



STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council
Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.30 PM, TUESDAY 5 DECEMBER 2023

Emily Scott
General Manager

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Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

Live Streaming of Meeting

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

PD/4.1/23.12	Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 November 2023.....	5
--------------	-------------------------------------------------------------------------------------------------------	---

5. Reports

PD/5.1/23.12	Planning Proposal - Council Advertising on Public Domain Assets	13
PD/5.2/23.12	Planning Proposal - Dwelling Density	38
PD/5.3/23.12	Subsidised Lease Program	63
PD/5.4/23.12	Housing Advisory Committee Meeting - 29 August 2023 - Minutes	67
PD/5.5/23.12	Clause 4.6 Variations to Development Standards - Quarterly Report - July-October 2023	72
PD/5.6/23.12	Strata Parking Area Agreements.....	78
PD/5.7/23.12	Urban Greening and Cooling Strategy - Adoption	90
PD/5.8/23.12	Tamarama Park and Beach Plan of Management - Adoption	115

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/23.12



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 November 2023

TRIM No: SF23/18

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 7 November 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 7 November 2023 .



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 7 NOVEMBER 2023**

Present:

Councillor Paula Masselos (Mayor) (Acting Chair)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steve Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 8.28 pm, those present were as listed above, with the exception of Cr Lewis who arrived at 8.48 pm during item PD/5.3/23.11.

Crs Fabiano, Goltsman, Keenan, Lewis, Murray, Nemesh and Wy Kanak attended the meeting by audio-visual link.

Due to the chair, Cr Lewis being unable to chair the Committee, the Committee elected Cr Masselos as acting chair of the Committee for this meeting.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Chair read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.

1. Apologies

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses by Members of the Public

3.1 P Seidler – PD/5.2/23.11 – Planning Proposal – 34 Flood Street, Bondi – Post-Exhibition.

3.2 E Whitney (on behalf of Meriton) – PD/5.2/23.11 – Planning Proposal – 34 Flood Street, Bondi – Post-Exhibition.

4. Confirmation of Minutes

PD/4.1/23.11 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 5 September 2023 (SF23/18)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That the minutes of the Strategic Planning and Development Committee meeting held on 5 September 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr Lewis was not present for the vote on this item.

5. Reports

PD/5.1/23.11 Draft Planning Agreement Policy (Amendment No. 5) - Exhibition (SF23/1066)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report.
2. Officers prepare a report to Council following the exhibition period.

AMENDMENT

Mover: Cr Betts
Seconder: Cr Kay

That clause 1 be amended to read as follows:

‘Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:

- (a) Page 25 of the agenda, clause 2.5 – Delete the third dot point: “When there are no obvious infrastructure upgrades in the vicinity of a development or where these are already being funded as part of the LTFP.”
- (b) Page 25 of the agenda, clause 2.5 – Delete the fifth dot point: “When a developer or community feedback supports greater funds being used for AH.”

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Kay, Goltsman and Nemesh.

Against the Amendment: Crs Fabiano, Gray, Keenan, Masselos, Murray and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Masselos, Murray

Against the Motion: Crs Betts, Burrill, Kay, Goltsman, Nemesh and Wy Kanak.

Cr Lewis was not present for the vote on this item.

PD/5.2/23.11 Planning Proposal - 34 Flood Street, Bondi - Post-Exhibition (PP-1/2023)

Council dealt with this item in closed session.

MOTION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to list 34 Flood Street,

Bondi (Lot 1 DP 1094020), as a local heritage item in the *Waverley Local Environmental Plan 2012* (WLEP), and the submissions received during public exhibition, to the Department of Planning and Environment (DPE) with a recommendation to proceed to finalisation and gazettal.

2. Requests the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.
3. Notifies the owner of 34 Flood Street of Council's decision.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to list 34 Flood Street, Bondi (Lot 1 DP 1094020), as a local heritage item in the *Waverley Local Environmental Plan 2012* (WLEP), subject to officers considering the emails and attachments referred to in the representations from members of the public, and the submissions received during public exhibition, to the Department of Planning and Environment (DPE) with a recommendation to proceed to finalisation and gazettal.
2. Requests the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.
3. Notifies the owner of 34 Flood Street of Council's decision.

Division

For the Motion: Crs Betts, Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Masselos, Murray, Nemesh and Wy Kanak.

Against the Motion: Nil.

P Seidler and E Whitney (on behalf of Meriton) addressed the meeting.

Cr Lewis was not present for the vote on this item.

PD/5.3/23.11 Housing State Environmental Planning Policy - Submission (SF23/4362)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council approves the submission to the NSW Department of Planning and Environment attached to the report (Attachment 4) on proposed amendments to the Housing State Environmental Planning Policy relating to in-fill affordable housing.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council approves the submission to the NSW Department of Planning and Environment attached to the report (Attachment 4) on proposed amendments to the Housing State Environmental Planning Policy relating to in-fill affordable housing, subject to officers considering Councillors' feedback at the meeting.

PD/5.4/23.11 Eastern Suburbs Electric Vehicle Infrastructure Strategy - Adoption (A11/0853)

MOTION / DECISION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report.
2. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.

PD/5.5/23.11 Waverley Park Plan of Management - Adoption (SF23/3536)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Fabiano

That Council:

1. Notes the feedback on the draft Waverley Park Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Waverley Park Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

6. Urgent Business

There was no urgent business.

7. Closed Session

PD/7/23.11 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as

confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

PD/5.2/23.11 Planning Proposal - 34 Flood Street, Bondi - Post-Exhibition

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

PD/7.1/23.11 CONFIDENTIAL REPORT - Boot Factory and Mill Hill Community Centre and Tamarama Surf Life Saving Club - Project Update

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

At 9.06 pm, Council moved into closed session.

PD/7.1/23.11 CONFIDENTIAL REPORT - Boot Factory and Mill Hill Community Centre and Tamarama Surf Life Saving Club - Project Update (A23/0385)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the project update on the Boot Factory and Mill Hill Community Centre (including Norman Lee Place) and Tamarama Surf Life Saving Club, as set out in the report.
3. Notes that the quarterly budget review (Q1) will detail the proposed funding strategy to address the financial impacts of the projects.
4. Holds an urgent Councillor briefing to discuss the proposed Q1 funding strategy.

8. Resuming in Open Session**PD/8/23.11 Resuming in Open Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council resumes in open session.

*At 9.30 pm, Council resumed in open session.****Resolutions from closed session made public****In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.***9. Meeting Closure****THE MEETING CLOSED AT 9.32 PM.**

.....
SIGNED AND CONFIRMED
CHAIR
5 DECEMBER 2023

REPORT
PD/5.1/23.12

Subject: Planning Proposal - Council Advertising on Public Domain Assets

TRIM No: PP-2/2023

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.
4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process.

1. Executive Summary

Council is seeking to upgrade some of its public domain assets, inclusive of bus shelters, and erect multi-functional communications panels. These upgrades include the provision of digital advertising.

Under the *Waverley Local Environmental Plan 2012* (WLEP), 'signage' and 'advertising structure' are land use terms that are not currently permissible in any of the land use zones. In addition, the Industry and Employment State Environmental Planning Policy (SEPP) provides provisions for permissibility (both with and without consent) for this type of signage in some location. However, not in all the locations desired by Council. Consequently, a planning proposal has been prepared to implement changes to the WLEP to allow signage to be erected as exempt development by Council (or a party acting on behalf of Council).

This report responds to a resolution of Council to prepare the planning proposal in April 2023. The planning proposal is attached to this report (Attachment 1).

2. Introduction/Background

At its meeting on 17 May 2022, Council resolved to investigate opportunities for bus shelter upgrades, including advertising installations. The subsequent findings of the investigation included the need to prepare a planning proposal to facilitate further opportunities for the provision of public domain infrastructure, inclusive of upgraded bus shelters and communications panels with advertising.

Consequently, a report detailing the findings was presented to the Strategic Planning and Development Committee on 4 April 2023.

The preparation of the proposal implements the Council resolution, and the report provides a summary of feedback provided by the Waverley Local Planning Panel and how this feedback has been addressed in the updated planning proposal.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 4 April 2023	PD/5.6/23.04	<p>That Council:</p> <ol style="list-style-type: none"> Prepares a planning proposal to insert exempt provisions for advertising into the <i>Waverley Local Environmental Plan 2012</i>, provided that the advertising: <ol style="list-style-type: none"> Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels. Must not contain flashing or neon signage. Must not be located on land that comprises a heritage item. Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street). Must be erected by, or on behalf of, Council. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.

4. Discussion

A report was presented to the Waverley Local Planning Panel on 23 August 2023 seeking advice on the preparation of a planning proposal to insert exempt provisions for advertising into WLEP. The minutes from the meeting are attached to this report (Attachment 2). Responses to the issues raised are addressed in Table 1 and reflected in the updated planning proposal.

Table 1. Response to advice from the Waverley Local Planning Panel.

Matter	Response
<p>1. Council be informed of the recent City of Sydney experience with advertising.</p>	<ul style="list-style-type: none"> • Council officers are aware of the issues surrounding the rollout of advertising in the City of Sydney. • Whilst the bus shelter advertising will be of a similar size as existing advertising panels, following feedback from the WLPP, provisions have been included in the updated planning proposal around the maximum size of structures which communications panel advertising can be present on. These size restrictions are narrower than what was implemented in the City of Sydney. • In addition, provisions around sizing and their relationship with pedestrians, cyclists, drivers and other uses on the footpath (such as outdoor dining) has been included in the updated planning proposal. • A separate process will select the location of multi-functional communication panels and will be determined by Council.
<p>2. Council to confirm that exempt provisions can be used if the use is prohibited in the zone.</p>	<ul style="list-style-type: none"> • The proposal is not inconsistent with what exists in other Council's LEPs where the use is prohibited but permissible as exempt development within the relevant schedule. The SEPP provides general requirements for exempt development and none of these requirements relate to land use permissibility. The provisions in the LEP essentially serve as an extension of the Code SEPP and as long as the proposed exempt development aligns with the requirements of the SEPP it is deemed appropriate.
<p>3. Include further details of the public benefit for the communications panel advertising.</p>	<ul style="list-style-type: none"> • Further details in the updated planning proposal have been included.
<p>4. For communications panel advertising, further consideration of:</p> <ul style="list-style-type: none"> • size restrictions, • access requirements for outdoor dining, access for people with disabilities, • locations to avoid hindering sight lines, and • separation distance to avoid clustering and 	<ul style="list-style-type: none"> • Provisions were already included around size restrictions. Furthermore, provisions have been included regarding access requirements, sight lines and separation distances in the updated planning proposal.

limit the number to avoid proliferation.	
5. The panel being unable to address site specific and strategic merit based on lack of information about locations for communications panels advertising.	<ul style="list-style-type: none"> This has been addressed and responded to further in Part 3 of the updated planning proposal, specifically by including prescribed zones in which the communications panel advertising can be present with. This includes commercial zones only (E1, E2 and MU1 zones).

5. Financial impact statement/Time frame/Consultation

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the preparation of the planning proposal.

It is estimated that this amendment to the WLEP will be completed by mid-2024.

Public exhibition is likely to include at minimum a display on the Council's website. The Gateway determination issued by DPE will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway determination for the proposal. The planning proposal authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

6. Conclusion

Following the resolution of Council in April 2023, a planning proposal to implement changes to the WLEP was prepared and reported to the WLPP. Council Officers have made several changes to the planning proposal in response to advice received at the WLPP meeting and are now seeking a resolution of Council to submit the planning proposal to the DPE for a Gateway determination.

7. Attachments

1. Planning proposal - Council advertising [📄](#)
2. WLPP - 23 August 2023 - Minutes [📄](#) .



PLANNING PROPOSAL

Waverley Council Advertising
PP-2/2023

Planning proposal Information

Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	4
a. Background to this Planning proposal	4
b. Local Planning Panel	7
PART 1 – OBJECTIVES AND INTENDED OUTCOMES	10
PART 2 – EXPLANATION OF PROVISIONS	10
PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT	11
Section A – Need for the planning proposal	11
Section B – Relationship to strategic planning framework	12
Section C – Environmental, social and economic impact	16
Section D – Infrastructure (Local, State and Commonwealth)	17
Section E – State and Commonwealth Interests	17
PART 4 – MAPPING	17
PART 5 – COMMUNITY CONSULTATION	17
PART 6 – PROJECT TIMELINE	17
APPENDIX A – Minutes of the Local Planning Panel	18

Planning proposal – Exempt provisions for Council advertising

Council versions:

No.	Date	Version
1	14.08.2023	For the Waverley Local Planning Panel
2	22.11.2023	For the Strategic Planning and Development Committee

Planning proposal – Exempt provisions for Council advertising

EXECUTIVE SUMMARY

At its 17 May 2022 Council Meeting, Council resolved to investigate opportunities for bus shelter upgrades, including advertising installations. The subsequent findings of the investigation included the need to prepare a planning proposal in order to facilitate further opportunities for the improved provision of public domain infrastructure, inclusive of upgraded bus shelters and communications panels with advertising. A report was presented to Council's Strategic Planning and Development Committee with the findings where on 4 April 2023, it was resolved:

That Council:

1. Prepares a planning proposal to insert exempt provisions for advertising into the Waverley Local Environmental Plan 2012, provided that the advertising:

(a) Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels.

(b) Must not contain flashing or neon signage.

(c) Must not be located on land that comprises a heritage item.

(d) Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street).

(e) Must be erected by, or on behalf of, Council.

2. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment.

3. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.

The preparation of this planning proposal 'the proposal' implements the Council resolution.

INTRODUCTION

a. Background to this Planning proposal

Under the Waverley LEP 2012, advertising on bus shelters and communications panels would either be defined as 'signage' or 'advertising structure' where advertising structures are a type of signage. The definitions are as follows:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- a) an advertising structure,*
- b) a building identification sign,*
- c) a business identification sign,*

but does not include a traffic sign or traffic control facilities.

advertising structure has the same meaning as in the Act.

Planning proposal – Exempt provisions for Council advertising

Note: The term is defined as a structure used or to be used principally for the display of an advertisement. Accordingly, advertising structures are a type of signage.

These two land uses, signage and advertising structure, are not currently permissible in any of the land use zones. Waverley Council currently has 85 bus shelters. Of these, Council owns 44 non-advertising bus shelters of varied styles ranging from faux heritage style to brick and contemporary aluminium and glass. In addition, there are 41 steel and glass bus shelters with advertising displays. The advertising displays relate to development consent dating back to the early 2000s. This consent was provided on the basis that at the time, roads were not zoned and therefore permissibility around advertising in these locations was not a consideration. Since this time, roads now have now been zoned, typically given the adjacent land use zone, and advertising structures that accompany bus shelters would no longer be permissible in the relevant zone under the Waverley LEP. Any renewal or expansion of bus shelters with advertising is now only able to be considered under existing use rights – but shelters without existing advertising would not be able to be modified to include advertising.

In addition, the Industry and Employment State Environmental Planning Policy (SEPP) provides provisions for advertising and signage visible from a public place with or without development consent, the SEPP contains restrictions on the application of the SEPP in certain areas, as detailed in Clause 3.8 as follows:

3.8 Prohibited advertisements

(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—

- *environmentally sensitive area*
- *heritage area (excluding railway stations)*
- *natural or other conservation area*
- *open space*
- *waterway*
- *residential (but not including a mixed residential and business zone, or similar zones)*
- *scenic protection area*
- *national park*
- *nature reserve*

It is noted that under clause 3.4 of the SEPP that the above provisions do not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it. This means that an amendment to the WLEP would result in the desired outcomes Council is seeking.

The proposed approach outlined in this report is considered similar to those implemented in other Councils in Greater Sydney in recent years and would provide Council with greater flexibility than is available under the Industry and Employment SEPP. If the proposal is implemented, it will allow Council to install contemporary bus shelters that will be compliant with modern accessibility standards, replace dilapidated assets and provide sympathetic and consolidated advertising panels and providing community communication boards at key strategic locations. The primary side of the communication panel would be designed for Council's exclusive use and include features such as:

Planning proposal – Exempt provisions for Council advertising

- Directory map of local area including ‘you are here’ and places of interest.
- Electronic bulletin panels for the promotion of local community services, special events and public posting of messages.
- Default display of alternating Council messages.
- Bus timetables or live transport messaging.

The secondary side would be dedicated to advertising activity consistent with the bus shelter advertising. Examples of some of the outcomes that the proposal could achieve are illustrated in *Figure 1* and *Figure 2* below.



Figure 1 – Digital bus shelter advertising in the City of Sydney

Planning proposal – Exempt provisions for Council advertising



Figure 2 'LinkNYC' communications panel infrastructure in New York City (Source: New York Times).

b. Local Planning Panel

The Planning Proposal was reported to the Waverley Local Planning Panel on 23 August 2023.

The Minutes of this meeting are provided in Appendix 1 and reproduced below.

Resolution

The Panel advises:

1. *It is recommended that Council inform itself of the environmental, social and economic impacts the bus shelter advertising and communication panels have had on other LGAs such as City of Sydney. The Panel notes that Woollahra Council exempt provisions relate to bus shelter signage only.*
2. *Council to confirm that the prohibition of advertising signage across the relevant Zones does not preclude the carrying out of exempt development as contemplated by the Planning Proposal.*
3. *That the Planning Proposal include further details of public benefit.*
4. *That the following themes be further considered:*
 - *Size restrictions*
 - *Access requirements for outdoor dining, access for people with disabilities*
 - *Separation distance to avoid clustering and limit the number to avoid proliferation*

Planning proposal – Exempt provisions for Council advertising

- *Locations to avoid hindering sight lines*

The Panel is unable to address the site specific and strategic merit of the Planning Proposal given the lack of information regarding exactly where the stand alone communication panels will be located. The Panel considers signage on bus shelters to be acceptable but has concerns about identifying stand alone communication panels as exempt development.

Furthermore, the Panel advises Council to consider the following changes to the explanation of provisions in the Planning Proposal [in bold and italics]:

Signage—bus shelter advertising

1. Must ~~either~~ not extend beyond ***more than 5m*** ~~10m~~ from the perimeter of a bus shelter.
2. Must not contain flashing or neon signage.
3. Must not be located on land that comprises a heritage item.
4. Must not be located in a heritage conservation area excluding shelters with a frontage on the following -
 - (a) *Birrell Street*
 - (b) *Blair Street*
 - (c) *Bondi Road*
 - (d) *Bronte Road*
 - (e) *Campbell Parade*
 - (f) *Macpherson Street*
 - (g) *Oxford Street.*
5. Must be erected by, or on behalf of, Council.

A response to the issues raised are addresses in the Table x.

Table 1 Response to WLPP Feedback.

Matter	Response
1. Council be informed of the recent City of Sydney experience with advertising.	<ul style="list-style-type: none"> • Council officers are aware of the issues surrounding the rollout of advertising in the City of Sydney in recent times. In particular the issues were caused by large advertising panels not associated with bus stops being placed on footpaths where they ultimately obstructed the footpath and caused nuisance for footpath users. This was well publicised in the media. • Whilst the bus shelter advertising will be of a similar size as existing advertising panels, following feedback from the WLPP, provisions have been included in the updated Planning Proposal around the maximum size of structures which communications panel advertising can be present on. These size restrictions are

Planning proposal – Exempt provisions for Council advertising

	<p>narrower than what was implemented in the City of Sydney.</p> <ul style="list-style-type: none"> In addition, provisions around sizing and their relationship with pedestrians, cyclists, drivers and other uses on the footpath (such as outdoor dining) has been included in the updated Planning Proposal.
2. Council to confirm that exempt provisions can be used if the use is prohibited in the zone.	<ul style="list-style-type: none"> The proposal is not inconsistent with what exists in other Council's LEPs where in which the use is prohibited but permissible as exempt development within the relevant schedule. The SEPP provides general requirements for exempt development and none of these requirements relate to land use permissibility. The provisions in the LEP essentially serve as an extension of the Code SEPP and as long as the proposed exempt development aligns with the requirements of the SEPP it is deemed appropriate.
3. Include further details of the public benefit for the communications panel advertising.	<ul style="list-style-type: none"> Further details in the updated Planning Proposal have been included.
4. For communications panel advertising, further consideration of: <ul style="list-style-type: none"> size restrictions, access requirements for outdoor dining, access for people with disabilities, locations to avoid hindering sight lines, and separation distance to avoid clustering and limit the number to avoid proliferation. 	<ul style="list-style-type: none"> Provisions were already included around size restrictions. Furthermore, provisions have been included regarding access requirements and sight lines in the updated Planning Proposal.
5. The panel being unable to address site specific and strategic merit based on lack of information about locations for communications panels advertising.	<ul style="list-style-type: none"> This has been addressed and responded to further in Part 3 of the updated Planning Proposal, specifically by including prescribed zones in which the communications panel advertising can be present with. This includes commercial zones only (E1, E2 and MU1 zones).
6. Consider proposed change for bus shelter advertising to be no further than 5m from the shelter structure	<ul style="list-style-type: none"> This change has been accepted.

Planning proposal – Exempt provisions for Council advertising

as against the proposed 10m.	
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PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This proposal intends to amend Schedule 2 of the WLEP to permit signage in the form of bus shelter advertising and on communications panels. The proposal aims to ensure that the signage is compatible with the desired visual character of the Waverley Local Government Area (LGA). Permitting bus shelter advertising as exempt development will overcome any limitations of the Industry and Employment SEPP which prohibits the display of advertisements in certain areas.

PART 2 – EXPLANATION OF PROVISIONS

The proposal seeks to amend Schedule 2 of the WLEP to permit as exempt development:

- Signage – Council bus shelter advertising
- Signage – Council communications and advertising panels

The recommended draft provisions to be included in Schedule 2 of the WLEP are detailed as follows. The provisions are draft in nature and may be refined following public exhibition and in consultation with Parliamentary Counsel if deemed appropriate.

Signage—Council bus shelter advertising

1. *Must either not extend beyond 5m from the perimeter of a bus shelter.*
2. *Must not contain flashing or neon signage.*
3. *Must not hinder sight lines for drivers, cyclists and pedestrians.*
4. *Must not be located on land that comprises a heritage item.*
5. *Must not be located in a heritage conservation area excluding shelters with a frontage on the following -*
 - (h) *Birrell Street*
 - (i) *Blair Street*
 - (j) *Bondi Road*
 - (k) *Bronte Road*
 - (l) *Campbell Parade*
 - (m) *Macpherson Street*
 - (n) *Oxford Street.*
6. *Must be erected by, or on behalf of, Council.*

Signage— Council communications panels advertising

1. *Must only be part of a structure erected by or on behalf of the Council.*
2. *If located outside of a pedestrianised mall, must not be part of a structure that exceeds the following specifications –*
 - (a) *2200mm in height*

Planning proposal – Exempt provisions for Council advertising

- (b) 1150mm in width*
 - (c) 500mm in depth*
- 3. Must not contain flashing or neon signage.*
- 4. Must not be part of a structure that:*
 - (a) hinders sight lines.*
 - (b) obstructs existing footpaths, approved outdoor dining or access for people with a disability.*
 - (c) is used solely for the purpose of advertising.*
- 5. Must be part of a structure that is located only within the E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use zones.*
- 6. Must not be part of a structure on land that comprises a heritage item.*
- 7. Must not be part of a structure on land within a heritage conservation area, excluding on structures with a frontage on the following—*
 - (a) Birrell Street*
 - (b) Blair Street*
 - (c) Bondi Road*
 - (d) Bronte Road*
 - (e) Campbell Parade*
 - (f) Macpherson Street*
 - (g) Oxford Street.*

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

The proposal is considered to have strategic merit when considered against the criteria detailed in the *Local Environmental Plan Making Guidelines* as detailed below.

1. Is the planning proposal a result of any strategic study or report?

No. The proposal is not the result of a specific strategic study. However, a review of the opportunities for advertising in the Waverley LGA informed Council's resolution to prepare this planning proposal. The proposal aligns with various actions of a number of Council's strategic documents as detailed further throughout this report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Planning proposal – Exempt provisions for Council advertising

Yes. A planning proposal is the best means of achieving the intended outcome. An amendment to the Waverley LEP 2012 is required to permit advertising on bus shelters and communications panels beyond the limitations of the Industry and Employment SEPP.

Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal aligns with the objectives and actions of the Region Plan *A Metropolis of Three Cities* and the *Eastern City District Plan*.

A Metropolis of Three Cities

The planning proposal is broadly consistent with the directions and objectives of Greater Sydney Region Plan: A Metropolis of Three Cities, particularly Objective 12 under the Direction: A city of great places:

Objective 12: Great places that bring people together

This objective seeks to maintain and build on the unique characteristics of places in a way that reflects shared community values and culture. The proposed amendment to the WLEP seeks to permit advertising on bus shelters and communications panels whilst including provisions that respects our community's commitment to heritage conservation and maintains the amenity of the LGA. Furthermore the amendment would facilitate the promotion of local community services, special events and public posting of messages, as well as promote places of interest.

Each location will be carefully selected to consider its local environment and situational context.

Eastern City District Plan

The planning proposal is generally consistent with the planning priorities and actions of the Eastern City District Plan, particularly Planning Priority E6 under the theme Liveability:

Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage

The planning proposal will contribute to the liveability of the Waverley LGA as it will introduce exempt development provisions for advertising on bus shelters and communications panels. This advertising can only be erected by or on behalf of Council, not permissible on heritage items and not be located in most heritage conservation areas. The advertising structures will be well designed and consistent with the desired visual character of the Waverley LGA.

8. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Waverley Local Environmental Plan 2012

The WLEP has 16 main aims that all planning proposals and development should be consistent with where applicable. This proposal is consistent with the following aims WLEP:

Planning proposal – Exempt provisions for Council advertising

9. *to identify, conserve and enhance the cultural, environmental, natural, aesthetic, social and built heritage, and existing scenic and cultural landscapes of Waverley, including the curtilage of Centennial Park, for current and future generations*

10. *to achieve high quality public domain with significant tree canopy and accessible open space*

(l) to improve connectivity and accessibility in Waverley and prioritise development that enables walking, cycling and the use of public transport

Waverley Local Strategic Planning Statement (March 2020)

An assessment of the proposal against the relevant Planning Priority and actions has been outlined in Table 1.

Table 1 – Assessment of the Proposal against the Local Strategic Planning Statement

Direction: A collaborative City	
Planning Priority 3: Digitally manage infrastructure to ensure it is efficient, fit for purpose, and well maintained	
5. Investigate and implement new funding streams to deliver infrastructure	This proposal will provide Council with an opportunity to tender for a new contract for modern, more accessible bus shelters and communications panels with integrated advertising.
7 Review the planning framework to find opportunities to enable and prepare for rapid changes in the urban environment created by changing technologies	This proposal will provide Council with opportunities for new advertising technologies to be integrated into public domain infrastructure.

Waverley Community Strategic Plan 2022-2032

This proposal aligns with the community vision which is:

“Waverley is a vibrant and resilient community. We take care of each other, our natural environment and local places. Our community is empowered to collaborate for a sustainable and connected Waverley for future generations.”

The proposal also aligns with the strategies presented in Table below:

Table 2 – Assessment of Proposal against Waverley Community Strategic Plan

2.6 Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage and population	
Strategies	Consistency
2.6.6. Celebrate the heritage and character of our centres and heritage sites, and protect and enhance their character	The proposal excluding advertising from most Heritage Conservation Areas and therefore ensures the character of these areas can remain.
2.9 Manage traffic, transport and parking in a balanced way	
Strategies	Consistency
2.9.1. Leverage technologies and regulations to provide	The updated advertising provisions will complement the procurement of new bus shelters and communications panels which provide better public transport outcomes for patrons.

Planning proposal – Exempt provisions for Council advertising

better transport and parking outcomes	
2.10 Build, maintain and renew well-designed, accessible and sustainable assets and infrastructure, to improve the liveability of neighbourhoods	
Strategies	Consistency
2.10.1. Ensure Council's infrastructure assets are operated, maintained, renewed and upgraded to meet the levels of service set by the community	<p>The Proposal will facilitate the renewal of Waverley's bus shelter infrastructure and the permissibility of advertising on communications panels will assist in Council in developing integrated asset solutions to provide community benefits.</p> <p>In addition, new digital advertising structures will also allow for Council to advertise community events and services and important community messages, among other advertisements.</p>
3.2 Deliver the Waverley community excellent customer service, with services delivered efficiently, and with innovation	
Strategies	Consistency
3.3.2 Deliver long-term financial, environmental and economic programs that improve financial and environmental sustainability.	The proposal will allow Council with opportunities to increase its revenue stream and consequentially provide better services to the community with the increased revenue.

11. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies.

12. Is the planning proposal consistent with applicable SEPPs?

This planning proposal is consistent with applicable State Environmental Planning Policies. **Table** assessed the planning proposal against the State Environmental Planning Policies (SEPPs).

Table 3 – Assessment of Proposal against the SEPPs

Title	Applicable	Consistent
Housing SEPP	N/A	Not inconsistent
Transport and Infrastructure SEPP	N/A	Not inconsistent
Primary Production SEPP	N/A	Not inconsistent
Biodiversity and Conservation SEPP	N/A	Not inconsistent
Resilience and Hazards SEPP	N/A	Not inconsistent
Industry and Employment SEPP	Yes	Consistent. The planning proposal seeks to permit bus shelter and communications panel advertising as exempt development. This will facilitate advertising on bus shelters and communications panels in land use zones or descriptions that are prohibited under the SEPP.
Resources and Energy SEPP	N/A	Not inconsistent

Planning proposal – Exempt provisions for Council advertising

Planning Systems SEPP	N/A	Not inconsistent
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	Not inconsistent
Codes SEPP	N/A	Consistent, the provisions seek to update Schedule 2 of the WLEP as it relates to the Code SEPP.

13. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979, as outlined in the below table.

Table 3 – Consistency with relevant Section 9.1 Ministerial Directions.

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
1.1 Implementation of Regional Plans	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions</p>	The proposal is consistent with the objectives of the Regional Plans as discussed earlier in this report.
3.2 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and indigenous heritage significance.</p> <p>1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) Item, places, buildings, works, relics moveable objects or precinct of the environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>Aboriginal area, Aboriginal objects, Aboriginal places or landscape identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape ad</p>	The proposal is consistent with this Direction as it includes a provision that states bus shelter and communications advertising must not be located on land that comprises a heritage item. This advertising will also be restricted in most heritage conservation areas.

Planning proposal – Exempt provisions for Council advertising

	being of heritage significance to Aboriginal culture and people.	
6.1 Residential Zones	<p>The directions are:</p> <ol style="list-style-type: none"> 1) A planning proposal must include provisions that encourage the provision of housing that will: <ol style="list-style-type: none"> (a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. 2) A planning proposal must, in relation to land to which this direction applies: <ol style="list-style-type: none"> (a) Contain a requirement that residential development is not permitted until land is adequately serviced (b) No contain provisions which will reduce the permissible residential density of land. 	<p>The proposal is consistent with this requirement and only seeks to permit advertising on bus shelters and communications panels as exempt development and will not reduce the permissible residential density of land. The proposal does not contain a provision which is contrary to this direction.</p>

3.2 Site Specific Merit

The proposal is considered to have site-specific merit when considered against the criteria detailed in the *Local Environmental Plan Making Guidelines* as detailed below.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

This Planning proposal would not have any adverse impacts on threatened species, populations or ecological communities.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Yes. There are potential impacts as advertising on bus shelters and communications panels may be distracting to vehicular traffic on main roads. These potential impacts will be managed in accordance with the Transport Corridor Outdoor Advertising Signage Guidelines.

Furthermore, in response to feedback provide by the WLPP, draft provisions have been included to ensure council communications panel advertising.

- only occurs in appropriate zones as specified,

Planning proposal – Exempt provisions for Council advertising

- does not conflict with other uses in the public domain, including pedestrians, outdoor dining and accessibility requirements,
- does not hinder sightlines.

10. Has the planning proposal adequately addressed any social and economic effects?

No adverse economic or social impact is anticipated.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

This consideration is not applicable to the Planning proposal.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Not applicable at this stage. This section will be completed following consultation with public authorities identified in the gateway determination.

PART 4 – MAPPING

No mapping is required for this change to the WLEP.

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a display on Council’s Have Your Say website. The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway Determination for the proposal. The Planning Proposal Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing (if required).

PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to the WLEP will be completed by May 2024.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Table 4 – Indicative Project Timeline

Tasks	Timeframe and/or date
Report to WLPP	August 2023
Consideration by Council	December 2023.
Gateway Determination	December 2023 - February 2024.
Pre-exhibition	February 2024.
Public Exhibition	February 2024

Planning proposal – Exempt provisions for Council advertising

Consideration of submissions	March 2024
Post-exhibition Review	March 2024
Submission to the Department for finalisation (where applicable)	April 2024
Gazettal of LEP amendment	May 2024

APPENDIX A – Minutes of the Local Planning Panel

Planning proposal – Exempt provisions for Council advertising

The Panel advises:

1. It is recommended that Council inform itself of the environmental, social and economic impacts the bus shelter advertising and communication panels have had on other LGAs such as City of Sydney. The Panel notes that Woollahra Council exempt provisions relate to bus shelter signage only.
2. Council to confirm that the prohibition of advertising signage across the relevant Zones does not preclude the carrying out of exempt development as contemplated by the Planning Proposal.
3. That the Planning Proposal include further details of public benefit.
4. That the following themes be further considered:
 - o Size restrictions
 - o Access requirements for outdoor dining, access for people with disabilities
 - o Separation distance to avoid clustering and limit the number to avoid proliferation
 - o Locations to avoid hindering sight lines

The Panel is unable to address the site specific and strategic merit of the Planning Proposal given the lack of information regarding exactly where the stand alone communication panels will be located. The Panel considers signage on bus shelters to be acceptable but has concerns about identifying stand alone communication panels as exempt development.

Furthermore, the Panel advises Council to consider the following changes to the explanation of provisions in the Planning Proposal [in bold and italics]:

Signage—bus shelter advertising

1. Must ~~either~~ not extend ~~beyond more than 5m~~ ***10m*** from the perimeter of a bus shelter.
2. Must not contain flashing or neon signage.
3. Must not be located on land that comprises a heritage item.
4. Must not be located in a heritage conservation area excluding shelters with a frontage on the following -
 - (a) Birrell Street
 - (b) Blair Street
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 - (d) Bronte Road
 - (e) Campbell Parade
 - (f) Macpherson Street
 - (g) Oxford Street.
5. Must be erected by, or on behalf of, Council.

MINUTES OF THE WAVERLEY LOCAL**PLANNING PANEL MEETING HELD****23 AUGUST 2023**

UNDER SCHEDULE 2, PART 5, ITEM 26 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)

WLPP-2308.11

Planning Proposal - Include signage – bus shelter advertisement and signage – communications panels
in Schedule 2 – exempt development Waverley Local Environmental Plan (PP-2/2023)

Panel members present:

Jacqueline Townsend (Chairperson)

Peter Brennan

Jan Murrell

Sandra Robinson (Community Representative)

Declarations of interest:

Nil.

Briefing

Tim Sneesby	Waverley Council
Shima Niavarani	Waverley Council

Resolution

The Panel advises:

1. It is recommended that Council inform itself of the environmental, social and economic impacts the bus shelter advertising and communication panels have had on other LGAs such as City of Sydney. The Panel notes that Woollahra Council exempt provisions relate to bus shelter signage only.
2. Council to confirm that the prohibition of advertising signage across the relevant Zones does not preclude the carrying out of exempt development as contemplated by the Planning Proposal.

Minutes of the Waverley Local Planning Panel – 23 August 2023

3. That the Planning Proposal include further details of public benefit.
4. That the following themes be further considered:
 - Size restrictions
 - Access requirements for outdoor dining, access for people with disabilities
 - Separation distance to avoid clustering and limit the number to avoid proliferation
 - Locations to avoid hindering sight lines

The Panel is unable to address the site specific and strategic merit of the Planning Proposal given the lack of information regarding exactly where the stand alone communication panels will be located. The Panel considers signage on bus shelters to be acceptable but has concerns about identifying stand alone communication panels as exempt development.

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 - (f) Macpherson Street
 - (g) Oxford Street.
5. Must be erected by, or on behalf of, Council.

REPORT
PD/5.2/23.12

Subject: Planning Proposal - Dwelling Density

TRIM No: PP-3/2023

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to prevent the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

1. Executive Summary

The planning proposal (Attachment 1) seeks to preserve the existing residential dwelling density and prevent the further loss of dwellings within parts of the Waverley local government area (LGA) that are best suited to accommodate density. Specifically, the planning proposal proposes to amend the *Waverley Local Environmental Plan 2012* as follows:

- Prohibit 'dwelling houses' and 'attached dwellings', and amend objectives in the R3 and R4 zones.
- Introduce a new local provision (cl 6.17) to prevent the further reduction of dwelling numbers in R3 and R4 zones.
- Add cl 6.17 to cl 4.6(8)(b) to prevent contravening the reduction of existing residential dwelling density.

'Residential dwelling density' refers to the number of residential dwellings across one site. It does not relate to the gross floor area (GFA) of buildings containing dwellings, bedroom numbers or the number of occupants that any dwelling is capable of containing.

2. Introduction/Background

An emerging development trend in the Waverley LGA has seen existing medium to high density residential buildings being replaced with large single detached dwellings, large luxury apartments or dual occupancies. This poses an issue for the area due to the loss of often affordable Inter War housing, but also a loss of housing availability generally. In some cases, such as the replacement of two dwelling houses with one dwelling house, or replacement of a residential flat building with one dwelling house, this trend has the

potential to reduce the availability of affordable and diverse housing and change the character of a streetscape.

This trend also challenges Council's strategic planning intent of providing density in the right places, given that the limited R3 and R4 zones should be providing Council the opportunity to maintain and increase its dwelling numbers. An assessment of all the development applications and modifications that reduced dwelling density was studied from 1 January 2017 to 22 November 2022. During this time, a total of 141 dwellings were submitted for removal. On average, Waverley LGA is losing 30 dwellings per year due to this trend—approximately 20% of Waverley's annual housing target.

Without preserving density within the R3 and R4 zones, housing pressures will unreasonably transfer to other zones less suited to increases such as the R2 Low Density Residential zone or business zones.

A new objective was added into the R3 and R4 zones in September 2022, requiring development in those zones 'to increase or preserve residential dwelling density', however, it was found that it may be too tenuous to refuse consent on the sole basis of inconsistency with the objective, especially if this basis were to be challenged in an appeal to the NSW Land and Environmental Court. Supplementary provisions as included within this planning proposal are considered to support and strengthen the existing objective.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/7.6/22.03	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> Supports the planning proposal attached to the report to repeal the <i>Waverley Local Environmental Plan 2012</i> and establish the <i>Waverley Local Environmental Plan 2022</i>, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report). <p>...</p>

CM/7.6/22.03 supported the addition of the following objective into the R3 and R4 zones: 'to increase or preserve residential dwelling density'.

4. Discussion

This planning proposal seeks to amend the *Waverley Local Environmental Plan 2012* as follows:

Table 1. Proposed changes to WLEP 2012.

Section of the WLEP 2012	Existing	Proposed
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
	Attached dwellings and dwelling houses permitted.	Make attached dwellings and dwelling houses prohibited.

Land Use Table – R4 High Density Residential Zone	Attached dwellings and dwelling houses permitted.	Make attached dwellings and dwelling houses prohibited.
Clause 4.6 Exceptions to development standards	No reference of dwelling density in Clause 4.6.	Add 6.17 to Clause 4.6 (8)(b) to prevent contravening the reduction of existing residential dwelling density.
Clause 6.17 Residential Dwelling Density in R3 and R4 zones	No existing clause.	Add a new additional local provision which does not allow for a reduction of dwelling density on a site.

This planning proposal does not intend to prevent a change of use to:

- Non-residential permissible uses in the R3 and R4 zones.
- Types of residential accommodation which are inherently more affordable than traditional self-contained residential flat building units – being boarding houses or co-living housing.
- Types of residential accommodation which meets the specific needs of seniors, people who may be socially disadvantaged or people with a disability - being group homes and residential care facilities.

The proposal amendments will also prevent the amalgamation of two units within an apartment building owned by the same people into one. The cumulative impact of unit amalgamations has the potential to have a significant and irreversible impact on the number of dwellings in R3 and R4 zones. Allowing a piecemeal reduction would not be consistent with the overall intent of the R3 and R4 zones. The Waverley LGA has a large variety of different dwelling typologies ranging from detached homes to modest studio apartments, providing opportunity for anyone owning two units the option to find suitable alternate accommodation in other existing buildings.

Impact on housing affordability

Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller, modest dwellings to meet the growing proportion of small households. The proposal will help to preserve this reasonable stock by preventing modestly sized and often older unit stock (which is inherently more affordable) from being replaced with fewer luxury dwellings, featuring very large floorplates and high-end finishes.

WLPP advice

The planning proposal was referred to the Waverley Local Planning Panel (WLPP) on 22 November 2023 for advice (see Attachment 2). The Panel made the following comments unanimously:

For the reasons outlined in the Council officer's report, the Panel:

- *Agrees the proposal has strategic merit as, if implemented, it will preserve the existing residential dwelling density and prevent the further loss of dwellings/units within parts of the Waverley LGA which are best suited to accommodate density,*
- *Supports the recommendation for the planning proposal to proceed to Gateway Determination and public exhibition,*
- *Advises Council to consider the unintended consequences of the impact of the inclusion of this provision, for example on individuals wishing to age in place. Legal advice should be sought to explore mechanisms to allow for variations in exceptional circumstances, and*

- *Recommends Council make a submission to the NSW Department of Planning to implement the provisions of this planning proposal State-wide through the State Environmental Planning Policy (Housing) 2021.*

The Panel explained that the 'age in place' scenario referred to the instance of an individual who owns and occupies a detached house and owns two one-bedroom investment units in an apartment block, may wish to sell the detached house and move into their two units but would like to combine them into one two-bedroom unit to suit their household needs. Another example may include an instance where a growing family lives in a unit and wishes to purchase and amalgamate with an adjoining unit to increase their dwelling floorplate.

A trade-off regarding size and location is a decision that every household will make at some stage in their life cycle. In circumstances where households are seeking a larger dwelling, then it should be reasonably expected that they purchase a larger dwelling, rather than reduce the stock of available and affordable housing.

The R3 and R4 zones in Waverley LGA are critical to achieving Council's Housing Strategy, accounting for 41% of all residential-zoned land. The R3 and R4 zones are expected to accommodate a growing population and assist Council in achieving its established dwelling targets.

It is important to recognise that strategy and policy development must be done at the aggregate level—to achieve strategic goals—and often necessitates blunt instruments which may not accommodate every possible scenario, but nevertheless provide certainty and equity to all involved in the development process.

Other considerations

Mechanisms to allow for variations in exceptional circumstances as advised by the WLPP have been explored. The primary challenge with permitting variations in exceptional circumstances stems from the fact that development consent runs with the land, rather than the applicant or owner, and can therefore be exploited by developers. Table 2 explores some examples of this, alongside other tested mechanisms.

Table 2. Scenario analysis.

Exception mechanism	Developer loophole or issue
Allow for the amalgamation of two units into one per DA, but not the amalgamation of more than two.	The developer lodges numerous separate DAs seeking to amalgamate units repeatedly until the significant reduction that they are seeking has been achieved.
Allow for the amalgamation of units if the applicant intends to be an owner occupier and is downsizing or growing their household size.	The concept of an occupier is not a relevant consideration that could be implemented in a development consent.
Allow for the amalgamation of two units into one, a maximum of one time per residential flat building.	This is mechanism will allow for one household to amalgamate to meet their housing needs, however, it addresses a short term need and only benefit those who are first.
Allow for the amalgamation of units if the applicant intends to own the site in perpetuity.	The sale of property cannot be restricted where Council does not have an interest.

<p>Allow for the amalgamation of two units into one for a period of time, for example 5 years. After 5 years the applicant will need to re-apply to Council via DA to extend a further 5-years. If they do not re-apply or if Council refuses their Development Application then they will be required by the original consent to physically revert the space back to two separate units.</p>	<p>This mechanism will result in confusion and uncertainty. It may increase the workload for Council's Compliance team who will be required to follow-up the status of affected sites every 5 years and enforce Orders where compliance is not met. Reverting after 5 years is unsustainable building-wise, and could create financial problems for the individuals and related strata schemes.</p>
<p>Permit a variation via clause 4.6 of the WLEP 2012.</p>	<p>A variation via clause 4.6 can only be supported by a consent authority if the objectives associated with the numerical standard are met. In order to ensure that only an individual intending to be an owner-occupier who is downsizing or growing their family is able to vary the proposed standard, the objectives would have to be revised to permit some applicants over others to vary the control pending personal circumstances. As development consent runs with the land rather than the applicant/owner at the time of DA lodgement, it would be challenging for the consent authority to ascertain whether such an objective relating to the personal circumstances of the applicant would be met by the proposal as the applicant's circumstances could change or they could sell the property.</p> <p>Further, permitting a variation via clause 4.6 will allow developers who appeal to the NSW Land and Environment Court a greater chance at varying the proposed provisions. If a Clause 4.6 variation is not permitted (as currently proposed), even the LEC cannot approve a variation.</p>

Providing exceptions to these broad rules for rare or unlikely circumstances would create loopholes that could be exploited.

This planning proposal is considered appropriate and robust under the site-specific and strategic merit tests and is required for Council to achieve its broader strategic vision to increase the availability of housing generally, promoting housing affordability, housing diversity and maintain existing stock of affordable housing. Given the ability for developers to exploit a variety of considered exception mechanisms and the lack of a reasonable alternative solutions, it is not realistic or appropriate to provide exceptions and officers have prepared the planning proposal on this basis.

Complying development certificate Pathway

Under the complying development certificate (CDC) pathway, development must not result in any additional bedrooms or gross floor area in the building. The amalgamation of units is likely to produce an increase in gross floor area, so applicants would still need to pursue a DA pathway rather than a CDC, resulting in the provisions introduced under this planning proposal to apply and preventing the amalgamation.

Further, a residential flat building cannot be demolished or be subject to a change of use under a CDC, so developers will not be able use the *State Environmental Planning Policy (Exempt and Complying Development) 2008* as a loophole around the proposed provisions.

HAC advice

The planning proposal was presented to the Waverley Housing Advisory Committee (HAC) on 22 November 2023, where positive feedback was received on the matter. Detailed minutes from the recent HAC meeting will be reported to Council in early 2024 after the next HAC meeting, as required under the HAC Terms of Reference.

Strategic merit

This planning proposal is considered to have strategic merit as it would support the objectives of the R3 and R4 zones and achievement of housing targets outlined in the Waverley Local Housing Strategy.

Site-specific merit

This planning proposal will not result in an adverse natural environment, economic or social impacts, nor have a negative impact on existing or future uses of the affected sites, passing the site-specific merit test.

5. Financial impact statement/Time frame/Consultation

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the administration and assessment of the planning proposal.

It is estimated that this amendment to the WLEP will be completed by mid-late 2024.

Public exhibition is likely to include at minimum a display on the Council's website. The Gateway determination issued by DPE will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway determination for the proposal. The planning proposal authority (PPA) must consider any submissions made concerning the proposed instrument and the report of any public hearing.

6. Conclusion

The planning proposal (Attachment 1) is expected to help to preserve existing residential dwelling density and prevent the further loss of dwellings/units within parts of the Waverley LGA that are best suited to accommodate density. It is recommended that the planning proposal proceed to DPE for Gateway determination.

7. Attachments

1. Planning proposal - Dwelling density [📄](#)
2. WLPP - 22 November 2023 - Minutes [📄](#) .



PLANNING PROPOSAL

Residential dwelling density in the R3 & R4 zones

CONTENTS

EXECUTIVE SUMMARY 3

INTRODUCTION 3

PART 1 – OBJECTIVES AND INTENDED OUTCOMES..... 5

PART 2 – EXPLANATION OF PROVISIONS 6

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT 8

 3.1 STRATEGIC MERIT 8

 3.2 SITE SPECIFIC MERIT 15

PART 4 – MAPPING 18

PART 5 – COMMUNITY CONSULTATION..... 18

PART 6 – PROJECT TIMELINE..... 18

Planning Proposal Information

Council versions:

No.	Date	Version
1	9 November 2023	Sent to Waverley Local Planning Panel
2	23 November 2023	Sent to 5 December 2023 SPDC Meeting

EXECUTIVE SUMMARY

This Planning Proposal prepared by Waverley Council seeks to amend the *Waverley Local Environmental Plan 2012* by strengthening the existing objective ‘to increase or preserve residential dwelling density’ through prohibiting ‘dwellings’ and ‘attached dwellings’ within the R3 Medium Residential Density (R3) and R4 High Density Residential (R4) zones and including a new local provision to preserve the existing residential dwelling density in order to prevent the further loss of dwellings/units within the Waverley LGA.

‘Residential dwelling density’ refers to the number of residential dwellings across one site. It does not relate to the gross floor area (GFA) of buildings containing dwellings, bedroom numbers or the number of occupants that any dwelling is capable of containing.

The objective currently in the R3 and R4 zones – ‘to increase or preserve residential dwelling density’ – seeks to help tackle the problematic trend of RFB’s being converted to luxury dual occupancies and single dwellings in areas that are suitable for greater densities. Any DA that results in a loss of dwelling numbers in the R3 and R4 zones would be inconsistent with this objective and in large, the Waverley Local Housing Strategy and housing targets.

The intended outcomes of the Planning Proposal are as follows:

1. Prohibit ‘dwelling houses’ and ‘attached dwellings’ in the R3 and R4 zones.
2. Introduce a new local provision (Cl 6.17) to prevent the further reduction of dwelling numbers in R3 and R4 zones; and
3. Add 6.17 to Clause 4.6 (8)(b) to prevent contravening the reduction of existing residential dwelling density.

The Planning Proposal is considered a ‘Complex’ Planning Proposal, in line with the LEP Making Guidelines criteria.

INTRODUCTION

An emerging development trend in the Waverley LGA sees existing medium to high density residential buildings being replaced with large single detached dwellings, large luxury apartments or dual occupancies. This poses an issue for the area due to the loss of often affordable Inter War housing, but also a loss of housing availability generally. In some cases, such as the replacement of two dwelling houses with one dwelling house, or replacement of a RFB with one dwelling house, this trend has the potential to change the character of a streetscape. This trend also challenges the Council’s strategic planning of providing density in the right places, given that the limited R3 and R4 zones should be doing the heavy lifting for Council to increase its dwelling numbers.

AFFECTED LAND

The affected land includes all R3 and R4 zones across the Waverley LGA. This affects approximately 4813 lots within the R3 zone and approximately 99 lots within the R4 zone.

BACKGROUND TO THIS PLANNING PROPOSAL

Waverley is one of the most dense LGA's in Sydney at 79 people/Ha, with apartments reflecting 66% of housing stock in Waverley. The *Waverley Local Housing Strategy* was adopted in 2020 which outlined specific housing targets over the next 10 to 20 years (Table 1). There is limited available land in the LGA for residential uses that is not already built upon and there are no significant urban renewal opportunities being led by Council or State Government. Therefore, housing growth will come through as infill development, i.e. in the form of modifications or the demolition and reconstruction of existing buildings.

Table 1 - Housing Targets released in 2020 in the Waverley Local Housing Strategy.

Target periods	2016-2021	6-10 year	11-20 year	2036 cumulative	Share of District Target
Target development					
Implied projections	700	350	1,450	2500	1.6%
Constant share of GSC target	1,250	993	1,986	4229	2.7%
Historic annual completions	1,250	1,011	1,400	3661	2.3%
Capacity sense-check					
Scenario 1	1,250	734	1,467	3451	2.2%
Scenario 2	1,250	922	1,843	4015	2.5%
Scenario 3 (HMST)	1,250	1,325	2,649	5224	3.3%
Draft Target					
Draft target	1,250	761	1,450	3461	2.2%

The ability for development in Waverley to align with these targets is threatened by an increasing trend in Waverley where Development Applications are being lodged which seek to convert RFBs and other forms of high density residential building types into dwelling houses or fewer, larger apartments. The net loss of units through these developments has been eroding Waverley's higher density built form on sites in the R3 and R4 zones.

Woollahra Municipal Council and City of Sydney Council have reported a similar trend.

As a result of this trend, the WLEP was amended on the 30 September 2022 to mitigate the loss of density in order to facilitate housing targets, the below objective was added to the R3 and R3 zones:

- *To increase or preserve residential dwelling density.*

However, there are concerns that it may be too tenuous to refuse consent on the sole basis of inconsistency with the objective above, especially if this basis were to be challenged in an appeal to the Land and Environmental Court. Therefore, it has been identified that changes to the WLEP are required to strengthen the consent authority's decision to maintain residential dwelling density within the R3 and R4 zones.

HISTORY AND CURRENT PLANNING CONTROLS

Amendment 24 to the WLEP 2012 was finalised on 30 September 2022, which included the addition of the following objection into the R3 and R4 zones:

- *To increase or preserve residential dwelling density.*

This objective aims to stop new developments from reducing the net number of residential dwellings/units across a site.

Prior to 30 September 2022 there were no controls or objectives that related to dwelling density in the LEP or DCP.

CONTEXT

As identified in the Our Liveable Places Centres Strategy, Waverley is a very walkable LGA, with 90% of residents being within a 20min walk to a local centre with essential goods and services. Whilst this local walkability score is excellent, access to Bondi Junction or the CBD via public transport can be over 30 mins and 60 min respectively from approximately 60% of the LGA.

There is a rising trend in the Waverley LGA where residential flat buildings and shop top housing in the R3 and R4 zones are being demolished or heavily altered, and replaced with dwelling houses, dual occupancies for RFBs with significantly fewer units than the existing structures, resulting in a net loss of dwellings in generally well connected and serviced areas which can handle existing and future growing capacity under the current development standards.

The erosion of density in the R3 and R4 zones is problematic as it is these zones that have an agreed density to them, as supported by the community and Council endorsed LEP. If these areas continue to lose density, new locations for density would have to be identified in order to meet the LGA's housing targets, which is often challenging, particularly when the density is already so ideally located.

This Planning Proposal is needed to protect existing dwelling density by strengthening the existing dwelling density objective in the R3 and R4 zones, prohibiting residential dwellings in these zones and introducing an additional local provision to complement the dwelling density zone objective.

