

Crown Land **Plan of Management**



Document Issue Authorisation

Crown Land Plan of Management

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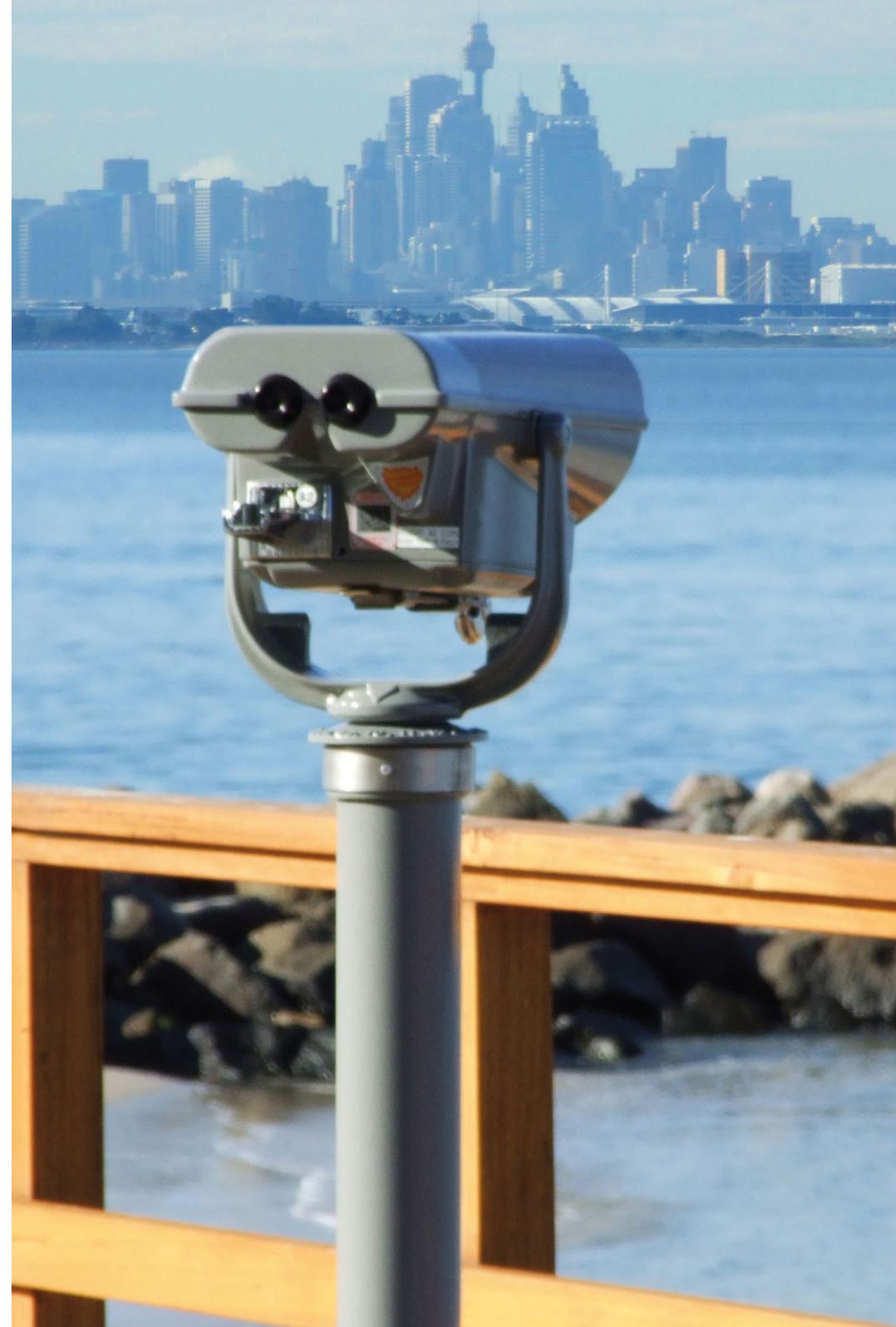
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1 Introduction

1.1 What is a Plan of Management?

The *Local Government Act 1993* requires a Plan of Management to be prepared for all land classified as community land.

A plan of management is a useful tool for the council to effectively manage land and is prepared by the council in consultation with the community. A plan of management describes the land and outlines how the council will manage the land, while also clarifying any future use or development.

Community land may include a wide variety of properties, including small reserves to large iconic parks.

The *Local Government Act 1993* requires that community land is categorised as one of the following categories:

- ▶ Park
- ▶ Sports Ground
- ▶ Natural Area
- ▶ Cultural Significance
- ▶ General Community Use

These categories drive the principles for management and are relevant to the purpose of each reserve.

1.2 Crown Land Plan of Management

The *Crown Land Management Act 2016* requires that all crown reserves, where the council is appointed land manager, be managed per the provisions of the *Local Government Act 1993* including developing a plan of management for all crown land.

The purposes of this plan of management are:

- ▶ Contribute to council's strategic plans
- ▶ Ensure compliance with the *Local Government Act 1993* and *Crown Land Management Act 2016*
- ▶ Provide clarity on the future development and management of crown land that is nominated within this plan of management.

1.3 Community Consultation

Community consultation and input is needed to ensure a plan of management meets the needs of the local community.

Before a plan of management can be adopted by Council it must be on public exhibition for at least 28 days, with written submissions able to be received for 42 days.

2 Land Description

2.1 Land Covered by this Plan of Management

This plan of management includes many reserves in the Bayside Council Local Government Area. The parks and reserves mentioned in this plan of management are Crown Land where Bayside Council are the appointed Council Manager. Table 2.1 lists all reserves covered in this plan of management. Please refer to Appendix A for maps of the reserves with multiple categories.

Table 2.1 – Crown Reserves covered in this Plan of Management

RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
59907	Booralee Park (Part)	The Metropolitan Sewerage and Water Board	Lot 1 DP 909015	Botany	Sports Ground	Public Recreation	12/08/1927
65712	Booralee Park (Part)	The Minister for Public Works	Lot 1 DP 1148910	Botany	General Community Use	Public Recreation	20/12/1935
69144	Monash Gardens and Firmstone Reserve	The State of New South Wales	Lot 5 Section 7 DP 758823 Lot 7011 DP 1027015 Lot 7013 DP 1027018 Lot 701 DP 1027023 Lot 7012 DP 1028526	Pagewood	Park	Public Recreation	21/03/1940
69998	Scarborough Park (Part)	The State of New South Wales	Lot 536 DP 752056	Monterey	Park	Public Recreation	10/04/1941
74316	Mathewson Street	The State of New South Wales	Lot 3995 DP752015	Eastgardens	Park	Children's Playground	20/07/1951
76378	Ajax Reserve	The State of New South Wales	Lot 7004 DP93569	Arncliffe	Park	Children's Playground	13/11/1953
76695	Garnet Jackson Reserve	Crown Land	Lots 8-14 DP 3684 Lots 1-2 DP 1216376 Lots 1-2 DP 302617	Botany	Park	Public Recreation	30/04/1954
82764	Daceyville Reserve	The State of New South Wales	Lot 7003 DP 1027005	Daceyville	Park	Public Recreation	26/08/1960
82809	Silver Jubilee Park	Crown Land	Lots 4-17 DP 1138476	Bardwell Valley	Park Sports Ground	Public Recreation	23/09/1960



RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
87081	Scott Park (Part)	The State of New South Wales	Lot 7030 DP 93513	Sans Souci	Park	Public Recreation	21/02/1969
91288	Banksmeadow Reserve	The State of New South Wales	Lot 7309 DP 1156675	Banksmeadow	Sports Ground General Community Use	Public Recreation	5/11/1982
91289	Sir Joseph Banks Park (Part)	Crown Land	Lot 1 DP 668135	Botany	Park Sports Ground	Public Recreation	5/11/1982
97202	Hensley Field	The State of New South Wales	Lot 182 DP 752015	Eastgardens	Sports Ground	Public Recreation	23/03/1984
100087	Sir Joseph Banks Park (Part)	The Maritime Services Board of NSW	Lot 214 DP 731421	Botany	Park Natural Area (Wetland)	Public Recreation	15/05/1987
100088	Sir Joseph Banks Park (Part)	The Maritime Services Board of NSW	Lot 203 DP 712991	Botany	Park Natural Area (Wetland) Sports Ground	Public Recreation	15/05/1987
500129	Booralee Park	Her Majesty The Queen	Lot 7078 DP 1027047	Botany	Park Sports Ground	Public Recreation	17/9/1886
500130	Jellicoe Park (Part)	The State of New South Wales	Lot 7327 DP 1153726	Pagewood	Park	Public Recreation	17/01/1947
500187	Arncliffe Park	The State of New South Wales	Lot 100 DP 1081168	Arncliffe	Park Sports Ground	Park	22/3/1889
500188	Bexley Park	Crown Land	Lot 1 DP 964567	Bexley	Park Sports Ground	Public Park	31/01/1912
500421	Scarborough Park (Part)	Crown Land	Lot 1 DP 1177511	Kogarah, Monterey and Ramsgate	Park Sports Ground Natural Area (Bushland) Natural Area (Watercourse) Natural Area (Wetland)	Public Recreation	23/5/1879
500446	Jellicoe Park (Part)	The State of New South Wales	Lots 7325-7326 DP 1153726	Pagewood	Park	Public Recreation	6/11/1942
500499	Mascot Park	Crown Land	Lot 7073 DP 93716 Lot 1 DP 668903	Mascot	Park Sports Ground	Public Recreation	15/03/1911
500317	L'Estrange Park	The State of New South Wales	Lot 7068 DP 1028505	Mascot	Park Sports Ground General Community Use	Public Recreation	1/06/1928



RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
500338	Rowland Park (Part)	The State of New South Wales	Lot 7081 DP 1026991	Daceyville	Park Sports Ground	Public Recreation	18/03/1927
62644	Barton Park (Riverine Park)	The State of New South Wales	Lots 100-101 DP 1228008	Arncliffe, Banksia	Park Sports Ground Natural Area (Wetland)	Public Recreation	24/04/1931

2.2 Land Covered by previous Plans of Management

Bayside Council, has previously taken the view that Crown Land reserves play an important part of community life and are often a part of larger areas of Council owned community land. This plan of management supersedes any references to the Crown Reserves outlined in table 2.1 (above) that are addressed in any other existing plan of management.

Table 2.2 below identifies the existing plan of management that includes the reserves outlined in table 2.1. For avoidance of doubt this plan of management only supersedes the plan of management in table 2.2 in so far as it relates to the reserves addressed in table 2.1.

Table 2.2 – Plans of Management superseded or affected by this Plan of Management

Plans of Management Affected or Superseded	Extent Affected	Reserves
Bayside Council Plan of Management for Community and Public Open Space 2016	Amended to the effect that it now longer relates to the following Reserves	69998 Scarborough Park, 82809 Silver Jubilee Park, 87081 Part Scott Park, 500187 Arncliffe Park, 500188 Bexley Park, 500421 Scarborough Park and 76378 Ajax Reserve
Muddy Creek Plan of Management	Amended to the effect that it now longer relates to the following Reserve	62644 Barton Park
Si Joseph Banks Park Plan of Management May 1999	Amended to the effect that it now longer relates to the following Reserves	1000087 Sir Joseph Banks Park, 100088 Sir Joseph Banks Park and 91289 Sir Joseph Banks Reserve
Mascot Oval and Mascot Park 1996	Amended to the effect that it now longer relates to the following Reserve	500499 Mascot Park
Hensley Athletic Field 2010	Amended to the effect that it now longer relates to the following Reserve	87202 Hensley Field
City of Botany Bay Pocket Parks Plans of Management 1996	Amended to the effect that it no longer relates to the following Reserve	69144 Firmstone Reserve/Monash Gardens
Any other plan of management that references a reserve state in this plan	Amended to the effect that it now longer relates to a reserve that is referenced in this plan	–

3 Legislative Framework

3.1 Local Government Act 1993

All community land must be managed per the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Table 3.1 outlines the requirement for plans of management as stipulated in the *Local Government Act 1993*.

Table 3.1 – Plan of Management requirements

▶ All community land must be categorised
▶ The plan of management must contain core objectives for the category of land
▶ The plan of management must specify the permitted use/s of the land and any buildings or improvements
▶ The plan of management must specify any purpose for further development
▶ The plan of management must describe the scale and intensity of any future development
▶ The plan of management must include performance targets and specify how the council plans to achieve the core objectives
▶ Leases and licences may only be granted if they are expressly authorised by an adopted plan of management

3.2 Crown Land Management Act 2016

Following the implementation of the *Crown Land Management Amendment (Plan of Management) Regulation 2021*, not all Crown reserves managed by Council require a plan of management. A plan of management is required if there is any change in the nature and use of the Crown reserve. Section 44 of the *Local Government Act 1993* provides that 'pending the adoption of a plan of management for community land, the nature and use of the land must not be changed'.



3.3 Zoning and Controls

The *Environmental Planning and Assessment Act 1979* establishes the statutory framework for planning in New South Wales.

The relevant local planning instrument for the reserves addressed in this plan of management is the *Bayside Local Environment Plan 2021 (LEP)*.

3.4 Heritage

Bayside Council has undertaken a number of heritage studies and recognises the heritage significance of items and streetscapes. The *Bayside Local Environment Plan 2021* establishes the relevant controls for heritage items. This plan of management intends to be consistent with the *Bayside Local Environment Plan 2021* in relation to heritage items.

3.5 Other Relevant Legislation and Policies

3.5.1 COMMONWEALTH LEGISLATION

The Federal *Telecommunication Act 1997* provides for telecommunication facilities to be permitted on community land without authorisation in a plan of management.

The *Native Title Act 1993* provides recognition of the rights and interests of indigenous peoples concerning land in Australia.

Other relevant pieces of Commonwealth legislation are:

- ▶ Disability Discrimination Act 1992
- ▶ Fisheries Management Act 1991
- ▶ Environment Protection and Biodiversity Conservation Act 1999

3.5.2 STATE GOVERNMENT

Relevant State legislation for Crown Land include:

- ▶ Environmental Planning and Assessment Act 1979
- ▶ State Environmental Planning Policies (SEPP)
- ▶ Heritage Act 1977
- ▶ Retail Leases Act 1994
- ▶ Aboriginal Land Rights Act 1983
- ▶ Biodiversity Conservation Act 2016
- ▶ Coastal Management Act 2016
- ▶ Native Vegetation Act 2003
- ▶ Fisheries Management Act 1994
- ▶ Biosecurity Act 2015
- ▶ SEPP (Transport & Infrastructure) 2021
- ▶ National Parks and Wildlife Act 1974
- ▶ Better Placed Policy (State Government Policy)
- ▶ Draft Greener Places Policy (State Government Policy)

3.5.3 BAYSIDE COUNCIL POLICIES AND PLANS

Relevant local controls for legislation for Crown Land include:

- ▶ Rockdale Biodiversity Strategy 2014
- ▶ Bayside Local Environment Plan 2021
- ▶ Bayside Development Control Plan 2022

4 Management and Performance

4.1 Management Principles

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- ▶ Be consistent with the purpose for which the land was dedicated or reserved
- ▶ Consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*
- ▶ Consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- ▶ Consider and not conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- ▶ Consider any interests held on title

The Crown Land Plan of Management specifies management criteria based on each category identified in the Bayside Council Local Government Area. Based on legislation, Council's corporate objectives and the needs of the Bayside Community, the following principles have been identified and apply to areas and categories within this plan of management unless otherwise identified.



