repair or maintenance of wharf or port facilities or boating infrastructure (on land or water), may be carried out without consent”

Proposals would be prepared with consideration of SEPP 71 Coastal Protection and the objectives and criteria of applicable zoning under *Pittwater Local Environmental Plan 1993*.

## Civil Liability Act 2002

This is the first piece of Legislation to implement reforms to personal injury claims. Together with the *Civil Liability Amendment (Personal Responsibility) Act 2002* the legislation is designed to reinstate the responsibility of individuals for their actions, reduce the culture of blame and attendant litigation. The Act strikes a balance that does not disadvantage people with legitimate negligence claims but arrests the recent trend of ever increasing public liability payouts.

## Protection of the Environment Operations Act 1997

*The Protection of the Environment Operations Act 1997* (PEOE Act) is the key piece of environment protection legislation administered by the Department of the Environment and Climate Change. The legislation address environmental offences, air quality, water quality, pollution control, and noise control.

*Protection of the Environment Operations (Noise Control) Regulation 2000* provides the legal framework and basis for managing unacceptable noise.

The PEOE Act:

- identifies responsibility for regulating noise;
- defines 'offensive noise';
- provides a range of tools to manage noise; and
- makes it an offence to do various things that cause the emission of noise and to breach the conditions of a notice or order.

Offensive noise is defined in the PEOE Act as:

*(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*

*(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

### **Companion Animal Act 1998**

The Act covers the management of domestic animals, including the control of dogs in public areas.

## **PITTWATER COUNCIL'S LAND MANAGEMENT POLICIES & PLANS**

### **Pittwater Council Management Plan 2008-2012**

This document provides an overarching framework to enable Council to respond to changes, challenges and opportunities over the coming years. Key Direction Two – Valuing and Caring for our Natural Environment, provides a list of strategies that are aimed to develop Pittwater into a "model community, leading the way towards sustainable living by reducing our ecological footprint, protecting and enhancing our bush, beach and waterways as well as achieving long term sustainability of biodiversity". Pittwater Council's current management goals, policies and strategies relating to parks and reserves are contained with *Pittwater's 2020 Strategic Plan*.

### **Pittwater Local Environmental Plan 1993 (PLEP, 93)**

The PLEP 93 is the main means of development control with zoning maps and a written instrument categorising developments as either permissible or prohibited. This plan of management does not override provisions in the plan. Clause/s that allow development without consent where authorised in an 'adopted' plan of management are not supported by the Department of Lands.

The purpose of the PLEP is to define what purpose land may be used for and how permission (consent) can be obtained for the use. The PLEP expresses the Council's broad land use strategy. It is the public purpose, for reserved Crown land, that determines what is acceptable on a Crown reserve.

Pittwater Council, as the consent authority under the current PLEP, controls development and activities on zoned land in Pittwater.

In 2006, the NSW Government gazetted a new template for preparing local environmental plans. The template aims to standardise planning and zoning across NSW. Councils are required to develop their new environmental plans by 2011. Plans of Management for Pittwater will be based on the existing *Pittwater Local Environmental Plan 1993* and land categories and zoning will be amended following completion and adoption of the new planning tool.

### **Pittwater Development Control Plan No. 22 Exempt and Complying Development (DCP 22)**

*Pittwater Development Control Plan No 22* defines the types of development that are 'permissible without consent' known as "exempt" development, and developments that are considered to be 'complying' development.

DCP 22 aims to:

- clearly state the development standards, requirements and conditions that apply to exempt and complying development;
- facilitate the processing of small scale, safe and low impact development applications within the Council area to the benefit of the community; and
- meet the statutory requirements of the *Environmental Planning and Assessment Act 1979* and Regulation 1994.

### **Open Space, Bushland and Recreation Strategy, 2000**

The *Open Space, Bushland and Recreation Strategy 2000* 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.

### **Pittwater Estuary Processes Study**

This study provides a long-term management framework for the ecologically sustainable use of each estuary and its catchment.

### **Council Policy No. 129, 'Signs - Council's Facilities'**

Presently, Council does not have an overall signage and interpretive system, however *Council Policy No. 129 'Signs - Council's Facilities'* provides a systematic introduction of appropriate information and hazard warning signage for all parks, reserves and facilities. The signs are designed around internationally accepted and recognised pictograms in accordance with the guidelines contained in 'Signs as Remote Supervision – Best Practice Manual' prepared by State wide Mutual.

### **Council Policy – No 129 incorporating 'Signs as Remote Supervision – Best Practice Manual' (version 2 August 1999)**

This manual provides a mechanism for determining appropriate signage of Council's facilities. Factors considered include:

- level of development (establishing signage category);
- population or amount of use;
- frequency of such use;
- facility visitation rate (ascertains the type and level of signage);
- adequacy of the facilities current signage; and
- establish and design the most appropriate sign.