'Residential dwelling density' refers to the number of residential dwellings across one site. It does not relate to the gross floor area (GFA) of buildings containing dwellings, bedroom numbers or the number of occupants that any dwelling is capable of containing.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

1.1 Description Statement

The objective of the planning proposal is to amend the Waverley Local Environmental Plan (WLEP) 2012 to strengthen the existing dwelling density objective in the R3 and R4 zones,

prohibit ‘dwellings’ and ‘attached dwellings’ within the R3 and R4 zones and introduce an additional provision to increase or preserve the number of residential dwellings on a particular site.

1.2 Intended Outcomes

The intended outcomes of the proposed amendments to the WLEP are to ensure that Council does not grant consent to any development that significantly reduces the net amount of residential dwellings across medium and high density residential zones. The outcome is to maintain residential dwelling density within these denser zones, that are located in well serviced areas with public transport and access to social infrastructure, essential services, community and cultural services and open space and recreation.

This Planning Proposal does not intend to prevent a change of use to:

- Non-residential permissible uses in the R3 and R4 zones;
- Types of residential accommodation which are inherently more affordable than traditional self-contained residential flat building units – being boarding houses or co-living housing; or
- Types of residential accommodation which meets the specific needs of seniors, people who may be socially disadvantaged or people with a disability - being group homes and residential care facilities.

The proposed amendment is consistent with Council’s resolution of the *Waverley Local Housing Strategy*. This strategy supports retaining existing development capacity.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Intended Provisions

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

Table 2 – Proposed changes to WLEP 2012

Section of the WLEP 2012	Existing	Proposed
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density. Attached dwellings and dwelling houses permitted.	Update Objective: To increase or preserve residential dwelling density across the site. Make attached dwellings and dwelling houses prohibited.
Land Use Table – R4 High Density Residential Zone	Attached dwellings and dwelling houses permitted.	Make attached dwellings and dwelling houses prohibited.
Clause 4.6 Exceptions to development standards	No reference of dwelling density in Clause 4.6.	Add 6.17 to Clause 4.6 (8)(b) to prevent contravening the

		reduction of existing residential dwelling density
Clause 6.17 Residential Dwelling Density in R3 and R4 zones	No existing clause.	Add new additional local provision as follows:

Note: The specific wording of clause 6.17 is subject to drafting by NSW Parliamentary Counsel. The below is an example for discussion purposes.

6.17 Residential Dwelling Density in Zone R3 and R4 zones.

(1) The objectives of this clause are as follows—

- (a) To ensure that the carrying out of development on any site within the R3 and R4 zones should not result in a reduction in the number of dwellings that existed on the site as of [date of Planning Proposal Gazettal].*
 - (b) To ensure that the number of dwellings on any site are maintained or increased to meet the demand of the area's existing and projected population;*
 - (c) To maintain or increase residential dwelling density within the R3 and R4 zones, which are well serviced areas with public transport and access to social infrastructure, essential services, community and cultural services, and open space and recreation;*
- (2) This clause applies to land in Zone R3 Medium Density Residential and R4 High Density Residential.*
- (3) This clause applies to development for the purposes of residential accommodation, except for boarding houses, co-living housing, group homes, and residential care facilities.*
- (4) Development consent must not be granted or a development consent must not be modified for development to which this clause applies unless the consent authority is satisfied that the residential dwelling density of the development site will be the same as or greater than the residential dwelling density of the development site on [date of Planning Proposal Gazettal].*
- (5) The consent authority must not grant consent for a dual occupancy within the R3 and R4 zones, unless the existing building is a single dwelling and the development results in an increase to the overall residential dwelling density across the site.*
- (6) In this clause 'residential dwelling density' refers to the number of residential dwellings across one site and does not relate to the gross floor area (GFA) of buildings containing dwellings, bedroom numbers or the number of occupants that any dwelling is capable of containing.*

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

3.1 STRATEGIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the LEP Making Guidelines (December 2021). The issues to be addressed include the strategic planning context of the amendments, Strategic Merit, Site-Specific Merit, potential State and Commonwealth agency interests, and environmental, social and economic impacts.

This objective seeks to prevent the problematic trend of RFB's being converted to luxury dual occupancies and single dwellings in areas that are suitable for greater densities. Any development application that results in a loss of dwelling numbers in R3 and R4 zone is inconsistent with this objective and in large, the Waverley Local Housing Strategy (2020 – 2036) and housing targets.

Section A – Need for the planning proposal (Strategic Merit)

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is a result of recent research into the matter, prompted by an influx of Development Applications seeking development consent for a substantial reduction.

A desktop assessment of all the development applications and modifications to reduce dwelling density was studied from 1 January 2017 to 22 November 2022. Between this time frame, a total of 141 dwellings were submitted for removal. It was found that on average Waverley LGA is losing 30 dwellings per year due to this trend.

The largest losses came from the proposed demolition of existing boarding house development, and sought to replace with new RFB or seniors housing, as is the case with approved DA-94/2021 for Philip Nursing Home (67 to 45 dwellings, loss of 22). Another larger loss came from the demolition of an existing RFB complex with 22 dwellings, and the replacement with multi-dwelling housing of 9 dwellings (loss of 13). A number of Modification DAs sought to reduce the number of apartments of a recently approved DA. That is, to reduce dwellings that had approval but have not yet been constructed. For example, DA-155/2018/A for 55 Grafton Street originally proposed 106 new apartments, with a mod to reduce to 95 apartments.

The most common loss was the slow erosion of density within areas of the LGA which have historically provided good density in ideal locations, however, now offer an enticing development opportunity where larger dwellings (detached dwellings or large apartments) attract a higher premium compared to older apartments. There were 11 applications proposing to convert or alter existing apartment buildings or large dual occupancies into single dwellings (26 to 13, loss of 13). There were 10 applications amalgamating two or three,

one/two bedroom units to create a larger unit or penthouse apartment with three or more bedrooms.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving an appropriate measure to preserve and/or increase residential dwelling density within the R3 and R4 zones. The R3 and R4 zone objective alone was the first step in trying to mitigate this problem and the following paragraph explains why alone the objective is not robust enough.

The starting point for a consent authority during Development Assessment is clause 2.3(2). Before the consent authority can grant consent, they must have to “have regard” to the zone objectives, however, consistency with the objective is not explicitly required. Therefore, an additional local provision is required for all DA’s, complying or breaching a development standard, to assess their proposal against dwelling density provision and to allow the consent authority to grant consent accordingly.

Section B – Relationship to strategic planning framework3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is consistent with the objectives of a Metropolis of Three Cities and the Eastern City District Plan as it aims to assist in the preservation and increase of residential dwelling.

Table 3 – Metropolis of three cities consideration

Liveability – Housing the city	
Objective 10: Greater Housing supply	The proposal is consistent with objective 10 as the prohibition of dwellings within the R3 and R4 zones will still allow a diverse range of other dwelling types falling under the definition of ‘residential accommodation’ within these zones while providing ongoing housing supply in the right locations across the Waverley LGA. Dwelling houses currently within these zones can use existing use rights to rebuild dwellings if alterations and additions are required. This Planning Proposal will encourage the housing supply and will aim to meet the Waverley housing targets. This plan recognises that not all areas of Greater Sydney are appropriate for significant additional development and Waverley is one of them so it is particularly important to preserve the existing residential density within the areas zoned for medium and higher densities.
Objective 11: Housing is more diverse and affordable	The proposal is consistent with objective 11 as the changes to the LEP help preserve and increase housing affordability by preventing modestly sized units (which are inherently more affordable) from being replaced with fewer luxury ones.

	Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet the growing proportion of small household. Waverley LGA is subject to new developments which seek to reduce density of existing medium to high density residential buildings, in order to provide large mansions or luxury apartments to the market. This poses an issue for the area due to the loss of often affordable Inter War housing, but also a loss of housing availability generally.
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Table 4 – Eastern City District Plan consideration

Direction: Liveability	
Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	The proposal will prevent the reduction of housing in areas that have the best access to jobs, services and transport.

Table 5 – Assessment of Proposal against Strategic Merit Test

Strategic Merit Test	
a) Does the proposal:	
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or a corridor/precinct plan applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or	Yes, it is consistent with the Greater Sydney Regional Plan and Eastern City District Plan as per tables 3 and 4 of this report.
Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or	<p>The Planning Proposal is consistent with the Waverley Local Strategic Planning Statement:</p> <p>Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community.</p> <p>Response: The proposal will prevent the reduction of housing in areas that have the best access to jobs, services and transport.</p>

Respond to a change in circumstances that have not been recognised by the existing planning framework.	N/A
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4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Waverley Local Environmental Plan 2012

The Waverley LEP has 13 aims that all Planning Proposals and development should be consistent with where applicable. This Planning Proposal is consistent with the following aims of the Waverley LEP:

(c) To provide for a range of residential densities and a range of housing types to meet the changing housing needs of the community.

(ca) To encourage the development of a variety of housing on land close to public transport, essential goods and services and open space.

The planning proposal meets both objectives through directly targeting the loss of residential flat buildings and the rise of less dense developments such as detached houses and dual occupancies within the R3 and R4 zones. The Waverley LGA is highly accessible with public transport and the R3 and R4 zones have been positioned to be within a short walk to bus stops and the Bondi Junction train station.

Through prohibiting 'dwellings' within the R3 and R4 zones, combined with the Additional Local Provision to ensure dwelling density is proportionate with the zoning, both these mechanisms aim at preventing the erosion of dense housing stock.

Waverley Local Strategic Planning Statement (March 2020)

Refer to Table 4 for the consideration of applicable LSPS priorities and actions.

Waverley Local Housing Strategy and Housing Targets

The *Waverley Local Housing Strategy* identifies a housing target of 3,461 new dwellings by 2036. The following table shows the targets compared against our date of delivery and our predicted future dwelling completions.

It can be concluded that Waverley LGA has exceeded its 0–5-year housing target, and is on track to meet or exceed the 6-10 and 11-20 year ones.

Table 6 – Updated Waverley Housing Targets

Target Years	Calendar Years	Target for Year ^[1]	Actual	Projected	Cumulative
0 - 5	2016 - 2021	1,250	1,332 ² – target exceeded	<i>period has already occurred</i>	1,332
6 - 10	2022 - 2026	761	<i>period has not occurred yet</i>	1,290 ³ – expected to exceed target	2,622
11 - 20	2027 - 2036	1450	<i>period has not occurred yet</i>	1,450 ⁴ – expected to meet target	4,072
	Total	3,461	1,332	2,740	4,072 – expected to exceed target

^[1] Data from [Waverley Local Housing Strategy](#) draft target figures, page 52.

² Data from DPE's [Greater Sydney Urban Development Program Dashboard](#), FY 16/17 to 20/21 completions inferred from water connection information.

³ Data from DPE's [Greater Sydney Urban Development Program Dashboard](#), FY 21/22 to 25/26 (medium growth scenario)

⁴ Data from [Waverley Local Housing Strategy](#) implied projections figure (page 52) produced by the NSW Government based on populations projections.

Despite Waverley LGA being on track with housing targets, there is a risk it could slow down due to Bondi Junction reaching its capacity of feasible and profitable sites left for redevelopment. There are limited opportunities for comparable redevelopment throughout the rest of the LGA. Future housing should be located close to transport and access to social infrastructure and essential services, community and cultural services and open space and recreation. Generally, all parts of Waverley have good access to these amenities, making it suitable for housing in the context of Greater Sydney.

The recently growing trend in Waverley of new developments reducing residential dwelling density across the R3 and R4 zones is concerning as this is a backwards step towards the projected housing targets. The additional local provision is a housing strategy that aims to protect Council's housing targets and density growth within the high density residential zones.

The following table details how the proposal is consistent with the LHS priorities:

Table 7 – Waverley Local Housing Strategy consideration

Waverley Local Housing Strategy		
Priority	H1:	Waverley has recently experienced significant levels of housing growth, driven by redevelopment of the Bondi Junction strategic centre. There are limited opportunities for comparable redevelopment throughout the rest of the LGA. Surrounding areas zoned for higher densities and located near public transport must therefore sustain and increase housing.
Manage housing growth sustainably and in the right location		
Priority	H2:	The Planning Proposal is consistent with the Priority H2 as changes to the R3 and R4 zones does not limit the range of housing options but preserves the housing options in Waverley LGA. Prohibiting dwellings in these zones will stop apartments from being converted into a single dwelling and reducing the dwelling density across the site. Existing dwellings within this zone are able to use existing use rights when redeveloping their site.
encourage a range of housing options to support and retain a diverse community		

Waverley Community Strategic Plan 2022-2032

This Planning Proposal aligns with the community vision which states:

“Waverley is a vibrant and resilient community. We take care of each other, our natural environment and local places. Our community is empowered to collaborate for sustainable and connected Waverley for future generations.”

The Planning Proposal also aligns with the directions presented in the table below:

Table 8 – Assessment of Proposal against Waverley Community Strategic Plan 2022-2032

Relevant Directions and Strategies from the Waverley Strategic Plan	Is the proposal consistent with Direction and Strategy?
1.7: Actively drive housing policy to meet the needs of the vulnerable, diverse and growing population.	
1.7.2. Advocate for increased diversity of housing stock that is affordable and accessible.	The planning proposal aims to preserve the existing dense residential flat buildings to prevent them from being developed into luxury single dwellings. The R3 and R4 zones are especially connected and are well serviced areas including public transport and access to social infrastructure and essential services, community and cultural services and open space and recreation. These areas can handle existing and future growing capacity under the current development standards. This additional provision is expected to assist with preventing this loss of dwellings in the zones.
1.7.4. Manage housing supply, choice and affordability with access to jobs, services and public transport.	
2.6: Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage, and population	
2.6.2. Ensure new development provides a high standard of design quality and does not adversely impact the amenity of neighbours or the wider community	This proposal aims to maintain and increase the population within the medium and higher residential density zones. This will allow a diverse and affordable housing stock to remain as apartments are significantly cheaper than houses or units with oversized floorplates.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies.

6. Is the planning proposal consistent with applicable SEPPs?

This Planning Proposal is consistent with applicable State Environmental Planning Policies. Assessed the Planning Proposal against the State Environmental Planning Policies SEPPs:

Table 9 – Assessment of Proposal against the SEPPs

Title	Applicable	Consistent
Housing SEPP	Yes	The planning proposal is consistent with the following development controls for affordable housing for residential flat

Title	Applicable	Consistent
		buildings, boarding houses, secondary dwellings, group house, built-to-rent housing and seniors living.
Design Quality of Residential Apartment Development – SEPP 65	Yes	The planning proposal is consistent with SEPP 65 and the ADG as residential flat buildings are permissible within the zones. Development applications to renovate older RFBs have to meet these controls with the exception of maintaining the building envelope.
Exempt and Complying Development Codes SEPP	Yes	Dwellings within the R3 and R4 zones will maintain existing use rights and be able to build under exempt and complying. Exempt and Complying development to apartments in these zones are not changed.
Transport and Infrastructure SEPP	N/A	
Primary Production SEPP	N/A	
Biodiversity and Conservation SEPP	N/A	
Resilience and Hazards SEPP	N/A	
Industry and Employment SEPP	N/A	
Resources and Energy SEPP	N/A	
Planning Systems SEPP	N/A	
Sustainable Buildings SEPP	N/A	
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 as outlined in the below table.

Table 10 – Assessment of Proposal against Ministerial Direction

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
6.1 Residential Zones	<p>The directions are:</p> <p>A Planning Proposal must include provisions that</p>	The proposal is consistent with the objectives of this direction as the current choice of building types will be preserved through stopping RFBs from being turned

	<p>encourage the provision of housing that will:</p> <ul style="list-style-type: none"> • Broaden the choice of building types and locations available in the housing market, • Make more efficient use of existing infrastructure and services, and • Reduce the consumption of land for housing and associated urban development on the urban fringe and • Be of good design. 	into luxury dwellings. Preventing this rising trend will continue to broaden the choice of dwelling types within areas capable of servicing denser housings areas. It will provide variety and choice in housing types.
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3.2 SITE SPECIFIC MERIT

The Planning Proposal meets the Site-specific Merit Test, the assessment is presented in this table.

Table 11 – Assessment of Proposal against Site Specific Merit Test

Site-Specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	This Proposal will not have any impacts on the natural environment.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	This Proposal will not inhibit development within Waverley. The Proposal will ensure that density across the R3 and R4 zones is maintained, and will allow reasonable development that supports higher residential densities in accessible areas. Current dwelling houses in these zones will benefit from existing use rights in order to undertake alterations and additions. The development standards remain unchanged and development potential remains the same.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	Not applicable as this Proposal will not result in the increase of infrastructure demand.

Any proposed financial arrangements for infrastructure provision.	Not applicable as this Proposal will not result in the increase of infrastructure demand.
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Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

This Planning Proposal does not propose any physical development changes and therefore will not have any adverse impacts on threatened species, populations or ecological communities.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

10. Has the planning proposal adequately addressed any social and economic effects?

The current trend of developments seeking a loss in density of existing medium to high density residential buildings, has a direct effect on the existing supply and affordability of housing. This is problematic as the R3 and R4 zones are the places that have an agreed density to them, as supported by the community and the Council endorsed LEP. If these areas continue to lose density, new locations for density would have to be identified to meet the LGA's housing targets, which is often challenging. The social effects the planning proposal targets is maintaining higher populations close to infrastructure, public transport, access to jobs, community facilities and the environment.

The planning proposal mechanisms aims to ensure appropriate densities are maintained and consistent with the area's existing or projected population.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

This consideration is not applicable to the Planning Proposal.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Initial feedback from the Department of Planning and Environment (DPE) Places and Infrastructure Team received via email on 5 June 2023 encouraged further considerations of the following items:

- ***There are a range of uses permissible under the R3 and R4 zones, what is Council's position for redeveloping / changing an existing residential use to another use which does not provide housing, e.g. changing the use of or redeveloping a dwelling house to provide a centre-based child care centre?***

Response: Existing use rights on the dwelling/attached dwellings will remain relevant to these building forms. A change of use from residential to non-residential is still permissible with consent as the proposed new clause will only apply to Development Applications relating to certain residential accommodation and will have to consider preserving or increasing density from the date of gazettal. .

- ***Following from the above, what would be Council's position on development for more affordable forms of housing (e.g. co-living) and residential care facility, in which the accommodation is not in the form of self-contained dwellings?***

Response: The proposed new clause will not apply to boarding houses, co-living housing, group homes, and residential care facilities.

- ***Whether a prohibition of these residential uses in the R3 and R4 zones is appropriate having regard to housing diversity, site-specific characteristics, constraints and context.***

Response: The prohibition of dwellings in the R3 and R4 zones will still achieve an appropriate spread of housing diversity while maintaining density within areas suitable for higher population.

- ***How would such a prohibition apply to heritage items, or heritage conservation areas where there are established character?***

Response: Existing use rights would allow existing dwelling houses/attached dwellings to undertake alterations and additions, and anything that is a heritage item would benefit from CI 5.10(10) of our WLEP which states:

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- ***How would such a prohibition under the LEP relate to the Codes SEPP regarding dual occupancy development utilising the CDC pathway?***

Response: Under this proposal dual occupancies are permissible as long as the current use is a dwelling house or dual occupancy.

PART 4 – MAPPING

No changes are proposed to mapping.

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include at minimum a display on the Council's website. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by mid-late 2024.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Table 12 – Indicative project timeline

Tasks	Timeframe and/or date
Consideration by Council	December 2023
Council decision	December 2023
Gateway Determination	January 2024
Pre-exhibition	February 2024
Commencement and completion of public exhibition period	March – April 2024
Consideration of submissions	May 2024
Post-exhibition review and additional studies	June 2024
Submission to the Department for finalisation (where applicable)	July 2024
Gazettal of LEP amendment	August 2024

ADVICE OF THE WAVERLEY LOCAL PLANNING PANEL**Planning Proposal PP-3/2023 - Dwelling Density Planning Proposal****Wednesday 22 November 2023****SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)****Panel members:**

Jacqueline Townsend (Chair)

Gabrielle Morrish

Heather Warton

Geoffrey Denman (Community Representative)

Declarations of Interest

No panel members have declared a reasonably perceived conflict of interest for this item.

Briefing

The Panel were provided opportunity to review the Planning Proposal in advance of the meeting. The Panel was also briefed by Emma Rogerson (Senior Strategic Planner) during the meeting.

Following the briefing the Panel discussed the PP and provided advice on the PP on 22 November 2023 under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979.

Reasons

The Panel has considered the information that was circulated to it by Council email prior to the meeting, which included:

- Council officer's WLPP Report
- Planning Proposal

Resolution

For the reasons outlined in the Council officer's report, the Panel

- Agrees the proposal has strategic merit as, if implemented, it will preserve the existing residential dwelling density and prevent the further loss of dwellings/units within parts of the Waverley LGA which are best suited to accommodate density,
- Supports the recommendation for the Planning Proposal to proceed to Gateway Determination and public exhibition,
- Advises Council to consider the unintended consequences of the impact of the inclusion of this provision, for example on individuals wishing to age in place. Legal advice should be sought to explore mechanisms to allow for variations in exceptional circumstances, and
- Recommends Council make a submission to the NSW Department of Planning to implement the provisions of this Planning Proposal State-wide through the *State Environmental Planning Policy (Housing) 2021*.

Carried unanimously

Waverley Local Planning Panel – Planning Proposal PP-3/2023 – Dwelling Density Planning Proposal

REPORT
PD/5.3/23.12

Subject: Subsidised Lease Program

TRIM No: A23/0388

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Officers prepare a draft policy on the implementation of the Subsidised Lease Program.
2. Notes that the Subsidised Lease Program would complement and not compete with other more conventional approaches to increasing affordable housing stock.

1. Executive Summary

Council has had difficulty in adding affordable housing stock to our portfolio given high property prices in the Waverley local government area (LGA) with no new stock added to the program since 2016.

Compared to traditional approaches such as obtaining dedicated affordable housing via voluntary planning agreements (VPAs), developing affordable housing with a community housing provider (CHP) or purchasing apartments off the market, the Subsidised Lease Affordable Housing Program (Subsidised Lease Program) presents an innovative, low-cost and efficient way to rapidly add affordable housing to our affordable housing program.

Initial modelling demonstrates that a Subsidised Lease Program could add between 6 to 13 dwellings to Council's affordable housing program. This approach would complement, not compete, with the existing program and traditional approaches to adding affordable housing stock, such as purchasing or developing apartments. If this approach is supported by Council, officers will develop a draft policy that would govern the operation of the program and report this back to Council for exhibition.

2. Introduction/Background

At the Strategic Planning and Development Committee meeting on 3 May 2022, the Social and Affordable Housing Review Project - Findings and Recommendations (PD/5.2/22.05) report was presented to Council. The unanimous Council resolution included a decision to: 'pursue additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models that may present themselves in the affordable housing space.' The Social and Affordable Housing Review consultant report spoke to the potential for a program of subsidising leases to increase affordable housing stock in the short term, which could be funded via recurrent income:

Continue to explore establishment of alternate recurrent funding through the planning system (for example, contributions from commercial floorspace to provide recurrent lease income for Council that may be used for affordable housing delivery.

The Local Housing Strategy (CM/7.6/21.10) also includes an action to ‘investigate and implement new housing delivery models to maximise the provision of affordable housing.’

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 3 May 2022	PD/5.2/22.05	<p>That Council:</p> <ol style="list-style-type: none"> Notes the findings and recommendations of the Social and Affordable Housing Program and Portfolio Review Report prepared by SGS Economics and Planning attached to the report. Updates the Affordable Housing Program Tenancy Policy to target highest priority households that are in severe housing stress to maximise the social outcomes achieved from Council’s affordable housing portfolio. Endorses the award of a new contract to a community housing provider to manage Council’s social and affordable housing tenancies following a tender process, with the new contract to reframe maintenance responsibilities and contain a robust performance management framework to ensure improved outcomes for tenants and Council, with a report to be prepared to Council to endorse the award of the contract. Continues to support the funds raised through voluntary planning agreements to be paid into the Affordable Housing Contributions Reserve to be used to fund additional housing to expand Council’s affordable housing portfolio only, in accordance with the Planning Agreement Policy. Endorses entering a new partnership with a community housing provider to deliver additional housing stock under a delivery contract via an open tender process, noting that the partnership will allow Council to leverage off a community housing provider’s access to significant State and Federal funding to increase Council’s affordable housing portfolio, with a report to be prepared to Council to endorse the award of the contract. Pursues additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models, such as co-operative housing, that may present themselves in the affordable housing space. Notes that Council submitted the Affordable Housing Contributions Scheme to the Department of Planning and Environment in April 2021, with a decision expected by mid-2022.

		8. Notes that it is proposed to retain vacant units in the portfolio to be used to temporarily house tenants from those units in the greatest need of refurbishment to allow for the asset management backlog to be addressed, with this only taking place if the vacant unit is in a satisfactory condition and meets the tenants' needs.
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4. Discussion

Council has had difficulty in adding affordable housing stock to the property portfolio given high property prices in the Waverley LGA. Since the acquisition of four apartments in North Randwick in 2016, in partnership with Bridge Housing, we have added no new stock to our portfolio.

Compared to traditional approaches such as obtaining dedicated affordable housing via VPAs, developing affordable housing with a CHP or purchasing apartments off the market, the Subsidised Lease Program presents an innovative, low-cost and efficient way to rapidly add affordable housing to our affordable housing program.

The Whitten Lane commercial office floorspace was negotiated as a VPA with a developer in 2020 (CM/7.12/20.02), with the net rental income being hypothecated to the public purpose of affordable housing. The Whitten Lane VPA report discussed how the funds for the commercial revenue would be used towards a public purpose:

One innovative delivery model that is being currently considered is hypothecating net revenue from recurrent income sources, such as commercial tenancies to subsidise market rate rental properties to make them affordable (in perpetuity)...While subsidising market rate housing is more achievable than purchasing new stock (given there is no need for a significant upfront capital cost), the key issue with subsidising rental housing is that a sustainable recurrent source of funding is required. This is where the net revenue from commercial leasing would play a role. Using this approach, this VPA could add over 20 affordable rental dwellings to our affordable housing portfolio, effectively in perpetuity. In contrast, our current approach to affordable housing delivery would only allow the purchase of up to one affordable rental dwelling every four years based on net revenue.

As the commercial floorspace at Whitten Lane is being occupied and rental income is being generated, there is now an opportunity to implement a Subsidised Lease Program.

It is important to note that the Subsidised Lease Program does not compete, but rather complements, the work being undertaken on the Subregional Affordable Housing Collaboration, or any other more traditional strategy to acquire new stock, such as developing or purchasing property. While the Collaboration project may take up to 5 years to deliver housing stock, the Subsidised Lease Program by contrast could deliver new stock within months, subject to Council support.

At this stage, the Subsidised Lease Program is envisaged to work as follows:

1. Council leases private dwellings off the open rental market.
2. Dwellings are sub-leased to tenants as part of our affordable housing program.
3. The number of dwellings in the program is limited by the level of subsidy (depending on whether the dwelling/s are leased to key workers or low income tenants) and the net rental revenue from Whitten Lane.
4. Lease term: 3-5 years may be an ideal lease term that provides continuity of service.
5. Dwelling type: 1-2 bedroom apartments have been considered as part of the modelling exercise.
6. Location: Anywhere in the Waverley LGA, but it may be possible that units located in suburbs bordering our LGA could be appropriate.

7. Tenants: The Community Programs team would determine the appropriate tenants, based on their demand list.
8. Management: The SLP is envisaged to be managed by a CHP, just like the rest of the Waverley Affordable Housing Program.

Table 1 outlines how many dwellings could hypothetically be delivered as a part of the Subsidised Lease Program. Modelling has been completed based on 1 and 2 bedroom apartments and also for a subsidy of 30% below market rent: the traditional subsidy, as well as a higher subsidy for low income workers. The modelling demonstrates that between six and 13 dwellings could be subsidised annually, depending on the size of the dwelling and subsidy.

Table 1. Subsidised dwelling numbers.

Type of dwelling/subsidy	Number of dwellings
1 BR unit, Moderate income - 'key workers', 'essential workers'	13
2 BR unit, Moderate income - 'key workers', 'essential workers'	11
1 BR unit, Low income households	7
2 BR unit, Low income households	6

Feedback from Housing Advisory Committee

The Subsidised Lease Program was presented and discussed at the August 2023 Housing Advisory Committee (HAC) meeting for early feedback. The program was also discussed at the November 2023 HAC meeting. The feedback from the HAC was supportive of this approach as a complement to traditional approaches for offering social and affordable housing. Detailed feedback was provided from the August HAC on considerations regarding dwelling sizes (bedrooms) and who the target tenants might be (suitable for victims of domestic violence). This feedback, as reported to Council in a separate report to the Strategic Planning and Development Committee on 5 December 2023, will be considered in the development of a policy.

5. Financial impact statement/Time frame/Consultation

It is envisaged that the Subsidised Lease Program would be funded by the net rental revenue generated by the Whitten Lane commercial office floorspace, which generates approximately \$200,000 towards the Affordable Housing Contributions Reserve annually.

It is estimated that a draft policy will be reported back to Council in early 2024.

6. Conclusion

Initial modelling has demonstrated that a Subsidised Lease Program could add between six to 13 dwellings to Council's affordable housing program. This approach would complement the existing program and would not compete with more traditional approaches to adding affordable housing stock, such as purchasing or developing apartments. If this approach is supported by Council, officers will develop a draft policy that would govern the operation of the program and report this back to Council for exhibition.

7. Attachments

Nil.

REPORT
PD/5.4/23.12

Subject: Housing Advisory Committee Meeting - 29 August 2023 - Minutes

TRIM No: SF23/4556

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council notes the minutes of the Housing Advisory Committee meeting held on 29 August 2023 attached to the report.

1. Executive Summary

The Housing Advisory Committee (HAC) held a meeting on 29 August 2023 where a number of housing matters were discussed. Attachment 1 contains the minutes of the meeting. It is recommended that Council notes the minutes.

2. Introduction/Background

The HAC is an advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the HAC means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The role of the Housing Advisory Committee is to assess, consider and provide perspectives and comment/advice/recommendations to Council staff and Council on a range of matters relating to social and affordable housing. The General Manager may also place before the Committee other matters as they think fit where the HAC's input may add value.

The HAC currently comprises the Mayor, two other Councillors, five experts in social and affordable housing who have a demonstrated knowledge of the local area, and one community representative who has a skillset relating to social and affordable housing.

Clause 8.4 of the HAC's Terms of Reference requires the minutes from a HAC meeting to be reported to Council for noting prior to publication on Council's website.

3. Relevant Council Resolutions

Nil.

4. Discussion

The 29 August 2023 HAC meeting was held in person in the Queens Park Room, with a hybrid/online option for members who could not attend in person. Each member was provided with a briefing pack prior to the meeting with a summary of the agenda items.

The feedback and comments provided during the HAC meeting will inform the progression of the Council projects discussed.

Clause 8.4 of the HAC's Terms of Reference states that the 'minutes must be confirmed by the Committee at the next available Committee meeting, and subsequently reported to Council for noting and then published on Council's website.'

The minutes from the 29 August 2023 meeting were confirmed by the HAC at the most recent meeting held on 22 November 2023. After being noted by Council, the minutes will be published on Council's website.

5. Financial impact statement/Time frame/Consultation

There are no direct financial impacts as a result of the 29 August 2023 HAC meeting.

There are no timing implications or consultation requirements as a result of the HAC.

6. Conclusion

It is recommended that Council notes the minutes of the HAC meeting on 29 August 2023.

7. Attachments

1. HAC - 29 August 2023 - Minutes [↓](#) .

Housing Advisory Committee

Date: 29 August 2023

Time: 6.00 pm – 7:30 pm

Venue: Queens Park Room, Council Chambers



Attended
Members <ul style="list-style-type: none"> • Cr Paula Masselos (Chair) • Catherine Gilbert (via Microsoft Teams) • David Johnston • Elias McGrath • Gabriela Quintana Vigiola (via Microsoft Teams) • Mora Main • Ryan Van Den Nouwelant
Apologies Received <ul style="list-style-type: none"> • Cr Sally Betts • Cr Elaine Keenan • Tim Sneesby
Councillors <ul style="list-style-type: none"> • Cr Ludovico Fabiano (via Microsoft Teams)
Council Officers <ul style="list-style-type: none"> • Fletcher Rayner – Director, Planning, Sustainability and Compliance • George Bramis – Executive Manager, Urban Planning • Annette Trubenbach – Executive Manager, Community Programs • Leisa Simmons – Manager, Housing Programs and Community Support • Emma Rogerson – Senior Strategic Town Planner

Item	
Welcome, Apologies and Acknowledgement	<p>The meeting commenced at 6pm.</p> <p>Mayor, Paula Masselos welcomed everyone to the meeting, and acknowledged the Bidjigal, Birrabirragal and Gadigal people, and paid respect to all Aboriginal and Torres Strait Islander Elders both past and present and emerging.</p>
Code of Conduct Declarations	No conflicts of interest were declared.
Introductions	All members and staff introduced themselves.
Sub-Regional Affordable Housing Collaboration Project	<p>Comments and questions from HAC members and staff:</p> <ul style="list-style-type: none"> • All members supported the collaborative approach of this project and agreed there was a need to increase affordable housing in the Eastern Beaches. • Community Housing Providers (CHP's) are becoming increasingly selective about who they partner with as interest in producing affordable housing grows and they have more options to choose from. It is therefore important to make an attractive case, which could be achieved through investigating uplift opportunities and dedicating land at no or little cost. • Partnering with a CHP or private developer would be beneficial as Council does not have thorough development experience.

	<ul style="list-style-type: none"> • Financing against rental income rather than the value of the land may avoid the need to dedicate Council land to a CHP. • 99-year leases can sometimes be effective as equivalents to land ownership for financing. • Consider offsetting the cost of low revenue by renting a percentage of the stock at market rates. • Strata schemes can be expensive so should be avoided. • 20-unit 100% social or affordable developments of the same tenure type are easiest to manage, however, a mix of affordable and market rate stock can assist to increase revenue. • Good tenancy and management is important to keep maintenance costs down. • Consider partnering with other organisations or groups (such as Church's) who own land in the LGA to increase opportunity sites. <p>Action: Send a progress update on this project to the next HAC meeting on 22 November 2023.</p>
Proposed Subsidised Lease Affordable Housing Program	<p>Comments and questions from HAC members and staff:</p> <ul style="list-style-type: none"> • All members supported this is a good temporary and quick solution to offering social and affordable housing, however it was agreed that it should work in parallel to seeking to increase Council's stock. • Consider the estimations against 3-bedroom units, as there is a big need for these configurations in instances of domestic violence where women with children require emergency transitional housing that is adequately sized. • Investigate the likely impacts of a CHP managing the process. A CHP managing may incentivise landowners to participate as CHPs may have a good reputation, however, Council managing may be preferred as it does not appear so stereotypically 'affordable/social housing' for those who may associate such housing though CHPs with negativity. • Investigate whether the funds could go elsewhere rather than to private landlords and the private real estate market. The concern expressed was that rent in this model goes to private landlords and competing in private rental market contributes to rent price increases. • Alternatively, this model was also seen as a useful and quick approach to accommodating people in need (eg victims of domestic violence). <p>Action: Send a progress update on this project to the next HAC meeting on 22 November 2023.</p>
Affordable Housing Tenancy Policy Amendments	<p>Comments and questions from HAC members and staff:</p> <ul style="list-style-type: none"> • All members supported the intent of changes focusing on the needs of lower income earners, however, some raised the question of whether essential workers on slightly higher incomes but in roles that are harder to fill should also be targeted in order to fill those roles in the community? • Do not bother considering market rents, rather just cap the weekly rents at 30% of the resident's income. • Do not bother advertising available social or affordable housing on realestate.com etc. Go to CHPs who have waitlists instead to save money and resourcing otherwise required to publicly list properties. Could also consider going to employers of essential workers for lists of candidates if this route is going to be pursued.

	Action: Send the draft amendments to the HAC members for comment during public exhibition. Send a progress update on this project to the next HAC meeting on 22 November 2023.
Open discussion	<p>Comments and questions from HAC members and staff:</p> <ul style="list-style-type: none"> • It would be useful to set social and affordable housing targets to better guide projects, policy and decision making. Figures would assist to understand whether moderate or drastic action is required. • The challenge of existing affordable or low-rental stock being demolished and replaced with luxury housing was noted. • There is opportunity to consider the cost and benefits of selling existing older social or affordable housing stock (buildings that are older than 20 years, which are likely to have higher maintenance fees compared to newer stock) and use the funds to increase the amount in the Program available for purchasing newer stock or contributing towards a sub-regional approach. • Consider increasing levies for properties used as AirBnB or which are empty.
Next Meeting	<p>The Chair thanked everyone for their contributions. Next meeting will be held on 22 November 2023.</p> <p>Meeting closed: 7.30pm.</p>

REPORT
PD/5.5/23.12

Subject: Clause 4.6 Variations to Development Standards - Quarterly Report - July-October 2023

TRIM No: A23/0244

Manager: Angela Rossi, Executive Manager, Development Assessment

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council notes:

1. The clause 4.6 variations to development standards for the period 1 July 2023 to 31 October 2023 attached to the report.
2. That from 1 November 2023, the Department of Planning and Environment (DPE) no longer requires councils to report clause 4.6 variations to development standards or submit quarterly reports, as this information will be extracted directly from the NSW Planning Portal and published by the DPE for all NSW councils.

1. Executive Summary

The Department of Planning and Environment (DPE) Planning Circular PS 20-002 required a quarterly report to be tabled at a Council meeting for information only, outlining development applications where there was a variation to a development standard approved pursuant to clause 4.6 of *Waverley Local Environmental Plan 2012* (WLEP 2012).

The determinations have been made by either the Sydney Eastern City Planning Panel, the Waverley Local Planning Panel or by planning officers under delegated authority. The quarterly report has been provided to DPE and is published on an ongoing basis on Council's website.

There were 33 development applications approved with a clause 4.6 variation in the last reporting quarter, for the period 1 July to 30 September 2023.

On 1 November 2023, Planning Circular PS 20-002 was repealed. From 1 November, quarterly reporting to Council meetings is no longer required. The DPE has made a publicly accessible register on the NSW Planning Portal that displays all clause 4.6 variation requests across NSW. It will display the most up-to-date information from the NSW Planning Portal. Users will be able to see all variation requests under assessment and/or determined from 1 November 2023 across the state and for each Council.

Given there is no requirement for quarterly reporting from 1 November 2023, the attached clause 4.6 register also includes a further 10 development applications that were approved with a clause 4.6 variation in the period of 1 October-31 October 2023.

Quarterly reporting of clause 4.6 variations to Council will therefore no longer occur. Notwithstanding, this information is publicly accessible on the NSW Planning Portal.

Separately, in 2022 DPE undertook a periodic audit of several NSW councils, including Waverley, to ascertain Council's compliance with the procedural and reporting requirements associated with the use of clause 4.6. The audit found that Council has met all procedural and reporting requirements associated with the use of clause 4.6.

2. Introduction/Background

The NSW planning system provides flexibility in planning controls by providing the ability for a consent authority to vary development standards in certain circumstances. Development standards are contained in the LEP (a statutory planning instrument) and are a means to achieving an environmental planning objective and can be numerical or performance based. Common development standards sought to be varied in the Waverley local government area include height of building, minimum lot size and floor space ratio. The Development Control Plan (DCP) is a non-statutory planning instrument and does not contain development standards.

Some developments may achieve the objectives of development standards, despite non-compliance with the numerical development standard. The planning system provides flexibility to allow these objectives to be met by varying development standards in certain cases.

Clause 4.6 is common to all standard instrument LEPs across all NSW Councils. The objectives of the clause are:

- *To provide an appropriate degree of flexibility in applying certain Development Standards to development, and*
- *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

If an applicant wishes to vary a development standard contained within an environmental planning instrument, such as the WLEP 2012, their development application needs to be supported by a written request for variation pursuant to clause 4.6 of WLEP 2012 outlining why compliance with the relevant development standard is unreasonable or unnecessary in the circumstances of the case.

There are a number of procedural and reporting requirements for councils to ensure transparency and integrity in the planning framework. This report details development applications which approved clause 4.6 variations during the reporting period.

3. Relevant Council Resolutions

Nil

4. Discussion

The now repealed Planning Circular PS20-002 contains information about reporting requirements. For example, Council is required to report its (or the Local or Regional Panels') use of clause 4.6 to the Department of Planning and Environment on a quarterly basis. To ensure transparency and integrity in the planning framework, and consistency with Planning Circular PS 20-002, quarterly reporting to a Council meeting is also required.

The clause 4.6 variation register for the quarter between July to September 2023, plus for October 2023 is attached to this report.

From 1 November 2023, this reporting is no longer required as the same information will now be made available from the DPE via the NSW Planning Portal.

5. Financial impact statement/Time frame/Consultation

There are no financial implications relating to this report.

6. Conclusion

This report satisfies the requirement to report to Council quarterly on clause 4.6 variations to development standards.

On 1 November 2023, Planning Circular PS 20-002 was repealed and therefore quarterly reporting to Council meetings is no longer required. The DPE has made a publicly accessible register on the NSW Planning Portal that displays all clause 4.6 variation requests across NSW. It will display the most up-to-date information from the NSW Planning Portal. Users will be able to see all variation requests under assessment and/or determined from 1 November 2023 across the state and for each Council.

It is proposed that this report will be the final quarterly reporting of clause 4.6 variations tabled at a Council meeting. However, this information is publicly accessible on the NSW Planning Portal.

7. Attachments

1. Clause 4.6 variations register - July-October 2023 [📄](#) .

Register of Development Standard Variations Approved July 2023 to October 2023											
DA number	Street No	Street name	Suburb	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Consent authority	Date
DA-111/2023	4	Gordon Place	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Variation is technical as the basement sub floor was previously excavated and is used as the existing ground level Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 8.6% Control: 8.5m Proposal: 9.23m	Council	03/07/2023
DA-33/2023	22	Patterson Street	North Bondi	2: Residential - Single new dwelling	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 7.4% Control: 0.668:1 Proposal: 0.72:1	Council	07/07/2023
DA-46/2023	46	Blenheim Street	Queens Park	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Maintains two storey appearance to the street having regard to existing topography and excavation on site. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 5.5% Control: 8.5m Proposal: 8.97m	Council	24/07/2023
DA-46/2023	46	Blenheim Street	Queens Park	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 4.2% Control: 0.76:1 Proposal: 0.79:1	Council	24/07/2023
DA-114/2023	4A	Elvina Street	Dover Heights	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 4.3% Control: 8.5m Proposal: 8.865m	Council	24/07/2023
DA-132/2023	232-234	Campbell Parade	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> The site has an existing FSR of 2.8:1 (variation of 211.74%). The proposal relates to the enclosure of terraces which increases the GFA by 46.8sqm, which represents an additional variation of 4.87%. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 216.61% Control: 0.9:1 Proposal: 2.84:1	WLPP	26/07/2023
DA-435/2022	6	Pacific Avenue	Tamarama	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Upon the approved subdivision being registered, Lot 1 and Lot 2 will comply with the FSR development standard. Lot 3 will exceed the standard by 2.32sqm, which is a 1.2% variation. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 70% Control: 0.5:1 Proposal: 0.85:1	WLPP	26/07/2023
DA-417/2022/1	11	Pembroke Street	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> The proposed ridge is lower than the existing ridge line. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 8% Control: 8.5m Proposal: 9.2m	WLPP	26/07/2023
DA-417/2022/1	11	Pembroke Street	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance. The proposed addition is 5.5sqm. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 46.4% Control: 0.63:1 Proposal: 0.918:1	WLPP	26/07/2023
DA-487/2022	45	York Road	Queens Park	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds Consistent with the objectives of the standard. 	Variation: 22.67% Control: 0.53:1 Proposal: 0.65:1	WLPP	26/07/2023
DA-30/2023	14-16	Dellview Street	Tamarama	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Much of the existing lower ground floor space is party below ground floor level. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds Consistent with the objectives of the standard. 	Variation: 5.6% Control: 0.6:1 Proposal: 0.63:1	Council	03/08/2023
DA-121/2023	18	Gibson Street	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 5.9% Control: 8.5m Proposal: 9m	Council	16/08/2023
DA-121/2023	18	Gibson Street	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 7.9% Control: 0.61:1 Proposal: 0.66:1	Council	16/08/2023
DA-79/2023	3	Orr Street	Bondi	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 1.95% Control: 0.903:1 Proposal: 0.92:1	Council	17/08/2023

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DA-179/2023	14	Ashley Street	Tamarama	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance with the FSR development standard. Proposal results in an addition 6.14sqm within the existing recessed alcove, meaning it will not result in an discernible visual change to the bulk and scale of the building. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 9.58% Control: 0.646:1 Proposal: 0.708:1	Council	25/08/2023
DA-27/2023	205	Military Road	Dover Heights	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 5.9% Control: 8.5m Proposal: 9m	WLPP	23/08/2023
DA-27/2023	205	Military Road	Dover Heights	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 30% Control: 0.59:1 Proposal: 0.76:1	WLPP	23/08/2023
DA-99/2023	12A-14	Wilga Street	Bondi	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance. Variation is associated with replacement roof, which is lower than the existing roof height but exceeds the height development standard. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 173% Control: 9.5m Proposal: 26m	WLPP	14/09/2023
DA-99/2023	12A-14	Wilga Street	Bondi	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance. The proposal does not result in additional floor space. Work represents rectification works to existing building. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 273% Control: 0.6:1 Proposal: 1.64:1	WLPP	14/09/2023
DA-19/2023	134	Hewlett Street	Bronte	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance. Height exceedance is a result of the steep topography. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 59% Control: 8.5m Proposal: 13.55m	WLPP	14/09/2023
DA-161/2023	7	Francis Street	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 58.3% Control: 0.9:1 Proposal: 1.43:1	WLPP	14/09/2023
DA-367/2022	56	Campbell Parade	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	E1	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 14% Control: 15m Proposal: 17.1m	WLPP	14/09/2023
DA-165/2023	232-234	Campbell Parade	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> The works are below the maximum height of the existing building No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 8.4% Control: 12.5m Proposal: 13.55m	Council	27/09/2023
DA-123/2023	60	Gilbert Street	Dover Heights	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> The additional GFA is attributed to the basement and lower ground floor No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 30% Control: 0.5:1 Proposal: 0.65:1	WLPP	27/09/2023
DA-67/2023	7	Wallangra Road	Dover Heights	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance and no change to the overall building height and envelope Technical non-compliance as existing ground level is taken from the basement level No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 12.82% Control: 8.5m Proposal: 9.59m	WLPP	27/09/2023
DA-461/2022	10	Carlisle Street	Tamarama	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance and no change to the overall building height and envelope No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 60.4% Control: 9.5m Proposal: 15.24m	WLPP	27/09/2023
DA-461/2022	10	Carlisle Street	Tamarama	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance and the additional GFA is largely at ground floor or below street level, having little impact on the overall bulk and scale of the building. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 118.7% Control: 0.6:1 Proposal: 1.31:1	WLPP	27/09/2023

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DA-134/2023	5	Flood Street	Bondi	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 16.4% Control: 0.52:1 Proposal: 0.61:1	WLPP	27/09/2023
DA-110/2023	481-485	Bronte Road	Bronte	1: Residential - Alterations & additions	WLEP 2012	E1	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance and relates to an open pergola structure No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 55% Control: 9m Proposal: 13.94m	WLPP	27/09/2023
DA-80/2023	241	Bondi Road	Bondi	1: Residential - Alterations & additions	WLEP 2012	E1	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance and no change to the overall building height No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 13.3% Control: 9m Proposal: 10.2m	WLPP	27/09/2023
DA-80/2023	241	Bondi Road	Bondi	1: Residential - Alterations & additions	WLEP 2012	E1	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 24.1% Control: 1:1 Proposal: 1.24:1	WLPP	27/09/2023
DA-56/2023	12	Ramsgate Avenue	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No increase to the overall building height or envelope as it converts existing car parking to habitable floor space. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 14% Control: 0.9:1 Proposal: 1.03:1	WLPP	27/09/2023
DA-53/2023	11	Jacques Avenue	Bondi Beach	2: Residential - Single new dwelling	WLEP 2012	R3	Clause 4.1: Minimum subdivision lot size	<ul style="list-style-type: none"> The subdivision provides two allotments that can accommodate the pair of semi-detached dwellings. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 3.9% Control: 232sqm Proposal: 223.4sqm and 222.6sqm	Council	05/10/2023
DA-187/2023	32	St James Road	Bondi Junction	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 15.6% Control: 0.99:1 Proposal: 1.155:1	WLPP	25/10/2023
DA-181/2023	34	St James Road	Bondi Junction	1: Residential - Alterations & additions	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 16% Control: 0.99:1 Proposal: 1.148:1	WLPP	25/10/2023
DA-185/2023	17	High Street	Waverley	2: Residential - Single new dwelling	WLEP 2012	R2	Clause 4.1: Minimum subdivision lot size	<ul style="list-style-type: none"> Existing non-compliance, proposal relates to rearrangement of lot boundaries. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation Lot A: 31% Variation Lot B: 29% Control: 325sqm Proposal: 223sqm and 229.9sqm	WLPP	25/10/2023
DA-113/2023	55	Gould Street	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 76.7% Control: 8.5m Proposal: 15.02m	WLPP	25/10/2023
DA-113/2023	55	Gould Street	Bondi Beach	1: Residential - Alterations & additions	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance and proposal results in a reduction in overall floor space No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 299% Control: 0.5:1 Proposal: 1.99:1	WLPP	25/10/2023
DA-133/2023	154	Brighton Boulevard	North Bondi	4: Residential - New multi unit	WLEP 2012	R3	Clause 4.3: Height of Buildings	<ul style="list-style-type: none"> Existing non-compliance and no change to overall building height and envelope No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 33.7% Control: 9.5m Proposal: 12.7m	WLPP	25/10/2023
DA-133/2023	154	Brighton Boulevard	North Bondi	4: Residential - New multi unit	WLEP 2012	R3	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> Existing non-compliance and no change to overall building envelope No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 82.8% Control: 0.6:1 Proposal: 1.1:1	WLPP	25/10/2023
DA-118/2023	304	Military Road	Dover Heights	2: Residential - Single new dwelling	WLEP 2012	R2	Clause 4.4: Floor Space Ratio	<ul style="list-style-type: none"> No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with the objectives of the standard. 	Variation: 14.2% Control: 0.523:1 Proposal: 0.6:1	WLPP	25/10/2023

REPORT
PD/5.6/23.12

Subject: Strata Parking Area Agreements

TRIM No: A16/0667

Manager: Sunil Kushor, Executive Manager, Compliance

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council does not proceed with strata parking area agreements due to the low interest from owners corporations.

1. Executive Summary

This report outlines the history of a proposal to develop a draft strata parking area agreement and to discuss whether this service should be provided.

2. Introduction/Background

In November 2016, the *Strata Schemes Management Act 2015* commenced, permitting councils to enter into agreements with strata and community schemes to enforce parking restrictions on common property. This legislation was incorporated into the *Local Government Act* under section 650A.

At the 15 November 2016 Council meeting, it was resolved to further investigate the provisions of the *Strata Schemes Management Act 2015* and the *Local Government Act 1993* as they apply to the management of unauthorised parking on private property through a commercial arrangement between Council and an owners corporation.

In March 2017, 35 strata managers were invited to participate in an online survey. The seven strata managers who completed the survey manage 70 buildings throughout the local government area, equating to a potential of 500 parking spaces.

In June 2017, these respondents were invited to take part in a focus group to further explore the implications and expectations of a parking agreement.

On 8 August 2017, Council considered a report detailing the results of the investigation and consultation. Council resolved to conduct a trial of strata/community parking area agreements for a period up to six months.

On 1 December 2018, Council entered into a trial with the owners corporation of 29-31 Paul Street, Bondi Junction, for the common property, which comprised eight visitor parking spaces. One infringement was issued during the six-month trial period.

At the Operations and Community Services Committee meeting on 6 July 2021, Council received a report detailing the outcomes of the strata parking area agreement trial. At this meeting, Council resolved that officers develop guidelines and present them to the Combined Precincts for their consideration and that officers report back to Council.

The draft guidelines were presented at the Combined Precincts meeting on 2 March 2023.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations and Community Services Committee 6 July 2021	OC/5.3/21.07	That: <ol style="list-style-type: none"> Council officers develop guidelines for strata/community parking area agreements, including the basis and process for establishing fees. Council presents the draft guidelines to the Combined Precincts for their consideration and feedback. Following the preparation of the guidelines, Council officers prepare a report to Council on the draft guidelines, noting that any fee to be implemented through such arrangements would be required to be publicly exhibited.
Council 8 August 2017	CM/7.12/17.08	That Council: <ol style="list-style-type: none"> Conducts a trial of strata/community parking area agreements for a period of up to six months with owners corporations. Receives a report on the outcomes of the strata/community parking area agreement trial.
Council 15 November 2016	CM/8.2/16.11	That Council: <ol style="list-style-type: none"> Investigates the new provisions of the Strata Schemes Management Act 2015 and the Local Government Act 1993 as they apply to the management of unauthorised parking on private property through a commercial arrangement between a local council and an owners corporation. Identifies the feasibility of whether it should and can provide this service to owners corporations, and how the service could operate, considering staff resources and priorities. Identifies how a similar service could operate for Company Title Home Units. Receives a report on the above matters.

4. Discussion

Officers have developed draft guidelines for strata parking area agreements (Attachment 1). These guidelines are heavily based on guidelines for councils published by Office of Local Government.

The primary purpose of the Guidelines is to assist Council officers and inform applicants regarding the assessment of strata parking area agreement applications from owners corporations.

Since the initial trial of strata parking area agreements, officers have only received one expression interest to enter into an agreement.

Given the low interest from owners corporations, it is recommended that Council does not proceed with strata parking area Agreements. However, should Council wish to proceed it is recommended that Council publicly exhibits the draft guidelines attached to the report.

5. Financial impact statement/Time frame/Consultation

Parking agreements are a commercial arrangement that are not cost neutral. Therefore, it is appropriate for Council to require a fee for the servicing of a parking agreement.

The cost cannot be reliably offset by infringement revenue as evidenced by only one infringement being issued during the trial period.