Table 4.1 – Principles

Category	Principle
Alcohol	The occasional sale of alcohol by a sporting club or group will require the approval of Liquor and Gaming NSW through the issue of a licence. This licence shall be provided to Council on each occasion. When making applications for the use of a recreation area if the sale of alcohol is intended, applicants will be required to comply with the directions of Liquor and Gaming NSW and Council.
Parking	Existing car parking areas will be maintained to required safety standards. Where off street parking occurs adjacent to a reserve consideration will be given to the provision of adequate parking spaces for people with a disability (in accordance with regulations).
Buildings and amenities	Buildings and amenities may be provided where consistent with the purpose of the reserve and subject to the requirements of the <i>Native Title Act 1993</i> .
Infrastructure	Infrastructure may be provided where consistent with the purpose of the reserve and subject to the requirements of the <i>Native Title Act 1993</i> .
Maintenance	General maintenance will be undertaken in accordance with the level of use. Areas held under lease or licence shall be maintained by the user where agreed.
Access	This Plan of Management seeks to facilitate public access to land dedicated or reserved for a public purpose.
Pollution control	Management of Crown Land will seek to ensure that pollution activities are controlled and adequate measures are taken to prevent adverse impacts to adjoining land.
Safety	All reasonable measures will be taken by Council to ensure and maintain safety of users of public land.
Adjoining land	Council will endeavour to be a good neighbour and as far as possible consult with adjoining land owners in respect of activities that may affect them.
Landscaping and vegetation	Management of the landscape, trees and vegetation is important to provide a high level of amenity on the land. Trees will be maintained in accordance with Council's policy.
Weed management	Weed management is a preventative and control measure. The prevention of weed infestation shall be undertaken in a way that minimises the disturbance of the ground surface.

4.2 Categorisation of Crown Land

The *Local Government Act 1993* sets out Land Categories that need to be assigned to community land. The management of Community and Crown Land is governed by the relevant category and the core objectives assigned to the relevant category. Council may apply more than one category to a reserve where it is appropriate and reflective of the uses within a reserve.

The categories within the *Local Government Act 1993* are:

- ▶ Natural Area (further categorised into Bushland, Wetland, Watercourse, Escarpment or Foreshore)
- ▶ Park
- ▶ Sports Ground
- ▶ Cultural Significance
- ▶ General Community Use

These categories reflect the land use, physical characteristics and the stated reserve purpose. Table 4.2 outlines the guidelines for categorising land which align with the guidelines within Division 1 of the *Local Government Regulation 2021*.

Table 4.2 – Guidelines for categorisation of Community Land

Category	Guideline
Natural Area	Land should be categorised as a natural area under section 36(4) of the <i>Local Government Act 1993</i> if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the <i>Local Government Act 1993</i> .
Bushland	<p>1. Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the <i>Local Government Act 1993</i> if the land contains primarily native vegetation and that vegetation:</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>2. Such land includes:</p> <p>(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understory is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>
Wetland	Land that is categorised as a natural area should be further categorised as a wetland under section 36(5) of the <i>Local Government Act 1993</i> if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedge lands, wet meadows or wet heathlands that form a water body that is inundated cyclically, intermittently or permanently with fresh, brackish or saltwater, whether slow-moving or stationary.
Escarpment	Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the <i>Local Government Act 1993</i> if: the land includes such features as a long cliff-like ridge or rock, and the land includes significant or unusual geological, geomorphological or scenic qualities.
Watercourse	Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the <i>Local Government Act 1993</i> if the land includes:
	<p>(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows; and</p> <p>(b) associated riparian land or vegetation.</p>
Foreshore	Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the <i>Local Government Act 1993</i> if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.



Category	Guideline
Sports Ground	Land should be categorised as a sports ground under section 36(4) of the <i>Local Government Act 1993</i> if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.
Park	Land should be categorised as a park under section 36(4) of the <i>Local Government Act 1993</i> if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.
Cultural Significance	<p>Land should be categorised as an area of cultural significance under section 36(4) of the <i>Local Government Act 1993</i> if the land is:</p> <p>(a) an area of Aboriginal significance, because the land:</p> <ul style="list-style-type: none"> (i) has been declared an Aboriginal place under section 84 of the <i>National Parks and Wildlife Act 1974</i>, or (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or (iii) is of significance or interest because of Aboriginal associations, or (iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or (v) is associated with Aboriginal stories, or (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or <p>(b) an area of aesthetic significance, by:</p> <ul style="list-style-type: none"> (i) having strong visual or sensory appeal or cohesion, or (ii) including a significant landmark, or (iii) having creative or technical qualities, such as architectural excellence, or <p>(c) an area of archaeological significance, because the area contains:</p> <ul style="list-style-type: none"> (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or (ii) any other deposit, object or material that relates to the settlement of the land, or <p>(d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</p> <p>(e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or</p> <p>(f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.</p>
General Community Use	<p>Land should be categorised as general community use under section 36(4) of the <i>Local Government Act 1993</i> if the land:</p> <p>(a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public and</p> <p>(b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the <i>Local Government Act 1993</i> and does not satisfy the guidelines under clauses 102-105 for categorisation as a natural area, a sports ground, a park or an area of cultural significance.</p>

4.3 Performance Targets for Crown Land

The *Local Government Act 1993* requires a plan of management to provide information on how the council proposes to achieve the core objectives of each land category and how the council will assess its performance. The tables below set out the core objectives for each category noted in this plan of management.

Table 4.3.1 – Core objectives for Natural Area (Bushland)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.	Open space ecological biodiversity to be protected.	Implement recommendations from relevant Council environmental plans and capture data on improvements in biodiversity and habitat values.	Improved quality of natural areas.
To protect the aesthetic, heritage, recreational, educational and scientific values of the land.	Open space to be engaging.	Promote education through interpretation of cultural heritage values. Protect and conserve the fabric of the cultural heritage and natural heritage of Bayside.	Increased engagement with the local community.
To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion. To protect existing landforms such as natural drainage lines, watercourses and foreshores. To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term. To protect bushland as a natural stabiliser of the soil surface.	Open space environmental value recognised, protected and enhanced.	<p>Ensure stability of soil surfaces.</p> <p>Develop and implement detailed strategies taking into account climate change influences to protect bushland.</p> <p>Identify and implement opportunities to improve tree canopy and estuarine vegetation and expand remnant vegetation cover.</p> <p>Appropriately segment lands for active and passive activities to ensure sensitive environmental values are protected.</p> <p>Protect riparian corridors from inappropriate use.</p>	<p>Increased indigenous vegetation including tree canopy cover. Climate change adaptation measures for biodiversity implemented.</p> <p>Use of land matches environmental importance.</p> <p>Buffer zones for riparian corridors implemented.</p>



Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To restore degraded bushland.	<p>Encourage community participation to caring for local bushland.</p> <p>Supporting volunteers through the provision of resources and consultation.</p>	Staged removal of weed species from landscape. Promote environmental events via Council's website and social media and increase participation in the local community while minimising impact on environment.	<p>Increased percentage of indigenous vegetation and tree canopy cover.</p> <p>Improved condition of bushland.</p> <p>Reduction in weed cover in areas of land where bush regeneration occurs.</p> <p>Community participation in events and increase in volunteers.</p> <p>Increased indigenous vegetation including tree canopy cover.</p>



Table 4.3.2 – Core objectives for Natural Area (Wetland)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
<p>To protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands.</p> <p>To restore and regenerate degraded wetlands.</p>	<p>Open space environmental value recognised, protected and enhanced.</p>	<p>Identify and implement opportunities to improve water quality and flora and fauna habitats.</p>	<p>Increased fauna habitat.</p> <p>Improved water quality and water flows.</p> <p>Reduction in weed cover in area of land where wetland regeneration occurs.</p> <p>Improved condition of wetland vegetation areas.</p>
<p>To facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.</p>	<p>Encourage the community to participate in environmental events and 'BushCare' program.</p>	<p>Promote environmental events via Council's website and social media and increase participation in the local community while minimising impact on environment.</p> <p>Supporting volunteers through the provision of resources and consultation.</p>	<p>Community participation in events and increase in volunteers.</p>