### **Pittwater Council Disability Discrimination Action Plan 1998 (PCDDAP)**

In NSW more than one million people (17% of the population) have a disability and this percentage is likely to increase in the future. The PCDDAP assists Council in meeting responsibilities under the *Commonwealth Disability Discrimination Act 1992*. The objectives of plan include providing "equitable access to new buildings, infrastructure, faculties and other areas to which the public has access".

Other Policies relevant to this Plan of Management include:

- Sustainability Policy No 164

- Tennis Liaison Committee Policy No 101,
- Car parking Areas – Free Policy No 103,
- Construction of seawalls and erosion control measures Policy No 74.
- Council Policy No 26 Storage of Craft – Dinghies / Boats
- Council Policy No 93 Reserves, Beaches and Headlands Booking Policy:  
(Social, sporting, community and commercial events i.e. weddings, charity events, fireworks / Lease Agreements)
- Council Policy No 96 Film Permit Policy and Conditions – Amended September 2005:  
(Filming and Still Photography / Lease Agreements)
- Council Policy No 98 Helicopter Landings on Council Owned and Controlled Property:  
(Filming and Still Photography / Temporary Activities)
- Council Policy No 129 Signs – Council’s Facilities;  
(Signage: compliance, directional, interpretive, identification)
- Dog Control - Council Policy No 30.

Appendix B – Bayview Park Gazettal Notice

The Gazettal Notice will be forwarded by the Department of Lands following their investigations.

## GLOSSARY

**Plan of Management** - is the principal guiding document that directs the future planning and management of a park. It explains the why, how and whom of how the subject area should be managed.

Plans of management must be prepared for all Community land in accordance with the *Local Government Act, 1993* and the *Local Government Amendment (Community Land Management) Act 1998*. Plans of management must also be prepared for Crown reserves *under the Crown Lands Act 1989*.

Pittwater Council prepares plans of managements for parks and reserves and for natural areas. Reserve Plans of Management cover sportsgrounds, playgrounds and passive recreation areas such as beaches and parklands. Natural Areas Plans of Management cover bushland and estuaries. Once adopted by Council, only uses, activities, or developments which are consistent with the adopted plan of management should be undertaken.

Supporting the plan of management is the involvement of the public in determining what values are important and how these should be protected and enhanced.

Pittwater Council generally review plans of management for parks and reserves on a five yearly basis, which is consistent with the *Crown Lands Act 1989*. Plans are regularly updated due to demographic changes, growing pressure on existing facilities and to ensure facilities and management practices are up-to-date with sustainable practices and current research.

**Draft Plan of Management** – a plan of management remains in a draft format until it has been adopted by legislative bodies such as councils and the Department of Planning, following public exhibition and consideration given to comments received from the public.

**Masterplan** - describes a design and generally includes a list of strategies and plan-view illustration. The illustration identifies the location of the existing and proposed elements on the drawing. Masterplans tend to take a 'broad-brush' approach to design with the proposed changes being conceptual and subject to detailed design work prior to construction.

**Action plan**- defines the means of achieving the strategies in the plan of management in response to the desired outcomes and core objectives for each strategy.

**Advertising** - means a display by the use of symbols, messages or other devised for promotional purposes for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

**Community recreational facilities** – means a building or place that accommodates publicly accessible community, social, recreational, cultural or civic activities and services, and where activities may be provided by a range of organisations including government agencies, charitable institutions, non profit associations or commercial operators. Use of the building is generally limited to casual bookings or yearly hiring agreements. In specific instances leases or licences may be granted subject to the use being consistent with the community land categorisation and compliance with relevant statutory requirements.

**Community land** – before the commencement of the Local Government Act on 1 July 1993 all lands other than roads, which were under the care, control and management by councils, were classified as Community land. After 1 July 1993 Councils classified some areas of land as Operational based on the type of use. The Act allows councils to approve the use of Community land (and does not prevent land from being used for business or commercial purposes) provided the use has been authorised in an approved plan of management. As long as land is classified as Community land it cannot be sold by council and must be managed in accordance with the *Local Government Act 1993*. Classification affects the way council manages and uses the land under the Act.

**Crown land** – land that is vested in the Crown or was acquired under the Closer Settlement Acts as in force before their repeal, not in either case being:

a) land that has been sold or lawfully contracted to be sold in respect of which the purchase price or other consideration for the sale has been received by the Crown.

**Recreation area** - means an area used to provide facilities for recreational activities which promote physical, cultural or intellectual welfare of persons within the community, being facilities provided by:

i) Council; or

ii) a body or persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community, but does not include a racecourse or a showground.

**Utility installation** - means a building or work used by a public utility undertaking but does not include a building designed wholly or principally as administrative or business premises or as a showroom.