Therefore, the following fees are recommended for the investigation, implementation and continued monitoring of premises that enter into strata parking agreements.

- Application and assessment: \$250 per application.
- Annual fee for service: \$2,920 per parking space per year.

The above fee is based on current staff pay and overhead rates for the reasonable time taken to patrol an area on foot.

The cost to manufacture and install new signage would be covered by the owners corporation. Council would supply and install these signs with the cost determined by assessment for each location.

6. Conclusion

Based on the limited interest from owners corporations, it is not recommended that Council considers offering this service. However, should Council wish to proceed it may resolve to exhibit the draft Strata Parking Area Agreement Guidelines for community feedback.

7. Attachments

1. Draft Strata Parking Area Agreement Guidelines [↓](#) .

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines

STRATA PARKING AREA AGREEMENTS

Waverley Council Guidelines

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**Contents**

1. INTRODUCTION	3
1.1 <i>What is the purpose of these Guidelines?</i>	3
1.2 <i>Legislative context</i>	3
1.3 <i>Reading these guidelines</i>	3
 2. OVERVIEW OF THE PARKING AREA PROVISIONS	 4
2.1 <i>What is a parking area agreement?</i>	4
2.2 <i>Effects of entering into a parking area agreement</i>	4
2.3 <i>How flexible can parking area conditions be?</i>	4
2.4 <i>What will Council do if the owner's corporation seeks to apply additional conditions?</i>	4
2.5 <i>What are the signage requirements for parking areas?</i>	5
2.6 <i>Can Council recover enforcement costs in parking agreements?</i>	5
 3. PARKING AREA AGREEMENT APPLICATIONS	 6
3.1 <i>What criteria will be used by Council in assessing applications?</i>	6
3.2 <i>What matters should the council ensure are included within a parking area agreement?</i>	7
3.3 <i>What additional issues may be included in a section 650A (strata parking) agreement?</i>	7
3.4 <i>What matters are inappropriate for inclusion in an agreement?</i>	8
3.5 <i>Is Council obligated to enter into a parking area agreement with an owners corporation?</i>	8
3.6 <i>Do appeal rights exist against a council's decision?</i>	8
3.7 <i>Transparency and accountability</i>	9
3.8 <i>Dispute resolution and termination of agreements</i>	9

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines

1. INTRODUCTION

1.1 What is the purpose of these Guidelines?

The primary purpose of these Guidelines is to assist Waverley Council Officers and inform applicants regarding the assessment of strata parking area agreement applications from owner's corporations.

1.2 Legislative context

In November 2016, the *Strata Schemes Management Act 2015* commenced permitting councils to enter into agreements with strata and community schemes to enforce parking restrictions on private land. This legislation was incorporated into the Local Government Act as section 650A.

The owner's corporation of a strata scheme under the *Strata Schemes Management Act 2015* or the association of a community, precinct or neighbourhood scheme under the *Community Land Management Act 1989* may enter into an agreement with the council so long as the agreement is approved by special resolution of the owner's corporation.

Under strata/community parking area agreements, part of the common property of the scheme is set aside for use as a parking area and the council exercises its enforcement functions in that area.

1.3 Reading these guidelines

These guidelines are concerned only with strata parking area agreements as there are no community schemes operating in the Waverley Council LGA.

These guidelines are based on the FREE PARKING & STRATA / COMMUNITY PARKING AREA AGREEMENT GUIDELINES originally published by the Office of Local Government.

An agreement will be between Waverley Council and an owner's corporation. However, for ease of understanding, the non-council party is generally referred to in these guidelines as the "owner", unless specifically stated.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**2. OVERVIEW OF THE PARKING AREA PROVISIONS****2.1 What is a parking area agreement?**

Section 650A (strata and community parking) agreements – The owners corporation of a strata scheme may enter into an agreement with Council so long as the agreement is approved by special resolution of the owner's corporation.

2.2 Effects of entering into a strata parking area agreement

If an owner's corporation enters into a parking area agreement with a local council, the following outcomes will result:

- **Council specifying conditions in respect of parking.** It would be required that these conditions be notified by way of signs and notices erected on the land; and
- the regulation and enforcement of signed parking restrictions passing to Council. The owner's corporation can still control parking, for example, by giving a lot owner exclusive use of part of the common property for their use for parking.

2.3 How flexible can parking area conditions be?

Parking area conditions are set out in signage erected in the area by Council. The matters which may be covered by the signs are listed within sections 650A(2) of the Act are the:

- a) time during which the public may use the parking area;
- b) maximum period for which a vehicle may be parked in the parking area (or in any part of the parking area); and
- c) designation of a parking space within the parking area as a space for the sole use of persons with disabilities.

When a parking area application is received Council will assess what terms and conditions are proposed by the owner to be included in the signs to be erected in the proposed parking area.

The terms and conditions must generally comply with the requirements of section 650A(2), as any outside this scope generally would not be enforceable.

While Council will consider the owners' preferences concerning the proposed hours of operation of the parking area and the time limitations that will apply to vehicles using the parking area etc, any such proposal must align with Council's parking enforcement hours of operation.

2.4 What will Council do if the owner seeks to apply additional conditions?

If an applicant submits a parking area agreement application that seeks to impose conditions outside the scope of section 650A(2) of the Act, Council could disallow the application. However, Council may adopt a reasonable degree of flexibility and carefully evaluate the proposal and the reasons which underpin it.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines

If necessary, Council could use the provisions of section 632 "Acting contrary to notices erected by councils" to facilitate the implementation of special arrangements.

Section 632 signs would need to be erected in conjunction with section 650A signs.

It is important to note that enforcement action under section 632 will involve Council identifying and giving a penalty notice to the driver of the vehicle at the time of the offence (who may or may not be the owner of the vehicle).

In determining special requests, Council will have regard to balancing public and private interest considerations and its capacity to carry out enforcement in terms of section 632.

2.5 What are the signage requirements for parking areas?

The parking area provisions of the Act are enabled under section 650A(1), which state that "the driver of a vehicle parked in a [parking area] otherwise than as permitted by a notice or sign erected by the council is guilty of an offence".

Section 650A(2) of the Act states that the terms of any such notice or sign may relate to any one or more of:

- a) time during which the public may use the parking area;
- b) maximum period for which a vehicle may be parked in the parking area (or in any part of the parking area); and
- c) designation of a parking space within the parking area as a space for the sole use of persons with disabilities.

Therefore, where Council has entered into an agreement with an owner's corporation, signage must be erected to give the powers effect.

It is important to note that Council may charge the owner an appropriate fee for the installation and maintenance of such signs.

2.6 Can Council recover enforcement costs in parking agreements?

Yes. Parking agreements are commercial arrangements and they are not cost-neutral.

In considering whether to enter into an agreement, Council must ensure that it is not unduly diverting its limited enforcement resources away from public parking areas. This is a particularly important consideration in the case of strata parking area agreements where no additional free public parking will result.

However, any such fees levied should be done so in a fair and transparent way. The Act requires Council to set fees and charges through its annual budgeting process, which includes a mandatory public notification period.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**3. PARKING AREA AGREEMENT APPLICATIONS****3.1 What criteria will be used by Council in assessing applications?**

Waverley Council will apply the following criteria to all applications to enter into a strata parking area agreement:

- The owner has already implemented all reasonable measures to deter vehicle related problems including the erection of signs, fencing, gates and other barrier devices?
- Note:** In cases where amenity considerations are given a low priority by an owner's corporation and that owner's corporation chooses not to take sufficient action e.g install gates/barrier devices, initiate administrative action etc, there will be no role for Council to undertake.
- Prior to finalising an strata parking area agreement Council will need to see evidence of the formal approval of the relevant owners corporation association to enter into the agreement (as required under sections 650A(9) and 650A(10) of the Act).
 - Council is satisfied that there is a genuine need from a public policy perspective to assist the owner in deterring vehicle related problems via the proposed parking area agreement.
 - The area to be covered by a proposed agreement is **common property**.
 - The owner's corporation understand that parking enforcement will be applied equally and without discrimination against any person found to have breached the signage requirements applicable.
 - The owner's corporation agree to grant Council officers independent access to secure parking locations.
 - Council Officers will conduct a site inspection to determine any potential safety issues for Enforcement Officers.
 - The owner's corporation agrees to pay the service fee of (to be determined) for the term of the agreement.
 - The owner's corporation agrees all costs associated with installation and maintenance of signage is borne by the owner's corporation.
 - The owner's corporation understands and accepts that Council retains all infringement revenue.
 - The owner's corporation understands that councils retain complete discretion as to how they will undertake their law enforcement activities.
 - Council has sole discretion regarding the decision to enter into an agreement or not.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**3.2 What matters should Council ensure are included within a parking area agreement?**

The following items may be considered to provide a basic framework for an agreement. However, agreements are not limited to these terms.

The agreement should clearly stipulate:

- who are the principal parties to the agreement the land to which the agreement applies.
- the period of the agreement including the agreement commencement and conclusion dates.
- the implications for the owner of turning the land into a parking area.
- the right of Council to automatically vary an agreement to reflect changes in law.
- whether Council proposes to publicly notify the proposal and invite submissions, and who will pay the advertising costs, if any.
- the circumstances under which either of the principal parties may terminate the agreement and the procedure that is to be adhered to give effect to the termination.
- any renewal options and how these shall be exercised.
- the fees, charges and other costs that the owner will be liable to pay to Council.
- the signs, fencing, gates and any other structures, physical improvements to the land that might be carried out and who will be liable for the costs.
- the obligation to maintain any signs, fences, gates etc to the standard required by Council, and who will be liable for the costs.
- who is to be liable for any damages which may arise from persons parking in the parking area.
- that Council will not be liable for any costs, damages or liabilities incurred by the owner etc as a consequence of the early termination of an agreement by either party.
- that the owner is aware that all revenue from parking fines etc shall belong to Council under the Act; and
- that the council will retain complete discretion as to the performance of regulatory/law enforcement activities.

3.3 What additional issues may be included in a section 650A, strata parking area agreement?

In addition to those conditions set out above, Council may include the following provisions in any agreement established under section 650A.

A. Maintaining emergency access parking spaces

Council must ensure that any dedicated parking space set aside in the area for the exclusive use of emergency services vehicles (e.g. ambulances or police vehicles), usually through the development approval process, are not impacted by any agreement.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**B. Notification of any changes in use to common property**

While the owners corporation still retains the right to deal with the common property as provided under the Strata Schemes Management Act 2015, it must undertake to advise the Council within 24 hours of any approved change of use of common property that may affect the provision of parking control restrictions as set out in the agreement.

3.4 What matters are inappropriate for inclusion in an agreement?

Upon entering into a parking area agreement with Council, an owner's corporation effectively turns over the specified part of the common property to Council control.

Ensuring compliance with parking restrictions then becomes a council law enforcement function. Law enforcement functions are generally not matters that are open to landowner negotiation, and it is in the public interest that Council retains **complete discretion** as to how they will undertake their law enforcement activities.

Accordingly, Council will not give specific undertakings in relation to law enforcement operations. Council will refrain from giving explicit undertakings regarding the frequency of its monitoring of compliance with parking conditions in any area subject to a parking area agreement.

If an owner's corporation seeks to impose conditions Council in regard to its law enforcement functions, Council will decline the application.

3.4.1 Special by-law powers of owners corporations

Council should note that owners corporations in strata schemes can pass specific by-laws to control parking. For example, an owners corporation may impose, through a by-law, wheel-clamping or tow away provisions to prevent vehicles parking in allocated parking spots.

Any extra conditions imposed through by-laws must be in-line with the Strata Schemes Management Act 2015. Under that legislation, an owners corporation must pass a resolution at a general meeting to impose the by-law.

Any by-laws applicable to parking in a strata scheme must be enforced by the relevant owners corporation. Council has no powers to enforce such by-laws and they therefore must not be included in any parking agreement.

3.5 Is Council obligated to enter into a parking area agreement with an owner's corporation?

No. Council may approve or decline an application.

3.6 Do appeal rights exist against Council's decision?

In cases where an applicant is in disagreement with a decision made by Council in respect of an application Council should, if requested, review that decision.

However, there are no appeal rights, either to the Land and Environment Court or any other body available to an owner against Council's decision.

STRATA PARKING AREA AGREEMENTS – Waverley Council Guidelines**3.7 Transparency and accountability**

Agreements should generally be a matter of public record accessible in the same way as any other Council documents.

Council will not allow confidentiality clauses to be included in agreements unless there are extraordinary reasons to do so as these types of clauses may serve to create the impression that the Council is seeking to suppress important information, or that it has shown bias in favour of a landowner.

3.8 Dispute resolution and termination of agreements

Parties are to meet within 14 days to attempt resolution of the dispute. Either party can terminate the agreement at any time without reason provided 28 days of notice is given in writing.

Termination of the agreement does not remove responsibility or expenses already agreed to or expenses relating to damages a party is responsible for.

REPORT

PD/5.7/23.12



Subject: Urban Greening and Cooling Strategy - Adoption

TRIM No: A23/0489

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council adopts the Urban Greening and Cooling Strategy attached to the report.

1. Executive Summary

A draft Urban Greening and Cooling Strategy, developed with support from the NSW Government's Greener Neighbourhoods grant program, was exhibited between 7 September to 6 October 2023. It proposes actions to extend Council's current canopy and shrub target of 29% by 2029 to 35% by 2032. Community response to the strategy was overwhelmingly positive. Minor changes to the draft strategy have been made to reflect community ideas and suggestions and ensure the strategy actions are practicable and effective.

2. Introduction/Background

As global and local temperatures continue to rise due to climate change, Council's ability to protect and enhance greening on both public and private land is critical to managing an effective local response to the Climate and Biodiversity Emergency. This is because trees and vegetation deliver localised cooling through shade and evapotranspiration. Vegetation also provides biodiversity habitat and food, improved air quality, absorption of carbon, rainfall and stormwater and thereby contributes to enhanced climate resilience.

An Urban Greening and Canopy strategy was first proposed as part of the Waverley Local Strategic Planning Statement (2020-2036) under Planning Priority 16: Resilient City (page 74). While Council had a target of 29% Canopy and Shrub Cover by 2029, there was no consolidated strategy to detail how the target can be met. This strategy sets goals and actions to protect and increase the amount of canopy and vegetation cover in Waverley to 35% by 2032, on both public and private land, and will enhance our climate resilience, sustain our local biodiversity and support healthy, liveable neighbourhoods.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 September 2023	PD/5.6/23.09	That Council: 1. Publicly exhibits the draft Urban Greening and Cooling Strategy attached to the report for 28 days. 2. Officers prepare a report to Council following the exhibition period.

<p>Council 25 May 2021</p>	<p>CM/6.4/21.05</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that Council: <ol style="list-style-type: none"> (a) Has declared a climate and biodiversity emergency. (b) Is a signatory to the National Climate Emergency, which was launched at the National Climate Emergency Summit in 2020. (c) Has substantial programs to help mitigate carbon emissions and address climate change which focus on the community. (d) Has resolved to receive a report on joining the United Nations Race to Zero campaign. 2. Recognises that: <ol style="list-style-type: none"> (a) There is a need to advance and accelerate mobilisations to address the climate emergency and support the restoration of a safe climate. (b) In the wake of an unprecedented year of bush fires, floods and pestilence, Council has a leadership role in developing and implementing locally based solutions to mitigate and reduce carbon. 3. Investigates: <ol style="list-style-type: none"> (a) Declaring new targets for the reduction of carbon emissions by becoming net zero by 2030 so that Council will have a 100% reduction on scope 1 and 2 greenhouse gas emissions based on 2003/2004 levels. (b) This target becoming a key priority of Council's activities and incorporated into the draft 2021-22 Operational Plan that is currently on exhibition, and that the next Environmental Action Plan and the Long Term Financial Plan budgets are updated accordingly to achieve this.
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4. Discussion

The proposed Urban Greening and Cooling Strategy extends our current target from 29% Green Cover (canopy and understorey vegetation, e.g. shrubs) to 35% canopy and understory by 2035, with differentiated goals and targets for Streets, Parks and private property.

This Strategy forms part of Council's Resilience framework, which responds to systemic resilience challenges across key functions of Council: Sustainability, Planning, Infrastructure, Emergency Preparedness and Community programs. A Climate Resilience and Adaptation Plan is in development to address and reduce vulnerabilities for a broad range of risks will include further actions to adapt to localised heat impacts, such as heat resistant materials for Capital Works, supporting vulnerable residents in extreme events and mitigating risks for outdoor staff.

An internal working group has been formed to enhance coordination in the DA approvals process related to Canopy and Greening, an Urban Ecology meeting has progressed measures to optimise community awareness of opportunities to support the goals of the strategy and a working group to consolidate climate ready species list has been formed. In addition, Key Performance Indicators (KPIs) have been adopted in Executive work plans across four directorate to ensure accountability for implementation of the strategy actions. This includes an annual update to Council on strategy progress by the Director of Planning, Sustainability and Compliance.

Community consultation

Community consultation on the draft strategy was undertaken for 28 days between 7 September and 6 October 2023 via an online survey on the Have Your Say page and received 60 responses. The survey asked respondents if they:

- Supported the Strategy?
- Supported the protection and enhancement of urban vegetation to provide cooling in Waverley?
- Would you like to see more vegetation in Waverley?
- Supported the specific goals of the strategy:
 - Goal 1: Protect, restore and repair public trees and green space.
 - Goal 2: Foster and value protection of vegetation on private land.
 - Goal 3: Activate community stewardship for trees and greening.
 - Goal 4: Safeguard our trees and vegetation assets.

Space was also available for additional comments. Council also received 5 written submissions. Respondents were also invited to nominate their favourite trees in Waverley, to share appreciation and awareness of different values of trees, including cultural, commemorative, botanic, scientific, ecological or visual. There were 62 trees tagged by 11 different contributors. The following table summarises the key Have Your Say submissions.

Table 1. Overview of consultation for strategy, objectives and goals.

Question	Yes	No	Other
Do you support the draft Urban Greening and Cooling Strategy?	56 (93%)	3 (5%)	1 (2%)
Do you support the protection and enhancement of urban vegetation to provide cooling in Waverley?	57 (95%)	3 (5%)	0
Over time, would you like to see more vegetation in Waverley?	57 (95%)	3 (5%)	0

Themes and responses

There was significant community support for the Strategy with 96% of respondents supporting all goals – only three respondents did not support the strategy or goals, citing concerns regarding pre-existing views,

species selection and property concerns. Several key issues emerged from the Have Your Say survey and other stakeholder submissions. The below table summarises these comments into themes and provides comments on how community input was responded to in the amended strategy.

Table 2. Table of feedback and responses.

Theme	Number	Commentary	Response
Biodiversity support	32	Submissions addressed biodiversity or nature benefits or issues. This reflects the framing of the strategy as a response to the Biodiversity Emergency, and confirms that strategy actions support Nature Positive outcomes, which refers to the regeneration of natural systems.	The importance of native vegetation to support healthy ecological systems is further strengthened by including damage to remnant vegetation under the compliance reporting action. In addition, guidance for managing fauna relocations has been sought for inclusion in the tree management guidelines.
Increase targets	13	Feedback proposed increasing the targets in the strategy, planting faster, increasing coverage or more general references.	The draft strategy has been costed within current budgetary cycles. The review of the strategy in 2027 will consider whether it is feasible to increase the shrub and canopy targets, based on progress.
Species suitability	21	Submissions concerned species suitability of local trees and vegetation, for different locations and purposes. Due to Waverley's coastal topography, sandy soils and density, canopy trees are not appropriate in all areas.	The strategy has an action to address species suitability which has been strengthened to prioritise climate ready species and selections. The harmonisation of Council species lists is also listed as an action.
Strengthen protections	14	Comments referred to strengthened protections for trees or concerns about how DA approvals were being applied, including post occupancy.	The strategy does not strengthen protections but is focussed on correct implementation of current planning controls. Conditions of consent have been reviewed and updated to reflect current development controls and tree management guidelines, through the formation of a DA working group.
Water quality/ resources	13	Comments referenced the link between sustainable water management and supporting vegetation, including water quality.	Improved irrigation and maintenance of trees on public land (streets and parks) will be considered in future based on available funds.
Decrease permeability/ maximise cooling	19	Comments referenced the need for cooling and increased permeability in a highly dense, and noted challenges presented by development pressures.	New data from the state government will be uploaded to Council GIS database to enable Certifiers and Compliance officers to enable greater transparency and monitoring of greening and permeability targets.
Support green roofs and walls	5	Comments recommended greening rooftops and walls and supporting building	Council recently held a webinar on correct development pathways for green roofs and will continue to build educational materials and

		integrated vegetation.	opportunities under the strategy.
Valuation of natural assets	10	Comments noted the economic value of trees and vegetation and or suggested incentives for better managing urban vegetation	The strategic Planning team is exploring options to support management of canopy trees on private land through incentives, and pathways to protect deep soil on private land.
Support for community gardens and compliant verge gardening	11	Comments voiced support for additional community gardens and related resources, and general community benefits and interest in greening programs. Concerns about non-compliant verge gardens were also raised.	Reference to bushcare and volunteer gardening programs have been added as an opportunity for community participation and support for best practice verges has been specified under the community stewardship goal. Actions to improve education around verge gardening is in development.
Tree removals/ private land concerns	15	Comments related to concerns around tree removals on private land. These comments cover a broad range of issues relating to planning, sustainability, and compliance.	A new action to explore refunds once a private tree replacement has reached 3 metres has been included, in order to incentivise tree commensurate replacements through the TPO process.

Based on this consultation and feedback a number of changes have been made to the amended Strategy as shown in Attachment 1. These changes from the draft that was exhibited are shown as mark ups in pale green. The other change that has been made is that actions are now numbered for tracking purposes.

A strategy review is proposed after five years (2027) to adjust or strengthen the targets and actions after determining progress, which would be reported annually via Council's State of the Environment report.

5. Financial impact statement/Time frame/Consultation

The draft Strategy was peer reviewed to ensure the targets were achievable. Estimated costs to meet the targets is calculated at \$3.5 million over 8 years, using standard rates for planting and establishment of >500 trees per annum (45 litres) in Streets and Parks.

Analysis of the current forward budget for related Council activities is \$4.83 million, and state government grants for tree planting are likely to be forthcoming. Therefore, additional funds for tree planting and vegetation are not required to meet the targets, however additional resources for irrigation and establishment have been requested to ensure the survivability of new trees to meet the targets.

6. Conclusion

The Urban Greening and Cooling Strategy will protect and enhance greening on both public and private land as an effective local response to increasing temperatures caused by climate change. It will ensure Waverley's public parks, streets and private properties retain and increase vegetation cover enhancing regional climate resilience, and ensuring healthy, nature positive neighbourhoods into the future. It is recommended that Council adopt the Strategy as amended.

7. Attachments

1. Urban Greening and Cooling Strategy [📄](#) .



2023

Urban Greening and Cooling Strategy

Contents

Mayoral Foreword	3	<i>← Click here</i>
Introduction	4	
Background	5	
Benefits of Greening	7	
Iconic Species of Waverley	9	
Where are we at	11	
Goal 1 Protect, restore and enhance public trees and green space	13	
Goal 2 Foster vegetation protection on private land	15	
Goal 3 Activate community stewardship for trees and greening	17	
Goal 4 Safeguard our trees and vegetation assets	19	
Context of the Urban Greening and Cooling Strategy	20	

We pay respect to the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney coast and the land and sea country of Waverley, and to Elders past and present. We acknowledge the survival and ongoing resilience of indigenous ways of knowing, being and doing, and work to ensure the actions in this Environmental Action Plan help strengthen connection to culture and community. By respecting Aboriginal and Torres Strait Islander peoples’ intrinsic relationship with the land and waters, we can value, learn and strengthen protection of our environment.

[Back to Contents](#) → 

A Message from our Mayor

Council's ability to protect and enhance greening on both public and private land is critical to managing an effective local response to the Climate and Biodiversity Emergency and ensuring sustainable, liveable, and resilient neighbourhoods.

Ensuring Waverley is nature positive, which means species and ecosystems are being restored and regenerated rather than diminished, will help us protect and sustain healthy trees which provide shade and shelter, improve air quality, absorb carbon and rainfall, cool local environments, and support our local native wildlife.

Protecting, restoring and repairing our urban vegetation will mitigate heat islands, reduce the need for air conditioning, and increase local amenity by encouraging walking and physical activity through our green spaces and village centres. The protection and preservation of urban vegetation is a crucial action for any organisation that is serious about addressing climate change.

This strategy, funded through the NSW Government Greener Neighbourhoods program, sets goals and actions which detail how increasing urban trees and vegetation, whether is public or private realm, can enhance our climate resilience. Further exploration of non-natural adaptations to projected urban heat increases will be addressed in Council's upcoming Climate Resilience and Adaptation Plan.

Paula Masselos, Mayor of Waverley





Introduction

Managing and enhancing urban trees and vegetation is essential to achieving two stated objectives from the Waverley Community Strategic Plan:

- 2.3 Prepare and adapt to the impacts of climate change
- 2.4 Protect and increase our local bushland, parks, urban canopy cover and habitat areas

Securing our tree canopy is also required by the Greater Sydney Region Plan, and Waverley’s Local Strategic Planning Statement, which specify increased canopy cover to provide shade, reduce ambient temperatures and mitigate the urban heat island effect.

Local challenges to growing and maintaining tree canopy in Waverley include sandy coastal soils, extremely high density, large percentage of land in private ownership and high land values. However, mature trees, leafy parks and healthy bushland are key elements of local character, so in 2018 Council set strong targets to grow the urban canopy and shrubs in both public and private properties to a level of 29% to provide shade for open spaces and walking, and reduce heat, improve conditions for wildlife and improve amenity.

To further enhance climate resilience in Waverley, we are extending our target for increased vegetation cover. With funding from the NSW Government’s Greener Neighbourhood grant, Council has developed this Greening and Cooling strategy to guide decisions and investments that coordinate the protection and management of urban trees and vegetation to achieve **new targets of 35% Green Cover by 2032, comprising 20% canopy cover and 15% shrub cover.**

Extending our green cover target from

by 2029 by 2032

To achieve this, Council will focus efforts around the following four goals:

1. Protect, restore and repair public trees and green space
2. Foster and value protection of vegetation on private land
3. Activate community stewardship for trees and greening and
4. Safeguard our trees and vegetation assets



Challenges

Waverley is densely populated by national standards, with over 68,000 residents. Over 80% of our homes are classified medium or high density, and average house prices are some of the highest in Australia.

Set mostly on shallow, sandy soil overlying sandstone. Council works hard to support and manage public trees and green spaces.

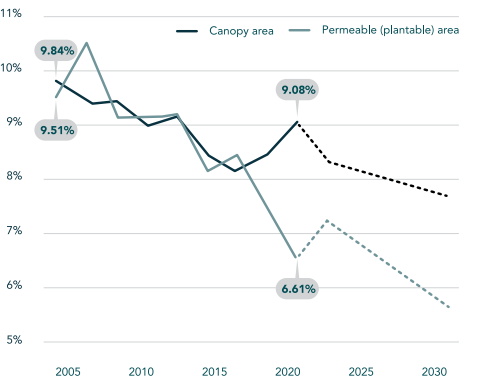
With its iconic coastline, and a climate providing pleasant and almost year-round access to famous beaches and open spaces for a wide range of recreational activities, Waverley has high visitation, welcoming over 2 million visitors each year.

However, projected climate impacts for Waverley, including increasing temperatures and storm frequency, decreases in average rainfall, but increases in extreme rainfall and shifting seasonality, present challenges to keeping our trees and vegetation healthy. Development pressures, vandalism and invasive species also threaten our vegetation assets. Without trees, and shrubs, we are unable to harness the cooling benefits that vegetation can provide, as temperatures increase under climate change.

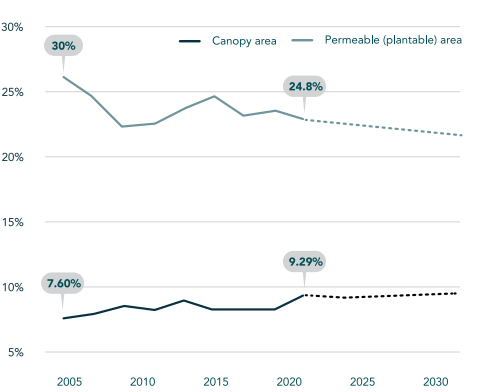
Despite historically low canopy and high levels of hard (non-permeable) surfaces, Council has increased vegetation cover since 2005 by successfully managing trees in our streets and parks. However, new planting is prohibitive, due to land prices and existing residential density. A recent aerial study* shows significant loss of trees on private land.

Increased building footprints reduces the amount of plantable land and available soil, deep enough to maintain existing urban vegetation levels. The amount of permeable area on private land, estimated to be only 6%, is also decreasing.

Private permeability and tree canopy (% cover)



Public permeability and tree canopy (% cover)



Once plantable area is gone, it cannot be for planting in future. Therefore, this strategy sets targets for increasing trees and vegetation not only in our public parks and streets but also protecting vegetation and deep soil on private land, activating community stewardship for greening initiatives and safeguarding the trees we have.

* This study used machine learning to map the presence of trees/vegetation and permeable surfaces using aerial photographs between 2005-2020. Variation in the historical record can be attributed to different seasons or shading detected in available photography.



Benefits of greening

Urban trees and vegetation ensure sustainable, liveable and resilient neighbourhoods. They shade and shelter, improve air quality, absorb carbon and rainfall, cool local environments, and support local wildlife.

Despite less than 2% of Waverley's pre-1788 bushland remaining, Waverley is home to significant local and regional biodiversity and currently supports 5.8 hectares of coastal native vegetation, 123 native plant species and over 50 native creatures. Council manages increasingly rare remnant coastal vegetation communities, a critically endangered ecological community and native vegetation in our parks and reserves. Native trees and vegetation provide an insight into pre-Colonial times and provide both shelter and food for the wide range of local birds, insects, reptiles and mammals that live here. Protecting and managing habitat corridors, including the remnant patches of Coastal Heath bushland along the coast between Dover Heights and Bronte, and supporting planted native bushland supports biodiversity in the area and ensure precious species and natural heritage are not lost.

Healthy tree canopy is increasingly recognised as an effective and acceptable tool for increasing climate resilience in urban neighbourhoods.¹ This is because all trees and shrubs provide shade and evapotranspiration, which reduces ambient temperatures and mitigates urban heat islands, which are urban hot spots where concentrated amounts of non-permeable and dark-coloured surfaces cause localised warming.² In fact, it has been calculated that every 10% increase in

tree canopy cover can reduce land surface temperatures by 1.13° Celsius.³ Vegetation is effective against localised flooding, as it can intercept, absorb and filter stormwater in urban settings.⁴

Healthy urban vegetation also provides a range of ecosystem services in addition to urban heat mitigation including protection for the health of soil and waterways, improved air quality and promoting social cohesion and wellbeing,⁵ and helps to ensure that our open spaces are high-quality, and can continue to provide opportunities for passive and active recreation.

And while some residents may not value trees in some locations, it has been shown that street trees can increase real estate value. It has been calculated that a 10% increase in street tree canopy can increase the value of properties by an average of \$50,000.⁶

Trees and vegetation, whether on streets or private properties, or in parks and bushland, can play a role in creating a *Nature Positive* Council where local species and ecosystems are being restored and regenerated, rather than declining. This strategy seeks to address the challenges to greening in both public and private spaces, so as to harness the multiple benefits that vegetation can provide and support enhanced climate resilience in Waverley.

1. Lee et al 2015

2. Mills 2014

3. Adams and Smith, 2014

4. Berland et al 2017

5. Threlfall C et al 2016, Chen W 2017, Ossola A et al 2015 and Rugel et al 2019

6. Swinbourne and Rosenwax, 2017



Healthy native shrubs in Varna Park



Rooftop SkyPark in Bondi Junction



Green walls at Whitton Lane



Waverley Community gardeners



Relaxing in Clementson park



Rooftop bushtucker at Westfield



Diamond Bay Bushcare volunteers



Langlee Lane shared garden



Council's Living Connections program



Iconic Species of Waverley

Waverley is home to rare and threatened plant species, as well as plants and animals that are rapidly disappearing, or have already disappeared, elsewhere in Sydney. Increasing canopy and understorey in Waverley will maximise opportunities to support and connect with local native animals and species, and assist adaptation of natural systems to the impacts of climate change.



Eastern Suburbs Banksia Scrub

Council is home to the critically endangered plant community Eastern Suburbs Banksia Scrub, which is protected under Commonwealth and State legislation. It occurs on nutrient poor aeolian soils, and can be found on private and public land adjoining York Road and within Queens Park.



Sunshine Wattle

Found only on coastal scrub on sandy soils, Council has supported the natural regeneration of the only population of *Acacia Terminalis* subspecies Eastern Sydney, a critically threatened pale yellow wattle near the coastal cliff of Dover Heights. The Waverley subspecies is hairier, possesses thicker flower stalk and wider seed pods. A fire temperature of 60 degrees is required for optimum germination.



Superb Fairy-wrens

The male Superb fairy-wren sports a sky blue-coloured cap, neck and face patch, which becomes iridescent during breeding season. The non-breeding males and females have mostly grey and brown plumage, and are harder to spot. Superb Fairy-wrens can be seen in areas of Waverley that offer understorey for shelter, such as along the coastal fringe in shrublands and heath vegetation, and in private gardens that offer dense native shrubs and bushes. This charismatic little bird lives in sedentary family groups, staying in the same territory for many years, while the young females have to leave that group and find and set up a territory in a new area.



New Holland honeyeaters

The New Holland honeyeater can be found in Coastal Heath and gardens, mainly where and banksias are found. An inquisitive and social bird that mixes with other types of honeyeaters, they mostly eat the nectar of flowers, but also eat fruit, insects and spiders, with most feeding taking place in lower areas of bushes and thickets. You can often see them perched on dead twigs at the top of a tree or shrub, as this offers them a safe 360 degree lookout.



Eastern blue-tongued lizards

One of the largest skinks in NSW, Blue Tongues can sometimes be found basking in sunny areas before taking cover or foraging for food like slow moving beetles or snails in the undergrowth. When threatened they might stick out and flatten their large blue tongue, to frighten predators away. If they have food and shelter, the Eastern Blue-tongue can breed every year, on average giving birth to 10 live young.



Microbats

Half of Sydney’s 20 microbat species are listed as threatened, but some such as Gould’s Wattled Bat *Chalinolobus gouldii* are found in areas of Waverley such as clifftop overhangs, where they roost in small colonies. Microbats can also been found in the stumps and hollow limbs of trees or in bird nests, and can sometimes be found around urban buildings. Microbats can sometimes be seen at night darting around bright lights to hunt for insects using echo-location, and can consume up to half their body weight in insects each night.



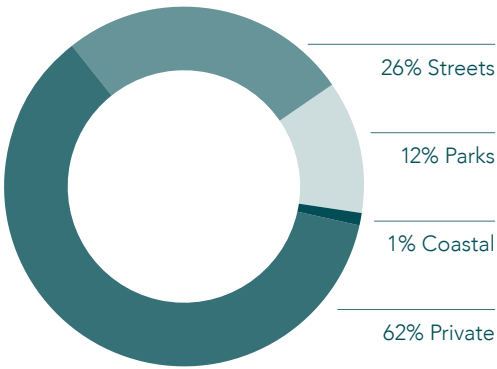
Where we are at

Council first set a target for increasing tree canopy and shrub cover in 2018. Recent assessment indicates that canopy has increased by 10%, primarily in Council parks.

To ensure we manage and maintain these our vital environmental assets, Council has recently undertaken a comprehensive audit of all our public trees in parks and streets and recorded tree species, age, size, health, and potential risks.

Council has recently updated its Tree Management Guidelines and Policy to clarify and standardise our approaches to providing and maintaining our tree assets and ensuring we can replace and restock this renewable resource within Council’s planning and budgetary cycles.

Land use in Waverley



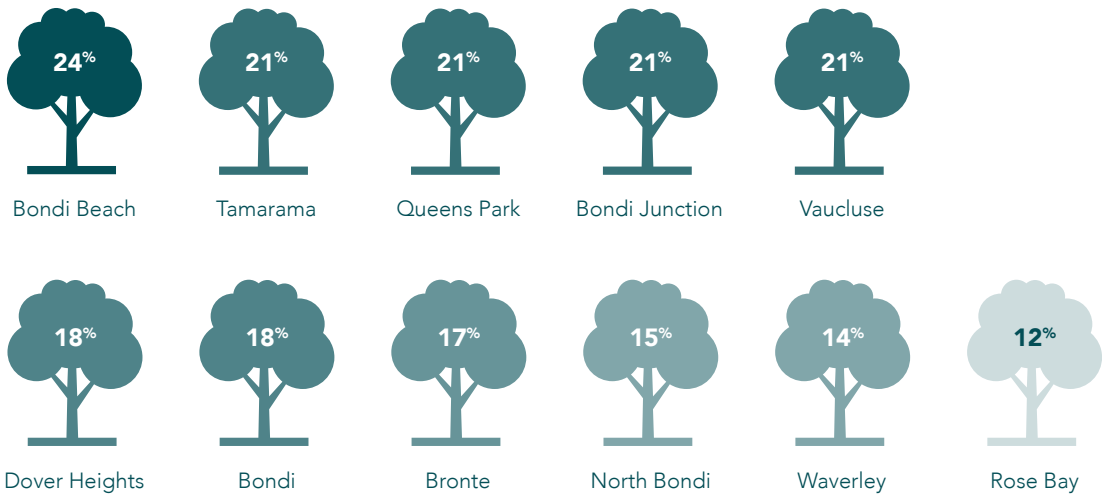
Council has also strengthened regulatory controls to improve the quality of our public domain and included objectives to reduce urban heat islands and improve canopy and deep soil plantings in the Local Environmental Plan (LEP). Specifically through clause 1.2 *To achieve high quality public domain with significant tree canopy and accessible open space* and through the inclusion of new objectives for low density, medium density and high density residential zones (R2, R3 and R4).

- *To promote development that incorporates planning and design measures that reduce the urban heat island effect*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping*

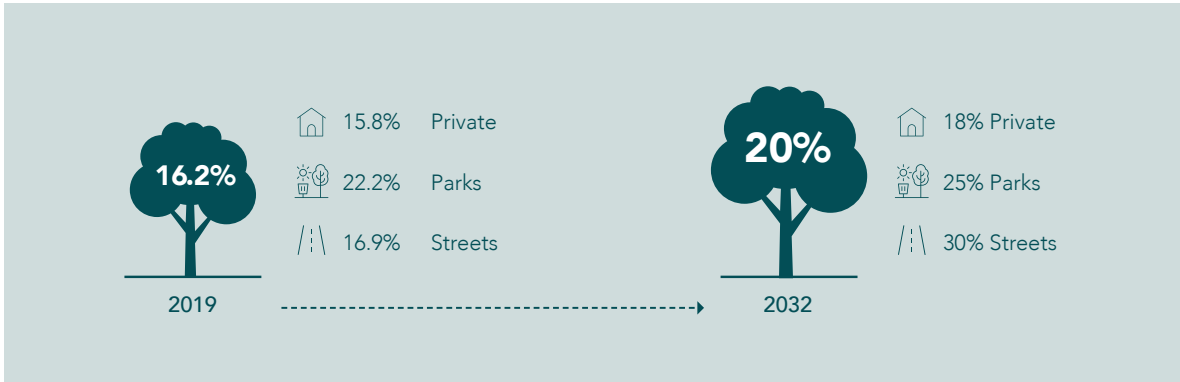
Council also, following extensive consultation, strengthened protections for canopy in the Waverley Development Control Plan (DCP) and improving tree replacement requirements.

The new strategy and targets build on the current actions and recognise the different challenges and opportunities that exist for sustaining trees in public and private spaces. It approaches local greening and cooling in consideration of ownership, related management responsibilities, community value and compliance actions.

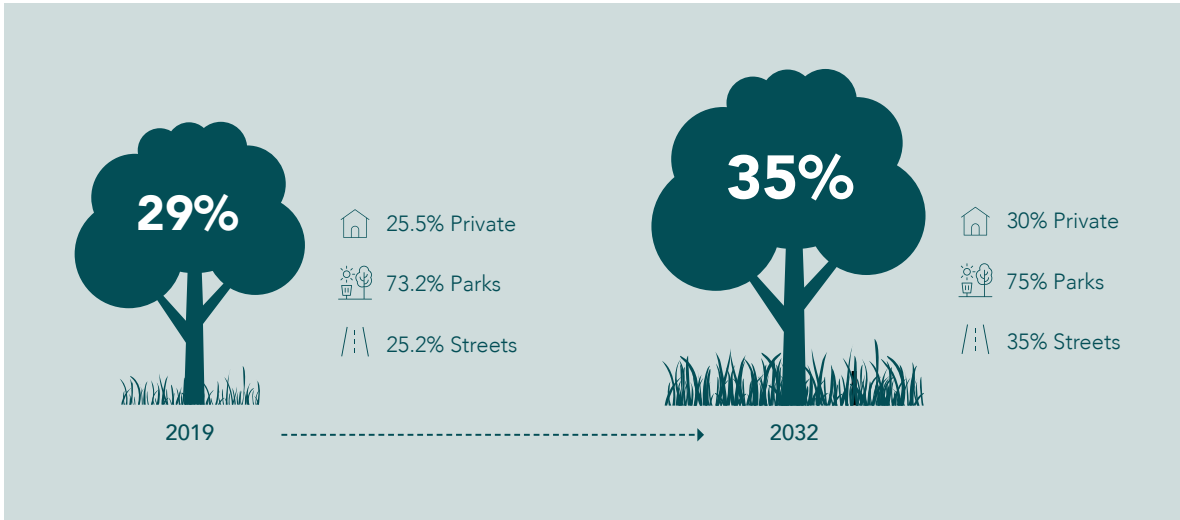
Canopy by suburb (2022)



LGA-wide canopy target



LGA-wide green cover target (includes canopy, shrub and vegetated ground cover)





GOAL 1

Protect, restore and enhance public trees and green space

DELIVERED BY OPEN SPACE AND RECREATION OPERATIONS // INFRASTRUCTURE SERVICES



Targets

30% Street Canopy
(~500 trees p.a.)

25% Parks Canopy
(~40 trees p.a.)

200sqm Increase public
space permeability p.a.

Actions

1. Establish and promote LGA-wide targets with timeline and responsibility for implementation
2. Digitise the Public Tree Inventory on Council's asset management system and enable dashboards for public information on Strategy progress
3. Identify priority planting sites and large planting projects and publish online to confirm Council's mandate to plant
4. Implement strengthened tree protections, outlined in the LEP, DCP and Tree Management Policy and guidelines
5. Increase public space permeability and incorporate urban vegetation in streetscape upgrades, supported by strategic plans and budgets and the application of the Street Design Manual
6. **Update species suitability lists to ensure** species' selection prioritises **suitable** "climate ready" plants, **that is those likely to survive and thrive in Waverley's** projected climate
7. Establish management and maintenance priorities to protect the health of existing trees, shrubs and ground covers, including increased resources for establishment irrigation
8. Establish **and coordinate** pre-grow contracts with suppliers based on planting projections





GOAL 2

Foster vegetation protection on private land

DELIVERED BY URBAN PLANNING POLICY AND STRATEGY // ENVIRONMENTAL SUSTAINABILITY



Targets

20% Private Canopy

Minimise loss of deep soil

Actions

1. Implement strengthened tree protections, outlined in Waverley Local Environment Plan and Development Control Plan to protect vegetation on private property
2. Explore incentives for landowners to value, maintain and protect mature trees as an element of local character, through positive covenants, financial assistance or other support
3. Provide [education and](#) guidance on green roofs and walls
4. Investigate applying financial bonds for tree protection and public works on public land as part of development applications
5. Investigate strengthening deep soil protections in Development Assessment pathways





GOAL 3

Activate community stewardship for trees and greening

DELIVERED BY ENVIRONMENTAL SUSTAINABILITY // COMMUNITY PROGRAMS

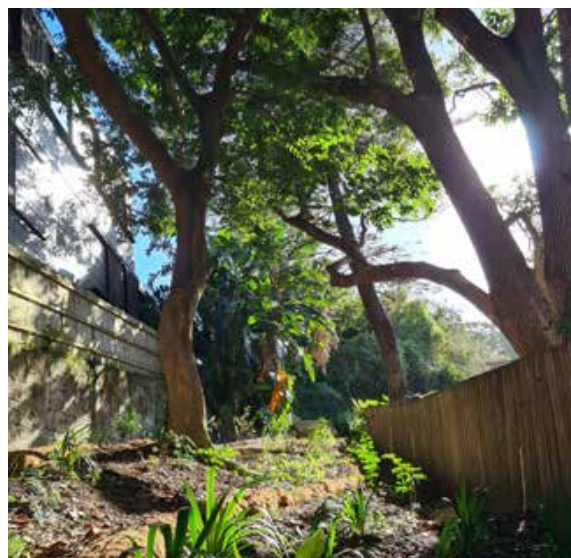


Targets

1000 Habitat gardens	150 Approved verges	50 Tree requests
50 Significant trees identified	25 Community managed gardens	

Actions

1. Promote and support habitat gardening including through Council's Living Connections program
2. Recognise, support and promote volunteer greening opportunities such as Bushcare and Cemetery gardening
3. Support capacity for best practice verge gardening and community gardening, including on private land
4. Identify opportunities to integrate woody meadows into verges and streetscapes
5. Call for community nominations of notable and significant local trees to finalise and update the Significant Tree Register
6. Investigate opportunities for private or corporate sponsorship of tree planting and carbon sequestration assets





Safeguard our trees and vegetation assets

DELIVERED BY COMPLIANCE // FINANCIAL SERVICES // COMMUNICATIONS



Targets

- | Eliminate tree vandalism
- | No loss of remnant vegetation

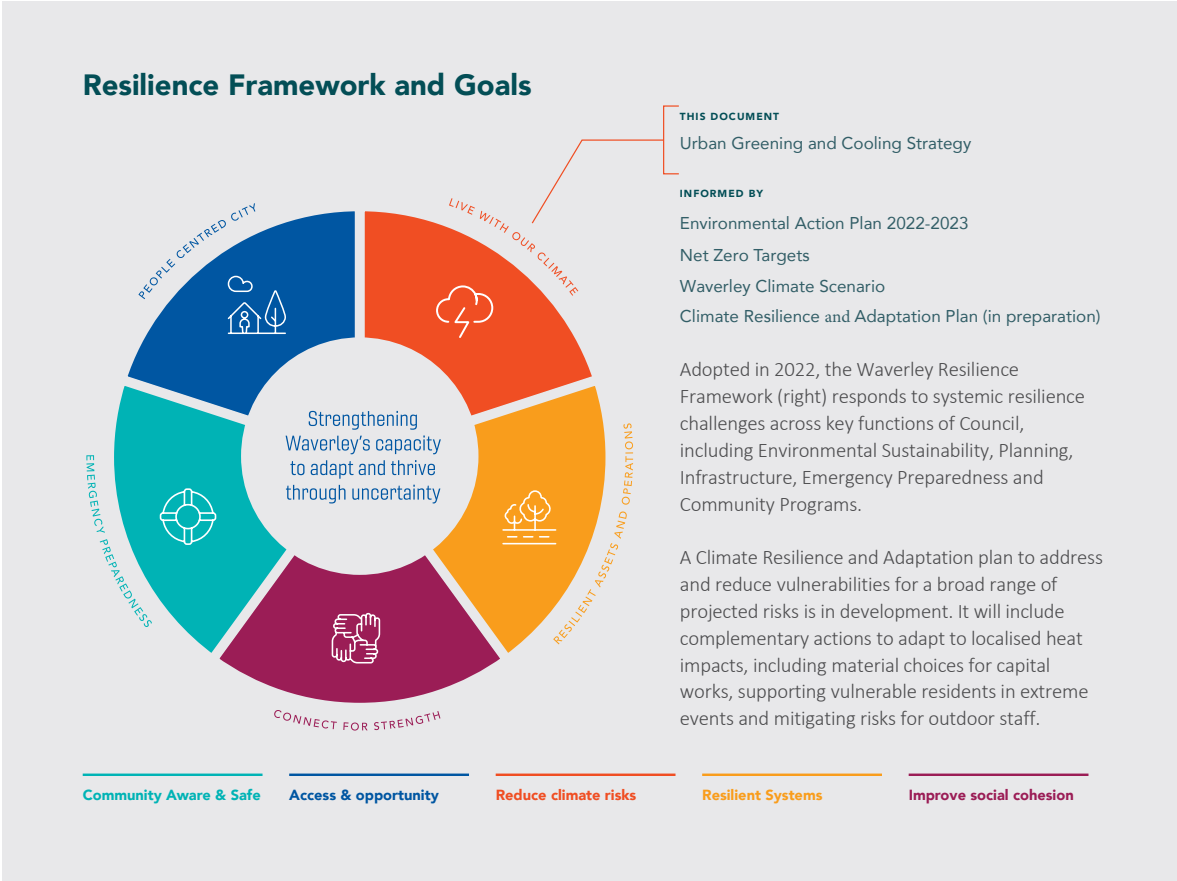
Action

1. Improve compliance reporting on tree and remnant vegetation removal and vandalism
2. Implement Biodiversity Action plan and ecological restoration plans
3. Communicate progress on greening targets and successful prosecutions to the community
4. Separate referrals for tree protection orders from Development Assessment referral pathways
5. Increase tree permit and tree replacement fees to cover administrative, establishment and maintenance costs
6. Explore refunds for residents when onsite tree replacements reach 3 metres
7. Follow up on Development Assessments where trees and vegetation have been required as part of a development consent, prior to issuing Occupation Certificates



Context of the Urban Greening and Cooling Strategy

A hierarchy of statutory and non-statutory mechanisms govern vegetation management and protection within the Waverley LGA. This Strategy ensures management of our urban vegetation is in accordance with current legislative and regulatory requirements and aligns with policy, planning controls and community needs. This Strategy is one component of the actions required to enhance climate resilience as outlined in Waverley’s Resilience Framework.



Monitoring Progress

We will report annually on the following outcomes of the strategy and publish progress against individual goals online, and review after 5 years (2027) to adjust actions or targets.

Objective	Increase canopy and greencover in Waverley to enhance cooling and climate resilience		
Outcomes	Healthy thriving trees, shrubs and ground cover on streets, parks and private land	Water sensitive urban design – including species, upgrades and operations	Reduced urban heat, including transport routes and biodiversity corridors
Indicators	Successful vandalism prosecutions (Council data) Annual Vegetation coverage data (NSW Govt)	Achievement of Council water targets (Council data) Public domain permeability trends (NSW Govt)	Minimisation of Urban Heat Islands (NSW Govt) Annual Local Temperature reductions (NSW Govt)

REPORT
PD/5.8/23.12

Subject: Tamarama Park and Beach Plan of Management - Adoption

TRIM No: A21/0475

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the feedback on the draft Tamarama Park and Beach Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Tamarama Park and Beach Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

1. Executive Summary

A plan of management is a document that defines the value, use, management practices and intent for the broad public purpose for which the land has been reserved. On 20 October 2020, Council resolved (CM/7.6/20.10) to update the Tamarama Park and Beach Plan of Management (PoM) in response to changes made in 2018 to the *Crown Land Management Act 2016* (CLM Act).

On 7 June 2023, in accordance with section 70B of the *Crown Land Management Regulation 2018*, the Minister for Lands and Property (the Minister) provided written consent for Council to adopt the Tamarama Park and Beach PoM, following a successful public exhibition process, subject to inclusion of amendments requested by Crown Lands (Attachment 3).

The plan was publicly exhibited for 42 days from 22 September to 5 November 2023 to provide the community with the opportunity to review the draft and provide further feedback. A summary of consultation findings is attached to this report (Attachment 2).

Community feedback and ideas received were in line with what the community told us in early rounds of consultation and are reflected in the draft PoM and Masterplan. Feedback received has not required any substantive changes to the PoM, with a majority of respondents supporting each amendment.

The PoM, with non-substantial amendments (minor editorial corrections) highlighted, is attached to the report (Attachment 1).

Should Council wish to substantially amend the PoM following exhibition, it will need to be resubmitted to the Minister for review and receive written consent to re-exhibit and adopt the amended PoM.

The community have expressed their support for the plan and it is therefore recommended that Council adopt the PoM attached to this report in accordance with section 40 of the *Local Government Act 1993* and lodge a copy of the adopted PoM with the NSW Department of Planning and Environment – Crown lands.

2. Introduction/Background

Tamarama Park and Beach comprises both Crown land and community land. Council is the Crown land manager for the land.

The CLM Act, which commenced on 1 July 2018, introduces significant changes to the management of Crown land in NSW. The Act directs that plans of management must be produced for all Crown Land managed by Crown Land Managers (CLM). The Act also directs that councils will now manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act).

Parts of Tamarama Park and Beach are classified as ‘community land’ under the LG Act, meaning that Council is required to have plans of management for this land.

The draft TPB PoM is fully aligned with the new CLM Act, and the LG Act. Initial consultation conducted in the first half of 2022 provided information about how the public uses the park and beach, tested ideas for enhancement and received feedback from the community about the park. All this information has been built into the draft TPB PoM that was placed on public exhibition. The plan’s vision and objectives have been underpinned by community aspirations. A comprehensive Action Plan has been developed within the PoM.

The plan was placed on public exhibition from 22 September to 5 November 2023 and was supported in the majority. A summary of consultation findings is attached to this report (Attachment 2).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 July 2022	CM/7.2/22.07	That Council: <ol style="list-style-type: none"> Officers prepare a draft Plan of Management for Tamarama Park and Beach based on the results and recommendations of the Stage 1 community consultation attached to the report, including the following key consultation points: <ol style="list-style-type: none"> No shade structures to be installed in the upper gully and limit new seating. Off-leash dog area to be constrained. Limit footprint of pathway up to Birrell Street. Limit development on access to the waterfall. Officers prepare a report to Council on the draft Tamarama Park and Beach Plan of Management and Stage 2 community consultation.
Council 20 October 2020	CM/7.6/20.10	That Council: <ol style="list-style-type: none"> Pursuant to section 3.23 of the <i>Crown Lands</i>

		<p><i>Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.</p> <ol style="list-style-type: none"> 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands. 3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>. 4. Updates the plans of management as prioritised in the report. 5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change. 6. Writes to the Crown Lands Area Manager requesting them to: <ol style="list-style-type: none"> (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands. (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club. 7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work. 8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.
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4. Discussion

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks' plans of management. The OSRS helps to understand the priorities for our parks to deliver quality greenspace and community recreation outcomes, as well as provide direction in their management. In addition, the Inclusive Play Study further defines how Council plans and upgrades play spaces.