Table 4.3.3 – Core objectives of Natural Area (Watercourse)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
<p>To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows.</p> <p>To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability.</p> <p>To restore degraded watercourses.</p>	<p>Minimise stormwater impacts in wetlands and watercourses – water pollution and peak flows.</p>	<p>Implement recommendations from relevant Council environmental plans and capture data on improvements in water quality.</p> <p>Increase riparian vegetation within and adjacent to watercourses. Identify opportunities to integrate fauna habitat into future development.</p> <p>Develop and implement detailed flood management strategies taking into account climate change influences to protect watercourses and wetlands.</p>	<p>Water quality improvements. Increased area of riparian vegetation.</p> <p>Flood management strategy is consulted upon and implemented.</p> <p>Flood mitigation works do not significantly impact on environmentally sensitive areas.</p>
<p>To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</p>	<p>Encourage the community to participate in environmental events and ‘BushCare’ program. Encourage community participation to caring for local watercourses.</p>	<p>Promote environmental events via Councils website and social media and increase participation in the local community while minimising impact on environment.</p> <p>Supporting volunteers through the provision of resources and consultation.</p>	<p>Community participation in events and increase in volunteers. Condition of natural areas and water quality improve.</p>

Table 4.3.4 – Core objectives for sports ground

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.	Diverse provision of active recreation opportunities.	The Council will undertake a first-stage audit of current facilities and their uses across open spaces. This will be an input into the review of the Bayside Council Contribution Plan.	Community consultation on the available active sports grounds to ensure satisfaction.
To ensure that such activities are managed having regard to any adverse impact on nearby residences.	Participants, spectators and community feel safe when in or adjacent to sports grounds within Bayside.	Ensure when planning and designing for sports grounds are undertaken that 'Crime Prevention Through Environmental Design' (CPTED) Principles are used in all upgrades. Ensure that complementary passive uses are encouraged in sporting precincts to activate spaces at more times of the day and week.	Reduction in vandalism and reports to Council regarding antisocial behaviour. No police call outs to the park due to antisocial behaviour.



Table 4.3.5 – Core objectives for Park

Core Objective	Performance target	Means by which council plans to achieve the objectives	Means of assessment
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Open space to be engaging.	Refurbish park entry and install signage/entry statements.	Entry creates a positive image and attracts visitors to the park.
To provide for passive recreational activities or pastimes and for the casual playing of games.	Open space to be functional.	Provide areas of passive recreation and play space to be utilised by multiple demographics of the community.	Increase in use of the parks facilities, community satisfaction with diversity of spaces provided.
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Open space to be social.	Provide ancillary facilities for the use an enjoyment of park equipment and sporting fields such as café/kiosk, amenities, seating and car parking.	Increase use of parks facilities and community satisfaction in the facilities provided.
To protect and enhance the environmental value.	Open space environmental value recognised, protected and enhanced.	<p>Identify and implement opportunities to improve tree canopy and estuarine vegetation. Prioritise indigenous planting in landscaping.</p> <p>Identify opportunities to integrate fauna habitat into future development.</p> <p>Staged removal of weed species from landscape.</p>	<p>Increase in area with indigenous landscaping and estuarine vegetation.</p> <p>Increased fauna habitat.</p> <p>Percentage of tree canopy cover.</p>
To maintain and add to active transport corridors.	Open spaces to be accessible.	<p>Implement active transport corridors for parks as identified in Council and State Government transport plans.</p> <p>Maintain and promote existing active transport corridors.</p>	<p>Condition of active transport corridors meet requirements.</p> <p>Increase in opportunities for access to and through the park by active transport.</p>
Remediation of Contaminated Land.	Land which potentially contains contaminants is remediated.	Manage land in accordance with the relevant legislation or requirements.	Regular monitoring and testing as required to be conducted upon completion.

Table 4.3.6 – Core objectives for General Community Use

Core Objective	Performance target	Means by which council plans to achieve the objectives	Means of assessment
<p>In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</p> <p>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).</p>	<p>Community facilities to promote positive outcomes and provide opportunities for the surrounding community.</p>	<p>Provide facilities that meet the demands of the local community which are multipurpose and flexible.</p> <p>Ensure facilities are accessible.</p> <p>Facilities are provided in consultation with user groups.</p>	<p>Community consultation on the available facilities.</p> <p>Increase in use of the facilities on the reserve.</p>



5 Land Uses

5.1 Permitted Uses and Developments

The use and development of community land should, in general, be compatible with the gazetted reserve purpose of the land comply with the relevant planning instrument and incorporate the needs of the wider community. Bayside Council encourages community land to be used in a way that facilitates recreation and general enjoyment of the community.

Table 5.1.1 outlines the permissible uses of each category and developments.

Generally, Bayside Council encourages development that is ancillary to and supports the recreational purpose of the reserve, subject to the relevant planning instrument. Some of the uses listed above require a permit from the council.

Table 5.1.1 – Permissible uses (subject to the relevant planning instrument, zoning and approvals)

Permitted Use – Park
Active and passive recreation
Group recreation
Festivals, fairs and markets
Exhibitions
Photography and filming
Community gardens
Cafes and kiosks
Public facilities (toilets, BBQs, car parking, lighting, seating, shelters)
Restricted ancillary areas (storage sheds and caretaker sheds)
Low-intensity activity areas
Dog off-leash areas
Commercial activity areas

Permitted Use – Sports Ground
Active and passive recreation
Ovals
Fields
Marked courts
Golf courses
Change areas and locker rooms
Shower and toilet facilities
Cafes and kiosks
Stadiums and spectator seating
Ancillary areas (staff rooms, gymnasiums, meeting rooms and storage areas)
Commercial uses (ancillary to a recreation / sporting facility)
Lighting (Pedestrian & Sports)

Permitted Use - General Community use

Multipurpose buildings (community halls, centres etc.)
Casual & informal recreation facilities
Education, social and cultural meeting places for: <ul style="list-style-type: none"> ▶ Functions ▶ Exhibitions ▶ Concerts
Aquatic centres
Council Operational Buildings required to maintain and operate the relevant Crown Reserve
Childcare centres
Libraries and information centres
Auditoriums
Cafes, restaurants, function areas and kiosks (per zoning)

Permitted Use - Natural Area (Bushland, watercourse, wetland)

Active open space
Vegetation
Passive recreation
Preservation of biological diversity and habitat. Environmental and scientific study. Bush regeneration works. Fire hazard reduction.
Preservation of the council's natural heritage including the identified endangered ecological communities. Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment.

5.2 Scale and Intensity of Developments

The scale and intensity of development of Crown and Community Land is to be compatible with the purpose of the reserve and anticipated community need. Any development will be in keeping with the land use and consistent with any master plan and permitted by the zoning.

Where it is proposed to construct or establish a public work on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*. Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

5.3 Specific Uses to be Reviewed

This section outlines existing uses within the reserves listed below, requiring the Council Manager to review those uses and develop a strategy.

Table 5.3.1 - Review Specific Uses

Reserve and Use
100087 Sir Joseph Banks Park Review Hale Street Road extension and formalise the road status
500317 L'Estrange Park Review use of existing Council Depot to explore options to re-use as a recreational facility or decommission

6 Leases, Licences and other Estates



6.1 What is a Lease, Licence and other Estate?

A lease is a contract between a landholder and another party, which grants a party the right to occupy an area for a specified term.

Bayside Council from time to time will lease areas of community land for a specified purpose compatible with the use of a reserve.

A licence agreement differs from a lease, as a licence does not grant exclusive use of an area. A licence agreement is often used to endorse an informal arrangement for the specific use of an area, for example, a sporting field by a sporting club.

A short-term licence may be used to provide occupation to a specific group for periodic use to promote the purpose of the reserve. Short term licences consistent with Section 2.20 of the *Crown Land Management Act 2016* may be issued even if inconsistent with the reservation purpose.

Bayside Council will often utilise permits or bookings for one-off or less frequent uses of community land or facilities which are limited by date and time.

6.2 Granting a Lease or Licence

Section 46 of the *Local Government Act 1993* outlines the manner in which a lease, licence or other estate can be granted in relation to Community Land, which now includes Crown Land. Unless otherwise stated in the *Local Government Act 1993*, a lease, licence, or other estate will require an expressed authorisation by a plan of management.

Sections 47 and 47A of the *Local Government Act 1993* further outlines the process to grant a lease licence or other estate.

This plan of management authorises Bayside Council to grant leases, licences and other estates over land covered by this plan of management as set out in tables 6.2.1, 6.2.2 and 6.2.3.

Any proposed lease, licence or other estate must be consistent with the Crown reserve purpose and relevant assigned categorisation (as per the *Local Government Act 1993*).