All the preliminary ideas presented in Stage 1 of the Tamarama Park and Beach PoM consultation were identified through these existing Council strategies. The strategies are based on community feedback and independent expert advice. The ideas presented in Stage 1 were tested and affirmed through the consultation process, which was extensive in reach and engagement, featuring one online webinar providing detailed overviews of all components of the engagement, an online meeting to enable respondents to provide direct feedback to council, and utilisation of the Have your Say platform to conduct both short form and detailed surveys.

Public exhibition

The draft plan was provided to Crown Lands for approval on 25 November 2022. On 06 June 2023, the draft plan was approved by Crown Lands to proceed to public exhibition, subject to completion of the amendments listed in Attachment 3 which was issued via email notification to Councillors on 18 September 2023, prior to public exhibition.

The plan was publicly exhibited for 42 days from 22 September to 5 November 2023 to provide the community with the opportunity to review the draft and provide further feedback. A summary of consultation findings is attached to this report (Attachment 2).

A range of engagement methods were used to maximise the opportunity for community participation. The methods used align with the IAP2 model for community engagement which has been adopted by Waverley Council including:

- Have Your Say website – 43 page views, 32 visitors, two project followers.
- Media release via Council's website.
- Online survey – 31 submissions.
- On-site poster – 12 posters displayed at each park entrance.
- Flyer drop with QR code link to project - Issued to approximately 3,088 properties,
- Social media posts - Facebook reach 12,000, likes = 11 and Instagram reach 7,540, likes = 43.
- Mail & Email notifications – Stakeholders, precincts and contributors to earlier rounds of consultation.
- Have Your Say engagement e-newsletter – over 6000 recipients.
- Waverley Weekly e-newsletter - 6,946 recipients

The aim of the public exhibition was to inform the public of the draft Plan of Management, including the vision, directions, master plan and action plan.

Respondents were asked to confirm whether they had read the draft plan, whether they support the draft plan and whether the master plan and related action plans achieve the key objectives of the draft PoM.

Respondents were then asked to provide any additional comments, feedback or areas of improvement and concern. The open format of this question allowed respondents to comment on a range of issues, many of which had already been addressed in the plan.

Summary of feedback and key ideas

There was general community support for the overarching vision of the plan and the key ideas, with 90.6% (29 out of 32 respondents) of survey respondents supportive of the plan of management.

Key findings from the public exhibition were in line with what the community told us in the previous consultation and have been addressed in the PoM Action plan.

Key findings from the public exhibition consultation were:

- There was general community support for the overarching vision of the plan and the key ideas (90.6% 29 out of 32 online survey responses).
- All PoM themes were majority supported by the Community on average 61.5% support, 31% neutral and 7.5% unsupportive.
- Management and Maintenance actions in the draft PoM was the most supported theme (66.67% 20 of 30 respondents)
- Getting to and around the park is important to the community (64.25% 20 of 31 responses) – with access improvements to the gully getting six mentions and universal access improvements four mentions along the same theme.
- Enhancing the Environment was an equally important theme amongst the community (64.52% 20 of 31 respondents) – in particular support for ongoing revegetation works while balancing the needs of park users and maintaining important views and vistas down the gully.

Feedback related to the support of individual action plans also received general community support, with each identified action plan receiving a majority of support by respondents. Responses in relation the individual action plans are summarised in the table below.

Table 1. Responses to individual action plans.

Action Plan		Number and percentage of responses			Written comments received
		Yes	Neutral	No	
6.2	Getting to and around the park	20 (64.5%)	8 (25.8%)	3 (9.7%)	8
6.3	Playing and relaxing	18 (58%)	8 (25.8%)	5 (16.2%)	16
6.4	Enhancing the environment	20 (64.5%)	8 (25.8%)	3 (9.7%)	10
6.5	Community culture and heritage	18 (60%)	10 (33.3%)	2 (6.7%)	8
6.6	Management and maintenance	20 (66.6%)	9 (30%)	1 (3.3%)	9
6.7 & 6.8	Community land management and land categorisation	18 (60%)	12 (40%)	0 (0%)	2
6.9	Leases and licences	17 (56.7%)	11 (36.7%)	2 (6.6%)	6
6.1.2	Master plan and action plan	18 (60%)	10 (33.3%)	2 (6.7%)	17

Written responses were accepted as part of the survey process in relation to the identified action plans, with the greatest volume of responses centred on playing and relaxing (section 6.3), and the Master plan and action plan (item 6.1.2).

Council also received three during the public exhibition phase, including a collective feedback from the South Bondi/Tamarama Precinct.

Written feedback received in the online survey and emails were collated and categorised under the relevant themes of the draft PoM. The key ideas that arose from the combined responses received from the online survey and written responses were:

- Design and setting:
 - Maintaining 'natural' feel of Tamarama Gully and minimising built elements (six mentions).
- Getting to and around the park:
 - The need for remediation of stair access in and around Tamarama Park and Gully (six mentions).
 - Improvement to universal accessibility (four mentions).
- Playing and relaxing
 - Support for dog off-leash area (two mentions).

- Enhancing the environment:
 - General support to sensitively manage revegetation works in the gully (four mentions).
- Community, culture and heritage:
 - Support for increased interpretation of the sites including environmental, indigenous and post colonisation history themes (five mentions).
- Management and maintenance:
 - Sensitively managing public lighting in the park and gully (two mentions).
 - Support for the current management of volleyball activities (four mentions).
- Leases, licences and other estates:
 - Support for kiosk (three mentions).
- Compliance:
 - Better management and enforcement of dog off-leash breaches (seven mentions).
 - Desire for better enforcement of regulations in relation to antisocial behaviour – noise and alcohol consumption (three mentions).
 - Increased park surveillance and ranger patrols (two mentions).

These key ideas were in line with what the community told us in the previous consultation and therefore have been addressed in the Action plan.

Previous consultation has indicated that the community highly values the natural environment offered by Tamarama Park and Gully and wish to see the natural environment preserved and enhanced. In terms of infrastructure, the community generally supports the improvements to access around the park, while minimising any encroachment on the green space.

5. Financial impact statement/Time frame/Consultation

The ongoing preparation of PoMs is funded annually under the Capital Works program. This project is within budget.

It is intended that the implementation of the Plan of Management will be included in the Long Term Financial Plan with ongoing maintenance from the Operational Plan and major upgrades funded from future Capital Works Programs.

Once the PoM is formally adopted by Council, officers will update the community and respond directly to residents and stakeholders who have provided feedback through the course of the PoM development.

6. Conclusion

Council resolved to draft a Plan of Management for Tamarama Park and Beach. The Plan of Management has now been prepared drawing on two rounds of community engagement. The community have expressed their support for the plan and it is therefore recommended that the Tamarama Park and Beach Plan of Management be adopted by Council. On adoption of the Plan, a copy will be issued to the Minister for Lands and Property and Department of Planning and Environment – Crown Lands.

7. Attachments

1. Tamarama PoM Highlighted Version 30 November 2023 [↓](#)
2. Public exhibition summary report [↓](#)
3. Table of amendments [↓](#) .

Draft Tamarama Park and Beach Plan of Management November 2023



This Draft Management Plan is approved for public exhibition.

Its purpose is to direct all aspects of management of the park and historic areas until the plan is next reviewed in approximately 10 years.

Aboriginal and Torres Strait Islander people are advised that this document may contain images, names, quotes and other references to deceased people.

Acknowledgement

The Tamarama Park and Beach Management Plan is a strategic guide for managing and protecting Tamarama Park and Beach.

The Tamarama Park and Beach Management Plan (TPBMP) has been developed through consultation with a wide range of interested community and stakeholder groups and individuals. This management plan describes the current condition of Tamarama Park and Beach and addresses the intent of future management. It articulates management directions for the Site.

The approved management plan will guide the direction and strategic approach to managing Tamarama Park and Beach. Consequently, the plan does not detail operational work activity but rather will help shape such activity by encouraging compatibility with the vision for the Park and existing strategies and guidelines established by Council. The Plan has provided an important opportunity for Traditional Owners to express the significance and meaning of their Country. The Park and Beach provide a place enjoyed by many and the Plan seeks to protect the values of the site and set out a planning framework to ensure the value that the site brings to the Waverley community is assured for the future.

Waverley Council acknowledges the *Bidjigal*, *Birrabirragal* and *Gadigal* people, who traditionally occupied the Sydney Coast and we also acknowledge Aboriginal Elders both past and present.

Our vision for reconciliation is for Waverley to be a vibrant, resilient, caring, and inclusive community where Aboriginal and Torres Strait Islander peoples:

- Practice and celebrate their culture and heritage proudly.
- Are honoured for their survival and resilience, and supported to continue to overcome adversity.
- Are respected and acknowledged as First Nations peoples with the right to determine their own futures.
- Waverley Council will continue to value and protect our environment with respect to Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land and waters.

Disclaimer

This plan is prepared without prejudice to any negotiated or litigated outcome of any native title determination applications covering land within the plan's area. It is acknowledged that any future outcomes of native title determination applications may necessitate amendment of this plan; and the implementation of this plan may require further notifications under the procedures in Division 3 of Part 2 of the *Native Title Act 1993* (Cwlth).

The plan is also prepared without prejudice to any future negotiated outcomes between the State or Federal Governments and NSW Aboriginal communities. It is acknowledged that such negotiated outcomes may necessitate amendment of this plan. Waverley Council's legal advice on Native Title of Tamarama Park and Beach is [outlined in this report](#).

Every effort has been made to ensure that the information in this plan is accurate. Waverley Council does not guarantee that the publication is without flaw of any kind and therefore disclaims all liability for any error, loss or other consequence that may arise from you relying on any information in the publication.

Table of Contents

1. Introduction and purpose	6	6. The master plan and action plan	72
1.1. What is a plan of management and master plan?	6	6.1. Design and setting	72
1.2. Why is one needed for Tamarama Park	6	6.2. Getting to and around the park	78
1.3. Purpose of this plan	6	6.3. Playing and relaxing	84
1.4. The plan's scope and process	8	6.4. Enhancing the environment	88
2. Site context	12	6.5. Community, culture and heritage	92
2.1. The study area and surrounds	12	6.6. Management and maintenance	98
2.2. Regional and local context	12	6.7. Community land management	102
2.3. Local demographics	12	6.8. Land Categorisation	102
2.4. Future population	14	6.9. <u>Leases and licences</u>	108
2.5. Users of the park	14	6.10. Other estates	111
2.6. Community engagement	14	6.11. Compliance restrictions	111
3. Planning context	20	7. Implementation and funding	114
3.1. Ownership and management	20	7.1. Funding sources	114
3.2. Crown land management	20	7.2. Performance indicators	114
3.3. Heritage significance	23	7.3. Review and monitoring	114
3.4. International planning context	23		
3.5. State planning context	23		
3.6. Regional planning context	24		
3.7. Local planning context	25		
4. Site analysis	34	Table of Figures	
4.1. Design and setting	34	Figure 1.1 Study Area	7
4.2. Getting to and around the Park	40	Figure 2.1 Regional Context	13
4.3. Playing and relaxing	46	Figure 2.2 Local Context	15
4.4. Enhancing the environment	50	Figure 3.1 Land Ownership	21
4.5. Community, culture and heritage	56	Figure 4.1 Design and Setting - Existing Conditions	35
4.6. Management and maintenance	62	Figure 4.2 Getting to and Around the Park - Existing Conditions	41
		Figure 4.3 Playing and Relaxing - Existing Conditions	47
		Figure 4.4 Enhancing the Environment - Existing Conditions	51
		Figure 4.5 Community, Culture and Heritage - Existing Conditions	57
5. Vision and directions	68	Figure 4.6 Management and Maintenance - Existing conditions	63
5.1. Vision statement	68	Figure 6.1 Design and Setting - The Master Plan	73
5.2. Directions	68	Figure 6.2 Land Categorisation	103



Introduction and Purpose

1

1. Introduction and purpose

1.1. What is a plan of management and master plan?

A Plan of Management (PoM) is a document providing a strategic framework to guide the sustainable use, improvement, maintenance and management of public land. The plan provides directions and identifies important actions to achieve what is envisioned for the land. These directions and actions are formed through research and consultation with the community to identify an approach for sustainable future use and management of the site. The plan seeks to balance the interests of all users of the land, including the local community, residents, businesses and visitors. Plans of management also serve to consolidate information about a site and its users.

In conjunction with a plan of management, a master plan has been developed. A master plan is a comprehensive long-term plan illustrating an integrated approach and identifying design directions for a site. Together, a plan of management and master plan describe an agreed vision and provide strategic and operational direction for the improvement and management of a site for a defined period.

Management plans are developed in accordance with direction provided by the *NSW Crown Land Management Act 2016*, which states in Division 3.6 Plans of management and other plans: “(1) The Minister for Lands and Property may direct an applicable Crown land manager to prepare a draft plan of management for dedicated or reserved Crown land under the manager’s management.”. Local Government Authorities (LGA) are also directed to produce management plans for land that they are responsible for through the *Local Government Act 1993*, which states in Division 2 Use and management of community land: “(1) A council must prepare a draft plan of management for community land.”

The *Waverley Open Space & Recreation Strategy (2020)* is the source document for this Plan of Management. All local

context, guidelines and principals for how Council manages its public open space are contained within the Strategy and this strategy provides guidance for all Council’s Plans of Management.

1.2. Why is one needed for Tamarama Park

Tamarama Park is a valuable recreational and landscape resource to the people of the Tamarama community, eastern suburb areas and greater Sydney regions. The park and beach accommodate a variety of active and passive recreational activities catering to a range of users, such as sport and watersports, leisure opportunities, play and dog walking. The enjoyment derived from these activities, as well as the sustainable protection of the public open space values of the park, depend in large measure on maintaining and protecting the park from overuse pressures (Carrying Capacity) and from external impacts such as climate change.

Currently Tamarama Park and Beach is covered by the PoM that was adopted in 2007, which is over 15 years old. Many of the projects and actions identified in this plan have since been addressed or completed. Some are underway or are continuous maintenance items. Others may no longer be relevant as the expectation for the quality of recreational experiences has also changed. Projects that were acted on need to be reviewed and assessed. As part of the new PoM update, renewed contextual analysis and community engagement initiatives have guided the development of this Draft PoM, setting a new vision and set of actions. This process has been critical to ensure a clear design and management direction will be in place that reflects the culture and values of the community for Tamarama.

This plan focuses on protecting and enhancing the natural and cultural values of the park while allowing for recreation compatible with the protection of those values. It recognises the benefits of community engagement with the park through recreation and the societal benefits that derive from that engagement.

1.3. Purpose of this plan

This plan of management aims to ensure that the values of Tamarama Park are conserved and enhanced, including the environmental, scenic, recreational, heritage, cultural and social values.

A large number of residents and visitors use Tamarama Park and Beach for recreation, health and fitness. This will have a considerable impact on the existing infrastructure and resources of the Park and its surrounding environment. There is potential for the site to play a greater role for community use while conserving existing values. This plan of management aims to set out a pathway to appropriately manage the site and improve community facilities to meet current and future demands over the next ten years.

Waverley Council, as land manager of Tamarama Park and Beach, has developed this management plan with two land management strategies as its foundation. They are Carrying Capacity and Thresholds of Change. These two management strategies are detailed further in 3.7 Local Planning Context.

1.3.1. Update to comply with Crown Land Management Act (2016)

This document was updated to comply with the *Crown Land Management Act 2016* (CLM Act 2016). This involved updating terminology throughout the document, defining the classification and category of community land covered by this Plan (chapter 9.7), and preparing express authorisations for leases and licences (chapter 9.8). Other changes incorporated as part of this update include amendments to the planning context (chapter 3), amendments to the demographic analysis to reflect 2021 Census data (chapter 4), and amendments to the action plan (chapter 9) to identify new actions for this Plan of Management.

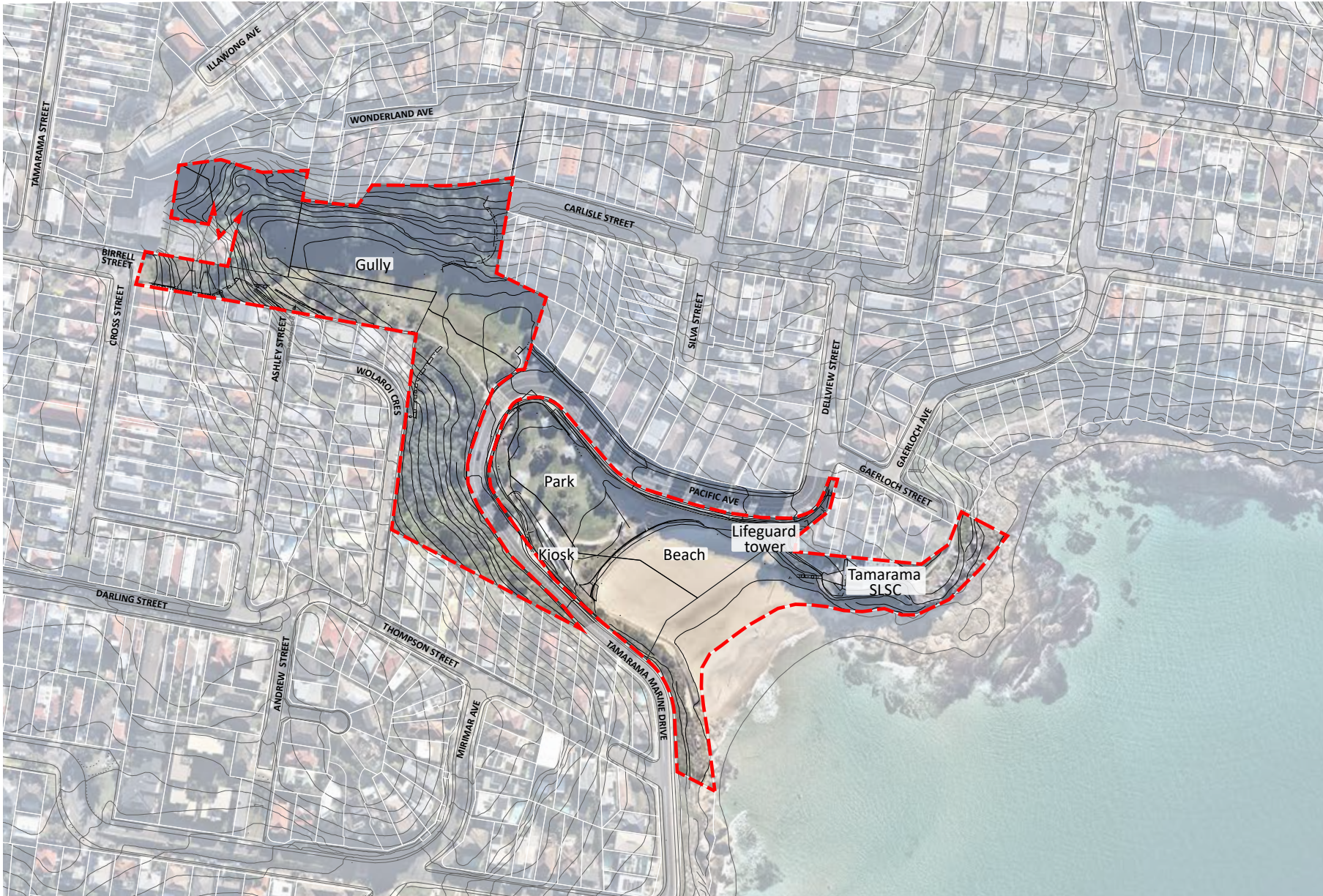


Figure 1.1 Study Area

1.4. The plan’s scope and process

The Draft PoM has been completed in line with the requirements of the *Crown Land Management Act 2016* and *Local Government Act 1993*. It has been developed in partnership with key stakeholders and the community and is based on evidence-based research and background studies.

A broad range of consultation activities were programmed over two stages to gain stakeholder and community feedback to assist in setting the direction, vision and values identified in this plan in accordance with Council's Community Engagement Policy and Strategy.

These will be further tested with the community through a final round of consultation when the Draft is placed on Public Exhibition.

The methodology for developing the plan of management is set out below:

Research and background studies: The first stage focuses on information-gathering, including mapping and research to understand current issues and opportunities for the site. Specialist studies such as a feature and topographic survey and a universal accessibility audit are also undertaken.

Key ideas and strategies were tested against the information gathered in this stage, integrating internal council stakeholder feedback from diverse teams involved in Tamarama Beach and Park, including operations staff, Council rangers, and environmental health and compliance officers.

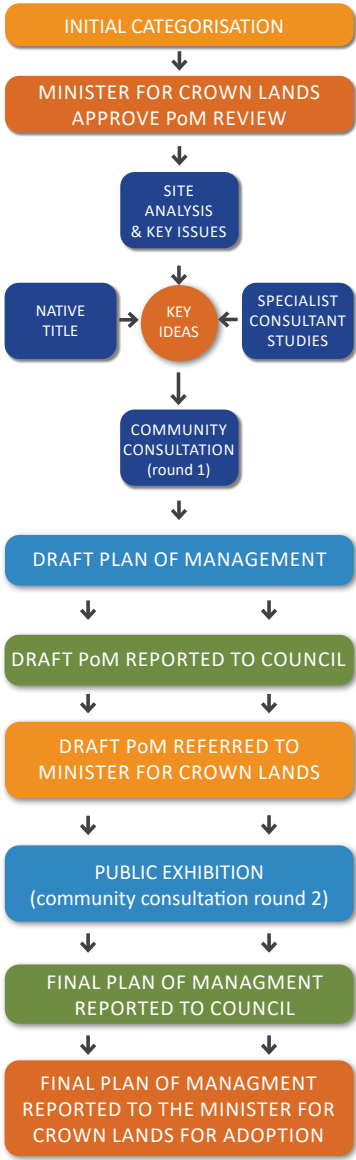
Consultation stage one: A user survey, intercept interviews, Have Your Say day, and stakeholder workshops were undertaken to source community input on proposed key ideas.

Draft plan of management: The plan of management and master plan are drafted based on the outcomes of previous research and background studies. The draft plan of management outlines what future works will take place,

their priority and main actions for delivery.

Consultation stage two: On approval from Council and the consent of the Minister for Lands and Property the draft plan of management is released for a second round of consultation.

Public exhibition and finalisation: The plan is placed on public exhibition for public comment. If no objections are raised the plan is recommended for adoption by Council.



Infographic: Plan of Management Scope and Process

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Site Context

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2. Site context

2.1. The study area and surrounds

Tamarama Park & Beach is one of three significant beach side reserves in Waverley along side Bondi and Bronte beaches. The beach and park attract a wide catchment of visitors from overseas, interstate and intrastate, and from all parts of Sydney. Visitors and residents are drawn to the open green spaces and recreational opportunities that contrast with the densely developed urban area. Visitors are also attracted to Tamarama Park and Beach via the Bondi to Bronte Coastal Walk.

Tamarama Park is located:

- In the suburb of Tamarama.
- In the geographic centre of Waverley Local Government Area (LGA).
- 6km southeast of Sydney Central Business District (CBD).
- At the fringe of the Bondi Junction commercial centre.
- 600m south of Bondi and 250m north of Bronte, two of the main surfing beaches in Greater Sydney.

Tamarama Park is bound by:

- The Pacific Ocean to the east.
- The edge of Birrell Street, Wolaroi Crescent and residences along Thompson Street to the south.
- Pacific Avenue and residences along Gaerloch Avenue, Carlisle Street and Wonderland Avenue to the north.

Despite its relatively small size, Tamarama Park and Beach offers a multitude of different zones, settings and facilities to cater for various recreational and social activities. Tamarama is divided by Tamarama Marine Drive into 2 areas, the Gully Park to the west and the Park and Beach to the East.

There are a number of entrance points to the park, including from Birrell Street, Carlisle Street, Wolaroi Crescent, Pacific Avenue and Tamarama Marine Drive. Most pedestrians enter the Gully from Birrell Street and Tamarama Marine

Drive. The main access onto the beach is via the Coastal Walk and from Tamarama Marine Drive.

The built environment surrounding Tamarama Park consists of a mixture of single storey houses, medium density apartments and one large high-rise apartment block at the top of the Gully.

Tamarama Park has a unique cultural significance for Waverley LGA. For example, it was once the site of the Bondi Aquarium and Wonderland City (refer to Chapter 4.5).

It is significant locally for its recreational value, and regionally for its social and historic value. The park is listed as a Heritage Landscape Conservation Area.

2.2. Regional and local context

Waverley LGA offers many attractions for locals and tourists, including the internationally recognised beaches of Bondi, Tamarama and Bronte. Waverley also offers the Coastal Walk linking Bronte, Tamarama and Bondi beaches; a walkway with views to the ocean that attracts hundreds of joggers and walkers daily. Both the beaches and the coastal walkways have significant catchments, bringing large numbers of visitors from outside the LGA. As such their impact on the LGA, both positively and negatively, are significant, with resourcing for maintenance and upkeep being drawn from Waverley Council.

When considering the municipality's parks, Tamarama Park and Beach has overlapping catchments with both Bondi and Bronte Park and Beaches. The commonality of users between the parks needs to be considered in provision, planning and maintenance.

Waverley LGA lies within the Eastern City District of the Greater Cities Commission's District Plan. The Eastern City District includes the City of Sydney and extends west to Rhodes and Burwood, south to Sans Souci, and east to the eastern and south-eastern suburbs. According to the Greater Cities Commission, in its *Eastern City District plan*,

the Eastern City District has a population of 1,013,200 people with a projected population of 1.4m by 2036. The Plan states: *"As the District's 2016 population of more than 1 million people increases, it is also ageing. By 2036, the number of residents over 65 is expected to grow by 70 per cent. Single-person households are expected to remain the dominant household type."*

Residents of Waverley are attracted to the lifestyle and natural features, including some of Sydney's prime coastline and public parklands. Bondi Junction is a strategic centre within the Eastern City District accommodating retail, employment and local services for the community focused around a transit interchange¹.

2.3. Local demographics

The Waverley LGA resident population for 2021 was 69,388 with a density of 7,505 persons per square km². This was higher than the Greater Sydney estimated population density of 425.1 persons per square km³.

Waverley's community is highly educated: 44.5% of people in the Waverley LGA have a tertiary qualification (Note that statistics for 2021 were not available at the time of writing). This represents an increase of 4.2% between 2011 and 2016. This is significantly higher than the 28.3% of Greater Sydney. A further 9.3% have a diploma or advanced diploma as their highest qualification⁴.

Analysis of individual income levels in Waverley Council area in 2021 compared to Greater Sydney shows that there was a higher proportion of people earning a high income (those earning \$2,000 per week or more) and a lower proportion of low-income people (those earning less than \$500 per week).

1 .id community demographic resources Waverley, viewed 02 September 2022, <https://profile.id.com.au/waverley>

2 .id community demographic resources Greater Sydney, viewed 02 September 2022, <https://profile.id.com.au/Australia/about?WebID=250>

3 Australian Bureau of Statistics 2017, Greater Sydney (GCCSA) Regional Profile, viewed 18 March 2019, http://stat.abs.gov.au/tfr/jsp?RegionSummary®ion=1GSYD&dataset=ABS_REGIONAL_ASGS2016&geoconcept=ASGS_2016&measure=MEASURE&datasetASGS=ABS_REGIONAL_ASGS2016&datasetLGA=ABS_REGIONAL_LGA2017®ionLGA=LGA_2017®ionASGS=ASGS_2016

4 Australian Bureau of Statistics 2017, Greater Sydney (GCCSA) Quick Stats, viewed 18 March 2019, <https://www.abs.gov.au/census/find-census-data/quickstats/2016/LGA18050>

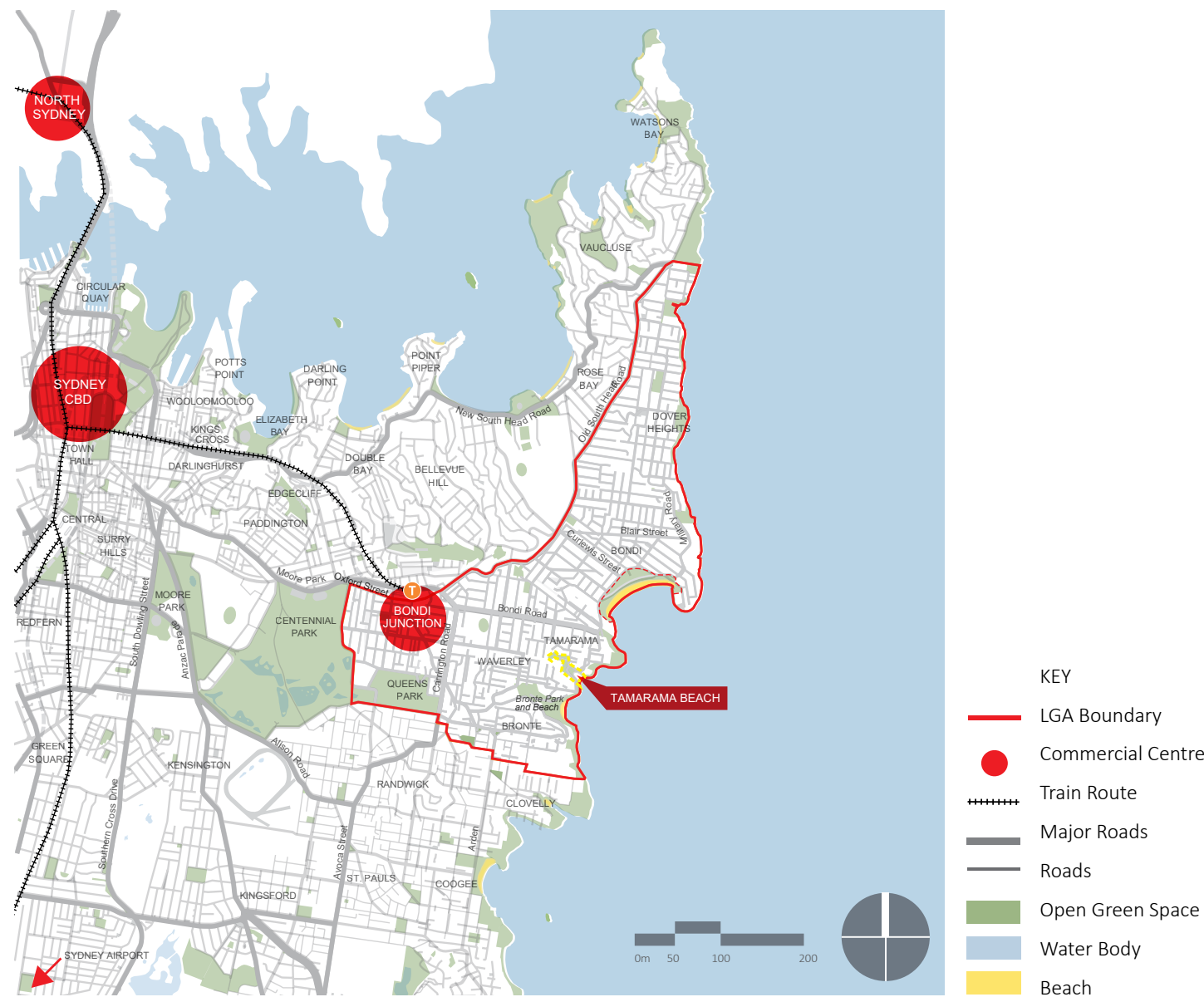


Figure 2.1 Regional Context

- KEY
- LGA Boundary
 - Commercial Centre
 - Train Route
 - Major Roads
 - Roads
 - Open Green Space
 - Water Body
 - Beach

Overall, 31.6% of the population earned a high income and 8% earned a low income compared with 16% and 14% respectively for Greater Sydney.⁵

2.4. Future population

The estimated resident population of the suburb of Tamarama was 1,502 in 2021, and they resided in 678 dwellings, with an average 2 people per household.

With an annual growth rate of between 0.1% and 0.2%, Waverley’s population is projected to increase by approximately 4,900 residents, increasing from 73,300 in 2021 to 74,200 by 2031. Waverley’s birth rate peaked between 2016 and 2021 with 1,200 to 1,300 births occurring each year. This is set to gradually decrease over the next ten years. The natural increase (births minus deaths) is currently around 800–900 per year.

The proportion of residents aged under 15-years is set to rise to 18%, up from 16% in 2013, while the proportion of older people (aged 65 years and over) is predicted to increase from 12% to 13%.

The working population of Waverley is also growing. By 2026, Waverley’s working-age population is expected to increase by 12.9%, or from 51,000 residents in 2013 to 57,570 residents in 2026⁶. This group will seek active and passive recreation opportunities, particularly on weekends. As a result, there will likely be an increased pressure on open spaces for recreation and exercise. This trend will likely be observed across eastern Sydney. According to the Greater Cities Commission’s Eastern City District Plan⁷, there is an increasing population density in the Eastern City District. The Greater Cities Commission suggests that a higher population density and a growing population will increase the pressure on existing passive and active open space.

With 12.7% of the Waverley population aged 65 years and over, 3.0% requiring assistance with core activities, and the proportion of households with children expected to continue representing over 30.0% of households in the LGA⁸, it is essential for the upgrade and management of the parks to consider accessibility requirements.

Accessible facilities and walkways around the Park and Beach remain an important planning consideration for Council, particularly with a growing family demographic and more people with disability wanting to participate in mainstream community and coastal activities. Waverley’s proportion of older people and people with less mobility remains substantial and requires careful consideration in the upgrade of the Park. Consideration also needs to be given to the high tourist visitor population which includes retirees, seniors, and people with disability⁹.

Additionally, an increase in population density in the Central District, as identified by the Greater Cities Commission’s District Plan, indicates that Sydney’s parks and recreation spaces will be under greater pressure from a growing population. As an important stop along the Bondi to Coogee Coastal walk, Tamarama Beach and Park can expect an increase of visitors.

2.5. Users of the park

Tamarama Beach, its headlands and the Coastal Walk attract visitors from Sydney, other parts of NSW and Australia, and overseas visitors.

The Coastal Walk is used by thousands of people every day, including early morning joggers, walkers, surfers, dog walkers and commuters.

Tamarama Park and Beach attracts its largest crowds during the annual Sculpture by the Sea exhibition in October/ November, and on sunny summer weekends. Council’s

lifeguards estimate that about 160,000 people attend the event over a three-week period.

2.6. Community engagement

What we did

In preparation of this plan of management the Tamarama Park User Survey 2022 was conducted to investigate pedestrian and stakeholder behaviour at Tamarama Park and Beach. The survey was undertaken during May and June 2022. This consultation provided specific community feedback on Tamarama Park and Beach and recorded current use of the site.

In addition, during 2020 the Open Space & Recreation Strategy Survey 2020 was developed, and this included municipality-wide consultation which investigated pedestrian, stakeholder and general public usage behaviour of all Waverley open spaces, including Tamarama Park and Beach. Both consultations utilised a range of engagement mechanisms including intercept surveys, an online survey, site observations, and a series of webinars with park users and stakeholders.

The draft plan was publicly exhibited for 42 days from 22 September to 05 December 2023. The aim of the public exhibition was to inform the public of the draft plan of management, including the vision, directions, master plan and relevant action plans. An online survey asked respondents to confirm whether they had read the draft plan, whether they support the draft plan and whether the master plan and action plans achieve the key objectives of the draft plan. The community were then given the opportunity to express their views by providing any additional comments, feedback or areas of improvement and concern.

5 .id community demographic resources Waverley Local Government Area, viewed 02 September 2022, https://profile.id.com.au/waverley/individual-income
6 Resources for Aging Population Planning, Local Government NSW 2012
7 Eastern City District Plan, Greater Cities Commission, https://www.greater.sydney/eastern-city-district-plan/about-plan

8 Australian Bureau of Statistics, 2016 Waverley Census, viewed 05/07/2021, https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA18050?opendocument
9 .id community demographic resources Waverley Local Government Area, viewed 19 December 2022, https://profile.id.com.au/waverley/five-year-age-groups

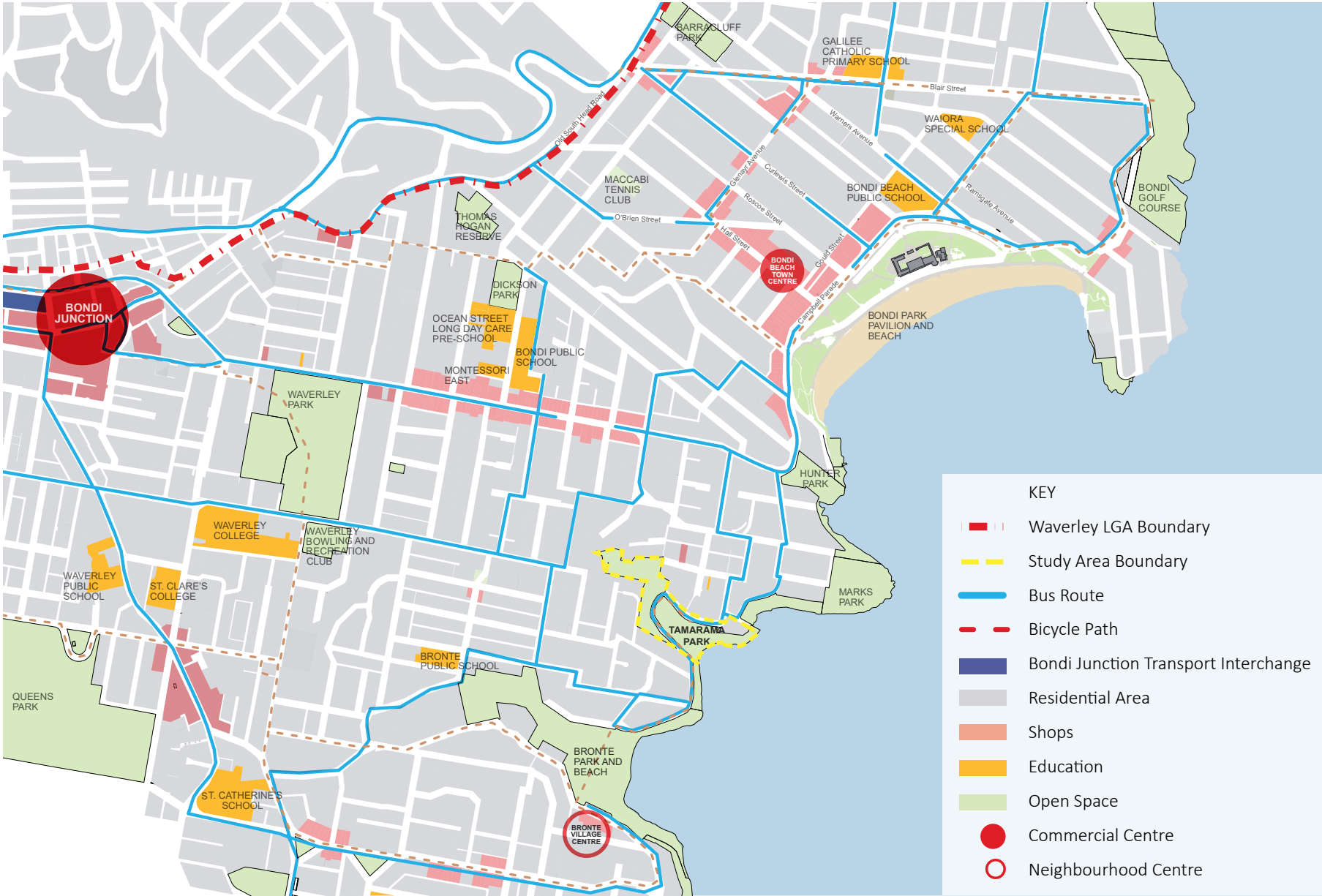


Figure 2.2 Local Context

What we heard

Feedback we heard from both the *Open Space & Recreation Strategy Survey 2020* and the Tamarama Park and Beach Plan of Management initial engagement 2022:

General

- Tamarama Park is highly valued:
 - as a relaxed local beach.
 - for its magnificent ocean views.
 - for its current parkland and beach character.
- The community recognises Tamarama is completely different from Bondi and Bronte and want that small local feel to be protected.
- There is a strong sense of community ownership at Tamarama. A large proportion of visitation during weekdays consists of visitors from within the local area, many respondents visiting daily or most days of the week.

The following feedback was received by community members about Tamarama Park and Beach:

Beach

- There is concern with anti-social behaviour in the Park, in particular alcohol consumption and excessive noise centred on the BBQ and picnic shelters over the weekends. There is a desire for increased visibility of Council rangers and better management of anti-social behaviour in line with New South Wales Environment Protection Authority (EPA) noise restricted times and Council's current Alcohol Prohibited Areas (APA).

Gully

- The bushland setting within the Gully and the unstructured play opportunities provided by the slopes and open lawn is highly valued.
- On-going issues with broken stairs make access and circulation within the gully challenging.
- The Gully is often wet and muddy after rainfall and does not have adequate drainage. It is dangerous and difficult to cross with no paths that connect around the

Gully.

- Dog owners have indicated that they would like to see water play for dogs in the park or within the immediate local area, along side a dog off-leash area. However, some have indicated concerns that this may have negative impacts on the vegetation on the Gully slopes.
- Access into the Park can be dangerous or difficult with narrow paths, inadequate lighting and lack of handrails.

Engagement Themes

A number of overarching themes have been identified from the feedback that Council has received during the engagement process. These themes reflect how the diverse range of visitors and users of the park perceive the value of the park now and in the future:

i. Valuing traditional owner and cultural heritage of the park

Consultation has indicated that the community values the traditional owners and cultural values of the Park.

In terms of European heritage, Tamarama Gully was host to the former Fletcher Estate (home of the first mayor of Waverley Council), and later the Bondi Aquarium and Wonderland amusement park. All that is left of this history are the sandstone steps scattered throughout the Gully slopes.

During preparations for World War One a New Zealand detachment bivouacked in the Gully prior to deployment. Flax seed brought from New Zealand was planted in the Gully. This flax is still growing in the Gully today and is valued by the New Zealand community.

ii. Managing the park for Climate change resilience

Consultation has indicated that the community is concerned about the impacts of climate change on the park. The community expects Council to sustainably manage the park to ensure its values are protected in the future.

iii. Sustainability of the open space and natural values of the Park

The community values the Park as a natural space that supports biodiversity. Maintaining the views, the park's flora, fauna and quiet green spaces is important to the community. They stated that any development within the park should be limited, support the core community values of the park and protect:

- The existing character of the Park.
- The existing cultural heritage of the Park.
- The passive open spaces.

iv. Planning, provision and management of the Park

Consultation with stakeholders and the community has indicated that they consider planning for the park to be critical, as evident by the level of community engagement and feedback throughout consultation. Many of the issues raised during the consultation process directly relate to the management and regulation of the park. Stakeholders have acknowledged the value of an Impact Assessment Model (Threshold of Change) and support Council having a mechanism to manage the values of the Park.

v. Community values in a diverse landscape

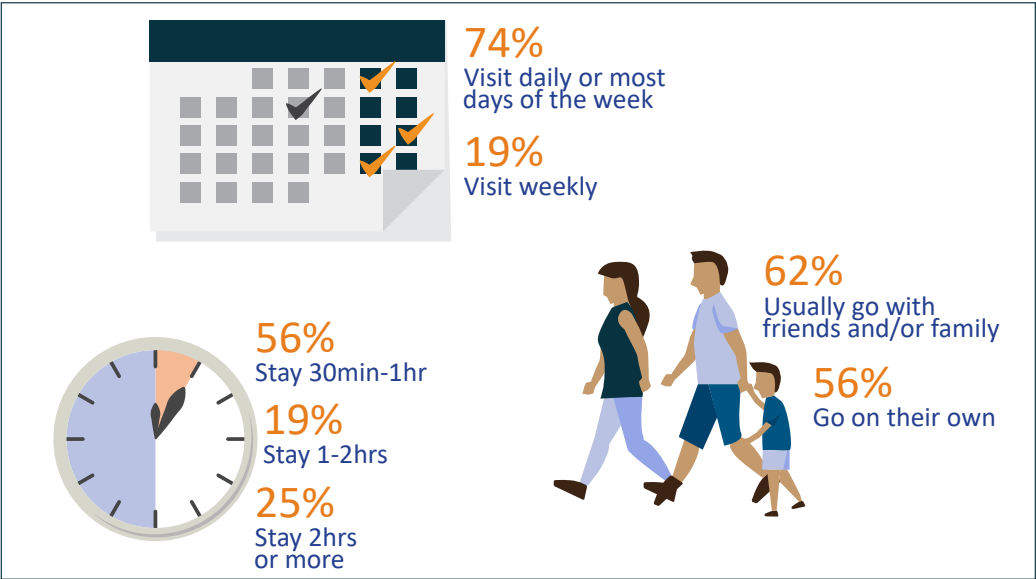
Consultation has indicated that the community values Tamarama as a quieter alternative to Waverley's popular beaches within the LGA. The main pedestrian footpath through the park forms part of the coastal walk that is popular with locals and visitors alike. The coastal walk is an internationally recognised tourist destination in Sydney.

vi. Community Connection to the Park

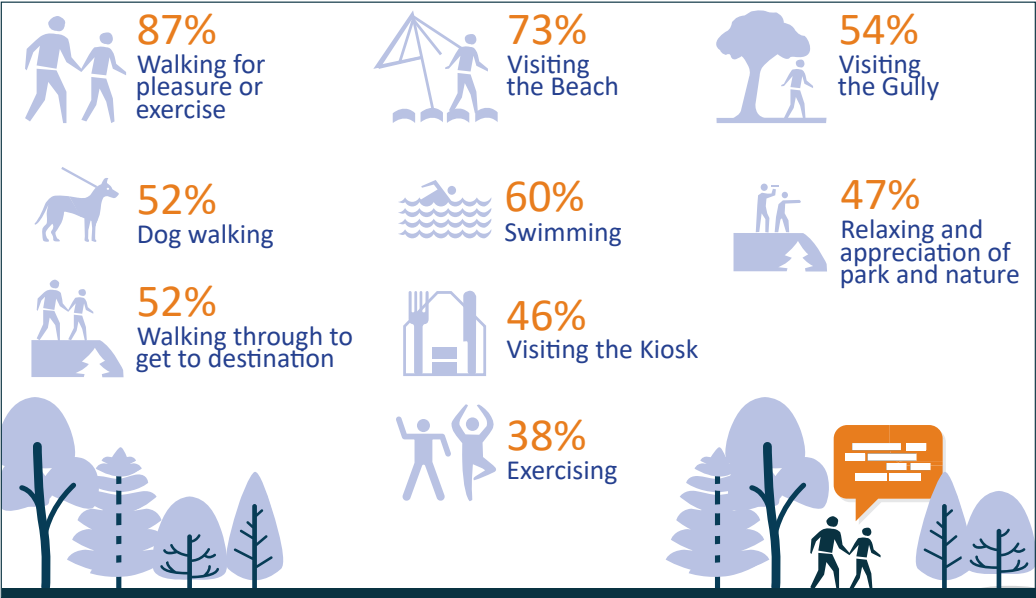
Consultation has indicated that the community loves, values and is connected with Tamarama Park and Beach. The community recognizes that the park is a valuable source of local, passive green space in the area and want Council to focus on maintaining the character of the Park. The community wants this character protected for future generations, including its natural ecosystems and vegetation.

Consultation Conclusion

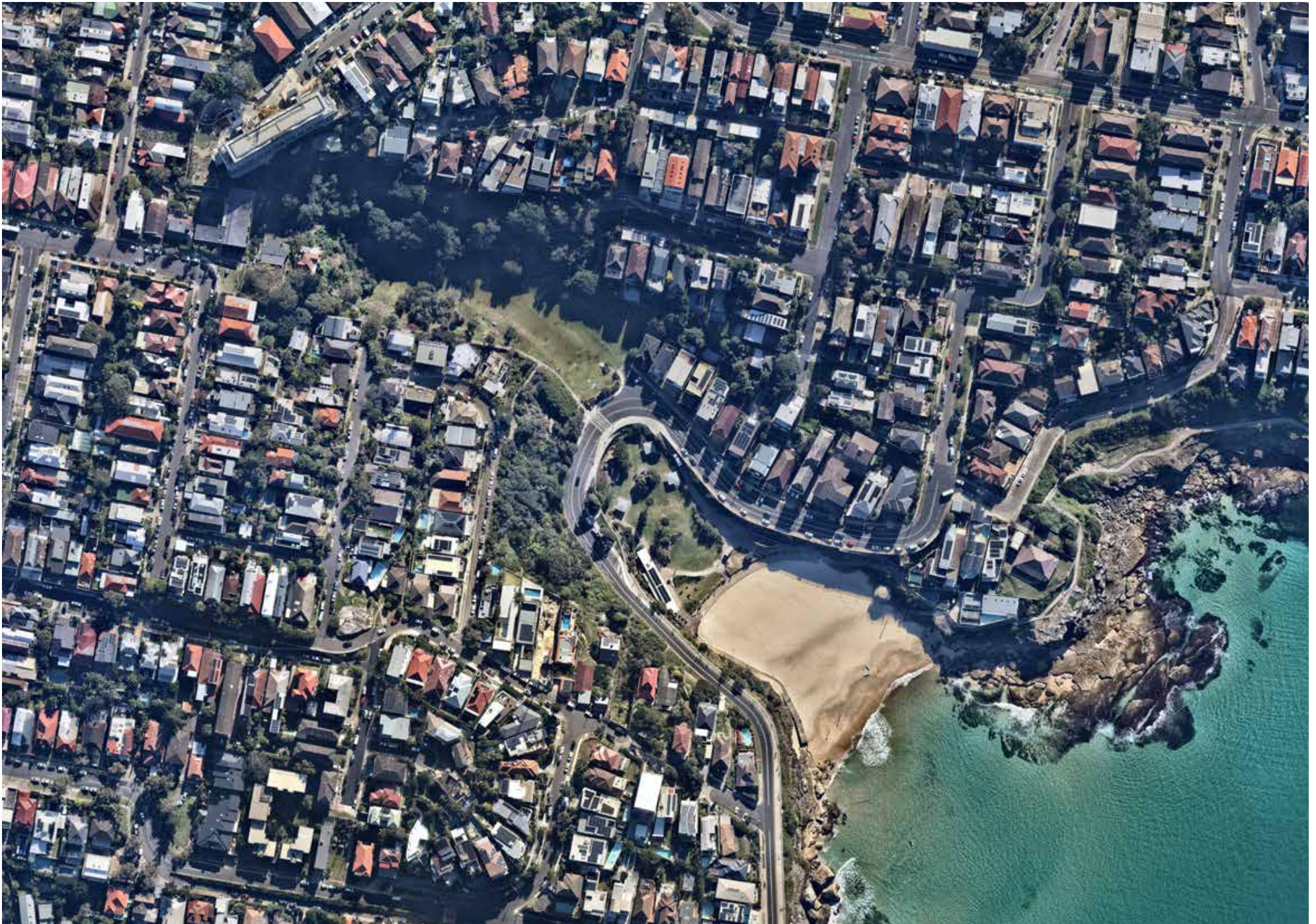
Satisfaction with the Park was high, and the community does not expect major changes to the Park in the future. They indicated that Council should take a preservation approach to protect and enhance the natural environment and that most infrastructure is adequate to meet the long-term needs of the community.



Infographic: Engagement outcomes 1



Infographic: Engagement outcomes 2



Planning Context

A dark blue square with rounded corners, containing the white number 3.

3. Planning context

3.1. Ownership and management

Crown land is governed by the *Crown Land Management Act 2016* (CLM Act). It provides a framework for the NSW Government, local councils and community members to work together to care for, control and manage Crown reserves. It ensures that Crown reserves are responsibly managed and that natural resources such as water, flora, fauna and scenic beauty are conserved, while still encouraging public use and enjoyment of the land.

The CLM Act abolished the reserve trusts and reserve trust managers under the former Act. The CLM Act provided for the appointment of local councils (and others) as 'Crown land managers' (CLMs) for land that was previously held by reserve trusts.

Legislation

The plan of management has been completed in line with the requirements of the *Crown Land Management Act 2016* and *Local Government Act 1993*.

Clause 70B of the *Crown Land Management Regulation 2018* directs:

The Local Government Act 1993, section 40, which is applicable to council managers under the Act, section 3.23(6), is modified under the Act, section 3.20(3) to require a council manager to obtain the written consent of the Minister to adopt a plan of management.

Section 38 of the *Local Government Act 1993* directs:

- (1) A council must give public notice of a draft plan of management.
- (2) The period of public exhibition of the draft plan must be not less than 28 days.

3.2. Crown land management

The *Crown Land Management Regulation 2018* provides clarity and certainty for CLMs, tenure holders, and users of Crown land about how parts of the CLM Act are implemented. Importantly, the regulation covers a range of operational matters relevant to CLMs including:

- The protection of Crown land, including activities prohibited and penalty notice offences on Crown land.
- The management of Crown land, including the requirements of non-council CLMs.
- Information on activities, dealings and holdings.

The objectives and principles of Crown land management are key values that guide the management of Crown land to benefit the people of NSW, and to ensure that Crown land is managed for sustainable, multiple uses.

3.2.1. Objectives of Crown land management

The objectives of the CLM Act as defined under chapter 1.3 of the Act are to:

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

3.2.2. Principles of Crown land management

The principles of Crown land management as identified in chapter 1.4 of the CLM Act are that:

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

3.2.3. Public purpose

Crown lands are to be used for the original purpose for which they were dedicated or reserved. Multiple uses of reserves are encouraged where those uses are consistent with the original purpose of the reserve and the use does not impact on native title rights and interests under the *Native Title Act 1993*.

The public purpose for Tamarama Park as a Crown reserve is public recreation. Two small lots of Council owned land (Lot 2 & Lot 11) are indicated in Fig 3.1. These lots comprise part of the upper gully and are managed cohesively as part of the broader Tamarama Park and Beach. An area of land below Birrell Street is zoned open space but classified as local road reserve.