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the *Local Government Act 1993*, provided that:

- ▶ The purpose is consistent with the purpose for which it was dedicated or reserved.
- ▶ The purpose is consistent with the core objectives for the category of the land.
- ▶ The lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- ▶ The issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth).
- ▶ Where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.
- ▶ The lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- ▶ The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables 6.2.1, 6.2.2 and 6.2.3 further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management.

This plan of management expressly authorises the issue short term licences consistent with Section 2.20 of the *Crown Land Management Act 2016* and Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021.

This plan of management expressly authorises the grant of 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the *LG Act*.

Any tenure issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *CLM Act* unless Native title is extinguished. For Crown land which is not excluded land this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Table 6.2.1 details existing agreements over the relevant Crown Land reserves as at the commencement of this plan of management.

Table 6.2.1 – Current Leases and licences covered in this Plan of Management

Reserve Numbers	Property	Lessee/Licensee	Period	Purpose
500129	Booralee Park (Part)	MUFC Holdings Pty Ltd	28 September 2019 – 30 April 2020 (currently in holdover)	Operating a refreshment kiosk
500421	Scarborough Park	BNET Group	01 January 2022 to 31 December 2026	Outdoor area for a childcare centre
500421	Scarborough Park	Arncliffe Scots Sports and Social Club	27 January 2010 to 26 January 2030	Sporting uses, playing of soccer and other club related activities
500421	Scarborough Park	Sydney Sports Management Group Pty Ltd	24 April 2024 to 23 April 2029	Playing of tennis, sale of tennis apparatus as well as the playing of basketball, futsal and volleyball
500499	Mascot Park	Mascot Juniors Rugby League Football Club	1 February 2018 to 31 January 2023	Use of the oval and buildings for games and training
62644	Barton Park	De Corsie	1 January 2021 to 1 February 2021 (currently in hold over)	Golf driving range
82809	Silver Jubilee Reserve	Bardwell Valley Golf Club Inc	1 October 2021 to 30 September 2026	Golf course

Where a new agreement is established over Crown Land, providing Council has complied with the Community Land provisions in the *Local Government Act 1993* and this plan of management, there is no requirement to update table 6.2.1 above.

Council will however make available, where requested as public information, details of agreements in operation over Crown Land.

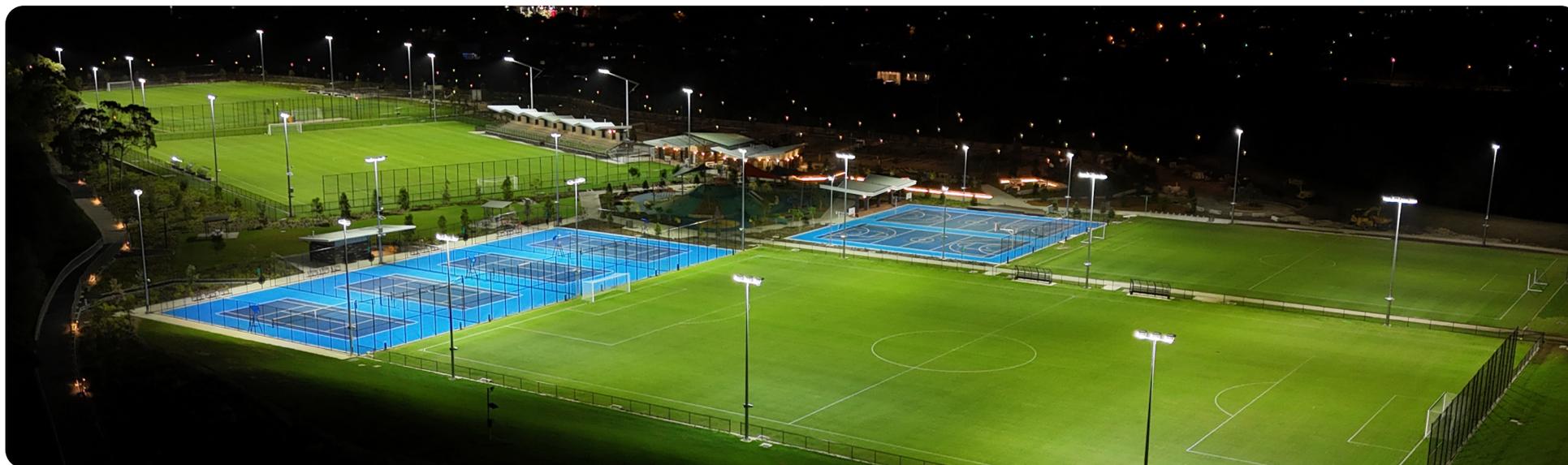


Table 6.2.2 – Lease and Licence Agreements pending completion

Reserve Numbers	Property	Lessee/Licensee	Period	Purpose
500129	Booralee Park (Part)	MUFC Holdings Pty Ltd	Proposed Term up to 2 years	Operating a refreshment kiosk
500499	Mascot Oval	Mascot Juniors Rugby League Football Club	Proposed Term up to 5 years	Use of the oval and buildings for games and training
62644	Barton Park (Riverine Park)	Arncliffe Aurora Football Club Inc	Proposed Initial Works Licence followed by a Proposed Term up to 21 Years	Multi sports
91288	Banksmeadow Reserve	Three Olives Pty Ltd	Proposed Term up to 10 years	Hospitality services and catering to the Botany Bay Golf Club and the community generally
62644	Barton Park	St George Football Club Ltd	Proposed Term up to 5 years	Part Grandstand: for spectators at football and training events. Fields 1 and 2: for football, training and community use/access. Sporting club storage: for the storage of sporting equipment. Club room: for events Canteen: for the sale of takeaway food and drinks

Table 6.2.3 – Permitted Leases, Licences and other estates

Category	Permitted
Lease or Licence Park	<p>Any lease proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per this plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Café / Kiosk ▶ Provision of ancillary facilities
Lease or Licence Sports Ground	<p>Any lease proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Use of sporting facilities by a sporting club ▶ Hire and or sale of recreation equipment ▶ Management of sporting organisations ▶ Use for social, cultural and sporting purposes, complementary to the use of the sports ground, and may include a registered club, café (food and beverage service) where permitted under zoning taking into consideration existing use rights
Lease or Licence General Community Use	<p>Any lease proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Childcare / Education purposes ▶ Health and medical facilities ▶ Recreational purposes such as fitness and dance classes ▶ Commercial uses compatible with the category and zoning ▶ Cafes, restaurants, function spaces and kiosk ▶ Community purposes



Category	Permitted
Short Term Licence Park	<p>Any licence proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Community events ▶ Festivals ▶ Markets / Fairs ▶ Public addresses ▶ Commercial filming and photography ▶ Public performances
Short Term Licence Sports Ground	<p>Any licence proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Sporting events ▶ Gala days ▶ Fitness training and classes ▶ Broadcasting and filming of sporting events ▶ Ancillary uses such as ceremonies, presentations or promoting and fundraising for sporting organisations
Short Term Licence General Community Use	<p>Any licence proposal will be assessed on a case by case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> ▶ Public addresses ▶ Functions ▶ Concerts and other performances ▶ Exhibitions ▶ Displays ▶ Broadcasting, filming and photography ▶ Community gatherings ▶ Kiosks ▶ Fairs or festivals

NOTE: Fees for short term uses and casual bookings will be charged per Bayside Council's fees.



7 Review

7.1 Review of this Plan

This plan of management will be regularly reviewed to ensure that it continues to align with the values and changing requirements of the community.

The performance of this plan of management may also be reviewed regularly to ensure that the areas of park, sports grounds and natural area are well maintained and provide public enjoyment.

Strategic review of this plan of management will be undertaken ten years after this plan of management is adopted or any period sooner if needed.