Figure 3.1 Land Ownership

3.2.4. Leasing and licensing on Crown reserves

Under the CLM Act, a lease or licence is a type of tenure that gives permission to occupy and use Crown land for a specific purpose and term. The CLM Act enables council CLMs to enter into leases and licences under the *Local Government Act 1993* once a compliant plan of management is in place or once the land is classified as operational, whichever occurs first. Council cannot enter into agreements for use, as lessor or licensor, on devolved reserves. The leasing and licensing of Crown land ensures there is legal and suitable occupation of Crown land.

The council CLM is required to ensure all monies received from the use of community land is directed to maintaining and sustaining long-term use and enjoyment of the reserves. The income generated from leasing and licensing is a primary form of funding for a CLM. It allows a CLM to cover long-term running costs (at a minimum) and invest over the long-term for future generations to use and enjoy the Crown land in their community.

All CLMs should have lease and licence agreements in place with users of the reserves that they manage. Refer to chapter 6.7 for leases and licences authorised by this plan of management.

3.2.5. Classification and categorisation of Crown land

In December 2018, the Office of Local Government and the Department of Planning and Environment published *Developing plans of management for community land Crown reserves – guidelines*. The guidelines state that Council managers of Crown reserves must ensure there is a compliant plan of management for all Crown land that they manage as community land. This must be in place within

three years of the commencement of Part 3 of the CLM Act (that is, by 30 June 2021). This is to ensure that Crown land is lawfully used and occupied, which is an essential part of Council's role as the manager of Crown land.

Under the CLM Act, Council CLMs must assign to all Crown land under their management one or more initial categories of community land. These categories are identified in chapter 36 of the *Local Government Act 1993*. The initial category must be assigned as soon as practicable after a council's appointment as a CLM. It is important that the initial category aligns closely with the original gazetted reserve purpose. *The Local Government Act 1993* sets out a framework for making decisions around categorisation:

- ***Local Government (General) Regulation 2021 - Guidelines for categorisation:*** Provides criteria for deciding which categorisations are most applicable to a piece of community land.
- ***Local Government Act 1993:*** Identifies core objectives for categories. Objectives provide goals towards which management efforts are directed. A plan of management must identify how it is going to achieve these and any other objectives.

The *Local Government Act 1993* also requires plans of management to identify:

- the category of land.
- objectives and outcomes for the land.
- the means by which Council proposes to achieve objectives and outcomes.
- the way by which council proposes to assess its performance.

The nature and use of community land may not change without an adopted plan of management.

The applicable categorisation and core objectives for management of Tamarama Park are listed in chapter 6.6 of this plan of management. These are also illustrated on Figure 6.9.

3.2.6. Plans of management and native title

As outlined in the document *Guidelines for Council Crown Land Managers* (December 2016), plans of management for Crown reserves must be compliant with the statutory requirements prescribed by both the *Crown Land Management Act* and *Local Government Act 1993*. This includes a requirement for council CL Manager(s) to obtain written advice from a qualified native title manager on any plan of management covering Crown land that is not 'excluded land'.

According to the *Crown Land Management Act*, excluded land includes:

- a) land subject to an approved determination of native title (as defined in the *Native Title Act 1993* of the Commonwealth) that has determined that:
 - i. all native title rights and interests in relation to the land have been extinguished, or
 - ii. there are no native title rights and interests in relation to the land
- b) land where all native title rights and interests in relation to the land have been surrendered under an Indigenous land use agreement (as defined in the *Native Title Act 1993* of the Commonwealth) registered under that Act.
- c) an area of land to which chapter 24FA protection (as defined in the *Native Title Act 1993* of the Commonwealth) applies.
- d) land where all native title rights and interests in relation to the land have been compulsorily acquired.
- e) land for which a native title certificate is in effect.

Chapter 8.7 of the *Crown Land Management Act* and the *Native Title Manager Workbook* clearly set out that written native title manager advice is required before a Council, as a Council Crown land manager does any of the following:

- a) grants leases, licences, permits, forestry rights,

easements or rights of way over the land.

- b) mortgages the land or allows it to be mortgaged.
- c) imposes, requires or agrees to covenants, conditions or other restrictions on use (or removes or releases, or agrees to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land.
- d) approves (or submits for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c). Accordingly, native title manager advice must be obtained prior to the approval (or submittal for approval) of a POM that allows a dealings in (a)–(c) and the execution of any lease, licence, permit, etc. that may be authorised under that plan.

In addition, the *Crown land – your neighbour* information sheet sets out guidelines and requirements for neighbours adjoining Crown Land.

3.2.7. Native Title Declaration

In February 2021 Council, in accordance with its requirements under the Native Title Act 1993, sought legal advice to determine if Native Title existed on Tamarama Park and Beach. Council's Native Title Manager then provided that advice to Council.

To formalise the requirements under the *Native Title Act 1993*, the report to Council's delegate represented Council's Native Title Manager's direction, which is required under the Act. The Native Title Assessment report was completed by Council's solicitors Norton Rose Fulbright. The report was produced on the basis that there is sufficient evidence for a conclusion of extinguishment via prior Crown land grants or public works, but if that was not the case the advice still describes the Future Act process that can be considered under subdivision J of the *Native Title Act 1993*.

Based on the evidence noted in the report and its attachments, it is likely that there is evidence that Native Title has been extinguished within the reserve in Table 1 of

the report and known as Tamarama Park and Beach.

The Future Act process in leasing, licensing and operating or developing the Reserve is likely to continue and can be considered under subdivision J of the *Native Title Act 1993*. Based on this and the constructive relationship Council seeks to maintain with those who may have native title rights or interests, Council will not seek to formalise the extinguishing of Native Title rights or interests at this time. Native Title can only be extinguished by a court of law or by agreement.

Council's native title manager has been and will continue to be consulted in all relevant aspects of native title pertaining to the land that is covered by this plan of management.

3.3. Heritage significance

The Aboriginal and European history of the park is reflected by the following significant cultural heritage items and sites:

- Aboriginal cave and shell middens.
- Remnant stairs from the Fletcher Estate carved into the rock face on the northern side of the gully escarpment are in disrepair.
- The site of the Royal Aquarium and Pleasure Ground (popularly referred to as Bondi Aquarium) and Wonderland City in Tamarama Gully is an archaeological item / site listed in Council's Local Environmental Plan.
- The dimensioned sandstone retaining wall that defines the inland edge of the beach park is indicated in the Waverley Heritage Study as contributing to the heritage significance of the site.
- The heritage significance of Tamarama Park is further described in chapter 4.5.

3.4. International planning context

There are a number of international planning strategies that directly relate and provide guidance for the management of Tamarama Park and the activities that take place in the park. The United Nations (UN) has created the Sustainable Development Goals (SDG). These goals have been endorsed

by all member countries of the UN. The UN has identified physical activity and sport and recreation as crucial to meeting key Sustainable Development Goals (SDG) by creating improved health and wellbeing outcomes. SDG's 3: Good Health & Wellbeing, SDG 4: Education, SDG 5: Gender Equality, and SDG 16: Peace, Justice and Strong Institutions are directly aligned with human physical activity and leisure that takes place in open spaces. In relation to open space management SDG 6: Clean Water, SDG 11: Sustainable Cities & Communities, SDG 13: Climate Action, SDG 14: Life in Water and SDG 15: Life on Land are directly related to sustainable management of ecosystems. (UN, 2019).

"Throughout history, sport (and recreation) has been a platform for change, a forum for dialogue and an opportunity to dismantle barriers between men and women of all origins. Recreation breaks down cultural, social, racial and political barriers, promoting dialogue and ultimately building bridges" (UN, 2019). Human interaction with open spaces, through sport, recreation and leisure is a core right for all. Waverley Council, through its public open space provision provides critical interaction between the community and its parks to improve health and wellbeing in alignment with the UN's SDG's.

Health outcome policies and guidelines also play a role in the management of Tamarama Park. The World Health Organisation (WHO), along with Australian and state government health agencies have developed policies which provide generic guidance for land managers in relation to physical activity and its health benefits for the community.

3.5. State planning context

The principal planning legislation in New South Wales is the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) that governs planning and development assessment. The EP&A Act requires a determining authority to have written consent from the legal owner of any affected land before granting consent for development. Development

on Crown land in Tamarama Beach & Park would require Crown land approval for any development application. The EP&A Act, regulations, state planning policies and the *Waverley Local Environmental Plan 2012* apply to all development in Tamarama Park. This legislation defines the process that any proposal must follow.

When managing Tamarama Beach & Park, Council must comply with all relevant laws that apply to the use of the community land. This includes the *Crown Land Management Regulation 2018* as outlined in chapter 3.1 along with:

- *Local Government Act 1993*: requires plans of management to be prepared for public land and reserves under the responsibility of local councils. It requires that council-owned community land be categorised according to the function desired by the community. Councils must manage this land in accordance with the core objectives specified in the Act.
- *Native Title Act 1993*: Chapter 8.7 of the CLM Act and the *Native Title Manager Workbook* sets out requirements in accordance with the Act before entering into a number of proscribed actions on community land.
- *State Environmental Planning Policy (Infrastructure) 2007*: provides for development permitted without consent and exempt development on state land.
- *State Environmental Planning Policy (Exempt and Complying Development Codes 2008)*: provides for development permitted without consent and exempt development of state land. Exempt development includes works such as compliant access ramps, play equipment, fences, bollards, paths, barbecues and signs.
- *State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017*: The aim of this policy is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. According to the Waverley Development Control

Plan (DCP) 2012 discussed below, the Vegetation SEPP applies to all vegetation on land identified as biodiversity habitat corridors, of which there is in Tamarama Park and Beach. This Plan of Management must therefore comply with the Vegetation SEPP for these portions of the park.

- *State Environment Planning Policy (Coastal Management) 2018*: guides development in coastal areas, including land adjacent to beaches, estuaries, coastal lakes, coastal wetlands and littoral rainforests. Tamarama Park falls within a coastal environment area and a coastal use area (the coastal vulnerability area has not been mapped at the time of drafting this plan of management). The aim of this policy is to promote an integrated and coordinated approach to land use planning in the coastal zone consistently with the objects of the *Coastal Management Act 2016*, including but not limited to managing development in the coastal zone and protect the environmental assets of the coast, and establishing a framework for land use planning to guide decision-making in the coastal zone.
- *State Environmental Planning Policy 19 – Bushland in Urban Areas*: Tamarama Park contains bushland covered by this policy. In this policy, ‘bushland’ means land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation. The plan of management should be consistent with the aims of this policy.
- *Coastal Management Act 2016 No 20*: the objectives of this Act are to manage the coastal environment of New South Wales consistently with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people. The act makes provision for development of land within the coastal zone for the purpose of implementing the principles in the NSW Coastal Policy. It outlines conditions of development consent within the coastal zone such as: providing and maintaining public access along the foreshore; suitability of the development in relation to the surrounding area and the natural scenic

quality (including the location and bulk, scale, size); impact on the amenity including overshadowing and view loss; visual amenity and scenic qualities of the coast; and biodiversity and ecosystems. Council has a responsibility under section 22 of the act to implement a coastal management program via the preparation, development and review of plans, strategies, programs and reports and the preparation of planning proposals and development control plans under the *Environmental Planning and Assessment Act 1979*.

- *Disability Discrimination Act 1992*: applies to existing premises, including heritage buildings, those under construction, and future premises. It extends beyond the building to include outdoor spaces in Tamarama Park. This Act recognises the importance of providing equality, dignity and independence to people with a range of abilities. This Act establishes that it is unlawful to discriminate against people with disability in the provision of access to premises.
- *Companion Animals Act 1998*: requires environmental initiatives by councils to promote responsible animal ownership. Tamarama Park is used by dog walkers.

3.6. Regional planning context

The following regional and metropolitan plans are relevant to this plan of management.

- *The Sydney Regional Coastal Management Strategy 1998* aims to ensure that ecological integrity is maintained and, 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. The strategy also aims to maintain adequate and appropriate access to the coast, so that it is possible to enjoy a range of recreational opportunities.

The NSW Department of Planning and Environment sets out metropolitan plans that inform Waverley’s *Local Environmental Plan* and Council’s policy position by providing direction on matters including housing, jobs, affordable housing and open space. Relevant metropolitan plans include:

- *Greater Sydney Region Plan: A Metropolis of Three Cities*: aims to re-balance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. This document will transform land use and transport patterns, boosting Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth to all its residents. Some of the objectives of the Greater Sydney Region Plan relevant to this plan of management include:
 - Objective 25. the coast and waterways are protected and healthier
 - Objective 27. biodiversity is protected, urban bushland and remnant vegetation is enhanced
 - Objective 28: scenic and cultural landscapes are protected
 - Objective 31. public open space is accessible, protected and enhanced
- *Eastern City District Plan*: provides the district-level planning that connects local planning with the longer-term Greater Sydney Region Plan. A relevant priority is:
 - Planning priority E18. delivering high quality open space.
 - Planning Priority E3. Providing services and social infrastructure to meet people's changing needs
 - Planning Priority E16. Protecting and enhancing scenic and cultural landscapes
 - Planning Priority E18. Delivering high quality open space.

In addition to the plans above, *The Greater Sydney Outdoors Survey* provides insight into the recreational habits and aspiration within public outdoor settings across Greater Sydney. Findings in this survey will help inform Council into recreational planning for Tamarama Park.

3.7. Local planning context

Local open space planning fits within a larger hierarchy of strategic planning. Planning and legislation that influences or directs open space planning exists at the local, state, national and international level. Waverley Council undertakes its own planning, which includes overarching

open space strategies, management plans, and specific planning documents. Council also takes direction from planning and legislation from higher level government agencies. In this chapter we consider a number of plans and guiding principles at all these levels.

In 2020 Waverley Council endorsed the *Waverley Open Space & Recreation Strategy 2020*. This is the premier source document for the management of all open space in Waverley. It sets out the vision, guiding principles and management philosophy for all parks in Waverley. Along with state and national planning documents the Strategy directs all management plans, including the Tamarama Park and Beach Management Plan. The Strategy highlights the importance of identifying and adaptively managing within the capacity of each individual open space. The long-term management of Tamarama Park and Beach, within the limitations of the carrying capacity of the Park, through the Thresholds of Change model, is therefore the over-arching management approach for all Council's parks.

The following local planning documents are also of relevance to this plan of management.

- *Waverley Local Environmental Plan 2012 (LEP)*: Tamarama Park, Beach and Gully are predominantly zoned RE1 Public Recreation. A chapter of the beach and a portion of the gully are zoned E2 Environmental Conservation. Tamarama Beach, Park and Marine Drive (C61) and Tamarama Park (C62) are also identified as Landscape Conservation Areas in the LEP.
- *Biodiversity Action Plan - Remnant Sites 2021-2030*: This document identifies location of remnant vegetation at Tamarama Park and an on-going action plan that is required for its management. The document guides maintenance activities within the vegetation and its edges which impact recreational planning as certain activities and developments will not be allowed in the park.
- *Tamarama Park Ecological Restoration Framework and Action Plan (ERFAP)*: Outlines the methodology to carry

out ecological restoration works with an approach that balances the needs for Ecology, Community and Delight in Tamarama Park. Specific habitats and species are discussed in detail with short, medium to long term actionable items guiding restoration.

- *Waverley Environmental Action Plan 2018-2030*: Outlines the steps and approach to achieve positive environmental outcomes with and for the Waverley community. The Plan is underpinned by key guiding principles that drive activities across the LGA, which affect decision making on land use at Tamarama Park.
- *Waverley Development Control Plan 2012 (DCP)*: The DCP has recognised habitat corridor and habitat buffer in Tamarama (see Figure 4.4). The park includes areas identified as coastal inundation risk lots that require a coastal risk assessment and/or a geotechnical risk assessment to be submitted with a development application.
- *Waverley Community Strategic Plan 2022-2032* is Council's overarching strategic plan. This guides Council in responding to change, challenges, and opportunities in a consistent, sustainable, and coordinated way. The plan is divided into the strategic themes of People Place and Performance. Within these themes are objectives and strategies which apply to Tamarama, including:
 - 1.8.3. Partner with stakeholders to facilitate collaborative, effective and consistent approaches to coastal safety risk management
 - 2.4.1. Improve the condition of non-remnant native vegetation on public land in the LGA and reinstate indigenous vegetation characteristic of natural coastal landscapes in Councils' parks and reserves
 - 2.4.4. Increase the quantity of trees and plants in public and private spaces, parks and streets to achieve Waverley's canopy targets
 - 2.7. Ensure public spaces, parks, open spaces and facilities have equitable access, are safe day and night, meet community needs for recreation
 - 2.10.1. Ensure Council's infrastructure assets are operated, maintained, renewed and upgraded to meet the levels of service set by the community
 - 2.10.2. Implement continuous improvement to

achieve advanced maturity in asset management practices

- Waverley's Strategic Asset Management Plan (SAMP), forms a critical component within the local planning context. Along with the Long Term Financial Plan (LTFP) These documents provide guidance, direction and project Council's capacity to meet the activities and levels of services outlined in the Community Strategic Plan.
- Waverley Coastal Risk Management Policy 2012: the geotechnical risk map and the coastal inundation risk map apply to Tamarama Park and Beach.
- Waverley Disability Inclusion Action Plan: Plans and designs for the diverse community in Waverley by providing safe, healthy and inclusive services and spaces. Aims to support community members to participate positively in community life - whatever their age, gender, physical ability, socio-economic status, sexuality or cultural background – to feel that they can be active, healthy, valued and connected.
- Waverley Public Domain Technical Manual: Promotes and reinforce a strong sense of place in Waverley's civic spaces. It will help to improve the quality of the public domain and provide a continuity of design across Waverley's diverse urban landscape.
- Waverley Transport Plan - People, Movement and Places: Provides recommendations for Council to improve the full range of transport options for the community. It includes twelve Signature Projects as well as 96 short, medium and long term actions that Council can in partnership with the community and state government agencies.

3.7.1. Council's strategic open space planning

There are a number of specific open space planning considerations that Council uses in its planning for and management of public open space in Waverley. The following planning guide Council decision making.

Open space planning framework

Waverley Council has produced a number of critical planning documents that form the framework that provides local strategic guidance for the planning of open space and recreation management.

Open Space & Recreation Strategy

This is the premier planning document for Council for the management of all open spaces in the Waverley municipality and the activities that take place on those open spaces. The Strategy sets out the legislation that governs open space management, it categorises the existing individual open spaces, it analyses the community use of the spaces, projects what that use will be in the future, and puts in place strategies to meet that need. The Strategy provides Council guidance for all other planning documents, including individual management plans.

Playspace Strategy

Play is critically important to the Waverley community. Children develop healthy character through play engagement. Council considers play to be important to creating a healthy and happy community. Play is essential for the development of toddlers, children and young people. Play helps children to acquire the necessary skills for social, physical and emotional well-being. It is fundamental that play is considered in planning and design processes, not only for play spaces, but open spaces, streets and urban development. *Under the Local Government Act 1993*, it is Waverley Council's responsibility to ensure the provision of play opportunities accurately reflects the current and predicted community trends.

The Playspace Strategy provides direct direction and guidance into each individual plan of management.

Supporting the Playspace Strategy is the Inclusive Play Space Study. With 1 in 5 Australians living with a disability it is important to Council that we provide play experiences for all residents. The Inclusive Play Space Study sets out Council's aspiration for providing that opportunity.

Inclusive Play Strategy

Waverley Council's Inclusive Play Space Study provides a blueprint to direct the future provision, planning, design and development of public inclusive play spaces across the Waverley Local Government Area (LGA). The key objectives of the Inclusive Play Space Study are:

- Provide strategic direction to Waverley Council regarding equitable, inclusive, and engaging play spaces;
- Develop inclusive play space design principles;
- Develop inclusive play space evaluation criteria checklists;
- Provide a supporting document to the adopted *Waverley Play Space Strategy 2014-2029*; and
- Align Council's Play Space Strategy with the NSW State Government's 'Everyone Can Play' Guide.

The playspace within Tamarama Park will be upgraded in the long term. The principles contained within the Inclusive Play Space Study will be reflected in the new upgraded playspace. Council anticipates that the new playspace will provide a play experience suitable for a neighbourhood pocket park as outlined in the strategy.



Guiding Principles for Open Space Management

To guide Council in its management of public open space in Waverley, including the management of existing space and considerations for obtaining new public open space Council has developed a set of guiding principles that are applied to the management of public open space.

The Guiding Principles for Open Space Management are:

Maintain and strengthen parks

Statement of Principle

Parks will be managed in accordance with the purpose for which they are reserved and to protect their environmental, cultural and social values. All actions should enhance the estate, be purposeful and embrace design for all. Park management will reflect best practice, and parks will be fit for their identified purpose and function.

Principle Intent

Parks and reserves are established under relevant legislation for particular purposes, including the protection of many and diverse values, and will be managed for those purposes. The physical connections between parks and other land tenures that provide connected recreation experiences, cultural landscapes and habitat corridors need to be recognised. Connectivity will be improved in parks and with surrounding landscapes and seascapes in collaboration with Traditional Owners and other land managers, non-government organisations and the community.

Prepare for the future

Statement of Principle

Park plans and management will prepare for and respond to emerging environmental and social issues and anticipate how the park estate will evolve in the future. This includes responding to forecasted changes resulting from climate change and developing recreational patterns.

Principle Intent

Effective planning anticipates what the future holds and allows for action accordingly. Adapting to the environmental, social and economic changes brought about by climate change will need to be considered, including increased threats from extreme weather on environmental, cultural and visitor experience values. The visitor experience will be considered in all aspects of planning, with assets and park settings fit for purpose to meet service commitments and to manage the visitor impact on the estate now and into the future. This includes consideration of increased visitation, changed visitor expectations and new or emerging uses of technology for and by visitors.

Connect with community

Statement of Principle

Parks will be inclusive destinations that provide for a range of visitor experiences and access for all. The community will have a variety of ways to engage with, connect to, understand and be active in parks. Parks will be recognised and appreciated not only for their environmental, cultural and landscape values, but also for the services that provide broader community benefits including health and wellbeing, sense of community, clean water, climate regulation, coastal protection and pollination services. Traditional Owner connections to Country will be respected and supported.

Principle Intent

There are diverse ways that the community can enjoy and benefit from the parks estate, through the spectrum of recreation activities, events, tourism activities, education programs and volunteering. Park visitors gain a deeper connection and even a lifelong appreciation of the importance of parks through interpretive and educational experiences. Diverse and ongoing social and cultural connections to parks will be recognised. Appropriate use of the park estate encourages the connection between people and nature that in turn can provide health and wellbeing benefits.

Use knowledge and evidence-based management

Statement of Principle

Decisions will be supported by science, knowledge, understanding of risks and community values. Evidence-based management that utilises the best available science and knowledge will be used to deal with uncertainty and drive adaptive management.

Principle Intent

Adaptive management will be supported by clear outcomes and risk-based priorities for park management to address the highest threats to the most important values. Research and evaluation in the parks estate will focus on addressing critical information gaps in understanding environmental and social values and benefits of park as well as quantifying management effectiveness and outcomes. Outcomes will be adjusted based on the evidence by measuring the effectiveness of the actions delivered. Land management will be based as far as possible on the latest research and knowledge.

Protect natural and cultural values

Statement of Principle

The ecological and cultural integrity of parks will be strengthened by being protected and actively conserved to become sustainable and resilient to adapt or recover from the disturbance of major threats.

Principle Intent

The structure and function of ecosystems is fundamental to natural values and the ecosystem services provided by parks. The resilience of parks is maintained and improved when ecosystem processes and threats are managed at the landscape scale. The core habitat areas for threatened species and ecological communities that parks protect will be improved through active management intervention. Reducing threats to the estate is a core management approach to maintain and improve the condition of the natural capital of the parks estate. Aboriginal cultural heritage sites will be identified and protected. Where appropriate the community and visitors will be encouraged to understand and appreciate the tangible and intangible cultural values and significance of Country for Aboriginal people, and the importance of maintaining and improving the health of cultural landscapes.

Build Partnerships

Statement of Principle

Partnerships and community involvement that provide mutual benefits to parks and the community will be sought and supported across landscapes. These are to provide mechanisms for effective management and realising emergent opportunities.

Principle Intent

Partnerships with other public land managers, neighbours and many other community, government and corporate organisations, can support more effective and efficient park management through knowledge sharing, better use of resources and pro-aspiration of value-added services. Agreements with service providers and licence holders will be developed that complement or add value to the park estate. Aboriginal commercial enterprises will be encouraged and supported.

Promote public safety and adopt a risk-based approach

Statement of Principle

There is an element of risk in experiencing natural environments and the outdoors. Managing risk, including preparing for and managing fire and other threats, responding to emergencies, and appropriately managing risks to park visitors will be a key consideration in park management decision making.

Principle Intent

A safe environment is provided as far as practicable, while recognising that risk and adventure is part of experiencing the outdoors. The systematic application of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk will be used. Risk management will be integrated across tenures. Decisions and actions will be based on sound risk management principles, consistent with organisational objectives and which comply with statutory, legislative and regulatory responsibilities. All reasonable efforts will be taken to keep visitors safe and provide information to visitors so that they can make informed decisions.

Apply rational decision making

Statement of Principle

All strategic decision-making will be characterised by rationality and predictability using, where appropriate, structured decision support systems such as the thresholds of change model which will form the basis of adaptive open space management. Judgement will be used to consider all stakeholders involved. All decisions will be consistent with a risk-based approach to meeting the requirements of policies, plans, programs and legislation.

Principle Intent

The Thresholds of Change assessment and management model will form the basis of management practices and decisions for all Waverley open spaces. Decisions that affect parks and the community’s connection with parks will be taken to achieve outcomes consistent with the guiding principles and intent of legislation governing the management of the estate. Decisions in parks will consider benefits for conservation of the environment and cultural heritage, appreciation of park values, be necessary for the management of the park and show that risks to environmental, cultural and social values and public safety can be assessed and managed. Where trade-offs are unavoidable, decisions will be guided by these principles and made transparently.

Adaptive Management

This management plan is based on the adaptive management model for open space management. Adaptive Management is defined as:

Adaptive management, also known as adaptive resource management or adaptive environmental assessment and management, is a structured, iterative process of robust decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring.

In alignment with Council’s Guiding Principles of Open Space management the Tamarama Park and Beach Management Plan has been developed with an adaptive management approach. Adaptive management is centred around two planning strategies, Carrying Capacity and the Thresholds of Change model.

3.7.2. Carrying Capacity

In alignment with Council’s Guiding Principles of Open Space management the Tamarama Park and Beach Management Plan has been developed with two planning strategies in mind. They are Carrying Capacity and Thresholds of Change.

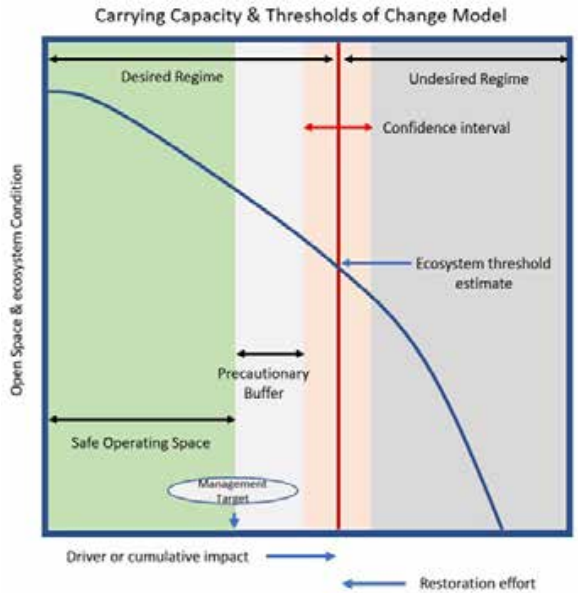
Carrying Capacity is defined as the maximum amount of use that any given environment or ecosystem can accommodate before a negative impact is apparent or observed, whilst continuing to meet the visitor’s experience expectation. The aim of identifying Carrying Capacity is to manage the impact on the space 10% short of any negative impact.

Council seeks to manage its public open space portfolio to support a range of visitation and physical activity opportunities, along with providing a variety of settings catering for different visitors without compromising environmental and sustainability outcomes.

There are two separate components to Carrying Capacity, namely, maintaining the environment (including structured forms) in the desired state, and second, meeting the visitor experience expectation. Waverley Council’s public open

space management approach is focused on prescribed strategies and actions, structured through Council’s park management plans, overtly characterised by a thresholds of change adaptive intervention model.

For practical purposes, an example would be the monitoring of the state of a sports field. There are accepted standards for the total amount of hours of use a natural sports field can maintain. To ensure that usage does not exceed the carrying capacity of the field, that limit is enforced. In a practical application this would mean limiting usage short of damage occurring. Damage does not just mean wearing out of the natural turf, but also includes compaction of the sub-surface soil, damage to specific sites, such as goal mouths and entry points and in the case of synthetic fields the laying over of synthetic grass fronds.



Model: Carrying Capacity & Thresholds of Change

3.7.3. Threshold of Change Model

The Thresholds of Change model is a specific Impact Assessment model. The model assists park managers in identifying impacts to specific sub-components of the park. The model allows for effective identification of the carrying capacity of the space. A thresholds of change framework allows for observable changes to public open space to be monitored as they happen, which then triggers management actions to sustainably manage the park and its visitation.

An active open space and/or ecosystem threshold is a point at which the environment or ecosystem cannot recover. Causing tipping points for both the maintenance of the open space and the activities that take place within the space. Once an ecosystem passes its threshold, it cannot return to its original state, or if a return is possible, then mechanisms to return it are not economically or socially viable.

An environmental threshold is the point at which there is an abrupt or gradual change in an ecosystem quality, property, or phenomenon, or where small changes in one or more external conditions produce large and persistent responses in an ecosystem. Ecological thresholds occur when external factors, positive feedbacks, or nonlinear instabilities in a system cause changes to propagate in a domino-like fashion that is potentially irreversible (Holling, C.S. 1978).

In the case of Tamarama Park and Beach, a threshold would be the point where, due to overuse and/or flooding from extreme weather events, the turf in the Gully becomes unusable and cannot be repaired, or needs to be taken “off-line” for an extended period to allow for rehabilitation.

The thresholds of change model is a structured, iterative process driven decision-making system designed to function in the face of uncertainty or a lack of evidence, with an aim to reducing uncertainty over time via general and specific system monitoring.

Model explanation

The model is designed to be used on any open space, natural setting or ecosystem. It assumes that the site starts off being functional and fit for purpose and/or in its natural state. The intent of management is to keep the space in the Desired Regime area. This is obtained by an effective maintenance program, monitoring and management of use. The Management Target is indicated at the bottom of the model.

However, for all spaces there are drivers and cumulative impacts from external factors. One such factor is climate change, and another would be allowing over-use of the space. Climate change is a macro effect and must be addressed at the macro level. Overuse is at the micro level and can be addressed through mitigation strategies.

For example, the turf in the Park occasionally suffers from die back due to salt-laden winds as well as excessive pedestrian activities. This has caused erosion to the sandy soil underneath, leading to uneven surfaces. A mitigation strategy to ensure that the turf doesn't move into the Precautionary Buffer, or worse, would be to provide alternative surfaces such as paving or reduce pedestrian foot traffic to the affected areas.

The desired state for Council is to put in place strategies that have a restorative effect on the space, noting that once damage has incurred that it is then more difficult to return a site to its previous state.

If a space, in this case the turf in the Park (and to an extent the turf zone in the Gully) is allowed to deteriorate in condition it will then move into the Precautionary Buffer. This is where we start to see obvious signs of degradation. Once these signs of degradation are observed we have passed the carrying capacity for the turf. The aim of Council is to ensure we don't enter this phase. At this point confidence in the fit for purpose state of the space is affected.

During this degradation process the fit for purpose nature of the space has been decreasing, to the point where it reaches the Ecosystem threshold estimate. This is the ultimate threshold for the space. Beyond this threshold is irreparable damage. This is the Undesired Regime.

Council will use this strategic model to understand, monitor and explain management decisions, the aim being to manage up to the threshold of each of its open spaces, including specific components of Tamarama Park and Beach. Strategies and decision points will be implemented to ensure that our spaces remain in a desired and fit for purpose state.

3.7.4. No Net Loss (NNL) of Open Space

The New South Wales Government supports the concept of No Net Loss (NNL) to open space and diversity through its Biodiversity Offsets Scheme.¹⁰

Definition of No Net Loss of Open Space

The point at which the impacts on any given environment, biodiversity or community value are balanced by measures taken to avoid and minimise the impacts or to offset significant residual impacts, if any, on an appropriate geographic scale.

The concept of no net loss is an overarching guiding principle for estate and open space planning and management. It can be applied to the many components of open space and their management. Further, it can be applied to the provision of open space as well as an approach that aims to neutralise negative environmental impacts from human activities.

No net loss is achieved through:

- Environment protection.
- Creation of new open space.
- Restoration, enhancement, and management.
- Education, research, and information.

¹⁰ Department of Planning and Environment, viewed 15/09/2023, <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme>

In its environmental application, the concept of NNL is governed in Australia through the Federal Government's *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, Environmental Offsets Policy, which seeks to "improve or maintain the viability of matters of national environmental significance" and whose application is triggered by "dynamic scenarios, usually declining" to provide offsets to replace lost environmental values.

In New South Wales the legislation governing development on Crown Land is the *Biodiversity Offsets Scheme*, which uses a transparent, consistent and scientific approach to assessing biodiversity values and offsetting the impacts of development on biodiversity.

The Biodiversity Offsets Scheme (BOS) is based on the 'avoid, minimise, offset' hierarchy.

Using the hierarchy proponents must:

- i. First consider whether the development can avoid a negative impact on the environment:
- ii. Next consider whether the development can minimise any negative impacts that cannot be avoided:
- iii. Once all reasonable steps to avoid or minimise environmental impacts have been exhausted, consider whether any remaining impacts can be offset.

Waverley Council, in considering the management of Crown Land in the municipality, is guided by the principle of No Net Loss. This does not imply that development is forbidden, but rather aims to ensure that when considering an embellishment to crown land, an assessment of the proposed development is required to determine whether the proposal supports the core purpose of the open space and provides community benefit in line with the desired use of the open space. For example, Tamarama Park was set aside by the State Government for the purpose of "public recreation". When considering the merits of any embellishment or development within the park Council and Crown Lands will consider if the embellishment or development will support "public recreation".



Site Analysis

4

4. Site analysis

The following chapter brings together information gathered from site investigations and specialist reports. The chapter has been organised into major themes:

- Design and setting
- Getting to and around the park
- Playing and relaxing
- Enhancing the environment
- Community, history and culture
- Management and maintenance

4.1. Design and setting

This chapter provides an analysis of the site's visual and physical characteristics. Such characteristics are considered to be defined by the design of spaces and buildings, planting types and design, and the types of materials used. People's experience of the place is also considered. Consequently, safety, community values, views and landscape setting are also considered to characterise a site.

4.1.1. The setting

Tamarama Park and Beach is located in the suburb of Tamarama and occupies a relatively small area of 0.3km² with Bondi to the north and Bronte to the south. The first recorded name for the area we now know as Tamarama was in the 1830s when it was identified on a military map as Gamma Gamma. Rock shelters along the coastline, fresh water from the natural stream in Tamarama Gully and the ocean provided an abundant source of fresh seafood. Local midden deposits with an accumulation of shell food refuse and evidence of fireplaces attested to the level of food available.

The topography of the local area – a long, narrow creek valley opening onto a narrow beach between two rocky headlands and sandstone walls – provides the park with a sense of enclosure. This is enhanced by the dense, ridge-top

residential development that encloses the park on three sides. The design of some houses on the northern side of the gully is such that they appear to be suspended above the park.

There is no formal car parking available except for an accessible car park at the bottom of the access ramp into the park. Street parking along Pacific Avenue and Tamarama Marine Drive is used.

4.1.2. Landscape character

Tamarama Beach & Park is characterised by its coastal location with predominately medium to low density residential dwellings on an undulating topography. Tamarama lacks a commercial centre or neighbourhood centre but is in walking distance to ones located in Bondi and Bronte.

Tamarama's unique topography and size consists of a variety of areas with distinct landscape characters. The characters lend themselves to various recreational uses, and consideration of these characters in planning and design is essential in reducing conflicts between users.

The park divides into two parts: the protected north-western area focused internally onto the vegetated slopes and floor of the Tamarama Gully, and the open south-eastern area exposed to the elements oriented towards the beach and ocean.

Figure 4.1 illustrates the landscape character areas of Tamarama Park and Gully. These areas are generally well defined by topography and site elements, such as planting and pathways. The areas suit various uses such as picnicking, relaxing, walking, dog walking, or informal ball games, exercising and beach and ocean activities. The site is defined by three landscape character areas: Tamarama Beach, Park, and Gully. These areas are described below.

Beach

Although the beach below Mean High Water Mark is outside the park boundary, the characteristics of the beach as a whole are important to its management.

Tamarama Beach is located between two prominent sandstone headlands with rocky sides, extending west to the concrete promenade. The beach is a relatively short and flat stretch of sand that is deeper and wider (120 metres) than it is long (80 metres).

The surf at Tamarama Beach is fickle and often dangerous, with two notorious rips at either side of the bay. The notorious Bronte Express rip is on the south side along the rocks. Tamarama Beach is considered one of the most dangerous patrolled beaches in NSW, with more rescues per 1,000 bathers than any other beach in Sydney. The beach is supervised by Waverley Council's lifeguard service seven days a week from September to April. This service is supplemented by lifesavers from Tamarama Surf Lifesaving Club on weekends. The Waverley Council lifeguards operate from a viewing tower located on the beach, while the Tamarama Surf Lifesaving Club operate from their clubhouse at the northern end of the beach. The dangerous beach conditions discourage parents with young children. The beach is often closed to swimmers because of the dangerous surf dynamics, but these conditions tend to attract surfers.

Tamarama Beach generally complies with beach pollution guidelines set out by the Department of Planning and Environment. Tamarama Beach is rated as "Good" according to the beach suitability grade, meaning it has good microbial water quality and water is considered suitable for swimming most of the time. However, swimming should be avoided during and for up to one day following heavy rain¹¹. This rating has been stable over the past years.

The former creek line is now captured in storm water infrastructure that collects water from the surrounding

¹¹ State of the beaches 2019-2020, Department of Planning & Environment, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Beaches/State-of-beaches-2019-2020-statewide-summary-200302.pdf>



Figure 4.1 Design and Setting - Existing Conditions

streetscapes and gully water fall and pipes it under the gully, park and out to sea via a concrete culvert along the base of the southern cliff line. This is one of several stormwater ocean outfalls including one at Bronte Beach and two at Bondi Beach.

Park

The park is the relatively flat, grassed area enclosed by the promenade and the coastal drive that curves through Tamarama Park to the east and sandstone retaining walls that wrap around the sides and back of the park from north to south supporting the elevated local road above.

The park consists of a large lawn and garden beds with a simple path network providing access to public amenities such as the SLSL storage building, toilets, café kiosk, a playground, BBQ and picnic shelters. The park is connected to the beach via a promenade and links up with the Tamarama Surf Life Saving Club (SLSL) and fitness equipment via steps where panoramic views of the ocean and beach can be appreciated.

The soil beneath this park area is sandy, reflecting the fact that Tamarama Beach originally extended some distance further inland close to Pacific Avenue. Maps and photographs from 1931 show the extent of the beach westwards.

The topography of the park has been highly modified having been lifted above the beach by the introduction of the concrete promenade and low retaining walls in the late 1800's, that now separates the park from the beach, and sandstone retaining walls that wrap around and define the other boundaries of the park. This combination of retaining walls has created a mostly level park area that has a very gentle slope from the rear towards the beach. The park has been known to flood to the base of the rear sandstone wall. Sandstone cliffs surround the park on its north-east and south-east sides.

Gully

The gully is a steeply rising, funnel-shaped amphitheatre. Native and introduced species form its heavily-vegetated edges between Tamarama Marine Drive and the surrounding ridge-top residential development.

- Upper Gully: is heavily vegetated with trees, weeds and large boulders/ rocks. Access is limited except for a steep and narrow dirt path leading to a natural viewing spot at the top of the slopes, which offers distant views of the ocean towards Tamarama Beach.
- Lower Gully: has a gently sloped broader valley floor and greater connection to the picnic area and ocean. The Lower Gully has been highly modified with areas of significant fill introduced into the original creekline gully. This fill lifted the floor of the gully several metres above its original elevation, essentially raising to meet the level of Tamarama Marine Drive and creating an undulating open grassed parkland in the gully floor.

Stormwater entering the Park via a steep descent from Birrell Street, Wonderland Avenue and Illawong Avenue merges to form a waterfall at the base of the western gully escarpment. A natural drainage line transfers stormwater through an encased underground culvert from the base of the escarpment, flowing down a gentle slope in the gully to a discharge point at the southeastern end of the beach. Several metres of fill have enclosed the former natural stream underground within the gully and park zones.

4.1.3. Views & Sight Lines

The visual quality of Tamarama Park is established by its narrow and steeply sloped valley topography overlooked by residential development and sweeping views down to the enclosed beach nestled between two headlands. The park also offers significant views from the elevated coastal walk and dramatic views of the coastal cliff line and ocean. Just as the visual character of Tamarama Park is influenced by these elements, the future use of the park also has the potential to impact on its visual character and qualities. All views tend to focus on the valley and the ocean beyond the beach.

Prominent viewing points are at the beginning of the paths that enter the gully from the surrounding residential areas, and from nearby houses and flats. Other views to the park are from the headland as one enters Tamarama Park from either the north or south by the Coastal Walk, road or footpath.

The vegetated upper slopes of the gully area help to soften the visual impact of most of the surrounding residential development while still allowing residents filtered and framed views of the park, beach headlands and ocean beyond. This green backdrop is highly valued landscape feature residents want protected and enhanced.

Prominent visual elements include the Tamarama Surf Lifesaving Club building on the northern rock outcrop, and the large residential building at the head of the gully. The kiosk and toilets, and to a lesser extent the picnic shelters, are also strong visual elements. The roadway and sandstone wall also create a strong visual impact, carving Tamarama into two distinct halves.

In the lower park, views from the park to the ocean are filtered between trees and lower shrub vegetation that help to provide respite in the form of shade and wind breaks to park users.



Image: Elevated views from the Coastal Walk looking southwards toward Bronte

4.1.4. Park and planting design

Mown grass covers most of the park zone with vegetated garden beds strategically positioned to discourage users from short-cutting through the park along desire-lines. These garden beds are generally planted with coastal species tolerant of the salty and windy environments. However, large gaps within the vegetation are apparent with plant die-off potentially caused by users trampling through the garden bed.

Front line garden beds above the promenade wall require replanting due to periodic inundation from storm surge events which deposit large amounts of sand on the promenade and garden bed areas.

Both upper and lower managed landscape spaces are irrigated via the stormwater harvesting system as outlined in section 4.4.5. Sustainability.

The Norfolk Pine trees currently planted in the park were a nod to the mature Norfolk Pines that were removed to make way for the coastal drive corridor built in the 1930s. Historical data shows these trees were used for landmarking by seafarers and were culturally important.

More recently work has been undertaken to naturalise the setting of the gully landscape, defined by managed lawns in the basin and remnant vegetation on the southern slopes. Areas of remnant vegetation are slowly being revegetated in accordance with the ERAP.

4.1.5. Built form

Beach

The few built structures adjacent to the beach comprise the tower, promenade, culvert and stairs that connect up to the coastal walk and SLSC. The SLSC sits in the prominent position on the northern headland overlooking the beach

The Tamarama Surf Life Saving Club (SLSC) building includes a hall, kitchen, male and female toilets and showers, caretaker's residence, storeroom, and members' clubroom.

Constructed in the 1940s and extended since then, the building was not well laid out for the club's equipment storage needs and requires maintenance. Because the building is situated on the headland with no road access or direct access to the beach, some rescue equipment is stored in a separate storage facility in the park close to the beach vehicle access ramp.

The club has requested upgrades to its facilities and a DA was approved for its proposed works in 2015. Construction for the redevelopment of the SLSC to improve amenities to cater to the needs of modern lifesaving, public education and engagement with the community is due to be completed in 2023. This upgrade will provide the club with a modern building with the following upgrades:

- Improved facilities for female members
- Improved vantage points for beach surveillance during patrols
- Improved environmental sustainability
- Additional storage space for rescue equipment
- Improved areas for education and training activities such as First Aid courses
- Offer broader use by community groups and members of the public
- Reducing acoustic bleed to neighbouring properties

The lifeguard tower is a permanent, well-located facility for lifeguards to monitor activity on the beach. It is constructed of stainless steel and timber, and was upgraded in November 2000. The building lacks some essential features, including toilets. This means lifeguards need to leave the tower to access facilities at the amenities building. Currently breaks are coordinated between staff to ensure the beach remains actively patrolled.

The picnic shelters in the park do not reflect the design language or materiality of other infrastructure treatments within the park. Moreover, multiple picnic settings arranged tightly in a quadrant divided by solid walls contribute to a bulky appearance and compromise the flexibility of use.

Park

The current combined amenity and kiosk building located in the south west corner of the park was completed and opened to the public in 2013. It is used as a food and beverage outlet, parks and bushcare maintenance equipment storeroom, and lunch room for outdoor staff. The building also houses park amenities such as changing rooms, showers and toilets for males and females and an accessible toilet. This building has replaced the old and dilapidated kiosk, which was located at the north east corner, which the storage facility now occupies.

The storage facility is mainly used for equipment storage for the SLSC but also houses a secured bin store at the back along the escarpment together with a dedicated space for first aid treatment that complies with current health regulations. First aid for park visitors may be needed daily and can range from treating major spinal injuries to relatively minor injuries such as a cut foot.

Both the location of the kiosk and storage facility sit on the edge of the park along the escarpment, thereby maximising views and green spaces, and allowing the varied activities in the park to take centre stage.



Image: The kiosk building

4.1.6. Urban furniture/materials and finishes

Bubblers are located at the toilets, Barbecue and at the surf club. Garbage bins are positioned throughout the park.

Dog-waste dispenser bags are provided at two locations along the Coastal Walk: one at the Four Ways path interchange near the surf club, and the other at Tamarama Marine Drive.

Aris rail white fencing defines the upper edges of the park along Tamarama Marine Drive.

Contemporary stainless steel balustrades have been used at the kiosk and along parts of the promenade. The design ties into other balustrading used along the Coastal Walk to provide a consistent language of materials and design.

Older galvanised pipe and rail fencing still exists along some of the upper paths and walkways. This will be replaced overtime as facilitates are upgraded. Pathways, stairs and ramps throughout the park allow entry and circulation.

There are three quadrant-style picnic shelters located in the park. They are sturdy and in good condition, and are divided into quadrants by lower internal walls. This works well for smaller groups but limits larger group use requiring users to mingle around the edges of the structure, impacting the surrounding turf. In 2017 the picnic shelters where refurbished, including the addition of a 1.0m wide sandstone paving band around the outside of each shelter to manage the wear and tear on turf areas. When the current Barbecues require replacement they will be replaced with accessible Barbecues to support use by visitors with mobility devices.

The recently upgraded fitness station is located near the SLSC and is part of a series of fitness stations that have received upgrades along the coastal walk.

The playground is located at the north-west end of the park in an area defined by softfall surfacing. It consists of a

slide, rope play, poles and climbers integrated into a single multiplay unit. A swing set is also popular with the children visiting. A shade sail supported by large poles provides canopy over the playground while 5 benches and seating walls are placed along the perimeter, which help define the playground from the lawn area.

When it comes time for renewal, the playground will be upgraded in accordance with Waverly Council's Play Space Strategy and Inclusive Play Space Study.

A symbolic, continuous fence / wall or eruv has been erected around the beach and park to allow the Jewish community to enjoy leisure time on the Sabbath. The eruv is a continuous linking element of wire fencing.

The only park furniture in the gully are paths, information and wayfinding signage, picnic settings, seats, a water bubbler and garbage bins.




Image: Seats along the promenade

4.1.7. Lighting

There is pole-top lighting throughout the park. Lighting is positioned along pathways and beside picnic sites and the beach periphery. Areas along the gully stairways and footpaths are sporadically illuminated by Ausgrid light poles leaving areas poorly lit.

4.1.8. Safety

The Park is generally perceived to be safe as it has regular passive surveillance from park users, lifeguards and adjacent residential properties. However, the lack of lighting and passive surveillance may be of concern to some users over perceived safety within the gully and especially within the sloped areas.

Many of the staircases in the upper gully require maintenance and upgrades, including Birrell Street, Wolaroi Crescent and Carlisle St stairs. Upgrading these staircases will provide much enhanced, safe accessible access for all users.

A narrow access path within Tamarama gully along the back of properties on Wonderland Avenue leads to wooden steps that crumble into the gully. There is a significant amount of rubbish along the gully side of the path and smell of urine which makes it uncomfortable and unsafe. Although this may not be used by the general public, the path falls within the Park and therefore must be managed by Council to ensure safety and amenity.

4.1.9. Key Challenges

- Uneven lighting along paths in gully
- The style of railings within and around the park are inconsistent
- Some paths and and staircases need upgrading to improve accessibility and safety.
- There is no alignment with the planting throughout the park. An endorsed planting palette created with the adjacent remnant vegetation in mind would provide guidance to operations staff when planting new plants to replace the old



Image: Tamarama Park

4.2. Getting to and around the Park

This chapter looks at the various modes of transport to and from the park; entry and exit points; and wayfinding and circulation in and around the park. Refer to Figure 4.2 for the location of paths, entries and routes of travel.

4.2.1. Getting to the Park

Mainly due to the local topography, Tamarama Park is not as easy to access as other coastal parks in Waverley. However, public access to the park is possible via foot, vehicle and public bus. Various pedestrian paths and a vehicle driveway allow pedestrian and vehicle access into the park.

Walking

Pedestrians can reach the park from access points on the edge of the gully or from the Coastal Walk. There are 10 formal pedestrian access points by ramp and/or stairs into the park from:

- The Coastal Walk by the surf club.
- Birrell Street at the top of the gully via Green Links from Bondi Junction.
- The eastern end of Pacific Avenue.
- The centre of Pacific Avenue.
- Driveway off Tamarama Marine Drive.
- Steps from the bus stop on Tamarama Marine Drive.
- Off Tamarama Marine Drive to the south of the park.
- Wolaroi Crescent.
- Ashley Street.
- Cross Street.
- Carlisle Street.

There is no clear hierarchy between the entry points, however, access into the park from Birrell Street, Tamarama Marine Drive and from the Coastal Walk is generally the most popular entry point due to its connectivity to local footpath networks. Although there are numerous entry points into Tamarama Park and Beach, disabled pedestrian access is not available due to the steep topography. The

pedestrian crossing completed as part of the Tamarama Marine Drive Upgrade has improved connectivity between the upper and lower Parks and access to public transport stops. To cater for the significant amounts of pedestrian traffic along Tamarama Marine Drive the footpath has been widened and the bus stop has been relocated, improving access and circulation to entry points in the park.

Public transport

Sydney Buses services Tamarama Park directly via bus. The route acts as a loop, departing and returning to Bondi Junction Interchange via Tamarama. This service links the park into the greater Sydney rail network. However, this service is infrequent as it is operated in 30-minute intervals. The bus stops at shelters located on either side of the Tamarama Marine Drive and Pacific Avenue road bend.

Public transport users can also take alternative buses to the end of Birrell Street, then enter Tamarama Park and Beach through the access steps.

Cars and parking

Vehicles can approach the park from the north via Pacific Avenue and from the south via Tamarama Marine Drive.

Visitation by car relies on the availability of on-street parking along Tamarama Marine Drive, where there are no time restrictions. However, residential parking schemes apply in surrounding streets, limiting visitation to 2hrs; there is no metered parking. If no space is available along Pacific Avenue and Tamarama Marine Drive, visitors park their vehicles in surrounding streets including Gaerloch Avenue and Dellview Street, which is a significant issue on peak summer weekends and during special events. Visitors parking in surrounding streets make it difficult for resident and guest parking, and sometimes results in illegal parking across driveways and in restricted zones. There can often be a walk of 10 to 15 minutes from vehicles to the Park.

There are conflicts between visitors who arrive by car

and local residents who oppose further visitor parking. A proposal to introduce parking meters in local streets is generally opposed by residents.

There is one accessible car parking space in the park accessed via the service driveway along with a short-term loading zone for vehicles making deliveries to the kiosk and SLSC storage facility.

Bike routes

A mixed traffic route runs along Tamarama Marine Drive and Pacific Avenue, around the park. This route forms part of the coastal cycleway identified in the *Waverley Bike Plan 2013*.

Access for bicycles to the park is via the driveway off Tamarama Marine Drive. Bike Racks are provided adjacent to the kiosk.

4.2.2. Getting around the park

Walking and cycling

Pedestrians enter the park via one of the defined entry points and walk down stairs and/or a ramp into the gully, the park or onto the beach.

A concrete sea wall and promenade provide a clear edge between the turf and garden beds of the park and the sandy beach. It also marks the continuation of the Coastal Walk. The promenade at the back of the beach is the widest pedestrian path within the park.

People using the Coastal Walk from Bondi arrive via a narrow path adjacent the SLSC and are sometimes uncertain about where to go once they have entered the park, resulting in some walkers cutting across the turfed area and creating premature wear and tear of the grass. Informal desire lines are evident in the park, for example between the steps from the bus stop across to the kiosk and amenities. Where practical, pedestrians should be encouraged to use the pathways. Over the past few years, Council has addressed this by introducing low garden fencing along the edge of the garden bed and shared path as well as increasing



Figure 4.2 Getting to and Around the Park- Existing Conditions

the plant density within the garden bed. This has been successful in reducing foot traffic on the lawn by guiding users onto the pathways.

Users must navigate the lawn to the northern picnic shelter and playground as there are no existing paths that provide access. The southern picnic shelter has path access and is closest to the Kiosk building with toilet facilities. This path is relatively flat and provides an accessible connection to the accessible parking in the park. The Barbecue facilities are not accessible and not connected to the existing path network.

Universal access

Access to the park is not universal as it is mainly via steep stairs and ramps. There is no beach, park or gully access for people with disability that meets Australian standards for access. These standards require a 1:14 maximum grade with handrails, tactiles and a level landing every nine metres.

The only access to the park for people with disability is by utilising the single accessible car parking space provided in the lower park, accessed via vehicle down the service driveway.

Access to the gully for people with disability is only possible from Tamarama Marine Drive to the lower grassy slope. However, there is no accessible car parking space at this location and visitors would need to be dropped off or arrive via public transport.

Guided by Waverley Council's Disability Action Plan, the previous Plan of Management has identified the need to improve accessibility for mobility impaired people, wheeled mobility devices, and pram users into the Park. The resulting actions were to:

- Carry out a detailed feasibility analysis of the options for compliant access to Tamarama Park
- Construct the identified preferable option for access to the park

Council engaged access consultants to review accessibility

across the park and provide options for Australian Standard compliant access. However, due to the significant level difference between the Coastal Drive and the Park, a 41m long ramp would have been required. The construction of such a ramp would have a negative impact to the existing sandstone wall and would occupy significant amounts of space within the already constricted park setting. The least intrusive option was for wheelchairs to dismount from a vehicle at a new accessible parking space at the bottom of the vehicular access ramp which then connects to compliant pathways within the park. These upgrades were completed in 2014 as part of the construction works to the new kiosk building.

Handrails are absent along most stairs and ramps within the park. Users requiring support from handrails are forced to use the guard rails instead, which may not be at a comfortable height to be gripped securely for support. Considering the narrowness and steepness of some ramps, some users may find it difficult or dangerous to access the park. At present the only location with compliant handrails are at the stairs between the kiosk/ promenade and the stairs at the centre of the promenade. These locations also have compliant tactiles (tactile ground surface indicators).

Vehicle access in the park

Vehicle access is possible for the following purposes:

- Beach: surf club vehicles, emergency vehicles and maintenance and cleaning equipment.
- Park: kiosk deliveries, accessible parking and emergency vehicles.
- Gully: for official vehicles connected with special events and maintenance vehicles.

Delivery vehicles to the kiosk and garbage trucks experience difficulty with entry and egress due to the traffic volume and speed on Tamarama Marine Drive and the narrowness and steepness of the access driveway. A recent park upgrade in 2013 as part of the works to improve accessibility has provided a new turning space and loading area at the

bottom of the driveway.

The loading area provides direct access to the SLSC storage facility and generous space for emergency and maintenance vehicles to manoeuvre, load and off-load goods and equipment. It then connects with a pedestrian path network, demarcated only by two fixed bollards. When the loading area is in use, this arrangement causes considerable user conflict between vehicles and park users coming down from the path that connects with the SLSC. Although park users are encouraged to use the path along the promenade to access the park, many users often shortcut up towards the driveway as it presents a stronger desire-line.

Towards the end of the driveway is an access ramp that allows maintenance vehicle onto the beach. This ramp intersects the point at which the promenade meets the pedestrian path.



Image: Shared pedestrian and vehicular ramp

Signage and wayfinding

Tamarama Park and Beach has an existing suite of signage which was installed in 2017. These signs are in line with Waverley Council's *Public Domain Technical Manual* which outlines standards of consistency in furniture styles across all parks in the LGA.

Park welcome signs are found at all pathway entries to the park. Figure 4.2 illustrates the locations. These signs provide a map showing the current location and places of interest in the park, a brief description, emergency contact numbers and information on prohibited activities. Some signs are double-sided and provide additional information on heritage or historical events of Tamarama Park.

Two Beach Safety and Regulation Signs are provided along the promenade outlining prohibited activities on the beach and the dangerous currents/rips that frequently occur on Tamarama Beach. These signs are in line with the National Aquatic and Recreational Signage Style Manual developed by the Australian Water Safety Council and Royal Life Saving Society Australia to ensure a consistent approach and standard to beach safety signage across Australia.

Beach

The beach can be accessed by stepping down from the promenade off the stormwater culvert for pedestrians or through the beach ramp for vehicles.

A set of concrete stairs built over the edge of the sandstone cliff connects the SLSC to the northern end of the beach and Lifeguard tower. From the kiosk, a set of stairs from the patio connects to a path that leads to the southern edge of the beach. This path occupies the top of the stormwater outlet. There is noticeable damage to the edge of this path, possibly by wear and tear from storm surges.

Accessing the Gully

The main access into the gully is through the southern path at Pacific Avenue and Tamarama Marine Drive, which eventually connects to Birrell Street via steep stairs. Along this path, minor access points in and out of the park occur at Ashley Street via steps, and Wolaroi Crescent via a series of steps and ramps. Aside from the main path along the lower gully being in good condition, all other paths and stairs are in varying conditions.

Birrell Street – The main stairs along the southern boundary appear to be in fair condition although signs of age, wear



Image: Birrell Street stairs

and tear are evident. Stair edging has broken off, exposing the side of the stairs and the lack of sub-base. As a result, soil erosion is occurring underneath the stairs. The staircase and zig-zag ramps that connect to land-locked properties along the Birrell Street Road Reserve are reaching the end of their serviceable life and need to be replaced in the coming years.

Ashley Street – Access into the Gully Park is through a set of narrow concrete stairs. The stairs abut property walls on the east and are heavily shaded by dense bamboo plantings on a slope to the west side. Between the top of the stairs and Ashley Street, a narrow concrete landing extended with uneven brick paving leads to the kerb and gutter with no sidewalk connection. Immediately beside the landing, a concrete drainage pit lid is loose and appears to be shifting down the slope, possibly due to the leaf litter accumulating in the drain. No street lighting is present along this route. Leaf litter is seen scattered along the route. Compliant handrails are not provided along the stairs.

Wolaroi Crescent – Connects to the southern side of the Lower Gully through a series of stairs and landings. The stairs are constructed with sandstone blocks and landings with concrete pavers. They are in fair condition with only minor settlement issues which has led to uneven surfaces. Handrails provided along this route needs to be updated with current standards.

Carlisle Street – Connects to the northern side of the Lower Gully via the old sandstone steps built for the original Wonderland Amusement Park in the early 1900s. The stairs are constructed with sandstone blocks which are now worn and uneven. Due to its age, individual steps have varying degrees of settlement and heights with some covered in a thin layer of moss or lichen. Steep landings connect the stairs and are built with concrete paver which are in fair condition. Handrails provided along this route are not compliant with current standards. In addition, the timber steps connecting to the top of Carlisle street are narrow and need to be upgraded.

On the northern side of the waterfall's base are trails along steep sandstone steps and unmarked paths that lead up the head of the waterfall which rewards users a distant view towards the ocean framed by the large trees in the gully. The sandstone stepped trails are remnants from the former Fletcher Estate. The path navigates through narrow gaps created by large boulders and exposed tree roots where in some chapters are muddy and slippery. Despite the presence of rubbish and broken glass along the path, it offers a "bush walk" experience in a natural setting and provides some respite for visitors from the surrounding urban environment.



Image: View to the ocean from the waterfall lookout in the Gully

4.2.3. Key Challenges

- Access into the park from the Coastal Walk is congested during high visitation periods. At about 1.5m wide, the current path does not allow 2 people to comfortably pass each other.
- Wear and tear to the lawn caused by high visitation especially during Sculpture by the Sea.
- Handrails missing or not compliant at stairs and steep ramps making it hard for users that have lesser mobility to access the park on foot.
- No path access to playground forcing prams and wheelchairs onto the lawn, adding to wear and tear.
- Dilapidated stair access from Birrell Street stairs and ramps to the park and land locked residents is reaching the end of its serviceable life and needs to be upgraded.
- Other stairs in the Gully Park all require minor upgrades and repairs to improve accessibility.
- Rubbish and leaf litter have been accumulating in some of the lesser used access paths to the Gully Park.
- Minor upgrades and maintenance are required to pathways and access along the periphery of the park need to be addressed and managed.

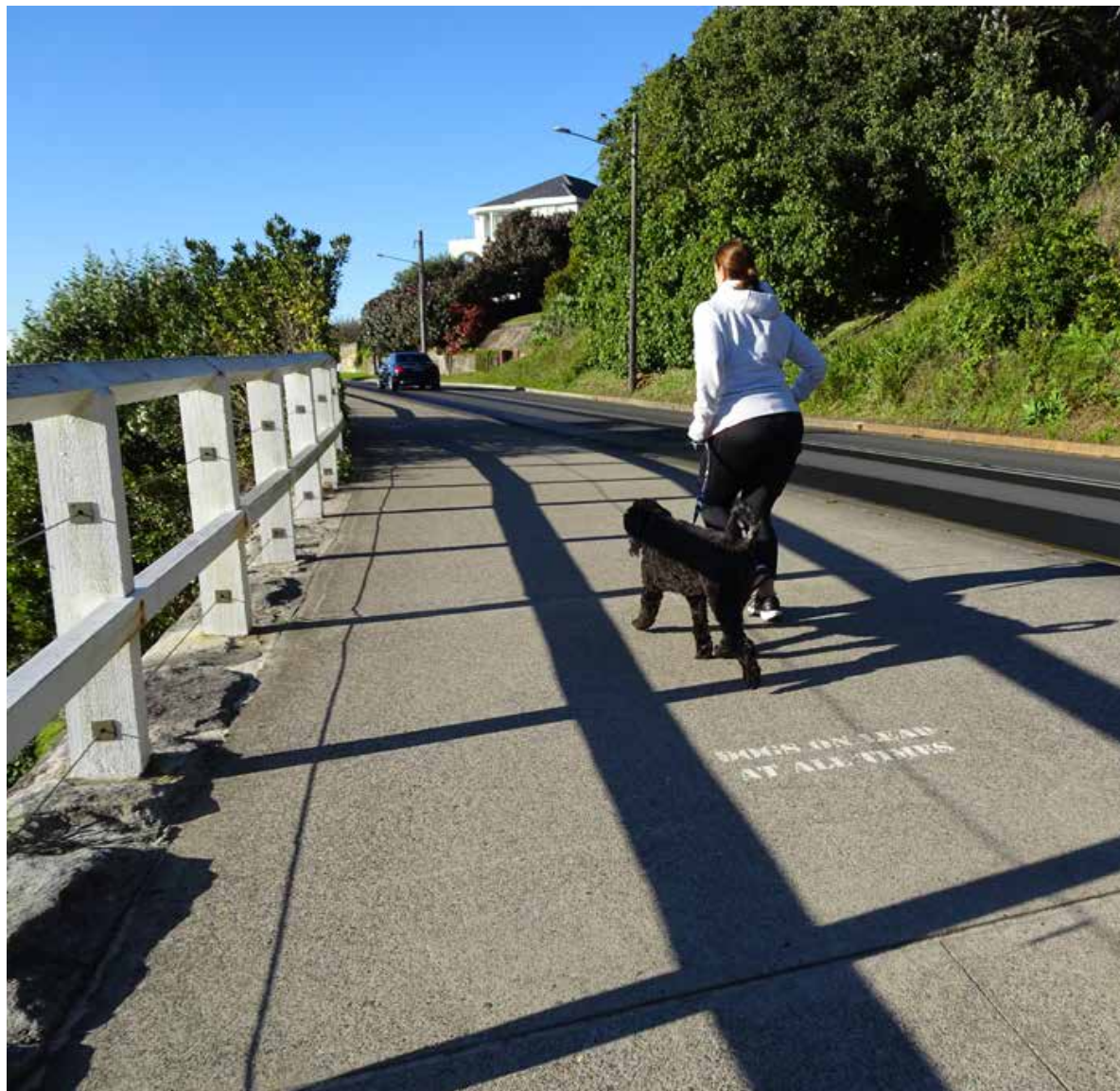


Image: The Park connects to the Coastal Walk via Tamarama Marine Drive

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4.3. Playing and relaxing

Tamarama Park and Beach are highly used spaces and support a variety of active and passive recreational activities such as beach volleyball, swimming, surfing, dog walking, walking, jogging, bike riding, picnicking, barbecuing, beach viewing, visiting the kiosk and relaxing. Refer to Figure 4.3 for the location of recreation facilities and park uses. Feedback from the *Tamarama Beach & Park User Survey 2022* indicated that the community appreciate the provisions at Tamarama, particularly the large passive open space in the Gully and the kiosk.

4.3.1. Recreation facilities

Important facilities in Tamarama Park that support recreation include:

- Tamarama Surf Lifesaving Club, located on the northern headland.
- Lifeguard tower, located on the sand at the northern end of the beach.
- Amenity block, toilets, accessible toilets and showers
- Kiosk café with outdoor seating.
- Four volleyball courts in a designated area. Players must bring their own poles and nets.
- 2 barbecues.
- 3 shelters with 4 picnic settings each.
- Seating along the promenade.
- Seats in the Gully.
- Bubbler.
- Fitness station adjacent SLSC building.
- Playground.

4.3.2. Recreation activities

Residents and visitors who come to Tamarama Park and Beach enjoy a range of passive recreation.

Some of the more popular beach activities are swimming, walking, dog walking, and beach volleyball. There is a growing demand for beach volleyball at Tamarama and for

dog off-leash to be permitted in the Gully.

Popular activities in the Park include picnics and barbecues, sun-bathing, social gatherings, exercising, visiting the kiosk café, informal ball games, children's play, and walking. Often, there are users that walk their dogs in the park, particularly across the lawns.

Parts of the Gully are heavily vegetated, and this offers opportunities for passive recreation including walking, exploring and bushcare activities, while the open grass spaces concentrated in the lower gully support dog exercise, informal ball games, picnics and relaxing.

Passive recreation

Tamarama Park and Beach is a popular destination and stop along the coastal walk for people to relax, enjoy the sun, outdoors and view of the beach and ocean. People also frequently use the park to socialise with friends and exercise.

Dog walking

Tamarama Park and Beach is a popular location for dog owners to walk their pets. Dogs are allowed on-leash on the Coastal Walk, footpaths and the promenade in the park as well as the large open lawn in the Gully. They are not allowed on the beach, in the playground near the barbecue or the turf in the Beach Park. This aligns with the *NSW Companion Animals Act (1998)* which prohibits dogs from a range of areas – whether on or off-leash – for public health and safety reasons, including playgrounds, Barbecue areas, and areas used for organised games.

The *NSW Companion Animals Act (1998)* also states that dogs must be kept on a leash at all times in public areas, unless otherwise designated. Currently, Tamarama Park and Beach does not have a permissible off-leash dog area. However, more recently it has been used regularly by the community as an off-leash area, the majority of owners being unaware of the regulations that are in place.

Dog bag dispensers are provided on the bin near the bus

stop off Tamarama Marine Drive. There is an opportunity to provide a designated dog off-leash area in the Gully, which aligns with community feedback in 2022. However, protecting vegetation along the slopes from dog activity should be investigated which will be important in establishing any new vegetation in the future.

Dogs off-leash is also very common within the promenade and the beach. Dogs can be observed running through the park and playing with other dogs as owners enjoy coffee at the kiosk. There has been some community feedback that uncontrolled dogs are impacting the environment and enjoyment of other park users.



Image: Dog walking in the Gully

Informal lookout at the Gully Waterfall

An informal path in Tamarama Gully follows a set of old sandstone steps which lead up to the head of the Tamarama Waterfall. Access to this path is near the base of the waterfall. It is not sign posted and is mainly used by local residents, bushcare contractors undertaking revegetation works along the upper slopes, or those that may be aware of the path to access a large boulder at the top offering panoramic views. This path is not regulated or maintained, and is affected by the erosion and emergence of debris as a result of historical illegal dumping activities.

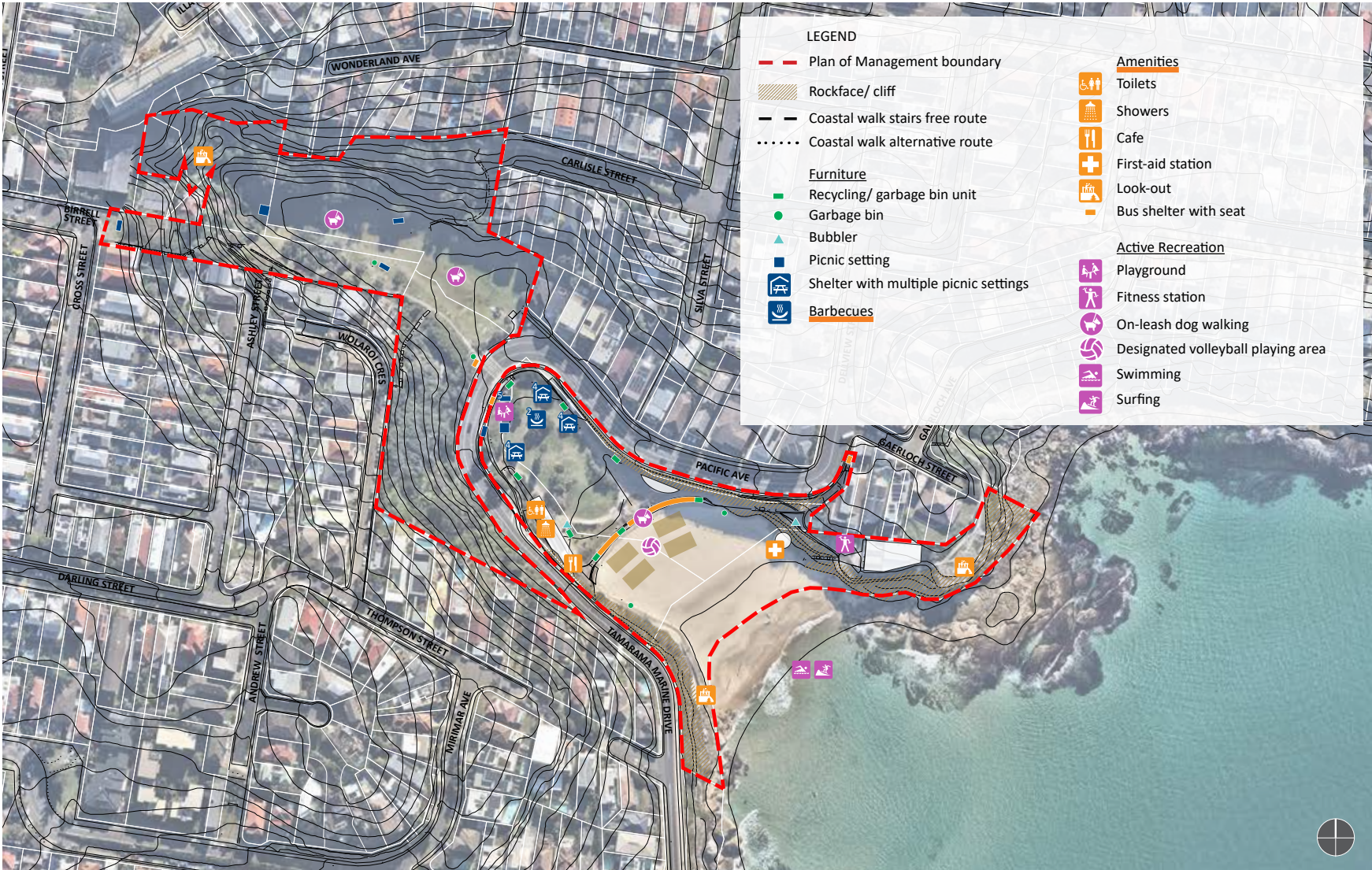


Figure 4.3 Playing and Relaxing- Existing Conditions

Swimming

Swimmers and surfers are often seen in the ocean at Tamarama Beach. In fact 60% of respondents on the Tamarama Park and Beach User Survey indicated they visit and swim in the ocean. However, Tamarama Beach often presents dangerous conditions for swimmers.

Surfing and paddling

Fibreglass surfcraft are prohibited in the flagged swimming area during surf patrol hours (8am to 6pm or 8am to 7pm during daylight saving) and throughout the swimming season from September to April to avoid conflict with swimmers in a small surf zone. Surfcraft are notionally prohibited at other times, but surfers do use the beach outside patrol hours, usually early in the morning and in the evening when fewer swimmers are around.

Volleyball

Volleyball courts are permitted to be set up at the western edge of the beach closest to the promenade. Court set up and usage is governed by strict rules including:

- A maximum of four (4) courts set up in accordance with policy and as shown in the arrangement diagram.
- No commercial activity/provider.
- No organised competition.
- No bookings taken.
- No vehicles may enter the park to unload or load equipment.
- Temporary nets only i.e. no permanent fixtures.
- Must not conflict with other beach users.
- Volleyball courts must be set up at the back of the beach as shown in the arrangement diagram.
- No more than four nets set up.
- Volleyball courts must not block any access points to the beach.

Due to conflicting interests within the community and the need to better manage volleyball playing at Tamarama, Council has conducted community engagement between Mar-May 2021 to provide feedback on current and future volleyball playing on Tamarama Beach (The full report can be accessed on Waverley Council's website). In summary, 88% of the community is supportive of the location and alignment of courts with 60% majority support to retain the 4 court arrangement. Council has taken community feedback and installed new signage with updated rules and regulations regarding volleyball on the beach.



Image: Tamarama Beach volleyball court arrangement diagram

Volunteer Surf Lifesaving

Tamarama Surf Lifesaving Club is a major beach user and community group. The club was formed in 1906 and is one of Sydney's oldest surf lifesaving clubs.

The club organises the following activities:

- Club patrol (lifesaving): Volunteer surf patrols to assist the professional lifeguards are carried out on weekends and public holidays from the end of September to the end of April from 10am to 6pm (daylight saving) and until 4pm (outside daylight saving).
- Club sport (Nippers and seniors): Nippers activities,

which includes teaching 5 to 14 year-olds beach and surf safety skills, are held on Sunday mornings from mid-October until March.

- Club training (first aid and lifesaving).
- Community training (ocean swimming and bronze medallion): the Tamarama Ocean Swim Squad, which is connected with the surf club, meets on Saturday mornings from the end of September to train for surf lifesaving, swim races or triathlons.

It is also a community facility available for use by the public to rent for activities, functions and meetings. The surf club building is used for club activities such as training, safety demonstrations, presentations and community lectures on beach safety. Weddings and other social functions for members are also held there. The 'Site See' photographic exhibition is held in the surf club building during the Sculpture by the Sea exhibition.

Walking

The *Tamarama Park and Beach User Survey 2022* indicated that walking is one of the most popular activities in the park. Tamarama Park is located along the popular Bondi to Coogee Coastal Walk, and the Birrell Street staircase forms part of Council's Green links Pedestrian Network, connecting Bondi Junction to Tamarama Park. Council



Image: Man practising yoga on the beach

erected pedestrian counters over the peak summer period from late December 2017 to beginning of March 2018. Data gathered showed that the main stairway and footpath from Birrell St to Tamarama Marine Drive (including local entry routes) received on average 7,500 users per week with a peaked of almost 11,000 users per week for the New Year period. Comparatively the Carlisle Street entrance received on average 1,700 users per week with a peaked of almost 2,200 users per week for the New Year period.

Picnicking and barbecuing

Utilisation of the barbecue and picnic shelters by social groups is common. Users tend to stay longer, and these facilities are often busy or at full capacity on the weekends. Instances of anti-social behavior in reserves are managed by Council Rangers.

Rangers have the power to give a direction to a person in a public place if they believe the person's behaviour or presence in the public place is obstructing another person, persons or traffic (refer LGA Act 93 – 680A (1)).

Council signage includes a general message about respecting other users of reserves and adjoining neighbors.



Image: Children's playground with shade sail

Exercising

Jogging along the coastal walk is a popular exercise in Tamarama. Joggers may pause at Tamarama to use the facilities or the kiosk. Some joggers use the Birrell Street stairs as a stair run and part of their fitness routine.

The fitness station has been upgraded in 2020 with coloured softfall, static push-up and pull-up bars along with an exercise information panel. A retaining wall comprised of a series of steps allow for flexible bench exercises, providing space for seating and a place to put bags and water bottles.

Children's play

Tamarama is a neighbourhood park with equipment for younger children (aged 4-10). It is identified as a park with long term priority in Waverley Council's *Inclusive Play Space Study* and is to be upgraded within the next 5 to 10 years once the equipment has reached the end of its serviceable life. The playground is not fenced and is defined by seating blocks placed along its edges. The boundary of the playground could be better defined by low planting.

In 2017 Council planted trees along the northern edge of the playground. These trees will provide shade over the playground in the long-term and the shade sail will be removed when the trees are established.

Events

Sculpture by the Sea is an annual free public art exhibit located in Tamarama Park and beach, Gaerloch Reserve, Marks Park and along the Coastal Walk between Tamarama and Bondi. The exhibit is open 24 hours a day for three weeks across October and November. It attracts approximately 450,000 to 500,000 visitors annually.

The park, promenade and beach form one of the key staging areas for sculptures during the event and southern starting point for many visitors attending the event. Temporary footings for the sculptures are installed to avoid damage

to rocks and grass. The gully is used to provide a temporary event compound for bump in and bump out activities as well as parking for event co-ordination staff. Marquees are erected in the park to sell merchandise and for use by sponsors. Tours of the exhibition are arranged for schools and corporate groups.

Sculpture by the Sea is planned 9 months in advance by the organisers and Council staff to ensure the safety of visitors and the appropriate location for each piece.

Other events can also be held at Tamarama Park provided they comply with Council's terms of use. Based on the Council's approved fees and charges, the approval for the use of Tamarama Park for one-off temporary events is based on the impact and time of the proposed activity as detailed under *Waverley Council Events Policy*.



Image: Picnic at one of the shelters in the park

4.3.3. Key Challenges

- Dog walkers not observing rules and regulations for companion animals. This causes wear and tear to turf in the park and conflict with other park users.
- Seats within the Gully lack hand rests to support people with mobility challenges and elderly visitors.
- Existing seats along the ramps on the Birrell Street are dilapidated and unusable.
- Lookout at the waterfall in Tamarama Gully is potentially unsafe with fall hazards and loose boulders. The informal path makes it difficult for council staff to access and maintain the space. There is an opportunity to improve the access and lookout through the installation of a National Parks style walking track.
- Not enough Barbecue units during peak visitation causing congestion and longer wait times to use the facility.
- Barbecues are not accessible or connected via an accessible path, along with the playground.
- Not enough ranger presence to enforce compliance with park rules and regulations.

4.4. Enhancing the environment

This chapter analyses the key natural conditions and assets of the site including microclimate, geology and soils, topography, hydrology, flora and fauna, and sustainability. Climate change is also considered as the major future challenge for managing the park. It is noted for context that the natural environment and setting (including views, open space, peace, and greenery/nature/wildlife) are the highest ranked community values identified through consultation received during the development of the *Waverley Open Space & Recreation Strategy* in 2020 and the plan of management engagement undertaken in 2022. Refer to Figure 4.4 for reference.

4.4.1. Climate Change & Microclimate

“Preserving biodiversity ‘as is’ may have been feasible in a stationary climate (one that is variable but not changing), but this will not be possible with the widespread, pervasive, and large ecological changes anticipated under significant levels of climate change. This makes the impacts of climate change quite unlike other threats to biodiversity.” —Dunlop et al. (2013)

All open spaces are facing challenges from a changing climate. All levels of Government recognise the serious threats posed by climate change. Evidence of slow-onset change has been mounting for several decades, and extreme weather events are intensifying. The most concerning of

these are heatwaves and subsequent bushfires, heavy precipitation, strong winds, storm surges and more frequent severe weather. Expected increases in average temperature, with more very hot days, reduced average rainfall and fewer rainfall days (with heavier rainfall), may lead to very large changes in the intensity of extreme events.

Extreme weather events over the past decade have already led to changes in the management of parks. Management interventions that were once periodic have become part of ongoing operations. The carrying capacity of Waverley’s open spaces are directly affected by the impacts of climate change, and the ability to sustainably maintain natural ecosystems within our open spaces will be challenged.



Image: The promenade covered in sand after a storm surge in 2022

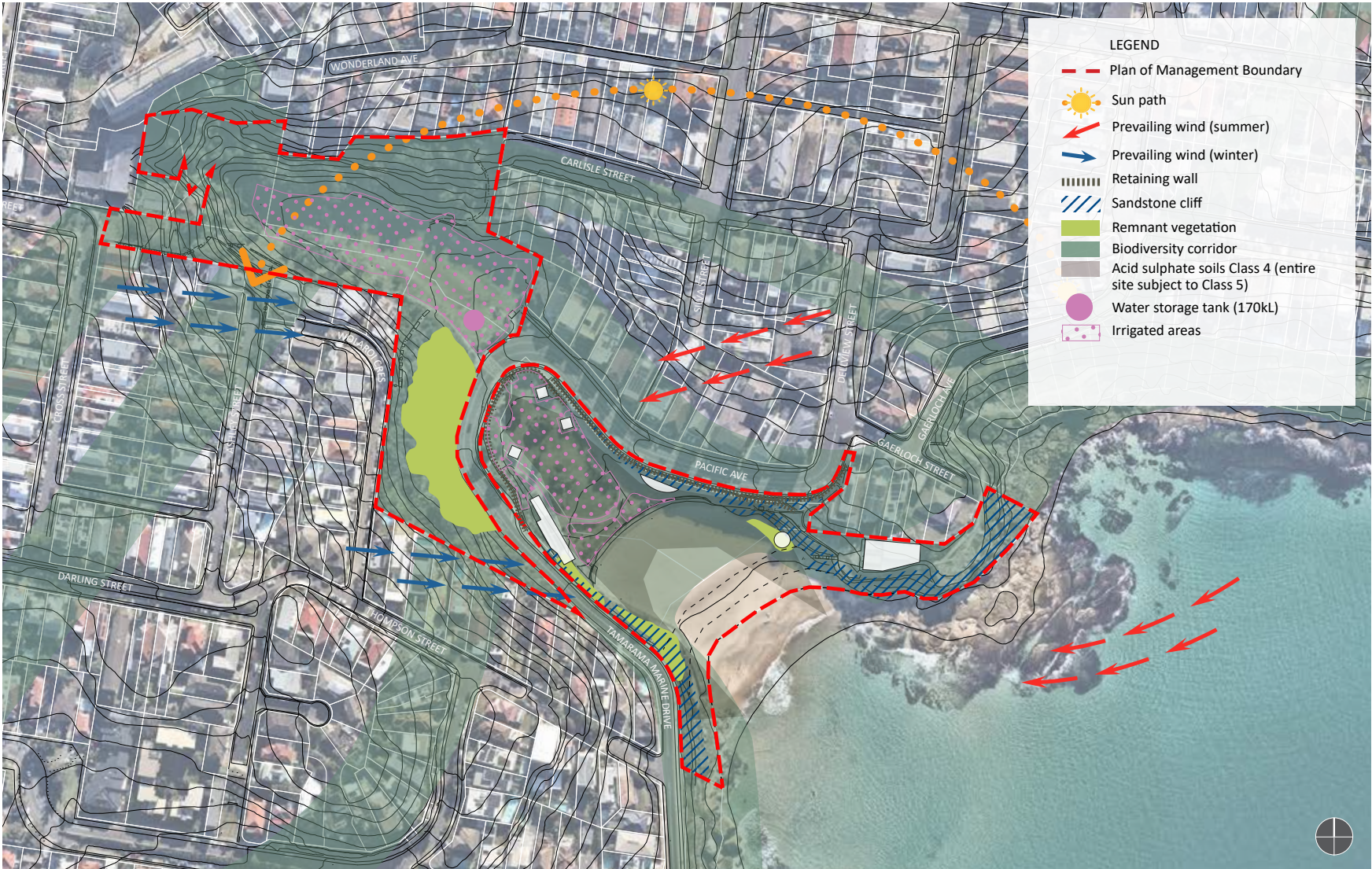


Figure 4.4 Enhancing the Environment- Existing Conditions

Council's park managers will face a high degree of complexity and considerable uncertainty in the future management of Waverley open spaces, particularly in the face of climate change. Council will use climate science along with the adaptive management model detailed in this plan to inform adaptive management strategies and programs, to ensure flexible and effective responses to emerging impacts from changes to climate.

An example of climate adaptation at Tamarama is the constant monitoring of plant health as they respond to extreme temperatures and changing climate conditions. This information is used to inform plant replacement strategies across the park and the LGA.

Beach & Park Microclimate

Sydney's climate has been generally temperate, with four reasonably discernible seasons.¹² First Nations knowledge tells us there are in fact six seasons in Sydney¹³. It is mainly sunny throughout the year with cool, mild winters and hot, humid summers. Sydney's mean annual rainfall is 1,212mm. Average temperatures range from between 14.13-20.3 degrees Celsius in winter, to 23-29 degrees Celsius in summer.

Tamarama Park and Beach is exposed to coastal weather systems with variable wind and sun conditions, which presents light sea spray, strong winds and heavy driven rainfall.

South-easterly winds prevail in winter and tend to blow through the funnel-shaped gully. However, the eastern side of the gully is protected from the cold southerly winds in winter. The prevailing wind direction in summer is from the north-east.

The southern side of the park experiences greater exposure to sunlight in winter than the northern side.

Average annual rainfall at Randwick (the closest meteorological station to Tamarama) over the 93 recorded years from 1888-2003 was 1,220mm within a range of 591-2,322mm.

4.4.2. Geology and soils

The underlying geology at Tamarama is Hawkesbury Sandstone which is clearly expressed in the cliff edges on either side of the beach and as sandstone outcrops and floaters within the slopes facing the sea and the gully.

Within the Waverley LGA, Tamarama Park and Beach is part of a narrow band of almost continuous open space that hugs the coastline, north to Diamond Bay and south to Waverley Cemetery. The coastline is made up of sheer sandstone cliffs, rocky points, coves and sandy beaches.

Beyond Waverley's boundaries, this coastal strip is connected north to South Head (under the management of Woollahra Council) and south to La Perouse (under the management of Randwick Council). Because of the high level of urbanisation of the Eastern Suburbs, the coastal edge provides the greatest opportunity for habitat and biodiversity connectivity for Tamarama Park.

There are three types of soils in Tamarama – Lambert (erosional) and Hawkesbury (sandstone) in the Gully and Narrabeen (marine) along the foreshore. Some small



Image: The Gully slopes

traces of Acid sulfate soils are also located in the Gully. In addition, there are soils of unknown origin which have been introduced through the area over the years. These are often the result of waste from neighbouring residence and illegal dumping activities. The beach area, including the grassed area contained by Tamarama Marine Drive, is sand that has been horticulturally modified.

4.4.3. Topography

The landform of Tamarama Beach & Park has undergone major modification since European settlement. This is a result of various activities that have taken place, from land clearing to provide access and residences, water storage and management to earthworks that allow road construction and numerous recreation uses. These activities have collectively shaped the current topography.

The current topography is very varied, ranging from very steep (>1 in 3 to vertical) in the gully, to almost flat behind the beach, and along the Gully floor. The axis of the park is north-west to south-east, so that slopes generally face either north-east or south-west, except for the slope below Wolaroi Crescent which faces due east. The upper gully park is separated from the lower park and beach by vertical retaining walls which wrap around and join the cliff lines on the north and south

4.4.4. Hydrology and services

Water is connected to the surf club, kiosk, bubblers, and amenities building. An automatic irrigation system operates in the park. An automatic rainwater irrigation system has been installed within the Gully and the Park as part of the works to implement the Tamarama Stormwater Recycling System. Excess stormwater not captured by this system runs via a large underground concrete pipe to exit into the ocean on the southern end of the beach.

A sewerage system operated by Sydney Water connects the toilet block to Sydney Water's main in Tamarama Marine Drive.

¹² Dunlop, M, Parris, H, Ryan, P & Kroon, F 2013, *Climate-ready conservation objectives: a scoping study*, CSIRO.

¹³ <http://www.bom.gov.au/iwk/calendars/dharawal.shtml>

A reinforced concrete stormwater culvert discharges to the beach during both wet and dry weather. Waverley Council has installed a stormwater quality improvement device / gross pollution control device at Tamarama Park. A gross pollutant trap is located under a manhole in the Gully. Council also conducts regular water quality checks that identify key pollution sources and assists in evaluating stormwater improvement initiatives.

The stormwater catchment area of Tamarama Park is 65.5 hectares. The park sits at the end of a sub-catchment of the narrow Eastern Beaches catchment. Stormwater entering the park via a steep descent from Birrell Street, Wonderland Avenue and Illawong Avenue merges to form a waterfall at the base of the western gully escarpment. A natural drainage line transfers stormwater through an encased underground culvert from the base of the escarpment, flowing down a slope of about 3% to 4% in the gully to a discharge point at the south-eastern end of the beach through an underground culvert. Several metres of fill have enclosed the former natural stream underground within the gully and park zones. The adjacent ocean is reputedly polluted by stormwater for several days after heavy, prolonged rain. In addition, localised flooding occurs at the base of the steps from Carlisle Street and on the Gully floor after heavy rain.

4.4.5. Sustainability

Sustainable living is one of the 'quadruple bottom lines' in the Waverley Community Strategic Plan. As listed in the Plan, our goals to achieve an ecologically sustainable local government area involve:

- Reducing greenhouse gas emissions and preparing for the impacts of climate change.
- Conserving water and improving water quality.
- Protecting and increasing our local bushland, parks, trees and habitat.
- Reducing the amount of waste generated.
- Facilitating best practice in waste management to

increase recycling and recovery.

- Keeping our streets, beaches and parks clean and free of litter, rubbish and pollution.

Tamarama Park and Beach have several features that contribute towards achieving the vision of a sustainable community including energy efficiency, and waste recycling.

Water harvesting at Tamarama Gully Park

Climate change requires that we think, act and adapt in a sustainable way. One impact of climate change is a shift in rainfall patterns and subsequent water shortages. Maintaining the lawn and garden bed areas to a healthy standard that supports recreation requires a lot of water. To reduce demand on our water system, Council has installed a state-of-the-art stormwater recycling system in Tamarama Park.

The system collects, treats and recycles polluted stormwater that would otherwise flow into the ocean. The clean recycled water is then be used for irrigating the park, bushcare activities and toilet flushing at the amenity building and kiosk. This helps improve water quality at Tamarama Gully and Tamarama Beach, whilst conserving drinking water



Image: Garden beds in the Park Zone

and saving money. Some of the key benefits include:

- Saving at least 14 million litres of drinking water each year.
- Keeping the park and gardens green.
- Reducing rubbish discharged and trapped within Tamarama Gully.
- Reducing pollution at Tamarama Beach.
- Improving irrigation at Tamarama Park.
- Improved water security in times of drought.

4.4.6. Fauna and flora

The methodology for management of ecological restoration work within Tamarama is established in Waverley Council's Tamarama Park Ecological Restoration Framework and Action Plan (ERFAP). Council's Tree Management Policy sets management frameworks and protections across the LGA, alongside Council's Tree Vandalism Policy.

Tamarama Marine Drive

The western slopes along Tamarama Marine Drive are the most important zone within the park in terms of flora and fauna, followed by the Gully and Park.

The vegetation along the western slopes of Tamarama Marine Drive has been identified by the Waverley *Biodiversity Action Plan 2021-2030* as containing "the most diverse native species of all patches of remnant vegetation" within the Waverley LGA. Its considerable size and formation enables the core of the remnant vegetation to be highly resilient, containing less than 5% weed cover. This remnant patch provides one of the larger extents of habitat for fauna within the LGA, and supports native species that are not recorded in any other patches within the LGA. Fauna such as the New Holland Honeyeater, Superb Fairy-wren and the vulnerable Grey-headed Flying-fox have been recorded on the site. The Action Plan concludes that the remnant vegetation is "largely isolated with limited connectivity to surrounding bushland".

Gully

The vegetation of the steeper gully provides an attractive green backdrop to Tamarama Park, as the gully forms a more natural bushland transition between Pacific Avenue and the surrounding residential area. The gully is a mixture of indigenous remnant species, exotic planting and weeds. Tree vandalism within remnant vegetation, associated with gaining views, is an ongoing issue in the Gully.

Due to the close proximity to surrounding homes and steep topography of the Gully, the slopes have over previous decades received illegal dumping of construction waste and litter. Weed species include morning glory, *Lantana*, *Buddleia*, canna lily, morning glory and coral trees are evident throughout the Gully likely as a result of garden escapees. The condition of bushland in the gully has improved in recent years as the result of ongoing Council maintenance works.

The central portion of the gully consists of mown grass. This area gradually rises to meet the steep slopes of the Gully. These zones are generally not used as intensively for recreation as other areas in the lower park and beach.

There is an opportunity for native vegetation to be planted along the edge of the managed lawn areas to define the boundary of this space and improve biodiversity outcomes in the gully. The bushfire risk of vegetation in the gully is rated low by Council and the NSW Fire Brigade.

Māori flax (*Phormium tenax*) was introduced into the Gully slopes around 1940s by the 28th (Māori) Battalion as they passed through Sydney. It has cultural significance to the Māori community as an important flax harvesting site for weaving and as a war memorial. Details on the Māori flax can be found in chapter 4.5 Community, culture and heritage.

Park

Plantings in the park are limited because of salt-laden winds with grass covering most of the park zone. Garden beds

are scattered throughout the park and have been planted with eastern coastal heath species such as *Banksia* spp, *Lomandra longifolia*, *Acacia* spp, *Westringia fruticosa* to provide shade and wind/ salt breaks. This current planting configuration was implemented between 2011-2012 which increased plant coverage across the Park.

Many of the larger trees in the park are aging and on-going care and replacement is required. Further details on selection, replacement and management of plants in the Park can be found in the Chapter 4.6 Management and Maintenance chapter of this Plan.

Biodiversity

A diversity and abundance of plants, animals and microorganisms in the environment contributes to the ecological health of urban areas.

The Australian Museum Business Services (AMBS) was engaged in 2010 to undertake a Biodiversity Study. The Sydney Bush Regeneration Company have undertaken three Flora Surveys - in 2010, 2015 and 2020. This information provided a snapshot of the plants and animals present in our environment at this time.

The indigenous vegetation community in the gully supports native lizards and birds, the latter to shelter and forage but not to nest. Rainbow lorikeets, honeyeaters, fairy wrens, kites, black cockatoos, skinks and red-bellied black snakes have also been sighted in the gully.

Tamarama has been identified in this Biodiversity Study to be an important habitat area for reptiles such as the Pale-lipped Shadescinks and records a high diversity of reptiles compared to other areas within the LGA. The report recommends Council to improve linkages between remnant vegetation patches and to create structural diversity by having a mix of canopy trees, shrubs of varying heights, and some open grass areas will improve the diversity.

All native birds, reptiles, amphibians and mammals are

protected in New South Wales by the *National Parks and Wildlife Act* (1974). The existing trees and grouped shrub plantings in the park provide an important habitat for birds and animals. It is therefore important to protect and enhance the habitat value of the park for wildlife.

The NSW Government's *Biodiversity Conservation Act 2016* establishes an action orientated, whole of government approach to the protection and management of the biodiversity within NSW.

The Strategy administered by the Department of Planning and Environment, aims to:

- Identify and tackle threats to biodiversity.
- Improve our knowledge of the States Biodiversity.
- Involve landowners and communities in biodiversity conservation.
- Manage natural resources better, for ecological sustainable development.
- Protect native species and ecosystems.

In accordance with the Tamarama ERFAP, future replacement of trees and plants in Tamarama Park and Beach and the Gully should reflect the principles of the EAP and Council's PDTM and *Street Tree Master Plan*, as well as the *Biodiversity Survey* and *Wildlife Habitat Corridor Study*, *National Parks and Wildlife Act* and NSW Government's Biodiversity Strategy. A habitat and corridor planting plan that incorporates the indigenous plants including tall trees of the area may contribute to achieving all of these goals.

There is some evidence that there may be a conflict between the enhancement of habitat areas and the use of these areas for recreation, especially walking on undefined trails in the gully area. Habitat areas should be clearly separate and carefully managed to maintain the integrity of habitat and provision for recreation, with walking trails clearly defined and carefully managed. Interpretative signage may help park users understand the importance of the biodiversity and habitat areas within the broader biodiversity network of Waverley.

Wildlife corridors (Biodiversity Corridor)

The Waverley Biodiversity Action Plan defines and recommends management actions for significant habitat areas within the LGA:

The Tamarama Marine Drive remnant is one of the largest and most diverse patches of native vegetation in the Waverley LGA, with 56 native species recorded in the reserve (SBRC 2020). The remnant vegetation consists of approximately 2800m² of Sea-cliff Heath. The remnant patch is of substantial importance due to its size, species diversity within all strata layers and condition. It provides opportunities for long term resilience of the remnant vegetation as the edge effects are minimal. It provides a unique location for fauna to utilise as a haven in the urban landscape.

The area designated as a good habitat within Tamarama and the adjoining habitat corridor have been recognised in the biodiversity chapter of the Waverley DCP 2012. The biodiversity chapter outlines the controls and planting species recommended for properties within or adjoining habitat corridors. This corridor needs to be retained and enhanced to facilitate dispersal of flora and fauna species throughout the LGA.

4.4.7. Key Challenges

- Climate change and its associated impacts are increasing challenges and pressures on limited resources in the management of open space, including Tamarama Park and Beach. Increased demands or resource allocation should be expected and planned for accordingly.
- Need to balance the needs of community activities and the sustainability of the park's ecosystems.
- Changes to climate will have impacts on the current vegetation within the park. A future planting list should be developed to identify robust climate resilient species.
- Recognition for the Māori Flax plantings as a war memorial is needed in the Gully Park due to its cultural heritage significance.
- Erosion is evident at the rock outcrops along the coastline requiring monitoring in accordance with Council's Coastal Risk Management Policy and Coastal Risks and Hazards Vulnerability Study.
- Contamination from past dumping activities and water borne containments in the stormwater system impact soil quality, directly affecting flora and fauna habitats.
- Management of weed species which compete with native species in the gully, particularly on steep slopes and along private property boundaries.
- Tamarama is a major component of a wildlife corridor or parks that stretches through the eastern suburbs which connects eastward to Centennial Parklands and north to south along the coastline. The management of the flora within the park is vital to the future protection of fauna and its habitats.



Image: Red Wattlebird in one of the remnant vegetation patches.

4.5. Community, culture and heritage

People like the sense of community, local atmosphere and ambiance of Tamarama Park and Beach. In the community consultation undertaken in the development of this management plan during mid 2022, many people commented that Tamarama Park held significant community value for them. The community stated that the Park provides a space to meet with other locals, a place to connect with nature and provision for relaxation. The beauty of the space and opportunity to be immersed in nature was highly regarded element of the park.

Satisfaction with the Park was high, and the community does not expect major changes to the Park in the future. They indicated that Council should take a preservation approach to protect and enhance the natural environment and that most infrastructure is adequate to meet the long-term needs of the community.

4.5.1. Statements of heritage significance

A Heritage Review Study was undertaken as part of the development for this Plan of Management. Relics from both Aboriginal and European heritage contribute to the natural and cultural value of Tamarama Park and Beach. The following statement of significance encapsulates the important heritage conservation values of beach and park.

“Tamarama Park and Beach is a space with natural beauty and historically with abundant resources along its coastline. It has been a place of gathering for Aboriginal peoples, a place that provided community entertainment during the European colonization and has evolved to become a highly cherished recreational park by the community.”

4.5.2. Aboriginal heritage

The Traditional Custodians of the Waverley Local government Area are the Gadigal (Cadi-gal), Birrabirragal and the Bidjigal (Biddigal) people. For over 1,000 generations,

Aboriginal people have lived in the area that now forms the Eastern Suburbs. They lived in Sydney before and during the depths of the last ice age (25,000–15,000 years ago). They witnessed the formation of the coastal dune systems and the rapid rise in sea levels. The density of Aboriginal occupation of this area is supported by ethnohistoric sources that provide a picture of coastal Aboriginal life. Rock engravings in the LGA attest to Aboriginal cultural life that sought to document not only the natural world and their interaction with it, but a rich mythology that was brought to life in song, ceremony and oral tradition.

With the arrival of the First Fleet came the introduction of diseases and growing pressure on land use as Aboriginal people were progressively prevented from accessing their traditional sources of food and raw materials. However, almost a century later Aboriginal people continued to work in Sydney. They adapted their subsistence patterns as land and resources became less accessible and supplemented their diet through exchanges with the settlers. Personal and economic relationships between the Aboriginal people and European landowners were established. A network of sites including campsites, fishing spots and hunting grounds along the eastern coastline remained accessible until the 1870's.

Other oral history accounts suggest Aboriginal families were still camping at North Bondi in the 1920's. The historical accounts demonstrate centuries old continuity of Aboriginal cultural and economic connections to the area. The Aboriginal people of Coastal Sydney did not disappear post colonisation, they have demonstrated a continuing connection, endurance and adaptation since that time.

Detailed historical accounts of the Aboriginal peoples of Waverley can be found in the Waverley Library Local History Studies collection, Bondi Story Room and the *Waverley Aboriginal Cultural Heritage Study*.

The coastline of the Waverley local government area retains some evidence of widespread use of the area by its earlier indigenous inhabitants. Sites of Aboriginal heritage are

present at Tamarama, one described by Council's Aboriginal sites register as 'a midden atop a sandstone rock ledge'. It occupies an area approximately 18 metres long by 3 metres high by 4 metres deep. The register concludes that the site is of value because 'beach side shelters with midden deposits are rare on the Tasman Sea coast'. Most similar sites are exposed, and consequently have been eroded by the natural elements and possibly also damaged by European development.

It is important that there be consultation with the La Perouse Local Aboriginal Land Council (LALC) on matters regarding conservation and major development at Tamarama Park and Beach.

Rock engravings and shell middens in the coastal area indicate they undoubtedly had a strong connection with the sea. Aboriginal people would have made use of the abundant fresh water available at Bondi, Tamarama and Bronte, and they fished and collected seafood from these waters and shores. They also used the rock shelters around the harbour and coastline.

Diseases such as smallpox were introduced from 1788 onwards by Europeans, which greatly reduced the local Aboriginal population. Competition for land further compromised their original way of life, so that within 50 years other tribes had migrated into the area and intermarried with the survivors.

A nearby site contains abraded grooves carved into the rock face to represent either a shark or whale, and two small fish.

Aboriginal culture is ongoing and cultural learning through the environment links Aboriginal people with who they are and where they belong. Traditional resource-gathering sites and other natural landforms in the local landscape may continue to be culturally significant to the contemporary Aboriginal community. It is important therefore that there be consultation with the La Perouse Local Aboriginal Land Council (LALC) on matters regarding conservation and major development at Tamarama Park and Beach.

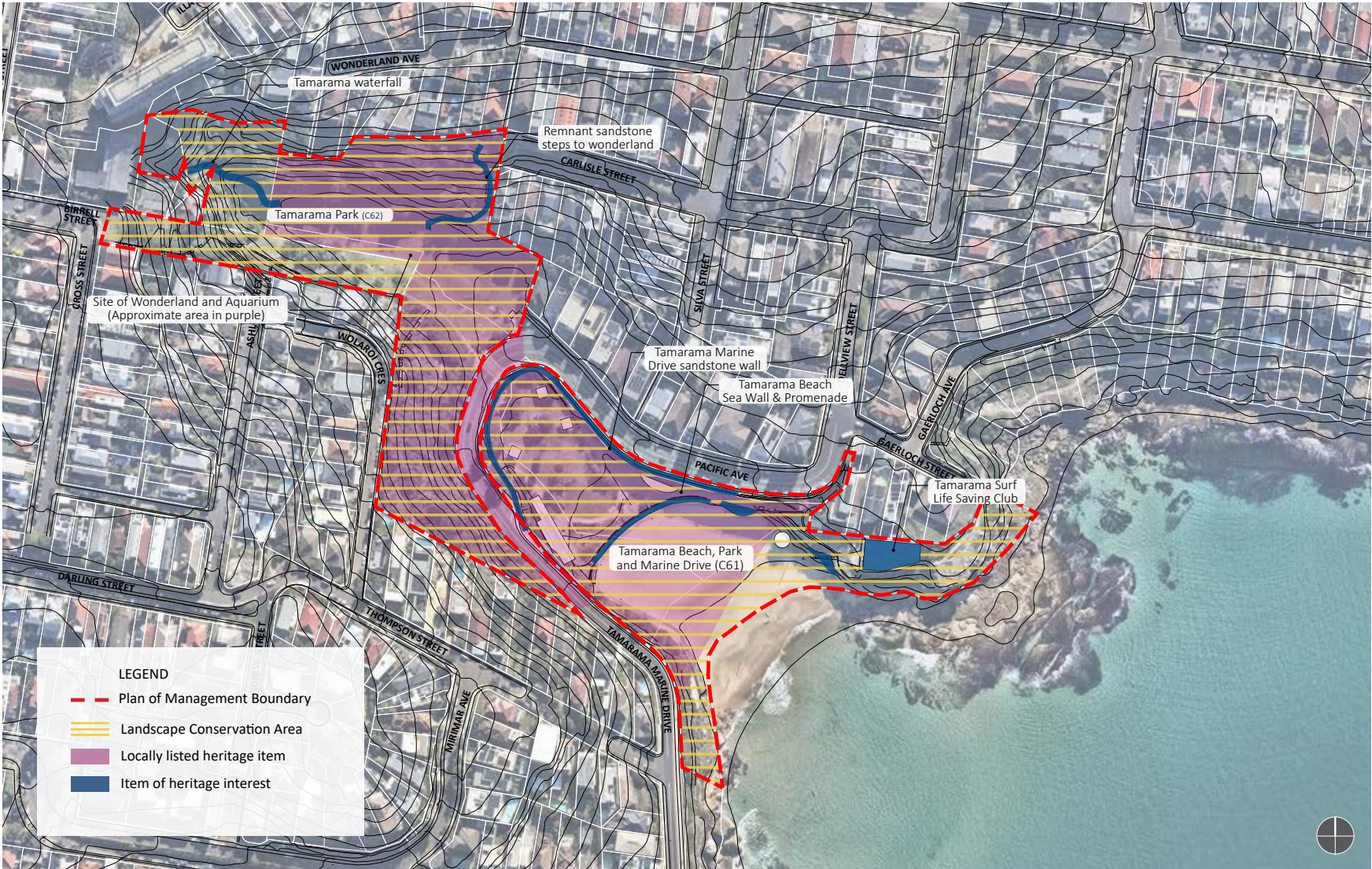


Figure 4.5 Community, Culture and Heritage- Existing Conditions

4.5.3. European heritage

19th century

The land on which Tamarama Park is now situated was granted to a J.R. Hatfield in 1839. In the 1860s, Hatfield's grant was identified on a naval or military map as 'Gamma Gamma'. It was known locally as 'Dixon's Bay', after Dr Dixon, a nearby landowner. In the 1870s, it became known as 'Fairlight Glen', or 'Fletcher's Glen' after David Fletcher who owned a 10-acre frontage and later became the first mayor of Waverley Council.