8 Appendices

Appendix A Maps of Crown Reserves with Multiple Categories

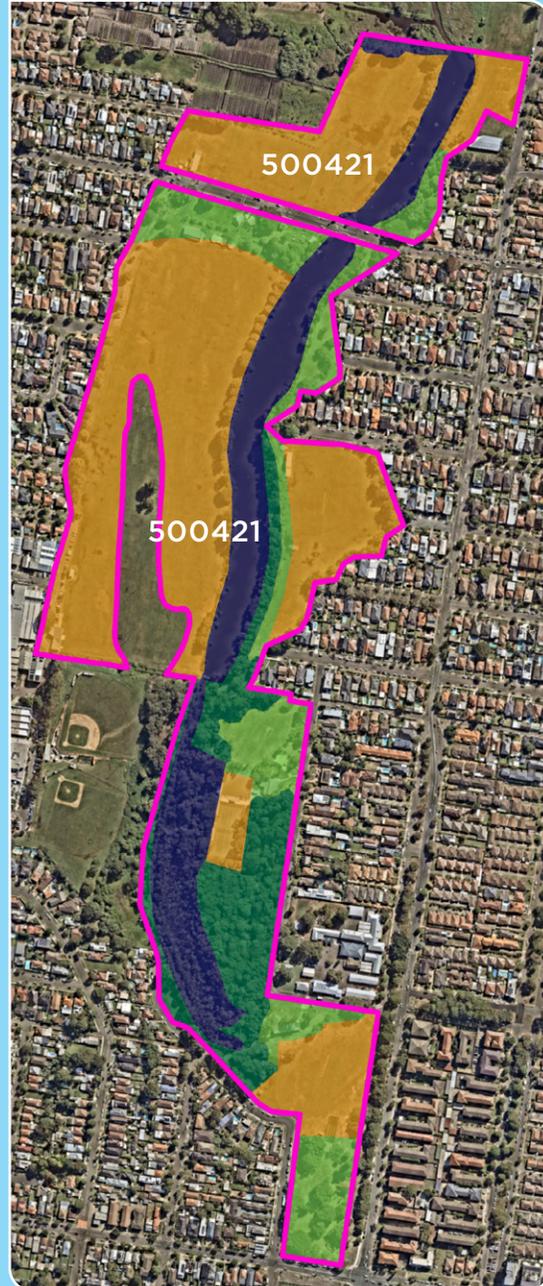


Reserve 500129
Booralee Park (part):
Park, Sports Ground and
General Community Use

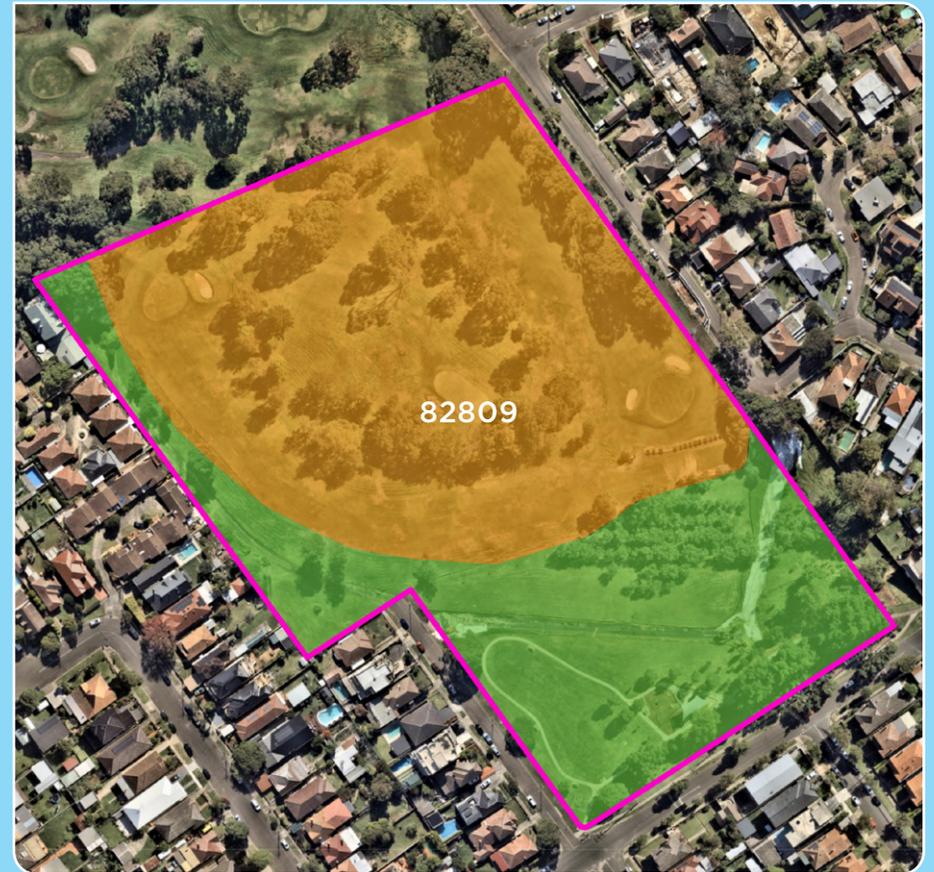
Map Legend

-  Sports Ground
-  Park
-  General Community Use

Reserve 500421
Scarborough Park:
Park, Sports Ground,
Natural Area (Bushland),
Natural Area (Watercourse)
and Natural Area (Wetland)



Reserve 82809
Silver Jubilee Park: Park and Sports Ground

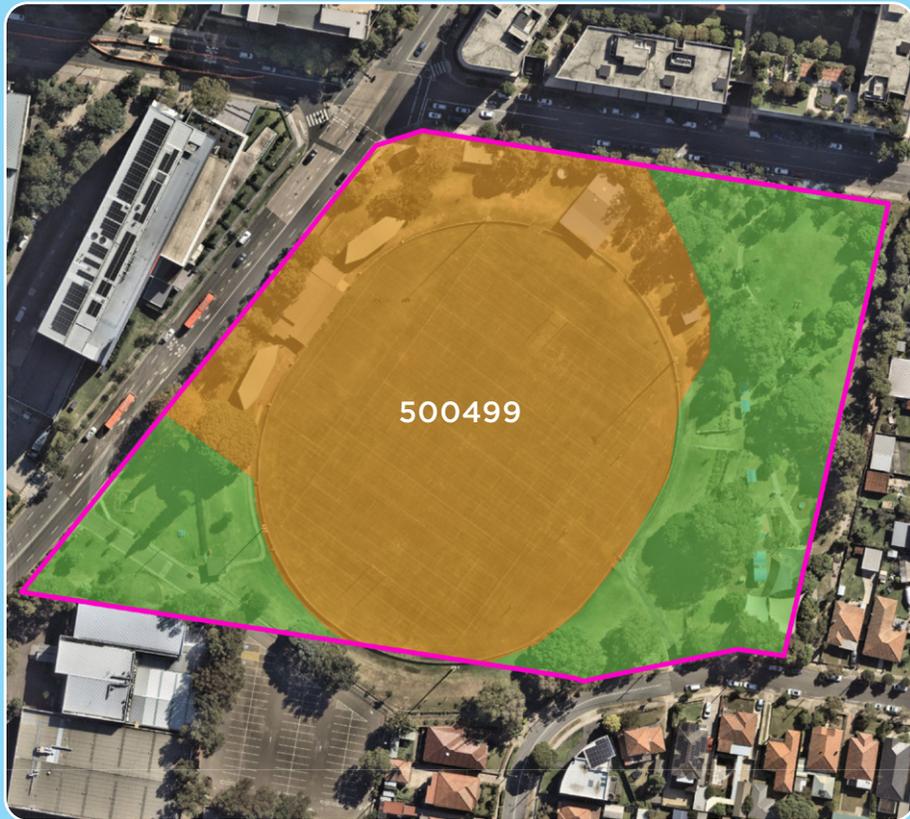


Map Legend

-  Sports Ground
-  Park
-  Natural Area (Bushland)
-  Natural Area (Wetland)