By the late 1880s, the land surrounding the glen was subdivided for residential use. Sensing the loss of a much-loved amenity, in 1888 Waverley Council felt compelled to ask the government of the time to dedicate a 100-foot wide reservation along the frontage of Hatfield's original grant as a public recreation reserve. The government refused. Meanwhile, a group of local businessmen had purchased the land, and on 3 October 1887 opened The Royal Aquarium and Pleasure Grounds, known popularly at the time as the Bondi Aquarium.

On the lower of the two levels of the aquarium, visitors watched marine life swimming about in tanks. These included seals, a penguin, a tiger shark, a wobbegong



Image: View of Wonderland and the northern headland

shark, catfish, bream, whiting, mullet, lobsters, stingrays, porcupine-fish and turtles. The Grand Hall above was used for dancing, while outside, feats of daring and astonishment drew the crowds. Hot-air balloon flights hovered over the beach switch-back railway (the forerunner of a roller-coaster), a merry-go-round, swings, a shooting gallery, water boats, camera obscura and Punch and Judy. These attractions later became known as Wonderland City. On 11 July 1891 a fire destroyed the aquarium and pavilion, but by September of that year they were rebuilt.

20th century

In 1906, William Anderson, a theatrical entrepreneur of growing prominence, purchased the Bondi Aquarium and approximately 20 acres of the glen, minus a 12-foot strip of coastline to allow the public to access the beach. Here he constructed Wonderland City.



Image: Historic photograph showing the bridge and waterfall in "Fletcher's Glen"

Wonderland City opened on 1 December 1906, claiming to equal 'those amusement grounds... of the far famed Coney Island, New York, or White City, Chicago'. Around 20,000 people travelled to the site on that Saturday night to witness a 'fairy city' of rambling walks among the natural beauties of the glen, lit by streams of electric lights, and containing all the attractions of a fair. Some of the open-air sports and attractions included an artificial lake, a roller-skating rink (run by George Marlow), double-decker merry-go-round, haunted house, helter skelter, a switchback railway (moved from its original site above the beach to the rear of Tamarama Park), a maze, fun factory, one-kilometre miniature railway (on the south slope), the Airem Scarem (a captive airship that tracked on a wire from cliff to cliff by electricity), wax works, Katzenjammer Castle, Hall of Laughter, Box Ball Alley, a boxing tent, seal pond, circus ring, movie house, penny parlour, Alice the elephant and other animals, the Japanese tearooms, Swiss Chalet, and the Kings Theatre, a kind of music hall that could seat 1,000 people.

Employing over 160 people, Wonderland set the new standard in pleasure grounds in Australia. Crowds came every summer weekend, and when the novelty began to wear off, Anderson brought in famous entertainers from his national circuit.

Tamarama Surf Life Saving Club

The Tamarama Surf Life Saving Club was established among a group of keen local swimmers. Local swimmers stormed and cut the wire fence William Anderson had installed down to the beach to keep fare-evaders out of Wonderland. A political battle followed, the outcome of which was that from 3 March 1907, Wonderland was obliged to respect the 12-foot path providing public access to the beach. Many of these victorious swimmers formed the core of the Tamarama Surf Life Saving Club. Another impetus for forming the surf club was the drowning of Gerald Banks while bathing in the surf at Tamarama Beach on 9 June 1906.

The Tamarama Surf Life Saving Club building was completed

in November 1908 at a cost of £62.

Meanwhile, bad publicity dogged Wonderland. The wire fence incident soured the public image, as did complaints that the animals were being poorly housed, the occasional breakdown of the airship above dangerous surf, and general resident opposition. Anderson responded with more elaborate public exhibitions, but the public was tiring of the 'fairy city'. The showground stumbled along from March 1908 to December 1910 before finally closing in 1911. Anderson had lost enough money.

Wonderland was the precursor of Luna Park, setting unprecedented standards for popular outdoor entertainment in Sydney. Although little visible evidence survives today (with the possible exception of the two paths on the north boundary of the gully), the NSW Heritage Office still considers the site to be of archaeological significance. Because of this, the history of the site has been interpreted for today's visitors and residents via interpretation signage. A mural commissioned by the Tamarama Surf Life Saving Club currently celebrates the heritage of Wonderland.

4.5.4. Community and cultural history

A public park known as 'Tamarama Beach' was proclaimed



Image: Tamarama SLSC building in 2016

for public recreation on 17 April 1907. Also on that day, Waverley Council was appointed trustee of Tamarama Beach by notification in the Government Gazette. In 1916, Waverley Council tried again to claim an area of Tamarama for public park but was again refused. Finally, on 24 September 1920, Council was able to purchase 7 acres of Tamarama for beach access and parkland. Thus began over 80 years of Council improvements, with the first initiative being a formal landscape layout under a public employment program after World War I.

A seawall and promenade were constructed in the 1920s and 1930s, and the valley floor was drained and regraded. In 1922, Tamarama Marine Drive was built, along with the sandstone wall that supports it. Marine Drive offered a rare Sydney coastal drive.

The present surf club building was built in the 1940s, with extensions subsequently added in the 1960s, 70s and 80s.

In the 1950s, the park was separated from the road by timber fencing. In 1935 a pedestrian underpass connected the gully and park under Tamarama Marine Drive. Some local residents report that this was removed by public demand.

Throughout the 1960s and 1970s, more park furniture and facilities were provided. These included the picnic shelters, amenities building, outdoor tables, and revegetation of native species such as coastal banksia.

Tamarama Gully was assigned as a geographical name under the Geographical Names Act 1966 on 20 April 2000.

The lifeguard tower on the beach was completed in November 2000. The new kiosk and amenities building was opened in 2014. Further upgrades will be made in 2022.

Today, public events such as Sculpture by the Sea attract thousands of people to Tamarama Park. Council staff are often involved in the planning, management and monitoring of these events.

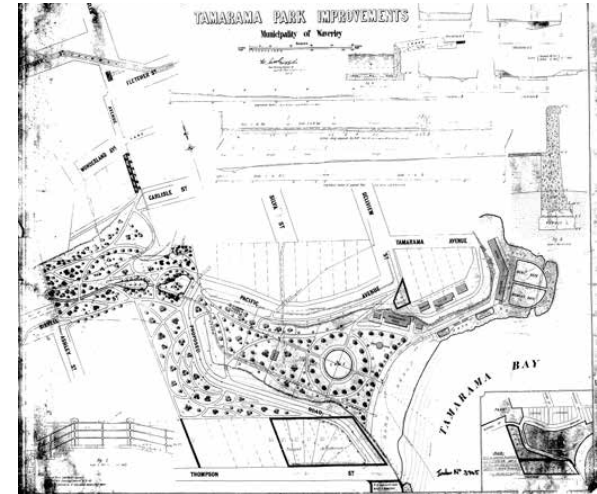


Image: Historical proposal for improvement works to Tamarama Park

Māori flax in the Gully

In 2020, the NSW Veterans Affairs office was informed that a “mother” harakeke (flax) plant in Tamarama Gully is a possible war memorial heritage site.

From an examination of its root system, is estimated to be approximately 80 years old. It is a rare flax species usually found only in the eastern part of Bay of Plenty on the North Island of New Zealand.

The Māori flax is believed to have been planted by the 28th (Māori) Battalion which transited through Sydney in 1940 on the way to fight in North Africa during World War II as part of the New Zealand Expeditionary Force.

Today, descendants of the Battalion members have been conducting Māori cultural practice of caring for the ancestral flax plants at Tamarama, sustainable harvesting of appropriate leaves for weaving and teaching traditional flax weaving techniques.

The Māori flax in the Gully is an important site in the history of the Māori Battalion and as a protected site of ongoing traditional cultural practice.



Image: Māori flax in the Gully

4.5.5. Key Challenges

- As detailed in this chapter, Tamarama Park and Beach has a long history in the greater Waverley municipality. There are a number a historic items, mainly heritage sandstone steps across the Gully slopes that need to be protected. Some have been buried in soil or planted on over the past decades and have become inaccessible. A survey to identify the locations, conditions and potential remediation for these steps should be considered.
- Middens have been identified under the overhanging sandstone cliffs along the coastline. Litter and contaminated ground water from residential areas continue to interact with the coastline which impacts the middens.
- Carrying capacity for the overall park, including passive recreation, major events and infrastructure will continue to place pressure on historic values and their sustainable management.
- Māori flax is present in the Gully. Removal of the flax plantings (a war memorial) will lead to lost history for the local Māori community as caring for and harvesting these plants are important on-going cultural practices. There is an opportunity to educate and share this knowledge with the general public to enrich the cultural fabric of the Tamarama community.

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4.6. Management and maintenance

Tamarama Park with all its associated amenities, buildings and stormwater infrastructure is maintained and managed by Waverley Council. The high level of use requires careful management and intensive maintenance of infrastructure and resources. The *Tamarama Park and Beach User Survey 2022* indicated that visitors are generally satisfied with the cleanliness and maintenance of the beach, water and park. However, the community has high expectations for management and maintenance of the park and beach.

As detailed previously Council has adopted an adaptive management approach to the management of all Waverley open spaces. The Thresholds of Change approach to adaptive management and its model will be used by Council officers to identify and manage within the ecosystem thresholds of the Park, as well as site specific carrying capacity thresholds for visitation. This approach will not only assist Council in providing consistent management of the park but will also give the community confidence that any decisions made for the park will be both evidence based, and rationale directed. Council's goal for management of the park is centered on facilitating its enjoyment by the community, whilst at the same time ensuring the park is maintained to a high standard, just short of its capacity.

Details of the on-site facilities and their use is documented in the preceding chapter. This chapter of the report details the services that Council provides in managing and maintaining the site to ensure the place is well kept. Refer to Figure 4.6 for location of facilities and services.

The following activities occur to manage and maintain the park:

Activities, Sculpture by the Sea and other events:

- Licensed fitness trainers are permitted to use Tamarama Park in accordance with Council's commercial fitness training policy, except at the public outdoor fitness stations.
- Tamarama Park is also used for one-off temporary

events. The approval assessment process for these events is based on the potential impact and time of the proposed activities as per Council's Use and Hire of Public Open Spaces.

- Tamarama Surf and Lifesaving Club is available for community hire. It has a capacity of up to 127 patrons and includes a small kitchen.
- The park and beach are highly used for commercial photography.
- Dog walking is permitted on-leash in the Gully Park and along footpaths in the Beach Park.

Waste services:

- Garbage is collected from a central bin collection area in the centre of the park. Bins are collected by garbage trucks daily. Both garbage and recycling trucks enter the park.
- Currently bins are located throughout the park. When full, the bins are wheeled to a central bin collection point behind the SLSC building collection.



Image: Garbage bins in the Park

Lifeguards:

- Waverley Council employs professional lifeguards to protect visitors to Tamarama Beach. These professional lifeguards work 365 days of the year.
- The lifeguards put out flags, rescue equipment and surf crafts; patrol designated public surf areas; and closely monitor dangerous swimming areas. When necessary, they perform rescues and resuscitations.



Image: Tamarama Beach after cleaning

Park maintenance:

- Council oversees all the maintenance requirements of the park and beach. The maintenance program is detailed in Council's Open Space and Recreation Strategy.
- Council uses equipment stores at the kiosk building.
- Council is responsible for maintaining assets such as turf, gardens, paving, roads, fences, handrails and cleaning the beach. Council is also responsible for cleaning the facilities and amenities throughout Tamarama Park.

Playground maintenance:

- Council maintains the playground. The playground rubber softfall surface is routinely patched and cleaned. Equipment is maintained and parts replaced occasionally.
- Council audits playgrounds to ensure they meet safety requirements.

Building maintenance:

- Council maintains and repairs buildings on site, including the amenity building and kiosk, amenities buildings, picnic shelters and the bus shelter. The amenities buildings are cleaned three to four times a day.



Figure 4.6 Management and Maintenance - Existing conditions

Parking:

- Visitors arriving by car park on-street along Tamarama Marine Drive or Pacific Drive, or in surrounding local streets.
- Due to the narrow and restricted geography of Tamarama, there is limited parking available in the park accessed via the driveway, as follows:
 - a single accessible parking space;
 - a Council Authorised Parking space for park maintenance vehicles; and
 - a loading zone.



Image: Accessible parking in the Park

Service and maintenance access:

Service vehicles access the park from Tamarama Marine Drive. Access is gated, however, typically the gate is unlocked or open. Vehicles that require access include the garbage truck, parks staff with utes, and deliveries to Tamarama Surf and Lifesaving Club. A large truck occasionally requires access to the gross pollutant trap located in the gully.

Environmental services:

- Council is responsible for identifying and implementing energy, water savings and renewable opportunities within Tamarama Park. This includes identifying ways to reduce waste to landfill, encouraging visitors to use sustainable transport options, educating the community on the environmental significance of the area, and preparing for impacts of climate change.

- Tamarama Gully vegetation is currently maintained by specialist contractors to undertake bush regeneration.
- There are two gross pollutant traps that are cleaned and managed every two months.

Safety and regulations:

- Council rangers patrol Tamarama Park daily enforcing regulations, promoting safety and ensuring the amenity of our parks and reserves are maintained for all users to enjoy.
- Rangers have the power under the *Local Government Act 1993* and *Companion Animals Act 1998* to enforce the rules and regulations that apply to a park or reserve, direct people to cease antisocial activities and serve penalty notices that may apply.
- The following regulations are enforced in the park:
 - No camping or staying overnight.
 - Dogs prohibited from the beach, within 10 metres of the children's playground and near the barbeques.
 - No organised ball games (with the exception of volleyball subject to Council guidelines).
 - No commercial activities.
 - No skateboards or rollerblades.
 - No kites or kite activities.
 - No portable barbecues or open fires.
 - No collecting or harvesting invertebrates in the intertidal area.
 - No smoking on the beach.



Image: Beach sign

- Signage has been upgraded throughout the park to include visitor information, directions, rule and regulations and interpretation and stories about the park and beach. The signs can be updated as information changes or to replaced damaged or lost panels as required.

Alcohol prohibited areas

Tamarama Park is currently designated as an Alcohol Prohibited Area (APAs) in accordance with Section 632A of the Local Government Act.

Alcohol prohibited areas (APAs) are introduced by Councils to prohibit alcohol consumption in public places to reduce incidences of anti-social behaviour and crime where there has been a demonstrable community need to manage these short-term issues.

These measures can help Councils to keep public spaces and streets safe and enjoyable for residents and visitors while not discriminating against particular community groups.

Public places or parts of places may be declared alcohol prohibited at all times, or only for specific days, times or events. For example, a council may choose to make a park alcohol prohibited from dusk until dawn, or for the period spanning from 6pm on 31 December to 6am on 1 January each year.

Adequate signs must be erected by Council which make clear any time restrictions and that the consumption of alcohol is prohibited in that public place.

Council must undertake a consultation process to decide if an alcohol-free area is appropriate. Once established by Council resolution, the public places designated as APAs must be signposted.

It is recommended by the Office of Local Government that the application of the APZ is reviewed by Council every four (4) years to ensure an APZ is still warranted to manage alcohol consumption in the public place to reduce anti-social behaviour and crime.

Leases, licences and hire:

- Various licences exist within the park to deliver services and products including those for mobile vendors and fitness trainers. Commercial tenancies occur in the kiosk to deliver take-away food. Refer to *Chapter 6.9 Lease, licences and other estates* for more information.

Crown Land and Neighbours

Tamarama Park, including the gully, is bordered in many places by free-hold private land. Private landowners have a number of specific responsibilities when their property borders crown land. *The Crown Land Act (2016)* provides guidance on what private landowners are and are not allowed to do. For example, a landowner cannot dispose of garden waste on crown land, or channel storm water run-off from their land on to crown land. Any form of land clearing, specifically the removal or pruning of vegetation is prohibited. The guidelines state “Clearing vegetation or undertaking even minor road works on Crown public roads requires written approval from the department”. In addition, “Landowners must ensure that private property and all associated occupation is wholly contained within their property boundary. Landlords or their agents must ensure residential tenants do not encroach onto adjoining Crown land.”

The NSW Government monitors crown land for infringements. They state “We will investigate any concerns reported from members of the public or other government agencies, or issues identified through aerial imagery or site inspections to control unauthorised use of the Crown estate. Using Crown land without approval is an offence. We can take compliance regulatory action if we need to.”

Compliance enforcement actions can include:

- Directions to remove structures, vehicles or materials illegally placed on Crown land.
- Stop-activity orders issued ‘on the spot’ to stop or prevent unlawful activities taking place on Crown land.
- Issuing penalty infringement notices – \$1,100 for each infringement.

Waverley Council, as Crown Land Manager for Tamarama Park and Beach is responsible for the management of the park, in accordance with the Crown Land Act (2016). Council acknowledges that practices have been allowed to take place over many years in relation to the boundaries between the park and private land. Where possible Council will work with landowners to alleviate these issues and enforce regulations with the focus on sustainably managing the park for future generations.

Further details on compliance for neighbours as required by Crown Land can be found in the *Crown land – your neighbour* information sheet published by Crown Lands.

4.6.1. Key Challenges

- On-going issues of managing park assets including compliance to rules and regulations in the Park. The community has reported antisocial behaviour in the park associated with large parties and consumption of alcohol. The community indicated that Council rangers and the police need to have more of a presence in the Park to enforce rules and regulations.
- The topography of the Gully and its proximity to residences has historically allowed illegal dumping to occur throughout the Gully slopes, particularly along the boundary edges of the Park. Council staff and local residents reported layers of compacted waste emerging during clean up and ecological restoration activities. Additional signage related to penalties and on-going clean up will be required to manage illegal dumping.
- Anti-social behaviour has been reported at the Gully lookout. People access this space via the unofficial dirt track leading up to the waterfall. Formalizing this path will create a perception of use and passive surveillance which can deter illegal activities up the Gully slopes.
- The community has indicated that campers who are camping illegally inside the park often urinate on the Gully slopes close to private properties. Improved lighting at access points into the Gully to deter campers from staying or accessing the Gully overnight.
- There are access paths privately built into neighbouring properties within the Park along the park boundary. Activities by the property owners adjoining Crown Land must comply with the Crown Lands Management Act (2016).
- The Gully Park is used by dog-owners for off-leash exercise despite being an on-leash area. Dog-walking is increasing in popularity within the Waverley LGA putting pressure on the Park.



Vision and Directions

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5. Vision and directions

5.1. Vision statement

With the development of the *Waverley Open Space & Recreation Strategy* in 2021 all Waverley open space management plans are aligned with the vision, directions and strategic actions from the Strategy. Extensive community engagement was critical in the development of the OS&R Strategy. The *Open Space & Recreation Strategy* and subsequent individual management plans are therefore aligned with the community expectations for Waverley open spaces. The OS&R Strategy vision is:

"Waverley's parks and reserves are available to everyone, supporting healthy and active lifestyles. Our parks provide a green sanctuary, protecting and supporting biodiversity and provide an opportunity to implement the ongoing Aboriginal and traditional custodianship of land which forms our local government area. Park design responds to the community's recreation and social aspirations while telling the story of the place, of today's generation and those before ours. Spaces are welcoming, safe and well cared for. A sustainable approach to management allows future generations to enjoy these spaces."

The Tamarama Park and Beach Management Plan is aligned with the OS&R strategy and was drafted based on community feedback regarding what people liked about the park and how they wanted the park managed in the future.

The Tamarama Park and Beach Plan of Management vision is:

"Tamarama Park and Beach is an iconic historical site, where Traditional ownership is recognised and celebrated. Cherished by the community for both its recreational opportunities and as a green oasis extending from the Gully to the Beach, The Park is an important site of ongoing connection and memory. With clean, contemporary and inclusive facilities, The park is the pride of the community

and will be sustainably managed to ensure its preservation and enjoyment for future generations."

These respective visions will guide the future development and management of Tamarama Park and Beach and will help achieve the objectives for the site.

5.2. Directions

The following objectives will guide the future development and management of Tamarama Park and Beach in line with the visions outlined above. The objectives have been tested and reflect the site analysis, consultation feedback and best practice guiding principles outlined throughout this report. For ease of reference and consistency, the objectives are focused under the same themed headings as previous chapters.

5.2.1. Design and setting

A1. Maintain the unstructured passive recreational qualities and natural values of the park.

A2. Maintain and reinforce the variety of unique landscape characteristics across the park in future design and planning.

A3. Ensure the landscape and architectural design reflects best practice and design excellence and integrates within the landscape.

A4. Provide a memorable experience for all users by celebrating the site's unique character and scenic qualities.

A5. Ensure materials and finishes are of high quality, are robust and designed to fit the setting.

5.2.2. Getting to and around the park

B1. Provide easily identified, distinct arrival points into the park and designated pedestrian pathways that allow safe and continuous movement.

B2. Provide a hierarchy of pathway networks that link to destination points and facilities.

B3. Enhance existing pathways to improve pedestrian experience.

B4. Implement a wayfinding strategy for the park. Consider an audience of a range of abilities, literacy levels and languages. Encompass the physical environment, signage, customer service, information, brochures, guides and website.

B5. Provide an adequate proportion and distribution of universally accessible facilities connected by accessible paths of travel.

B6. Provide equitable access to all areas of the park where this is achievable and does not impact other values of the park and beach.

5.2.3. Playing and relaxing

C1. Maintain and enhance passive recreation experiences within Tamarama Park and Beach

C2. Provide adaptable and flexible spaces to accommodate a variety of interest groups

C3. Provide high quality amenities and facilities that support users.

C4. Prioritise activities that are intrinsic to the place, its cultural and natural values which complement the physical location.

5.2.4. Enhancing the environment

D1. Enhance and conserve the natural heritage of the site such as vegetation, landform and hydrology.

D2. Monitor and adapt to the effects of climate change and other influences.

D3. Manage Park use and access to areas of environmental sensitivity.

D4. Promote environmentally sustainable practices in the management and maintenance of the place.

D5. Consider whole of life-cycle cost in the selection of materials and construction techniques.

D6. Encourage the community to deepen their appreciation of nature through education on the value of Tamarama's unique environment and the role it plays within its local context.

D7. Educate the community on the value of adaptive management through the Threshold of Change model.

5.2.5. Community, culture and heritage

E1. Interpret and tell the story of the place, including Aboriginal, Māori and European themes and storylines.

E2. Strengthen and express the cultural values of the site through supporting community groups and activities.

E3. Ensure the cultural landscape is expressed in the design and management of the site.

E4. Conserve and maintain the heritage fabric of the park.

5.2.6. Management and maintenance

F1. Manage and maintain the park's natural ecosystem.

F2. Ensure that the park environment is safe for users at all times.

F3. Consider the capacity of the landscape when identifying management strategies.

F4. Ensure facilities are well-maintained and appropriately serviced.

F5. Review and enforce compliance and regulations that enable a range of users to enjoy the park safely.

F6. Educate private property owners on their obligations as Crown Land neighbours.



The Master Plan and Action Plan

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6. The master plan and action plan

The master plan illustrates how the objectives and performance may be achieved. Where specific proposals may turn out to be impractical due to changing circumstances, reference will be made to the objectives and performance targets in formulating amendments. The master plan has been broken down into a series of maps that address each theme.

The master plan and action plan are the working parts of a plan of management. They detail the key actions and implementation priorities needed to achieve the objectives of the plan of management for Tamarama Park and Beach.

The following tables describe the objectives of the action plan, how they will be achieved, who will be responsible, the timeframe, the availability of funding, the desired outcomes and monitoring and reporting requirements. Each table detailing the action plan is broken down into the following headings:

Performance target actions (A1, A2, A3, etc.): A series of value statements were developed to help achieve the vision for Tamarama Park and Beach. These statements are identified in chapter 5. The statements provide the main reference point for each set of actions.

Who: There are many Council divisions involved in carrying out the actions of this plan. The Executive Managers of these divisions are responsible for ensuring the actions are undertaken. The responsible divisions are:

- Infrastructure Services (IS)
- Waste, Cleansing & Fleet (WC)
- Major Projects (MP)
- Urban Planning Policy and Strategy (UPPS)
- Environmental Sustainability (ES)
- Human Resources, Safety & Wellbeing (HR)
- Communications and Engagement (C&E)

- Community Programs (CP)
- Property & Facilities (PF)
- Open Space & Recreation (OSR)

The other organisation responsible for implementing parts of the plan of management is the Tamarama Surf and Life Saving Club.

Time: The actions are prioritised and will be achieved in the following timeframes:

- Short term (S): 0–1 year
- Medium (M): 1–5 years
- Long term (L): 5–10 years
- Ongoing (O)

Funding implications (\$):

- Existing funding (E) is mainly associated with recurrent park maintenance, planning and development works. These works must be prioritised annually and take into account the maintenance and upgrades required in all Waverley LGA parks.
- Other works are to be included in the *Long-Term Financial Plan* (LTFP). These LTFP projects will need to be prioritised by Council.
- To-be-determined funding (TBD) involves an initial investigation and preparation of a business case to Council. Further details of funding opportunities are outlined in chapter 7.
- Opportunities to obtain grant funding (G) are also noted.

6.1. Design and setting

Tamarama Park is defined by its natural setting and varied landscape character. To conserve and enhance the place, future design works will need to carefully consider function, uses, and respond to natural landscape characteristics.

There is a range of opportunities to conserve and enhance community values while improving community use of the park. The plan aims to draw from the existing character areas, planting types and views to reinforce the entries and

upgrade the park infrastructure as required. Refer to Figure 6.1 for key recommendations.

To guide future development, building controls have been drafted in the following chapter. Future building works must comply with these controls and guidelines.

6.1.1. Buildings in the park – building controls

This plan allows for building upgrades and includes guidelines for the design of building work.

6.1.1.1. General requirements

Development consent must not be granted to development within Tamarama Park unless the consent authority considers that the development conforms to the current SEPP and LEP, exhibits design excellence, and reflects the character goals set out in this plan. In determining whether the development conforms to the above, the consent authority must consider the following matters:

- Development applications must conform to the SEPP with particular emphasis on the *SEPP (Coastal Management) 2018 Part 2 Development Controls for Coastal Management Areas*.
- Development applications must confirm to the Waverley LEP particularly:
 - Part 5, Clause 5.5 Development within the Coastal Zone
 - Part 5, Clause 5.10 Heritage Conservation.
- Development applications should be referred to the Design Excellence Panel.
- Whether the development supports or is ancillary to the gazetted purpose of the land for public recreation.
- Whether the form and external appearance of the development will improve the quality and amenity of the public domain.
- Whether the development has a detrimental impact on view corridors.
- How the development addresses the following matters:
 - The suitability of the land for development.



Figure 6.1 Design and Setting- The Master Plan

- Existing and proposed uses, and mixing uses.
- Heritage issues and site constraints.
- The relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.
- Bulk, massing and modulation of buildings.
- Environmental impacts such as sustainable design, overshadowing, wind and reflectivity.
- The achievement of the principles of ecologically sustainable development, refer to actions D2.2, D3.4, D3.6, D4.1 under Enhancing the Environment for guidance.
- Pedestrian, cycle, vehicular and service access, circulation and requirements.
- The impact on and any proposed improvements to the park.
- Principles of view sharing¹⁴.

6.1.1.2. Lifeguard facilities requirements

Building controls specific to lifeguard facilities must be adhered to in addition to the general requirements. Provision should be considered for lifeguard facilities to include a patrol room, first aid room, outdoor lookout, coffee- and tea-making facilities, toilet and shower amenities, and modest storage space. Additionally, the following provisions must be made in any future development:

- Lifeguards must have a facility that provides good views (180 degrees) and clear line of sight of the beach and surf.
- Any lifeguard facility on the beach must not compromise views from SLSC.
- Any future development must minimise visual intrusiveness to the beach and landscape.

6.1.1.3. Alternative Designs

Alternative designs will be considered where it is demonstrated that the building development controls listed

above do not result in the best planning or design outcome. Alternative designs can be prepared subject to compliance with the criteria listed below and consistency with the vision and directions (chapter 6) and the general requirements in the design and setting of the Tamarama Park and Beach plan of management.

Alternative designs should demonstrate that there are no additional adverse impacts to heritage, views, visual bulk, access, overshadowing, and to the public domain than those predicted under the building development controls.

Alternative designs should demonstrate rationale and quantifiable evidence for deviating from the building development controls.

¹⁴ NSW Case law, Tenacity Consulting vs Warringah Council [2004] NSWLEC 140, Viewed 27 April 2018, <https://www.caselaw.nsw.gov.au/cision/549f893b3004262463ad0cc6>

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6.1.2. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
A1. Maintain the passive recreational qualities and natural values of the park					
A1.1	<u>Enhance passive recreation amenities and maintain its place within the park. Works to include those that add to the participation value of the park, whilst also protecting the park's environmental and cultural values.</u>	O	IS, MP, UP, <u>PF</u>	Character conserved All implementation works subject to design review	LTFP
A1.2	Ensure built elements support recreational needs of users, fit with the established character of the site, are visually harmonious with the surrounds, do not obstruct key views and do not detract from the natural landscape character of the park.	O	IS, MP, UP, <u>PF</u>	Character conserved All implementation works subject to design review	LTFP
A1.3	Seek to create and establish a cohesive landscape character through a holistic appreciation and application of palettes within the park, including plantings, infrastructure, signage, and pathways and their surfaces.	O	IS, UP, <u>PF</u>	Character conserved	LTFP
A2. Maintain and reinforce the variety of unique landscape characteristics across the park in future design and planning					
A2.1	Ensure future planting design is consistent with the character areas identified in the Master Plan and strategies set out in the EFRAP.	O	IS, UP, <u>PF</u>	Character conserved All implementation works subject to design review	LTFP
A2.2	Maintain key vistas and views through the site and towards the beach, cliffs and ocean and allow filtered or framed views through canopy elsewhere.	O	IS	Character conserved All implementation works subject to design review	LTFP/ E
A2.3	Ensure the selection of materials is appropriate to its setting.	O	IS, MP, UP, <u>PF</u>	Character conserved All implementation works subject to design review	E
A3. Ensure the landscape and architectural design reflects best practice and design excellence and integrates within the landscape					
A3.1	Ensure future building works are complimentary to their surroundings. Works to ensure: i. Compliance of new building works to the building controls outlined in Section 6.1.1 of the Master Plan.	O	IS, MP, UP, <u>PF</u>	Design realises objectives Design review at key milestone	E
A3.2	Develop a planting schedule and materials palette based on Council's Public Domain Technical Manual and established materials and finishes that underpin the existing character of the site.	S	IS, UP, <u>PF</u>	Character conserved All implementation works subject to design review	E

A3.3	Develop a lighting plan for the park that meets best practice and current Australian Standards for lighting public spaces.	S	IS	Design realises objectives Design review at key milestones Character conserved	LFTP
A4. Provide a memorable experience for all users by celebrating the site's unique character and scenic qualities					
A4.1	Conserve view corridors from main arrival points to and within the park and along the coastal walk by ensuring future design and planning considers views.	S	IS, UP, PF	Design realises objectives Design review at key milestones Character conserved	LFTP
A4.2	Relocate or remove street furniture that creates visual clutter.	M	IS, UP, PF	Design realises objectives Character conserved Assessment on site	LFTP
A5. Ensure materials and finishes are of high quality, are robust and designed to fit the setting.					
A5.1	Consider materials that are graffiti resistant.	O	IS, UP, PF	Design realises objectives Character conserved Assessment on site	E
A5.2	Ensure materials are selected to minimise corrosion or degradation and is suited to the coastal marine environment.	O	IS, MP, UP, PF	Design realises objectives Assessment on site	E
A5.3	Replace furniture and fixtures when they reach the end of their life with Council's preferred palette as identified in the <i>Public Domain Technical Manual</i> .	O	IS, UP, PF	Design realises objectives Design review at key milestones Assessment on site	E
A6. Reinforce and enhance the sense of arrival to the site.					
A6.1	Improve the arrival experiences at pathway interchanges and entry points, particularly along the coastal walk.	S	IS, OSR	Design realises objectives Design review at key milestones Character conserved	LFTP
A6.2	Review and where necessary redesign entry ramps and paths to ensure they are welcoming and easily accessible.	S	IS, OSR	Design review on inspection Design realises objectives	LFTP

6.2. Getting to and around the park

The intent of the master plan is to create defined park entries that are obvious, easily identifiable, have character and allow efficient movement both into and around the park.

Currently paths into the park do not follow any formal alignment based on a design rationale. Instead paths have been formalised from connecting various access points that were implemented over the years in response to both the natural topography and the residential subdivision patterns as they were created. The relocation of the kiosk and amenities building in 2014 has improved pedestrian movement by providing accessible pathway to the kiosk from the disabled parking. However, this network does not fully connect to all amenities such as the picnic shelters and the playground.

Findings from the user survey suggested that a proportion of people had some difficulty getting around the Park. This plan presents an opportunity to address these issues and plan for improvements. When paths are due for replacement they must be built with consideration of a complete pedestrian network. Some works may need to take place as a priority. The plan suggests improving access and circulation by providing connecting pathways along existing routes. When stairs and ramps are upgraded consideration of best practice universal access principals and relevant Australian Standards will be considered.

Consideration should also be given to provide a clear path hierarchy and wayfinding principles when planning for improvements. A higher priority is given to repair and improve dilapidated pathways such as the ones on Birrell Street and Carlisle Street.

New paths or path improvements are suggested in the Action Plan overleaf.

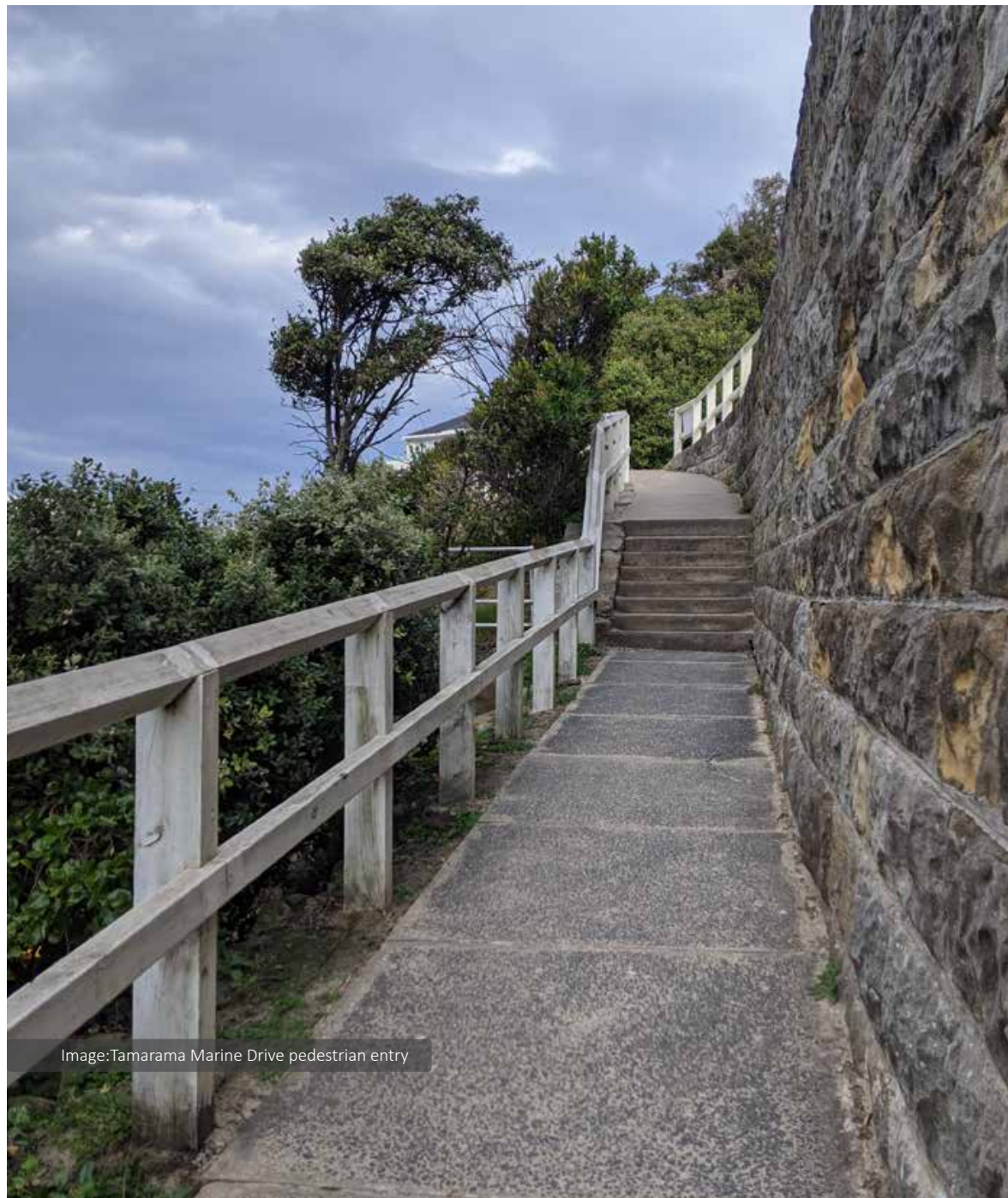


Image: Tamarama Marine Drive pedestrian entry

6.2.1. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
B1. Provide easily identified, distinct arrival points into the park and designated pedestrian pathways that allow safe and continuous movement					
B1.1	Universal and internal park Access <ul style="list-style-type: none"> i. Rationalise style of fencing across the site. ii. Provide connecting pathway between Carlisle Street stairs to Tamarama Marine Drive. iii. Widen footpath adjacent Tamarama SLSC to improve pedestrian circulation. iv. Review wayfinding into and around the park. Update signage as required. Refer to B4.2. 	O	IS, UP, PF , CP	Review on inspection Designs meet objectives Quality of access improved Level of use Assessment on site	TBC
B1.2	<i>Entrances into the Gully (Birrell Street, Wolaroi Crescent & Carlisle Street)</i> <ul style="list-style-type: none"> i. Upgrade stairs and paths to improve access. ii. Provide visual cues to signal park entry point. 	O	IS, UP, PF , CP	Review on inspection Designs meet objectives Quality of access improved Level of use Assessment on site	TBC
B1.3	<i>Entrances into the Beach Park (Tamarama Marine Drive & Pacific Avenue)</i> <ul style="list-style-type: none"> i. Investigate feasibility of providing step free access into the park from southern entry of Tamarama Marine Drive. ii. Improve pedestrian safety at vehicular shared ramp on Tamarama Marine Drive at top of ramp allowing better visibility of pedestrians by drivers. 	O	IS, UP, PF , CP	Review on inspection Designs meet objectives Quality of access improved Level of use Assessment on site	TBC
B2. Provide a hierarchy of pathway networks that link to destination points and facilities.					
B2.1	<i>Links to Park and Principal Entrance</i> <ul style="list-style-type: none"> i. Provide a hierarchy of pathway networks linking to access points into the park. ii. Formalise access into the Gully from existing path network along pedestrian desire-line. Provide steps to improve pedestrian access and control erosion on slope along bottom of Birrell Street stairs to connect directly into the gully. 	O	IS, UP, PF , CP	Level of use Informal character maintained Design review Assessment on site	TBC

B3. Enhance existing pathways to improve pedestrian experience.					
B3.1	<p><i>Entrances into the Gully (Birrell Street , Wolaroi Crescent & Carlisle Street)</i></p> <ul style="list-style-type: none"> i. Replace Birrell street stairs. New stairs designed and built to comply with current Australian Standards. ii. Replace dilapidated ramps at Birrell Street entry. Widen ramp and provide step-free access to land locked residents. iii. Lift and re-lay Carlisle Street stairs to provide even tread and rise ratios across its alignment iv. Upgrade stairs at Wolaroi Crescent to provide even tread and rise ratios across its alignment. 	O	IS, UP, <u>PF</u> , CP	<p>Review on inspection</p> <p>Designs meet objectives</p> <p>Quality of access improved</p> <p>Level of use Assessment on site</p>	TBC
B4. Implement a wayfinding strategy for the park. Consider an audience of a range of abilities, literacy levels and languages. Encompass the physical environment, signage, customer service, information, brochures, guides and website.					
B4.1	<p><i>General Information</i></p> <ul style="list-style-type: none"> i. Review the current distribution of information about Tamarama Park and Beach and provide information about existing facilities, amenities and activities. ii. Update information as planned works are completed. iii. Provide detailed information on the Council's website in W3C-accessible formats. iv. Provide on-line information on access and mobility to and within the park. v. Update Council website to include latest information on transport options, accessible parking and transport, drop-off area, access pathways, accessible toilet/ shower facilities, seating and shelter, food/drink . vi. Continue to implement actions from Council's Closed-Circuit Televisions Policy, including CCTV and Wi-Fi rollouts across the park . 	O	IS, UP, <u>PF</u> , CP, C&E	<p>Wayfinding approach developed</p> <p>Implementation on site</p>	TBC

B4.2	<p><i>Wayfinding System</i></p> <p>Implement a wayfinding strategy for Tamarama Park and Beach with consideration of the following:</p> <ul style="list-style-type: none"> i. Support legibility and cohesion to and throughout the park by using consistent sign systems, colour/contrast, street furniture, trees, landmarks and other landscape features. ii. Improve signage locations so they are placed at major decision-making points and all primary and secondary points into the park, especially amenities and fitness paths. iii. Ensure that the physical placement, installation and illumination of signs enhances legibility when viewed from a distance. iv. Create an informed and complete user experience by ensuring the coverage of signage throughout the entire Park area. v. Help visitors navigate through the Park by offering content in a structured way with a clear hierarchy. vi. Ensure signage aligns with Council's signage strategy, corporate templates and Public Domain Technical Manual signage types. vii. Incorporate interactive wayfinding technology into signage and information where appropriate. viii. Ensure sign mapping identifies and provides information on accessible paths and step-free paths. ix. Incorporate interactive wayfinding technology into signage and information where appropriate. 	O	IS, UP, PF , CP	<p>Wayfinding experience improved</p> <p>Level of use</p> <p>Assessment on site</p> <p>Community feedback</p>	TBC
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B5. Provide an adequate proportion and distribution of universally accessible facilities connected by accessible paths of travel.					
B5.1	<i>Toilet/shower/change facilities</i> i. Maintain accessible compliant family and unisex toilets in existing toilet facilities.	O	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC
B5.2	<i>Playspace</i> i. Provide path connection between playground and kiosk amenities building to provide equitable access between facilities. ii. Provide accessible compliant seating with armrests and backrests to the playspace. iii. Provide a minimum of one independent wheelchair spaces (hardstand) set back off the pathway next to seats (1300mm x 800mm). iv. Provide an accessible compliant pathway to the playspace.	L	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC
B5.3	<i>Barbecues and Picnic Shelters</i> i. Provide accessible compliant barbecue facilities including an accessible path link to ensure equity of access to these facilities. ii. Provide accessible pathway to picnic shelters and picnic tables, with sufficient space for wheelchair seating.	L	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC
B5.4	<i>Seating and Street Furniture</i> i. Provide 50 per cent seating in the main park area with backrests and armrests. ii. Provide sufficient seating to support visitation of the park. iii. <u>Balance seating between areas of shade and full sun to provide choice of exposure.</u> iv. Provide seats approximately every 60 metres along the accessible compliant pathway route (set back from footpaths with an allocated hardstand adjacent). v. Maintain accessible water fountains with hardstands and circulation space.	L	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC
B6. Strive to provide universally accessible access to all areas of the park.					
B6.1	<i>Park Access</i> i. Provide highlighting strips on all stairs for visual contrast. ii. Provide handrails to existing stairs and ramps iii. Future stair and ramp upgrades will consider universal design principals and relevant building codes and Australian Standards where applicable	O	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC
B6.2	<i>Seating Areas</i> iv. Provide a range of seating options with back- and armrests at all seating areas.	O	IS, UP, <u>PF</u> , CP	Universal design considered Design review Visitor experience	TBC

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6.3. Playing and relaxing

The intent of the Master Plan is to identify improvements to the recreation amenities, such as buildings and park infrastructure that support current activities including sport, play, leisure and the activities associated with the park, gully and beach. There are also some improvements to be made in extending these facilities such as seating, water bubblers and barbecues and rationalising bins.

Tamarama Park and Beach is a highly dynamic open space. As with any open space with multiple uses there can be conflict between user groups. The Master Plan seeks to minimise conflict through management strategies and tools such as the Thresholds of Change management model as well as direct actions to avoid future conflict. Existing areas such as the passive open spaces, including the open lawn space and picnic areas must remain flexible spaces that cater for a variety of users and remain uninhibited by unnecessary additional infrastructure that does not support the purpose of the reserve for public recreation. The Action Plan overleaf seeks to address these points.

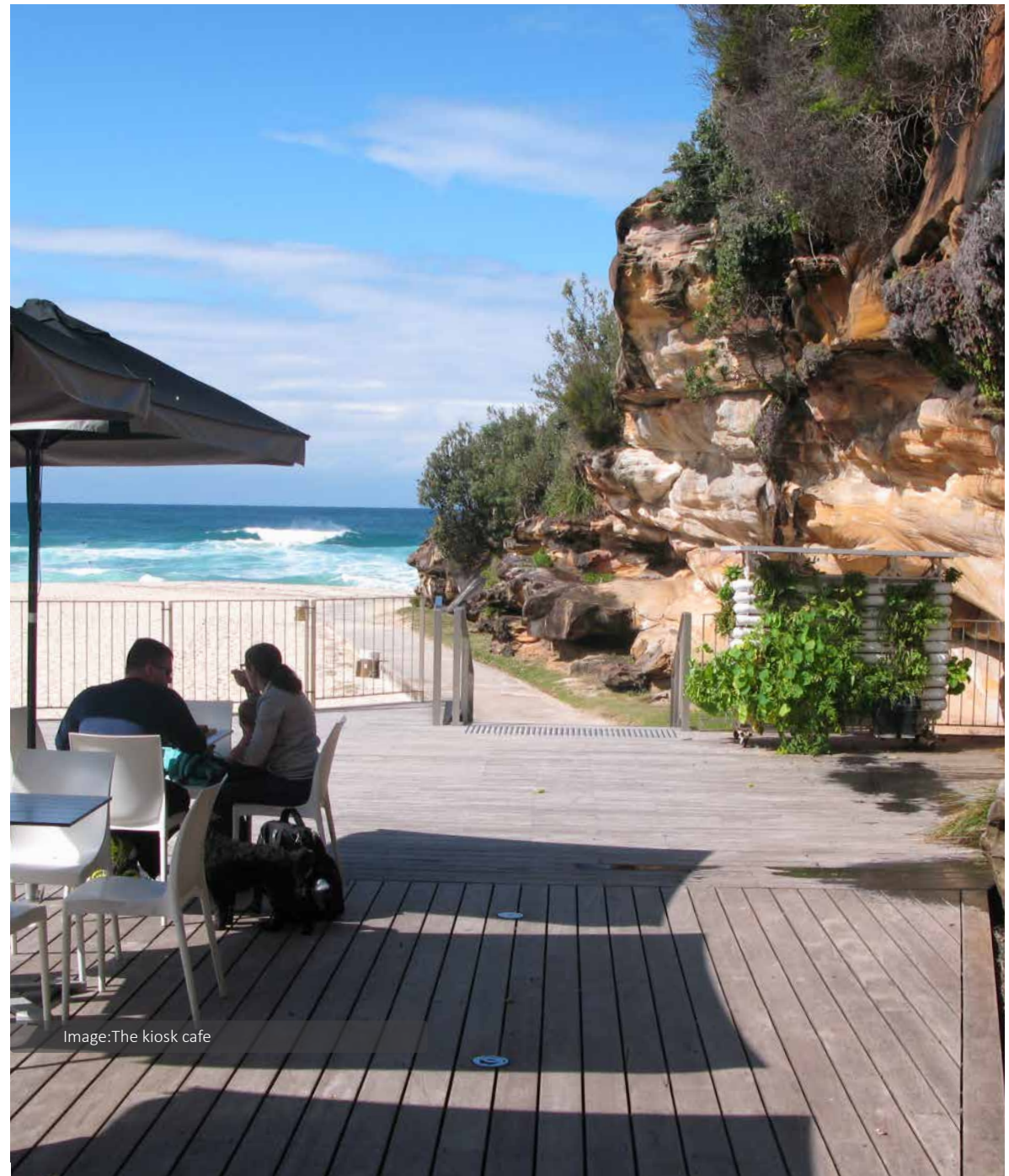


Image: The kiosk cafe

6.3.1. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
C1. Maintain and enhance passive recreation experiences within Tamarama Park and Beach					
C1.1	<p><i>Dog access</i></p> <ul style="list-style-type: none"> i. Provide a single off-leash zone in the open grass areas in Tamarama Gully. Dogs access to remain prohibited in vegetated upper slope areas where re-vegetation works are being undertaking in accordance with ERAP and in identified remnant vegetation areas. ii. Enforce on-leash only dog access across all other areas of the park. 	O	IS, <u>OSR</u>	<p>Improved level of compliance</p> <p>Community feedback</p> <p>Increase in participation</p>	E
C1.2	<p><i>Gully Lookout</i></p> <ul style="list-style-type: none"> i. Provide formalised trail/track access to waterfall lookout. ii. Provide safe access in accordance with Australian Walking Track Standard. iii. Reduce hazards by providing levelled surface and fall prevention measures at the waterfall lookout. iv. Provide information, wayfinding, hazard and risk signage at lookout and the beginning of the track. 	L	IS, ES, HR, <u>OSR</u>	<p>Community feedback</p> <p>Increase in participation</p> <p>Visitor Experience</p>	O
C1.3	<p><i>Picnic and Barbecue</i></p> <ul style="list-style-type: none"> i. Maintain existing arrangement and quantity of picnic shelters and Barbecues. ii. Provide accessible connection for future barbecue replacement. 	O	IS, <u>OSR</u>	<p>Visitor Experience</p>	E
C1.4	<p><i>Fitness Station</i></p> <ul style="list-style-type: none"> i. <u>Maintain the fitness station.</u> ii. Provide adequate low buffer planting as screening between fitness station and adjacent private properties. 	O	IS, <u>OSR</u>	<p>Visitor Experience,</p> <p>Community feedback</p>	E
C2. Provide adaptable and flexible spaces to accommodate a variety of interest groups					
C2.1	<ul style="list-style-type: none"> i. Provide adequate facilities to support casual recreational use but consider if enhancements to facilities or new infrastructure would impact the long-term flexibility of the space or create clashes between user groups. ii. Investigate enhancement that facilitate passive recreational use of the park without unduly impacting current usage. iii. Enhance passive recreational amenity through the provision of seating and other elements in Tamarama Gully. 	O	IS, <u>PF</u> , <u>OSR</u>	<p>Review on site</p> <p>Review through design</p> <p>Increase in participation</p> <p>Community feedback</p>	TBC

C3. Provide high quality amenities and facilities that support users.					
C3.1	i. Consider various user groups in any future upgrades. ii. Any upgrades to the park shall maximise space and consider flexibility of use.	O	IS, <u>OSR</u>	Review on site Review on hold-points Review through design	E
C4. Prioritise activities that are intrinsic to the place, its cultural and natural values which complement the physical location.					
C4.1	Ensure facility provision and use is compatible with the conservation of natural qualities and character of the park.	O	IS, ES, <u>OSR</u>	Maintain character Review of events Visitor feedback	E
C4.2	<i>Park Events</i> i. Assess and monitor high impact events and their suitability in the park as classified in Waverley Councils Event Policy. ii. Monitor and regulate commercial fitness providers and their regular use of the park, their impact on other users and their impact on the quality and natural enjoyment of the park. iii. Monitor and if required, regulate the impact of events. Particularly the condition of the gully and park and natural features along the cliff edges.	O	<u>OSR</u> , <u>PF</u>	Maintain character Review of events Visitor feedback	E
C4.3	Support occasional community events and not-for-profit organisations hosting charity events in accordance with Waverley Council Outdoor Events Management and Delivery Guidelines, Waverley Council Events Policy and Waverley Council Venue Hire Grants Program.	O	<u>OSR</u> , CP, C&E	Review of events Onsite inspections Community feedback	E
C4.4	<i>Gully (current activities)</i> i. Maintain Gully lawn as flexible open space allowing for informal passive recreation. ii. Maintain bushland setting along Gully slopes allowing informal nature play.	O	<u>OSR</u> , ES	Maintain character	E

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6.4. Enhancing the environment

In planning for the future, one of the intrinsic values of Tamarama Park and Beach is the preservation of the unique environment. Consequently, environmental values are at the forefront of any future works in the park and integrate with many other themes and their respective action plans.

To date, Council has completed different strategic plans and is implementing actions that aim to conserve remnant vegetation and ecosystems within the park and enhance biodiversity outcomes for flora and fauna. The plan of management does not include actions that relate directly to the management of bushland or remnant vegetation, as these are covered in the Tamarama ERFAP and Bio Action Plan. But the PoM aims to support these existing strategies and policies by aligning the master plan and action plan with the strategic actions in these documents, but aims to support these works by aligning the master plan and action plan with the works scheduled through Council's biodiversity action plans. Council will continue to coordinate, support and engage professional bush regenerators and volunteer bushcare groups to undertake the actions identified in these environmental and ecological-specific plans.

There is more work to do, particularly in managing the impacts brought on by coastal conditions and vegetation within the park, and in ensuring that recreational use effectively coexists with the natural environment. That is why Council has outlined its adaptive management framework and Thresholds of Change model within this management plan. Consequently, the master plan and action plan focus on these works.