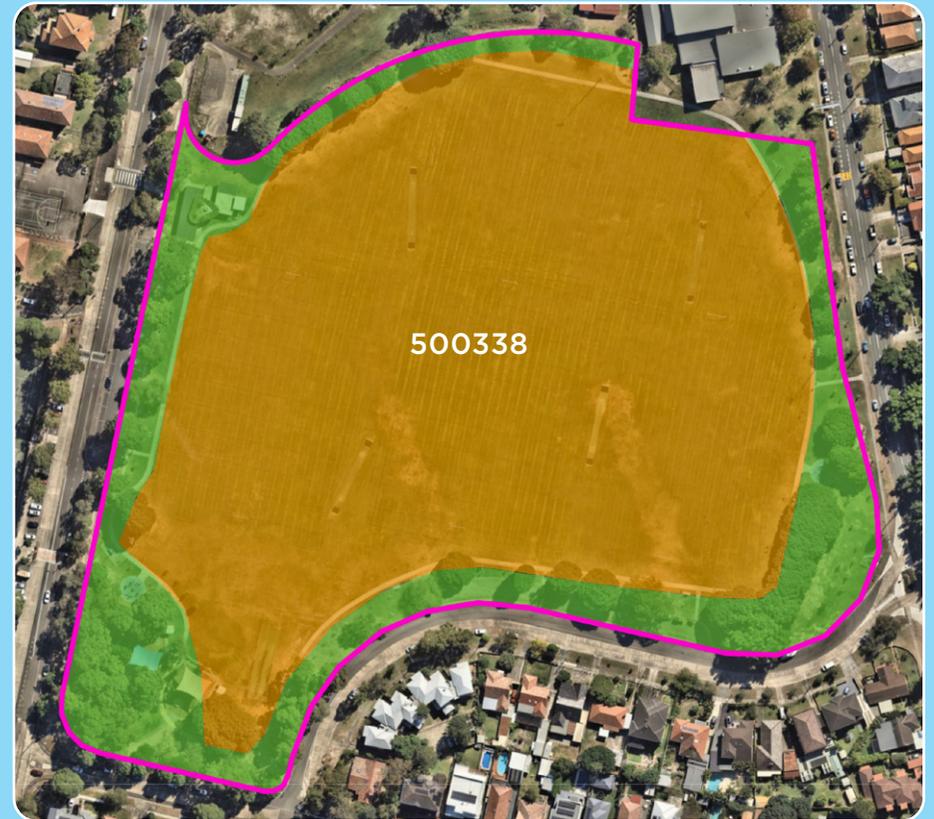
Reserve 500499

Mascot Park: Park and Sports Ground



Dedication 500338

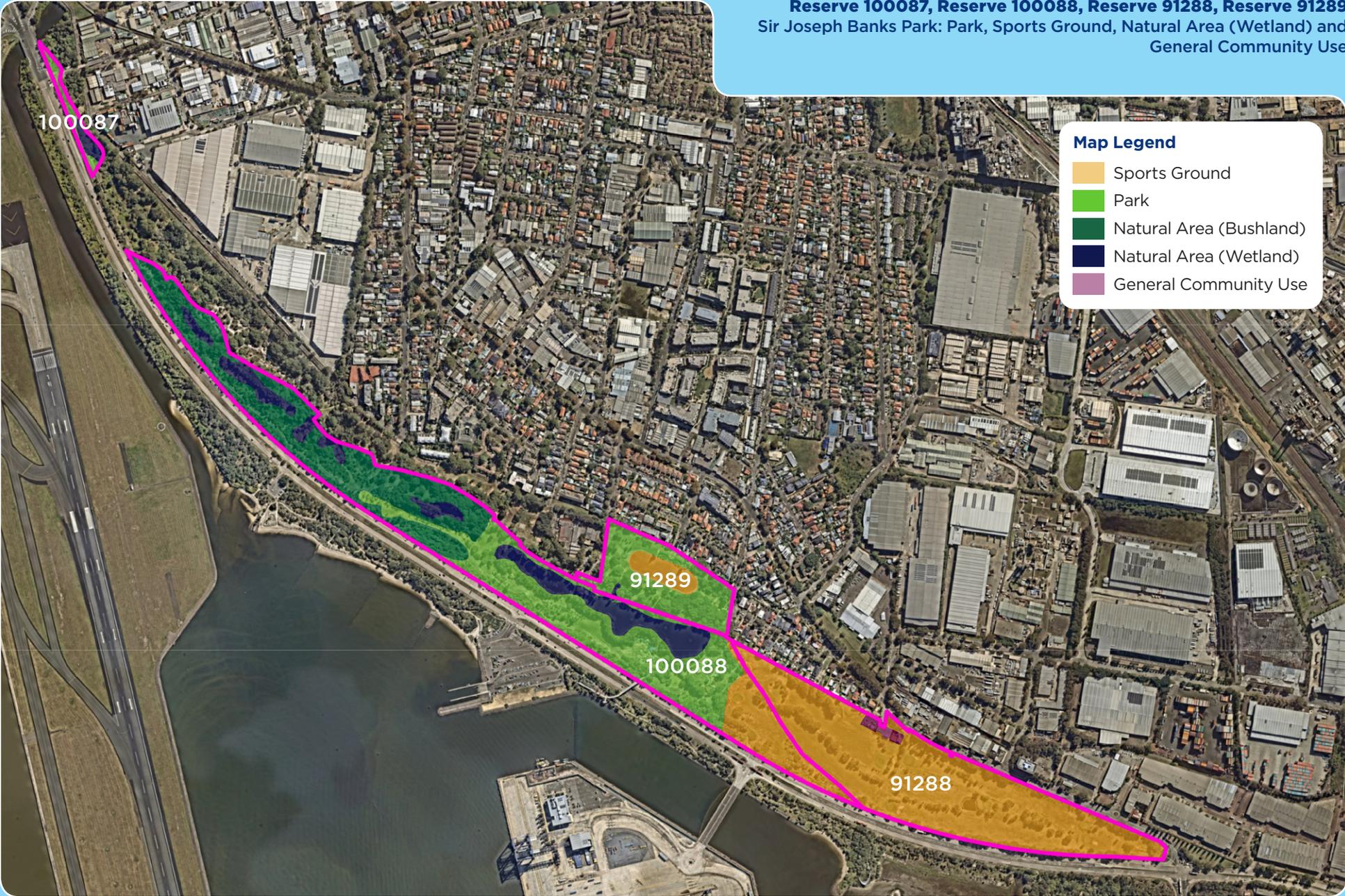
Rowland Park (part): Park and Sports Ground



Map Legend

-  Sports Ground
-  Park

Reserve 100087, Reserve 100088, Reserve 91288, Reserve 91289
Sir Joseph Banks Park: Park, Sports Ground, Natural Area (Wetland) and
General Community Use

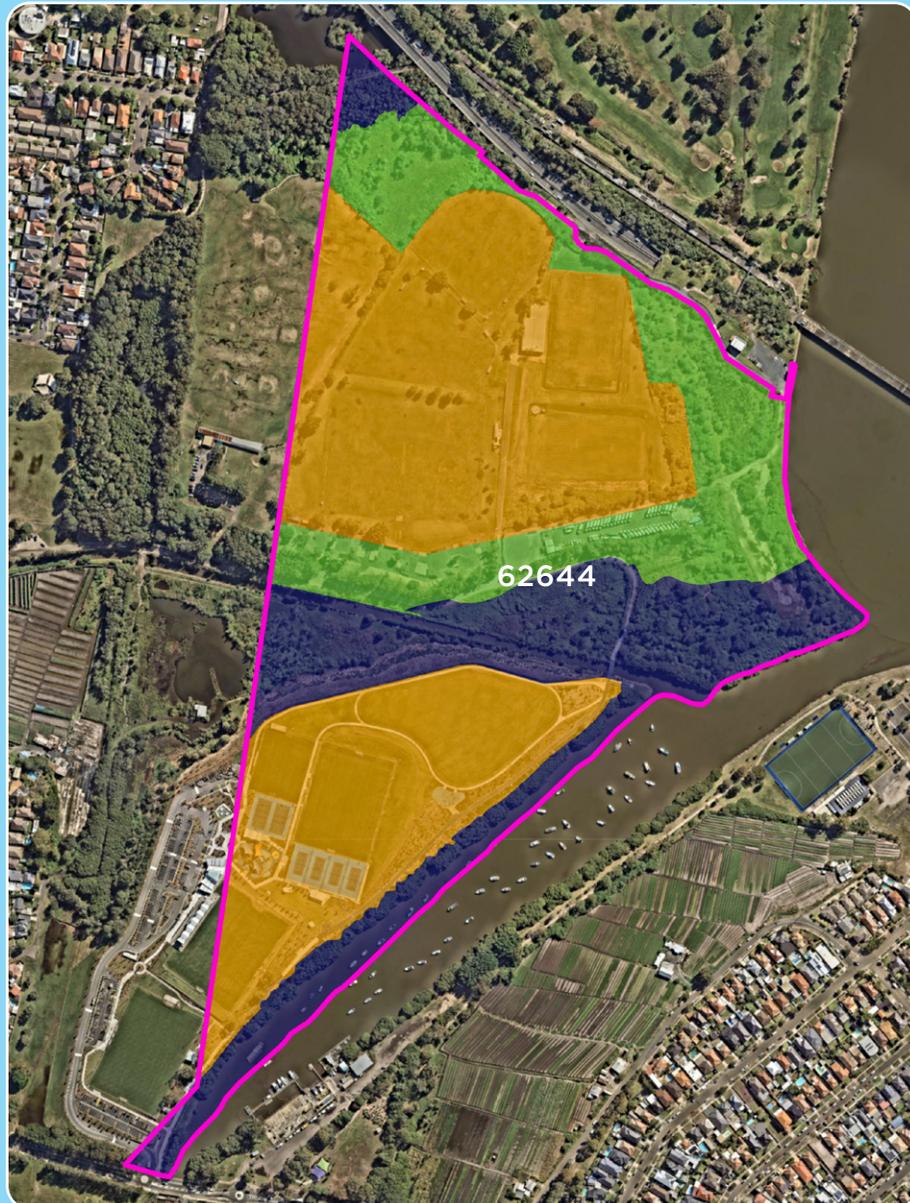


Map Legend

- Sports Ground
- Park
- Natural Area (Bushland)
- Natural Area (Wetland)
- General Community Use

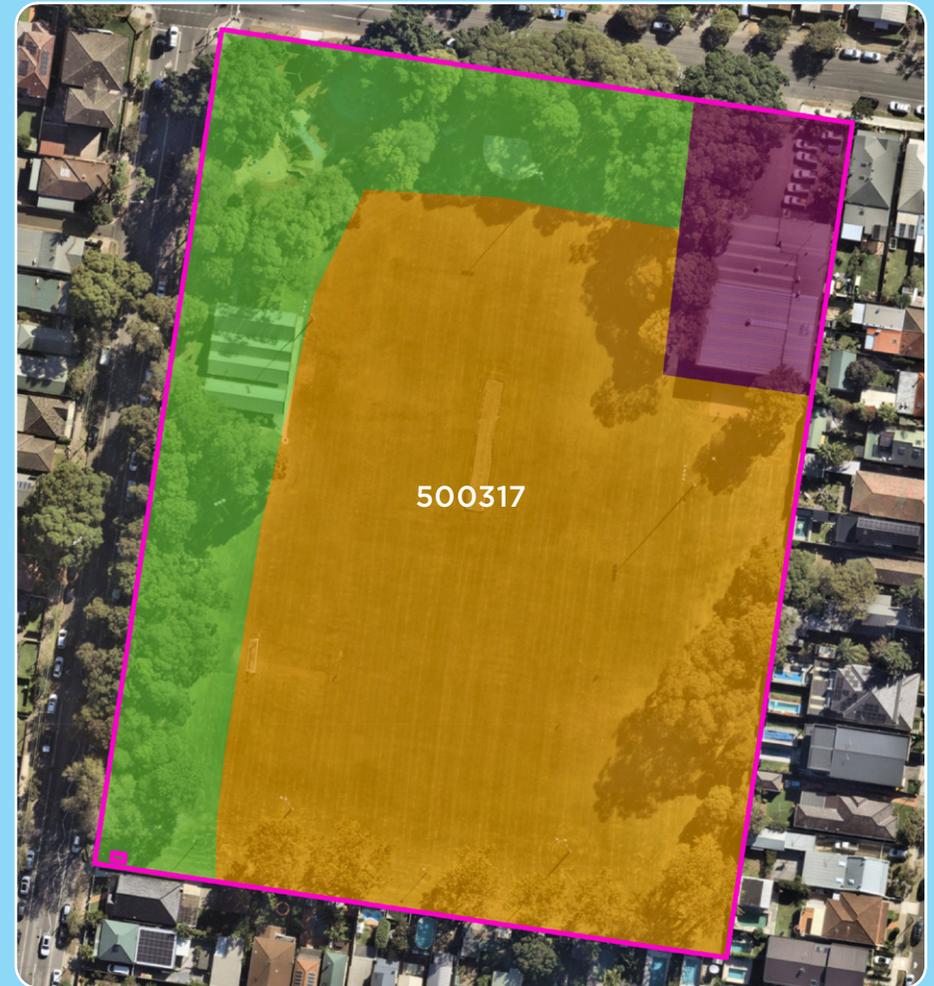
Reserve 62644

Barton Park: Sports Ground and Natural Area



Dedication 500317

L'Estrange Park: Park, Sports Ground and General Community Use

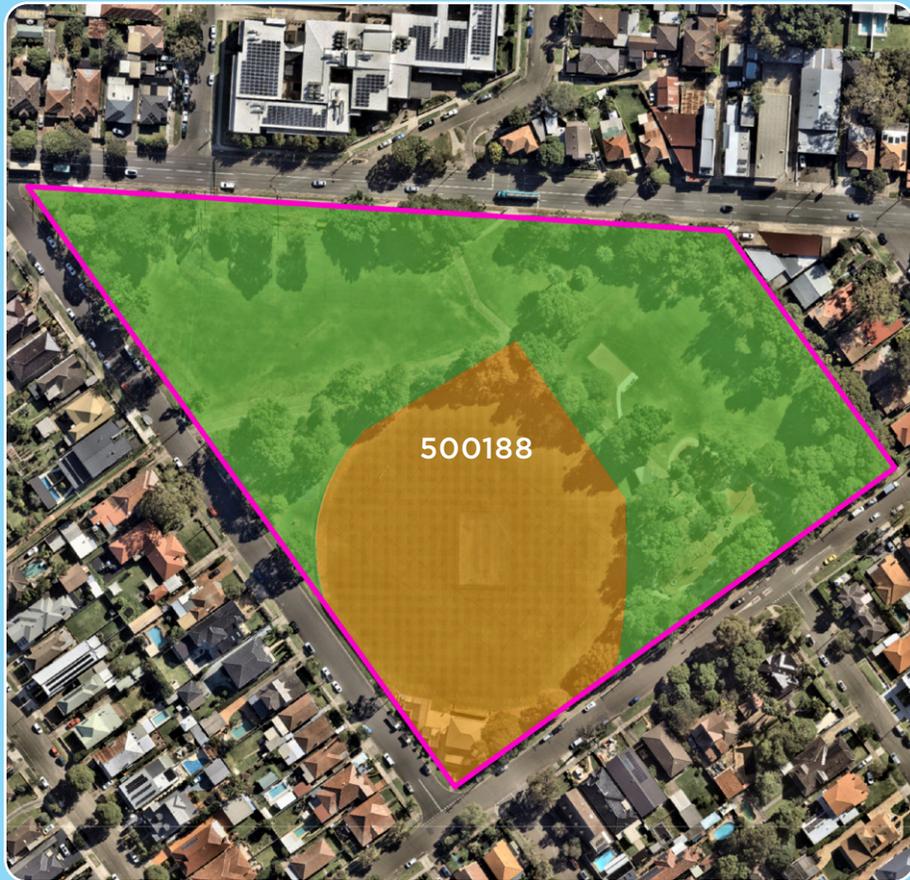


Map Legend

-  Sports Ground
-  Park
-  Natural Area (Wetland)
-  General Community Use

Reserve 500188

Bexley Park: Park and Sports Ground



Reserve 500187

Arncliffe Park: Park and Sports Ground



Map Legend

-  Sports Ground
-  Park



Bayside Council

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Westfield Eastgardens, 152 Bunnerong Road, Eastgardens
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Email **council@bayside.nsw.gov.au**

Web **www.bayside.nsw.gov.au**