Image: Tamarama Gully

6.4.1. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
D1. Enhance and conserve the natural heritage of the site such as vegetation, landform and hydrology.					
D1.1	Support actions identified in the Biodiversity Action Plan - Remnant Sites 2014-2020.	O	ES	Actions implemented Strategic review	E
D1.2	Monitor and update Tamarama Park Ecological Restoration Framework and Action Plan 2010 (ERFAP) where required.	O	ES	Actions implemented Strategic review	E
D1.3	Support actions identified in the ERFAP.	O	IS, <u>PF</u> , UP, ES, <u>OSR</u>	Actions implemented Strategic review	E
D1.4	Replace turf on slopes along edge of Gully with native vegetation. Refer to Figure 6.1 for locations).	O	IS, ES, <u>OSR</u>	Actions implemented Strategic review	E
D1.5	Remove invasive plant species that compete with native flora with the exception of Māori flax as it is managed by the Māori community.	O	IS, ES, <u>OSR</u>	Actions implemented Strategic review	E
D2. Monitor and adapt to the effects of climate change and other influences.					
D2.1	Design buildings and landscape works to consider environmental sustainability and adaptation to future climatic conditions.	O	IS, <u>PF</u> , UP, ES, <u>OSR</u>	Review on inspection Designs meet objectives Quality of access improved Level of use Assessment on site	TBD
D2.2	Use Thresholds of Change model to identify thresholds and triggers where climate change is negatively impacting the natural systems within the park .	O	IS, <u>PF</u> , UP, ES, <u>OSR</u>	Review on inspection Implement adaptive strategies Community feedback	TBD
D2.3	Maintain and improve the vegetation in the Park: i. Consider the current plant palette and improve where deemed appropriate. ii. Provide erosion control such as increase planting densities, garden bed fencing or flagstone pavers where foot traffic occurs within garden beds. iii. Continue to monitor vegetation response to extreme climate events within the Park	O	IS, ES, <u>OSR</u>	Review on inspection Implement adaptive strategies	TBD

D3. Manage Park use and access to areas of environmental sensitivity					
D3.1	Use the Thresholds of Change model to monitor and manage overuse within the park, especially on the natural turf and areas with high wear and tear.	O	IS, ES, <u>OSR</u>	Review on inspection Implement adaptive strategies Community feedback	TBC
D3.2	Provide buffer planting along edge of turf in Gully to prevent dog access onto Gully slopes.	O	IS, ES, <u>OSR</u>	Review on site Increase vegetation Community feedback	TBC
D3.3	Use natural vegetation buffers between park and vegetation zones to assist with access management and to enhance habitat values as well as providing wildlife corridors for movement of wildlife both internal and external to the park.	O	IS, ES, <u>OSR</u>	Review on site Increase vegetation Community feedback	TBC
D3.4	Develop a management strategy, based on monitoring and adaption that restricts access to areas of the park that have been impacted by external factors such as extreme weather events and internal factors such as overuse.	O	IS, ES, <u>OSR</u>	Review on site Community feedback	TBC
D3.5	Use select planting to manage access to sensitive areas within the park.	O	IS, ES, <u>OSR</u>	Review on site Increase vegetation Community feedback	TBC
D3.6	Replace Norfolk Island Hibiscus trees in the park with appropriate native species endemic to local ecology that also provides habitat to fauna.	O	IS, ES, <u>OSR</u>	Objective achieved	TBC
D4. Promote environmentally sustainable practices in the management and maintenance of the place.					
D4.1	Manage natural turf in a sustainable way that includes watering with rainwater collected from the Gully.	O	IS, ES, <u>OSR</u>	Conditions improved Assess status	TBC
D4.2	Use sustainable materials such as deco-granite or natural materials where feasible to reduce impact and degradation of the park ecosystem.	O	IS, <u>OSR</u>	Review on inspection Implement adaptive strategies Community feedback	TBC

D5. Consider whole of life-cycle cost in the selection of materials and construction techniques.					
D5.1	Explore options for the improvement and implementation of environmental sustainability through measures such as site design, layout and building design: iv. Consider the use of local materials in the construction of buildings and infrastructure v. Design buildings with the local climatic conditions in mind, with consideration of local microclimate. vi. Minimise impact on the environment through appropriate footprint design and techniques.	O	IS, PF, UP, ES, <u>OSR</u>	Sustainability performance improved Potable water use reduced Energy use managed Assessment of environmental performance	TBC
D6. Encourage the community to deepen their appreciation of nature through education on the value of Tamarama's unique environment and the role it plays within its local context.					
D6.1	Support programs that provide environmental education on-site.	O	IS, ES, <u>OSR</u> , CP	Awareness and understanding improved Community feedback	TBC
D6.2	Incorporate environmental information on promotional materials and signs.	O	IS, ES, <u>OSR</u> , CP, C&E	Awareness and understanding improved Presence of signage and availability of promotional material Community feedback	TBC
D7. Educate the community on the value of adaptive management through the Threshold of Change model.					
D7.1	Support systems that educate the community on the nature of adaptive management and the use of the Thresholds of Change model and the impact on park use of this approach.	O	IS, ES, <u>OSR</u> , CP, C&E	Awareness and understanding improved Community feedback	TBC
D7.2	Educate the community and user groups of the carrying capacity of each individual component of the park and the measures that Council will be taking to manage the park through identifying each threshold and managing use to meet that carrying capacity.	O	IS, ES, <u>OSR</u> , CP, C&E	Awareness and understanding improved Community feedback	TBC

6.5. Community, culture and heritage

Tamarama Park and Beach is an iconic beach attracting international visitors as well as frequent visitation from the local community. The connection to historical Aboriginal usage, evidence of remnant infrastructure left by European development coupled with a strong community connection has presented a unique suite of cultural heritage qualities that need to be effectively conserved and managed. There is also potential to add to and enhance the recreational experience of the park, through the expression and celebration of those heritage qualities.

The plan of management aims to reveal the site's heritage values by integrating interpretative mediums to draw attention to, and explain the origins and heritage value of, the heritage items within the park, along with the historic connection that the Waverley community has with the park. Each heritage feature in the park has potential to be interpreted as part of a coordinated approach that places individual elements in the broader natural contexts of the natural environment, Aboriginal cultural heritage and European cultural heritage.

The heritage approach to the park should be multi-layered and should explain the integration between the natural, Aboriginal and European narratives. Potential to plan and implement interpretive "events" that provide an ephemeral but impactful awareness of heritage values with the community should also be explored as part of the heritage interpretation approach. Additionally, the Plan recommends continuing to support existing and future community uses and groups that benefit from the site and its facilities. Heritage conservation, management and interpretation must be undertaken in consideration of the overall value of the park and its heritage to the community,

Key priorities centre on involving the local community and Traditional Owners with interpreting the area's historic heritage, encouraging participation as tour guides, and recording the community's knowledge of heritage values, stories and connections.



Image: Sandstone overhang on the northern headland

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6.5.1. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
E1. Interpret and tell the story of the place, including Aboriginal, Māori and European themes and storylines					
E1.1	Develop an integrated approach to signage on the site that integrates wayfinding with interpretation.	M	IS, PF, UP, ES, OSR	Review on site Develop wayfinding program Engage with Aboriginal community	TBD
E1.2	Continue consultation with the La Perouse Local Aboriginal Land Council on matters such as conservation and interpretation.	O	CP	Effective Aboriginal community engagement Consultation occurs Consultation evaluated	E
E1.3	Implement strategies to manage significant Aboriginal sites such as middens, to ensure protection for existing sites and any future uncovered sites.	O	CP	Effective Aboriginal community engagement Consultation occurs Consultation evaluated	TBD
E1.4	Provide information on the Indigenous heritage if available of the area and incorporate these stories within the existing Waverley heritage trails network.	M	IS, UP, CP	Effective Aboriginal community engagement Signage developed	TBD
E1.5	Integrate natural and cultural heritage themes.	M	IS, UP, CP	Review themes Implement & review	BD
E1.6	Enhance historic heritage experiences with visitor information and the interpretation of key stories and themes.	M	IS, UP, CP	Review on site Update information Increase visitation	TBD
E1.7	Recognise the importance of documents, materials and collections held elsewhere as part of Tamarama Park and Beach's cultural heritage and significance and their potential role in interpretation.	M	IS, UP, CP	Recordings undertaken and maintained Monitor records	TBD
E1.8	Involve the local community and Traditional Owners with interpreting the park's historic heritage, encourage participation and record the community's knowledge of heritage values, stories and connections.	M	CS	Effective Aboriginal community engagement Monitor records	E

E1.9	Involve local community and descendants of Māori soldiers from the 28th (Māori) Battalion to recognise Māori Flax plantings as a living war memorial.	O	ES, CP	Effective Māori community engagement Monitor records	TBC
E2. Strengthen and express the cultural values of the site through supporting community groups and activities					
E2.1	Continue Council's bushcare program where demand is present, providing materials and volunteer support and training.	O	ES	Community participation	E
E2.2	Continue to support the community activity groups who use the park and facilities.	O	ES, CP	Use continues Review of use	E
E2.3	Continue to support the Māori community in managing and utilizing the Māori flax in the Gully for traditional cultural practices.	O	ES, CP	Use continues Review of use	TBC
E3. Ensure the cultural landscape is expressed in the design and management of the site.					
E3.1	Ensure the visual setting of the park is conserved by considering the overall landscape character of the park when assessing and/or designing new development or rebuilding existing infrastructure in the park.	O	IS, MP, UP	Character maintained Design review	TBC
E4. Conserve and maintain the heritage fabric of the park					
E4.1	<p><i>Approach</i></p> <ul style="list-style-type: none"> i. The heritage significance of Tamarama Park and Beach is conserved and managed for future generations. ii. The full range of identified and potential heritage values will be considered, including natural and cultural. iii. The park will be managed as a continuous and integrated cultural landscape. iv. Any works on the ground will be guided by heritage inputs v. Any physical works proposed shall be assessed to mitigate and manage material impact. A heritage impact statement is required for any works proposed in the park that are likely to impact identified heritage items. 	O	IS, MP, <u>PF</u> , UP, CP	Heritage elements conserved and appreciated Design review Heritage review On site assessment	TBC

E4.2	<p><i>Conserve heritage significance</i></p> <ul style="list-style-type: none"> i. Undertake a cautious approach - change as little as possible. ii. Avoid constructions that would adversely affect the heritage significance of Tamarama Park and Beach. iii. Regularly inspect heritage items to assess condition and identify any actions required. iv. Use most recent technologies to record engravings and monitor condition periodically. v. Prepare conservation strategies for individual heritage items where significant change is proposed. vi. The natural, cultural and social values of the parks should be weighted equally. vii. Enhance presentation and public appreciation of heritage values. 	O	IS, MP, PF , UP, CP	<p>Heritage elements conserved and appreciated</p> <p>Design review</p> <p>Heritage review</p> <p>On site assessment</p>	TBC
E4.3	<p><i>Engage with community</i></p> <ul style="list-style-type: none"> i. The coexistence of Aboriginal and historical values needs to be considered and given equal weight during planning. ii. The significant associations between the place and people who value the place need to be respected and retained not obscured. 	O	IS, MP, PF , UP, CP	<p>Effective Aboriginal community engagement</p> <p>Consultation occurs</p> <p>Consultation evaluated</p>	TBC
E4.4	<p><i>Encourage research and enquiry</i></p> <ul style="list-style-type: none"> i. Facilitate and encourage engagement and involvement of people for whom the parks have significant association and meaning. ii. Understand the research potential of various heritage elements within the parks. 	O	IS, MP, PF , UP, CP	<p>Research encouraged</p> <p>Research potential optimised</p> <p>Monitor research</p>	TBC
E4.5	<p><i>Keep good records</i></p> <ul style="list-style-type: none"> i. Where changes or works are undertaken, ensure decisions are recorded and made available. 	O	IS, MP, PF , UP, CP	<p>Recording undertaken and maintained</p> <p>Monitor records</p>	TBC
E4.6	<p><i>A continuous cultural landscape</i></p> <ul style="list-style-type: none"> i. As per E1.1, manage as a continuous cultural landscape - explore potential physical connections between the parks. ii. The visual relationships between the parks, including views and landscape, should be protected and enhanced. 	O	IS, MP, PF , UP, CP	<p>Physical links optimised</p> <p>Visual links optimised</p> <p>Monitor on site</p>	TBC

E4.7	<p><i>Heritage listings</i></p> <ul style="list-style-type: none">i. Update Waverley LEP Heritage Map and schedule 5 with current information to remove duplicate sites and adjust location of known items.ii. Visual relationship between the parks, including views and landscape, should be protected and enhanced.iii. Support the Māori community to register the Māori Flax Memorial with the NSW Veterans Affairs Office as a Community War Memorial	O	IS, UP, CP	LEP updated Visual links conserved Design review Monitor on site Registration undertaken	TBD
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6.6. Management and maintenance

Maintenance responsibilities of Tamarama Park and Beach currently lie with Council. Tamarama Park has a high level of visitation placing immense pressure on park services and maintenance requirements. The plan proposes to review some of the current management and maintenance practices for the park and beach with the intention of ensuring maintenance service levels are adequate to achieve a high level of amenity and safety.

The plan aims to align community expectations regarding maintenance with the "maintenance and servicing framework" for beach parks outlined in the *Open Space and Recreation Strategy*. Where practical the proposal seeks to reduce the visual clutter associated with garbage services and vehicle access.

Some infrastructure such as the stairs and path access into the park, broken seating and fences require repair or replacement. When these assets are replaced, it must be ensured they meet current and future requirements, and where possible asset repair and replacement, like for like, will be managed in accordance with Council's *Strategic Asset Management Plan*.



Image: Tamarama Park

6.6.1. Action plan

Item	Action	Time	Who	Performance targets & measures	\$
F1. Manage and maintain the park's natural ecosystem					
F1.1	Maintain the natural ecosystems within the park as a whole system, seeing each individual component, such as turf, flora and fauna as being part of the whole ecosystem services offered and understanding that Tamarama Park and Beach is one part of a whole green system within the larger Waverley municipality.	S	IS, <u>PF</u> , UP, <u>OSR</u>	Maintenance of natural systems, including turf fields to an identifiable standard of service	TBD
F2. Ensure that the park environment is safe for users at all times					
F2.1	<i>Shared use of common areas of park</i> Promote awareness of the cooperative use of the common areas of the park.	S	IS, PF, UP, <u>OSR</u>	Shared use promoted	TBD
F2.2	Ensure safety is considered in all design projects with the park and buildings and continue to work with relevant stakeholders to address safety concerns.	S	IS, <u>PF</u> , UP, <u>OSR</u>	Function and safety improved Design review On site monitoring	TBD
F2.3	<i>Safety through design</i> Ensure that the four main design principles of the Crime Prevention Through Environmental Design (CPTED) framework are applied throughout the park, including: <ul style="list-style-type: none"> i. Natural surveillance – spaces are designed so that people and spaces can be seen ii. Access control – built space mechanisms used to control movement iii. Territorial Reinforcement – visitors have a sense of ownership of the space iv. Space management – the space is well maintained and inviting v. Provide natural and passive surveillance throughout the park by enhancing or installing new security lighting. 	S	IS, <u>PF</u>	Function and safety improved Design review On site monitoring	TBD

F3. Consider the capacity of the landscape when identifying management strategies					
F3.1	<p><i>Capacity Management strategies</i></p> <p>Management and mechanisms are based on the capacity of the ecosystems within the park. Identify the thresholds of change for each of the main ecosystems with the park, including:</p> <ul style="list-style-type: none"> i. Softfall where it is installed, such as on playspaces. ii. Natural tactile surfaces were used on paths .Flora ecosystems, such as plantings, trees, gardens . iii. Use these thresholds to manage each ecosystem within their individual thresholds to maintain the element at its optimum and to maintain community confidence in the overall space. 	O	IS, PF, <u>OSR</u>	Effectiveness and management Monitoring	LTFP
F4. Ensure facilities are well-maintained and appropriately serviced					
F4.1	Ensure maintenance service levels are aligned with the 'maintenance and serving framework' for Beach Parks as outlined in Appendix A of the Open Space and Recreation Strategy.	M	ES, MP, <u>PF</u> , W&C	Quality of park use Effectiveness and cost Monitoring	LTFP
F4.2	Ensure a continual upgrade of grassed areas, entries, signage, vegetation and other park assets in line with Strategic Asset Management Plan.		IS, <u>PF</u> , UP, <u>OSR</u>	Quality of park use Effectiveness and cost Monitoring	E
F4.3	Continue to invest in stormwater harvesting on all new structures and retrofit water harvesting to existing buildings, towards improving natural turf surfaces and gardens within the park.	M	ES, MP, <u>PF</u> , W&C	Water harvesting contributes to site water supply Assessment / monitoring	LTFP
F4.4	Continue to monitor waste management within the park.	O	ES, IS, <u>OSR</u>	Sustainable waste management Monitoring	LTFP
F4.5	Continue to document maintenance regime to buildings and implement.	O	<u>PF</u> , <u>OSR</u> , W&C	Effectiveness and cost Monitoring	E
F4.6	Continue to undertake, improve and enhance the regular planned maintenance program for the parks.	O	IS, <u>PF</u> , UP, <u>OSR</u> , W&C	Effectiveness and cost Monitoring	E

F4.7	Undertake reactive maintenance of the park such as graffiti removal and repairing damages.	O	<u>OSR</u> , W&C	Quality of park use Effectiveness and cost Monitoring	E
F5. Review and enforce compliance and regulations that enable a range of users to enjoy the park safely					
F5.1	Ensure compliance information aligns with Appendix b: Park compliance of the Open Space and Recreation Strategy.	O	IS, <u>OSR</u>	Sustainable use Monitoring Community liaison	E
F5.2	Continue to monitor the use of the dogs off-leash in prohibited areas. Undertake any necessary campaigns to educate dog-owners about regulations and responsibilities. Enforce regulations as required.	O	IS, <u>OSR</u>	Sustainable use Monitoring Community liaison	E
F5.3	Maintain compliance signage in alignment with Council's signage and wayfinding strategy. Ensure relevant information is available to allow for practicable enforcement of regulations, such as dog off leash.	M	IS, <u>PF</u> , <u>OSR</u>	Effective awareness and understanding Monitoring Community liaison	TBD
F5.4	Review, monitor, and actively enforce the commercial fitness groups' and personal trainers' lease agreements and agreed use of the park to manage and reduce wear and tear on the lawn and park infrastructure, and to ensure groups comply with the agreement terms.	O	<u>OSR</u>	Sustainable use Monitoring Community liaison	E
F5.5	<u>Continue to support casual volleyball players in accordance with rules and regulations.</u>	O	IS, CP	Sustainable use Monitoring Community liaison	E
F5.6	Maintain ranger patrols to enforce compliance and safety issues.	O	<u>OSR</u>	Sustainable use Monitoring Community liaison	E
F6. Educate private property owners on their obligations as Crown Land neighbours					
F6.1	Educate private landowners that share a boundary with Tamarama Park and Beach on their specific responsibility as a neighbour to Crown Land. Provide guidance to landowners on what they can and cannot do.	O	IS, <u>PF</u> , <u>UP</u> , <u>OSR</u>	Community liaison Awareness and understanding improved	E

6.7. Community land management

As specified in the LG Act S36 (3A) (a) and (b) a plan of management that applies to just one area of community land:

- (a) must include a description of:
- i. the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - ii. the use of the land and any such buildings or improvements as at that date, and
- (b) must:
- i. specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - ii. specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - iii. describe the scale and intensity of any such permitted use or development.

The purposes for which the land, buildings and improvements, including future development, will be permitted to be used are based upon and support the reserves purpose of public recreation, the objectives of the reserve community land categories, and the uses as detailed in this plan of management and master plan.

Council Tamarama Park management, including administration and maintenance facilities and services, will be permitted throughout the reserve and may involve the exclusion of the general public for safety and service delivery reasons.

The scale and intensity of permitted uses and developments will be governed by this plan of management once adopted, along side Council’s Events and Community Facilities policies, Council’s lease, licence or other estates approval policies and procedures, any regulations about permitted or non-permitted activities, and any Council approvals under

S68 of the LG Act and or Council’s development consents and approvals as a determining authority under the Environmental Planning and Assessment Act 1979.

The specific purposes and description of uses in leases, licences and other estates is set out in Chapter 9.8: Lease, licence and other estates authorisation.

The purposes generally include:

Public recreation - recreation, leisure, health and fitness, community and cultural facilities, uses and events, food and beverage outlets, mobile vendors, recreation, leisure and sporting hire and or retail fitness, health and well-being classes or training, major public events and associated supporting activities, commercial or community filming and photography; and

Community uses - surf lifesaving facilities, uses, events and services, community theatre, arts and crafts with associated training and education, music rehearsal and studio and associated activities, Tamarama Park and Beach visitor information and associated goods and services and storage.

6.8. Land Categorisation

It is a requirement of the LG Act to categorise land as per s.36(4). Tamarama Park and Beach has been categorised in accordance with the guidelines set out in Chapter 11, 12 and 14 of the Local Government Regulation 1999. The proposed categories for this Plan of Management are described in the table.

The community land categories across the reserve are:

- Park
- Natural Area – Escarpment
- Natural Area – Bushland
- Natural Area – Foreshore
- General Community Use

These five categories are described in the upcoming table. For land ownership, refer Chapter 3, Figure 3.1 Land Ownership.



Figure 6.2 Land Categorisation

Reserve/ Dedication	Ownership	Gazettal date	Purpose(s)	Categorisation	Justification
Tamarama Park 500481 (Lot 1 DP 1150445, Lot 710 DP 1181647, Lot 711 DP 1181647, Lot 7101 DP 1060141)	Crown Land	<u>24th September, 1920</u>	Public Recreation	Park General Community Use Natural Area Foreshore Natural Area Escarpment Natural Area Bushland	<p>Park – This area is used for active and passive recreation, the area includes:</p> <p>Part of the lower gully area including grassy and vegetated slopes with path connecting to various access points and central park area.</p> <p>The central park area is mainly used by walkers, dog walkers, picnickers and people relaxing.</p> <p>Occasionally, informal ball games and fitness training also take place within this area. Fitness trainers require a permit from Council to conduct classes in the park.</p> <p>General Community Use – These areas include:</p> <p>The Southern Kiosk Amenities on the southwest of the Park contains public toilets, change facilities, showers. A licence agreement is in place at the Kiosk café.</p> <p>Shared storage for the TSLSC and bin store are located in a storage building on the north side of the park which also houses a first aid room.</p> <p>Natural Area ‘Foreshore’ – A small area of Crown Land at the back of Tamarama Beach is used primarily for sand-based recreation activities, including casual volleyball games.</p> <p>Natural Area ‘Escarpment’ – This area includes the natural sandstone cliff wall, outcrops and patches of vegetation along the north east of the reserve and part of the sandstone cliff wall on the southern side.</p> <p>Natural Area ‘Bushland’ – These areas are located on the South and North facing slopes of Tamarama Gully and the vegetated slope adjacent Tamarama Marine Drive. The Gully slopes include a mix of native and exotic vegetation. Waverley Council has adopted and is implementing an <i>Ecological Restoration Action Plan</i> (ERAP) to re-establish native species within the bushland dominated by invasive exotic weeds. Works are carried out by professional contractors engaged by Waverley Council.</p>
Tamarama Beach 41603 (Lot 7046 DP 1052115)	Crown Land	<u>17th April 1907</u>	Public Recreation	General Community Use Natural Area Foreshore Natural Area Escarpment	<p>General Community Use – These areas include:</p> <p>Tamarama Beach Surf Lifesaving Club (TSLSC) is located on the northeast of the Park along the coastal walk with amenities for club members.</p> <p>Lifeguard tower is located on the north east of the beach.</p> <p>Natural Area ‘Foreshore’ – A small area of Crown Land at the back of Tamarama Beach is used primarily for sand-based recreation activities.</p> <p>Natural Area ‘Escarpment’ – This area includes the south and north headlands, both features sandstone cliffs, outcrops and patches of remnant vegetation.</p>

Reserve/ Dedication	Ownership	Purpose(s)	Categorisation	Justification
Lot 2 DP1163353 Lot 11 DP1153342	Council Land	Public Recreation	Natural Area Bushland	Natural Area 'Bushland' - These areas are located on the eastern facing slopes of Tamarama Gully and form the western boundary to the park bounded by residential properties. The Gully slopes include areas of natural waterfall and a mix of native and exotic vegetation. Waverley Council has adopted and is implementing an Ecological Restoration Action Plan (ERAP) to re-establish native species within the bushland dominated by invasive exotic weeds. Works are carried out by professional contractors engaged by Waverley Council.

Community land category	Local Government Act 1993 (Ss.36G, 36I, 36N) Core objectives for community land categories	Local Government <u>(General)</u> Regulation 2021 Guidelines for categorisation
Natural area - bushland	<p>The core objectives for management of community land categorised as bushland are:</p> <ul style="list-style-type: none"> • to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and • to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and • to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and • to restore degraded bushland, and • to protect existing landforms such as natural drainage lines, watercourses and foreshores, and • to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and to protect bushland as a natural stabiliser of the soil surface. 	<ul style="list-style-type: none"> • Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation: • is the natural vegetation or a remainder of the natural vegetation of the land, or • although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality. <p>Such land includes:</p> <ul style="list-style-type: none"> • bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey 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 • 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 • 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.
Natural area – escarpment	<p>The core objectives for management of community land categorised as an escarpment are:</p> <ul style="list-style-type: none"> • to protect any important geological, geomorphological or scenic features of the escarpment, and • to facilitate safe community use and enjoyment of • the escarpment 	<p>Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if:</p> <ul style="list-style-type: none"> • 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.

Natural area – foreshore	Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	The core objectives for management of community land categorised as foreshore are: <ul style="list-style-type: none"> to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.
Park	Land should be categorised as a park under section 36(4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	The core objectives for management of community land categorised as a park are: <ul style="list-style-type: none"> to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and to provide for passive recreational activities or pastimes and for the casual playing of games to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management
General community use	Land should be categorised as general community use under section 36(4) of the Act if the land— <ul style="list-style-type: none"> 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 is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance. 	The core objectives for management of community land categorised as general community use 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— <ul style="list-style-type: none"> 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).

Source:

Guidelines for categorisation: *Local Government (General) Regulation 2021*

Core objectives for community land categories: *Local Government Act Amendment 1993*

6.9. Leases and licences

This Plan of Management, and the accompanying table: Authorisation of Leases, Licences and Other Estates, expressly authorises the following leases, licences and other estates, subject to the provisions of the LG Act, Part 2, Division 2, Ss.45 and 46, 46a to 47d and being consistent with the core objectives of the community land categories assigned to the Crown land, as well as the Crown reserve purpose.

The grant of any tenures, such as tenure terms and limits, tendering, and notification and approvals, will be subject to the provisions of Part 2, Division 2 of the LG Act.

Public events are defined as being events that are open to the general public and are subject to Council's Community Strategic Plan, or Events or Community Facility policies, and may require Council approval or authorisations. The express authorisation of leases and licences under this plan of management is outlined below.

Tamarama Park (Crown Reserve 500481) and Beach (Crown Reserve 41603) is a Crown reserve for the gazetted purpose of 'Public Recreation'.

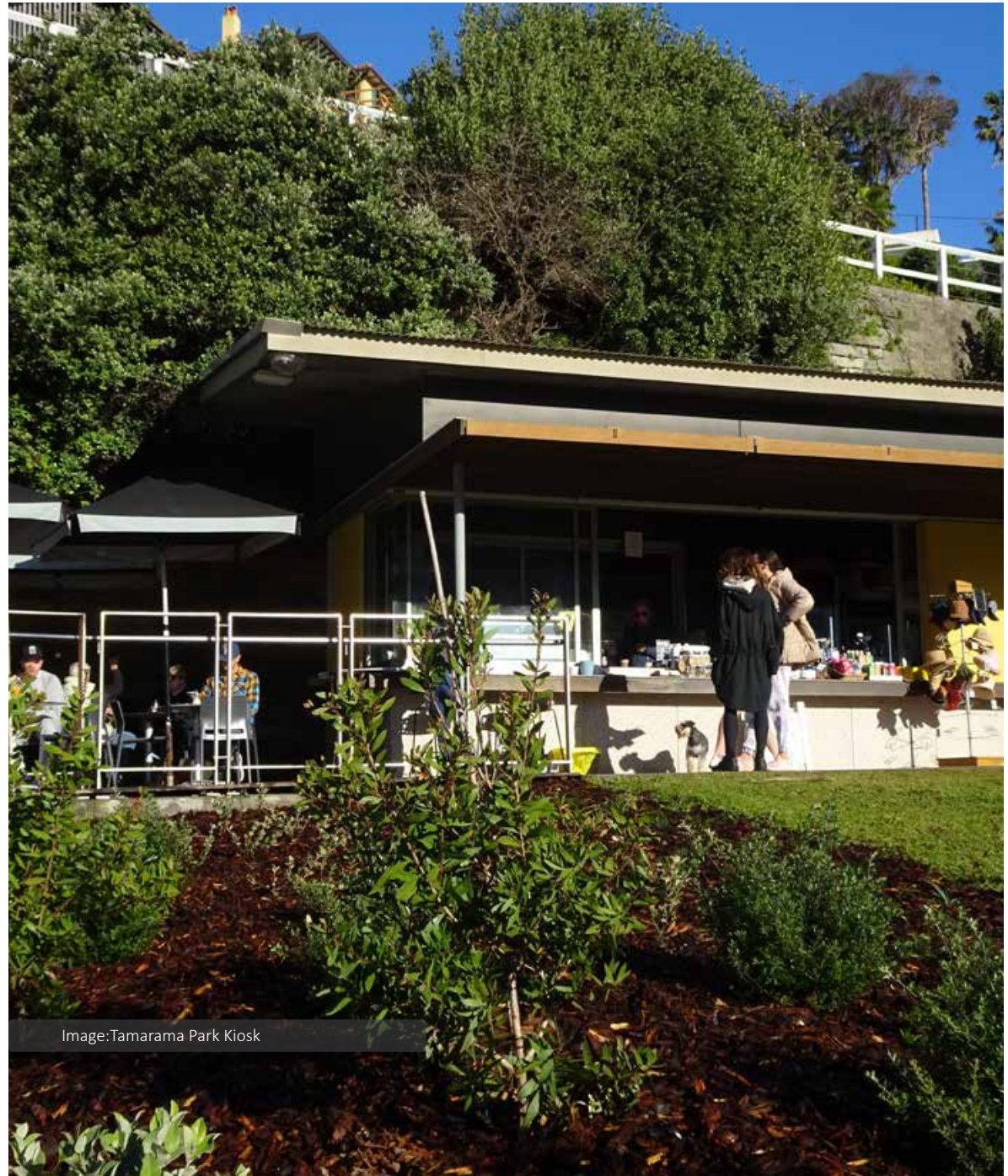


Image: Tamarama Park Kiosk

6.9.1. Express authorisation of leases and licences

Tenure Type	Tenure Purpose	Description	Category Area	Specific Areas (if required)	Current or Future Use
Lease or licence	Community performance	Community and cultural activities, performing and visual arts activities, including concerts, dramatic productions, dance and exhibitions	General Community Use, Park	Specified areas as designated, including gully, park, beach and surf club.	Future use
Lease or licence	Recreation, leisure, health and fitness, community events	Hireable community spaces for recreational classes or ad hoc community functions and events	General Community Use, Park	Specified areas as designated, including the surf club.	Future use
Lease or licence	Food and beverage outlets	Cafes or kiosk including outdoor dining	General Community Use	Specified areas as designated	Future use
Licence	Public event	Special events and/ or exhibitions without any permanent structures and does not conflict with the park as a recreational public space	General Community Use, Foreshore	Specified areas as designated	Licence
Licence	Storage	Management of public security lockers	General Community Use	Specified areas as designated	Future use
Lease	Surf lifesaving clubhouse	Clubhouse activities and ancillary services, including function and training space, merchandise sales and equipment storage	General Community Use	Specified areas as designated	Current use
Licence	SLSC Nippers events	Organised group training, health and fitness activities for SLSC Nippers	General Community Use, Foreshore	Specified areas as designated	Current use
Licence	Surf Life Saving Clubs and/ or SLSNSW	Organised training and competitive events	General Community Use, Foreshore and Park	Specified areas as designated	Current use
Licence	Fitness, health and well-being classes or training	Individual lessons or classes for health, fitness or well-being	Park, General Community Use	Specified areas as designated	Licence
Licence	Mobile vendors	Goods and services ancillary to public recreation and Tamarama Park and Beach: Ice cream, water, juice sales, coffee, massage, sun protection, beach and water equipment hire	Park, General Community Use, Foreshore	Tamarama Park, Beach, Promenade	Current use
Licence	Commercial or community filming and photography	Commercial or community production of films and photographs without any permanent structures and in accordance with the Local Government Filming Protocol	Park, General Community Use	As detailed in individual licence	Current use

General and ad hoc short-term or casual licences: as issued ad hoc with Council formal application process, permissions and/or approvals (LG Act, S.46, LG (General) Regulation, Cl. 117, and CLM Act Ss. and 3.17, CLM Regulation Cl. 31		
Park	General Community Use	Foreshore
Community events and festivals hiring of equipment	Publicly accessible functions (including commemorative functions, book launches, film releases, balls, and similar activities)	Community events and festivals hiring of equipment
Playing a musical instrument, or singing for fee or reward, including busking	Public event-based social purposes (including child care, vacation care)	Filming, including for cinema/television
Filming, including for cinema/television	Exhibitions, functions and catering	Conducting a commercial
Conducting a commercial	Concerts and other performances, including both live performances and film (cinema and TV)	Photography session
Photography session	Broadcasts associated with any event, concert, or public speech	Public performances engaging in trade or business ancillary to, or supportive of public recreation
Public performances engaging in trade or business ancillary to, or supportive of public recreation	Public speeches, meetings, seminars and presentations, including educational programs	Delivering a public address
Delivering a public address	Engaging in trade or business ancillary to, or supportive of public recreation	Mobile public health services, e.g.: Blood Bank, Mammogram, community health
Mobile public health services, e.g.: Blood Bank, Mammogram, community health	Delivering a public address	Fairs, markets, auctions and similar activities
Fairs, markets, auctions and similar activities	Community events and festivals	Catering
Catering	Fairs, markets, auctions and similar activities	Advertising consistent with the reserve use and purposes
Advertising consistent with the reserve use and purposes	Advertising consistent with the reserve use and purposes	Environmental protection, conservation or restoration or environmental studies
Environmental protection, conservation or restoration or environmental studies	Limited commercial promotional events for recreation or leisure activities	Short term erection of temporary structures ancillary to Hallmark (State Government), State and National recognised events
Short term erection of temporary structures ancillary to Hallmark (State Government), State and National recognised events	Community, training or education	Small pop-up marquees for community events, <u>licenced</u> vendors, environmental activities and festivals
Small pop-up marquees for community events, <u>licenced</u> vendors, environmental activities and festivals	Environmental protection, conservation or restoration or environmental studies	Site investigations access through a reserve emergency occupation
Site investigations access through a reserve emergency occupation	Short term erection of temporary structures ancillary to Hallmark (State Government), State and National recognised events	
	Small pop-up marquees for community events, <u>licenced</u> vendors, environmental activities and festivals	
	Site investigations access through a reserve emergency occupation	

6.10. Other estates

This Plan of Management allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.

Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.

6.11. Compliance restrictions

Compliance and regulation in open spaces such as parks, reserves, urban centres and beaches are an important part of keeping the community safe and our environmental assets clean and sustainable.

Regulations of permitted or prohibited activities should be outlined in Council’s plans of management and on Council’s website. Compliance information is also currently found on park signs.

The following activities are prohibited in Tamarama Park and Beach based on Council’s revised compliance framework for parks dated February 2019:

- No camping or staying over night
- No portable barbecues or open fires
- No organised ball games without council approval
- No Smoking
- No skateboarding, rollerblading and kite flying
- Dogs prohibited in park (including within 10m of playground, with the exception of assistance dogs) and on the Beach
- Dogs permitted on-leash on the Coast Walk, promenade, park pathways and in Tamarama Gully
- Fishing is allowed in these areas but taking, gathering or collecting seashore animals is prohibited.
- No kite or kite activities

- No collecting or harvesting invertebrates in the intertidal area
- No commercial activities, without Council approval
- No glass

Alcohol Prohibited Areas

Tamarama Park is currently designated as an Alcohol Prohibited Areas (APAs) in accordance with Section 632A of the Local Government Act.

It is recommended by the Office of Local Government that the application of the APAs is reviewed by Council every four (4) years to ensure an APAs is still warranted to manage alcohol consumption in the public place to reduce anti-social behaviour and crime.



Image: Compliance signage



Implementation and Funding

7

7. Implementation and funding

7.1. Funding sources

Funding for implementing the plan of management will either be allocated for future upgrade works (capital works) or maintenance and management of the park (operational works). Funding for the management and maintenance is currently provided through Council's annual budget allocation.

To fund the proposed upgrade works Waverley Council plans to set aside capital works funds in future years that will cover a number of the proposals in the shorter-term plan.

Council's budget for the plan of management is not expected to accommodate all proposals in the short- or long-term plan. Additional funding options that may be investigated include:

- State and federal grants
- Voluntary planning agreements
- Chapter 7.11 planning contributions
- Partnerships with community groups or businesses.

The amount of funding through these streams is difficult to anticipate as it is dependent on development and grant programs. Regardless of the type of current or future enterprises, Council must also ensure that legitimate costs of upgrading the park are recouped wherever possible.

7.2. Performance indicators

To effectively implement the action plan, performance indicators are required to demonstrate that the desired outcomes from the plan have been achieved.

The action plan identifies suggested performance targets and measures for each action. In addition, the following methods can supplement and complement the monitoring of progress and performance of the action plan:

- Surveys: carry out surveys and questionnaires periodically (approximately every five years), accompanied by a survey of user numbers in various parts of the area. This survey should be qualitative and quantitative. This survey should establish any changes in park usage, visitor experience and perceptions, etc. Additionally, online surveys could be undertaken to request feedback on the implementation of particular programs and management strategies.
- Register of correspondence: review of letters, emails and community requests received each year (positive and negative) on various subjects related to the site. This register can be used to indicate general trends, changes in issues, opportunities and the management of the space.
- Photographic survey: taken at key and consistent locations every five years to establish degrees of change (either positive or negative). This could be compared with aerial photographs reviewed every five years.

7.3. Review and monitoring

If the plan of management is to remain relevant in the future it is essential that its implementation is reviewed on a regular basis to ensure any relevant changes are incorporated. Changes that may need to be addressed include new legislation, changes in community values, project priorities, funding resources and new opportunities for future upgrades.

Given that community expectation and requirements change over time, this plan also needs to have some flexibility to adapt to any changes of circumstance.

It is recommended that the plan be reviewed in the following sequences and time spans:

- Annually; review progress of action plan
- Every two years: review management and administration structures and update priorities
- Every five years: undertake a major review of all values based on revised analysis of issues and amended

planning legislation. Review outcomes against survey information, photographic record and register of correspondence.

- Every ten years: review the plan of management.
- As directed by the Department of Planning and Environment, who are the responsible agency for the *Crown Land Management Act (2016)* which governs the development of all management plans.
- In addition, in accordance with the Native Title Act any native title claims that affect the planning area.

An aerial photograph of Tamarama Park and Beach. The image shows a residential area with houses and trees surrounding a large green park area. A curved road runs along the edge of the park, and a sandy beach is visible in the bottom right corner, meeting the ocean. The text "Tamarama Park and Beach Plan of Management" and "Public Exhibition Summary Report" is overlaid on a blue semi-transparent box at the bottom of the image.

Tamarama Park and Beach Plan of Management Public Exhibition Summary Report

November 2023

Waverley Council acknowledges the Bidjigal and Gadigal people, who traditionally occupied the Sydney Coast and we acknowledge all Aboriginal and Torres Strait Islander Elders both past and present.

Contents

Executive summary.....	2
Background.....	3
Approach and objectives	4
Engagement methodology and data overview	4
Feedback summary.....	6
Responses – Online Survey.....	6
Plan of Management survey results.....	6
General survey questions	6
Questions related to action plans	7
General feedback.....	15
Written submissions	17
Summary of Consultation results:	18
Conclusion and next steps	20
Appendix A – flyer and distribution map.....	21
Appendix B – Facebook post	22
Appendix C – Instagram posts	23
Appendix D - Enewsletter	24
Appendix E - posters.....	25
Appendix F – Have Your Say Page	26

Executive summary

To ensure future generations enjoy Waverley's open spaces, it is important to have a sustainable approach in the management of our Parks. Plans of Management (PoMs) guide how community land is used, managed and improved.

Waverley Council consulted on the Tamarama Park and Beach Plan of Management (PoM) for a second and final time via a formal public exhibition process for the minimum 42 days, between 22 September to 05 November 2023.

We received 32 submissions during the six-week public exhibition period, and an additional 3 email submissions. A range of communication methods and channels were employed during the public exhibition period, to help ensure maximum reach and exposure of the proposed Plan of Management. The feedback received is now being considered and will be reported to Council with any amendments to the PoM for adoption and referral to the Department of Planning and Environment – Crown Lands and the Minister for Land and Property.

This consultation report focuses on the submissions received in the final round of exhibition. Feedback from the previous rounds of consultation, in 2022, have already been integrated into the Draft PoM that was placed on public exhibition.

Waverley Council's (Council) Have Your Say (HYS) website had a dedicated page for the Plan of Management (PoM) and encourages community feedback on the Draft plan of management, the masterplan and action plans.

The community were asked to provide their feedback on the PoM and Masterplan and Action plans. The Action plans are the working parts of a plan of management, detailing the key actions and implementation priorities required to achieve the objectives of the plan of management for Tamarama Park and Beach.

Each of the Action Plans was identified within the survey response section of Council's HYS page, providing an opportunity for more targeted community feedback. Respondents were asked to confirm whether they had read the draft plan of management, whether they support the draft plan and whether the master plan and related action plans achieved the key objectives of the draft PoM.

These key findings from the public exhibition were in line with what the community told us in the previous consultation and have been addressed in the PoM Action plan.

Key findings from the public exhibition consultation were:

- There was general community support for the overarching vision of the plan and the key ideas (90.6% 29 out of 32 online survey responses).
- All PoM themes were majority supported by the Community on average 61.5% support, 31% neutral and 7.5% unsupportive.
- Management and Maintenance actions in the Draft PoM was the most supported theme (66.67% 20 of 30 respondents)
- Getting to and around the park is important to the community (64.25% 20 of 31 responses) – with access improvements to the gully getting 6 mentions and universal access improvements 4 mentions along the same theme.
- Enhancing the Environment was an equally important theme amongst the community (64.52% 20 of 31 respondents) – in particular support for ongoing revegetation works while balancing the needs of park users and maintaining important views and vistas down the gully.

Background

Tamarama Beach and Park Plan of Management was adopted in 2007. Over the last 16 years several objectives outlined within the action plans have been implemented. Improvements have included a new stormwater recycling system, kiosk and service building, storage building for surf club and lifeguards, lower park picnic area upgrades, seating along the promenade, continued improvements to remnant vegetation, landscape upgrades, and an upgrade to improve pedestrian circulation on the coastal walk and safety with a pedestrian crossing on Tamarama Marine Drive.

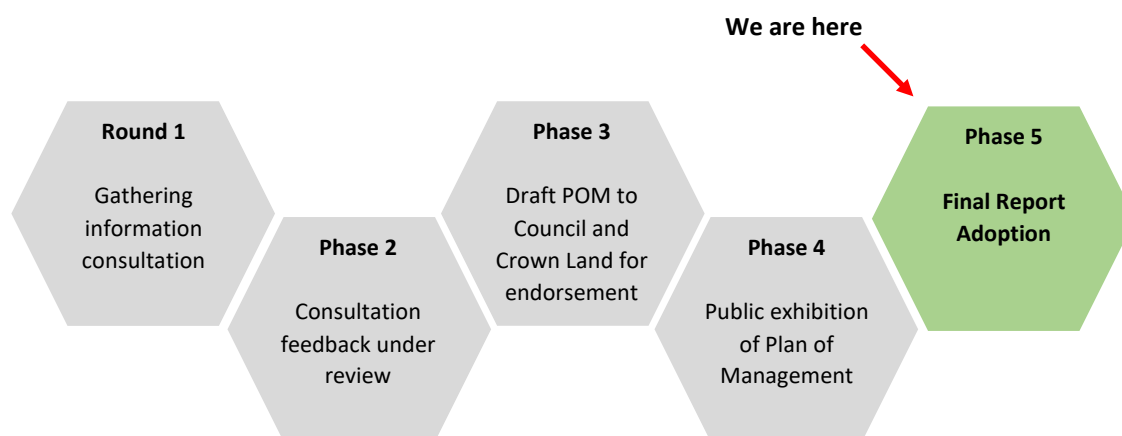
Since Council's adoption of the Tamarama POM in 2007, Crown Lands updated the *Crown Land Management Act 2016* (CLM Act), which came into effect in June 2018. This legislation requires Council to update all our plans of management.

In October 2020, Council resolved to update a priority list of Plans of Management (PoM) to comply with the new CLM Act. To meet Council's obligations for Crown Land, and the 16 year time lapse since the last version, it is now time to update the Tamarama POM to reflect the needs and aspirations of the community and management of the park.

Previous consultation undertaken in Stage 1 (10 May 2022 – 07 June 2022) identified how the community is using the park and tested key ideas informing the action plans within the PoM. Consultation undertaken during this period formed an understanding of how the community uses the space, what they like and don't like, their level of satisfaction with the park today, what they value about the park and their aspirations for the park into the future. Community feedback and ideas sourced from this consultation were incorporated in the draft plan of management.

At Council's meeting of 13 December 2022 (Item No. CM/7.12/22.12) Council approved the Draft Tamarama Park and Beach Plan of Management (Draft PoM) to be referred to the Minister for Crown Lands to review. The Minister approved the Draft PoM to progress to public exhibition subject to minor amendments. These changes, as well as those requested by Council, were completed and incorporated in the Draft PoM prior to public exhibition.

In accordance with the Crown Land Management Act 2016, Council progressed to a public exhibition period of no less than 42 days in order to seek feedback from the community. The Draft PoM was placed on public exhibition from 22 September to 05 November 2023.



Approach and objectives

The public exhibition period sought community feedback on relevant changes to the Draft Plan of Management.

To enable participants the opportunity to consider each topic individually, the relevant action plans were separated by theme and briefly explained, with survey questions relating to specific action plans, inviting targeted and effective feedback. There was also an opportunity for the community to provide general feedback on the overall Draft PoM and Masterplan.

The community was also able to provide direct written submissions to Council.

The overall objectives of the Public Exhibition consultation period were to:

- Provide varied opportunities for internal and external stakeholders to provide input into the PoM over the nominated public exhibition period.
- Communicate with the community members who have contacted Council previously about the park and beach, including residents immediately adjacent to Tamarama Park and Beach.
- Use our internal channels to communicate and gather feedback from a broad spectrum of stakeholders.

Key stakeholders were contacted to participate in the consultation.

Engagement methodology and data overview

The engagement methodology for the PoM consultation aligns with IAP2 spectrum for public participation. On the spectrum, this phase of consultation 'consulted' the public.

A range of methods were used to maximise opportunities for community participation. These are detailed in the table below alongside key data.

Method	Overview	Date	Response
Have Your Say website	Council's Have Your Say Waverley website had a dedicated page for this project: https://haveyoursay.waverley.nsw.gov.au/tamaramapom	22 Sep – 05 Nov	43 visits to the page 32 registrations
Flyer	Dropped to 3,100 residents	19-22 Sep	70 scans of QR code
Media release	Distributed at the beginning of the project		
Social media posts (Facebook)	One post – 5 slides	4 Oct	11 likes 1 comment 3 shares
Social media posts (Instagram)	One post – 5 slides	4 Oct	43 Likes 3 Comments
Stakeholder mail notification	Council Officers mailed notification letters to stakeholders and invited them to contribute to the consultation.		393 letters sent
Precinct Committee Notifications	Council Officers emailed precinct committee executives and invited them to contribute to the consultation	26 September	1 written submission from South Bondi / Tamarama Precinct
Councillor Notification	Councillor notification email and memo outlining changes sent to councillors by	18 September	

	the executive manager of Infrastructure services.		
POM survey	POM survey hosted on HYS	22 sep – 05 Nov	32 submissions
Waverley Weekly newsletter	Explained the project and directed people to the HYS page	5 Oct 23	114 clicks through to HYS Page
Engagement newsletter	Enews sent to over 6000 people	22 September	
Posters	Posters were installed around the Park with QR codes to the HYS site.	22 September	

Feedback summary

To ensure consistency, legibility, and ease of navigation for the community, all Waverley Council PoM’s, including the Tamarama Park and Beach PoM, are structured around common key themes:

- Design and Setting
- Getting to and Around the Park
- Playing and Relaxing
- Enhancing the Environment
- Community, Culture and Heritage
- Management and Maintenance
- Community Land Categorisation
- Leases, licences and Other Estates
- Master plan and action plan.

Responses – Online Survey

Plan of Management survey results

There were 119 downloads of the Draft Plan of Management from Council’s dedicated have your say page. 32 submissions to the POM survey questions were received – though not all respondents completed all questions. Questions centred on establishing support for the actions listed in relevant action plans.

In this report, each question has been separated and responses indicated in a graph.

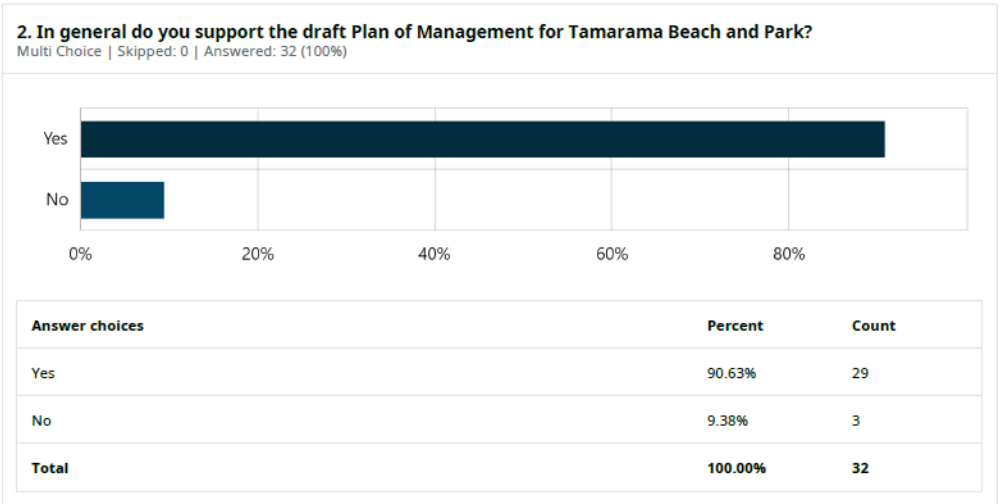
General survey questions

Question 1: Have you read the draft Plan of Management?

- 100% said yes

Question 2: In general do you support the draft Plan of Management for Tamarama Beach and Park?

- 90.6% said yes
- 9.4% said no

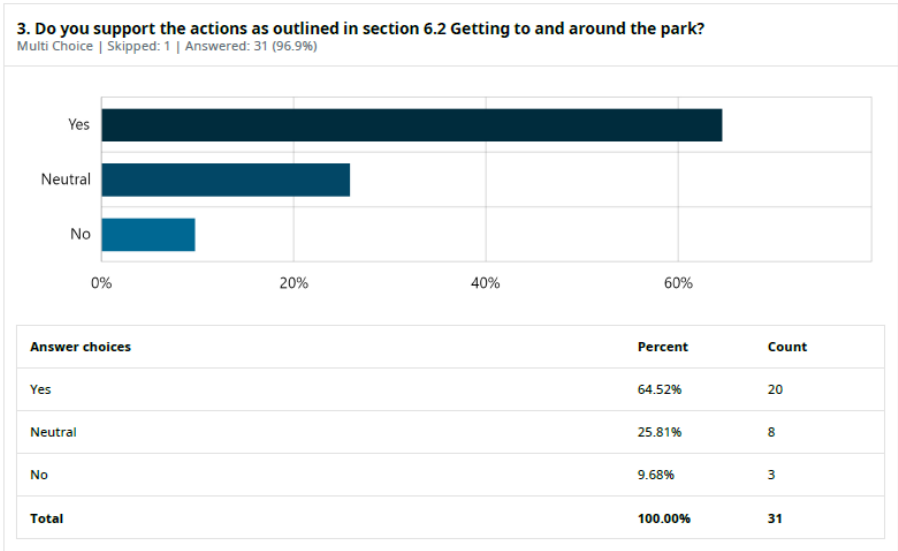


Questions related to action plans

Getting to and Around the Park

Question 1: Do you support the actions as outlined in section 6.2 Getting to and around the park?

- 64.5% said yes
- 25.8% were neutral
- 9.47% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.2

- 53% Skipped
- 47 % Provided additional comments

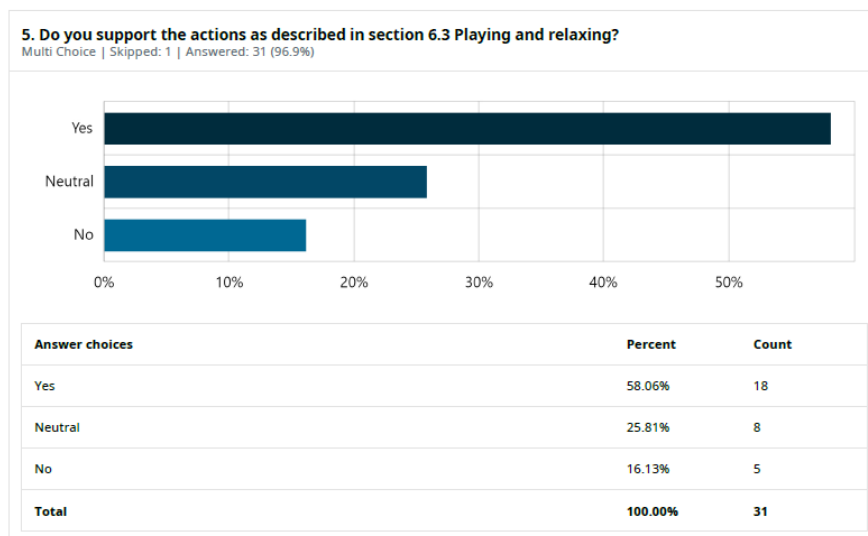
Comments received under this section were concerned with:

- Improvement to stairs access into gully (six mentions)
- Improvement to universal accessibility (three mentions)
- Desire for traffic mitigation measures (one mention)
- Manage issues of noise and alcohol consumption (one mention)
- Maintain established planting (one mention)
- Minimise introduction of hard surfaces (two mentions)
- Manage vehicular access to the park to mitigate anti-social behaviour (one mention)

Playing and relaxing

Question 1: Do you support the actions as described in section 6.3 Playing and relaxing?

- 58% said yes
- 26% were neutral
- 16% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.3 Playing and relaxing

- 47% Skipped
- 53% Provided additional comments

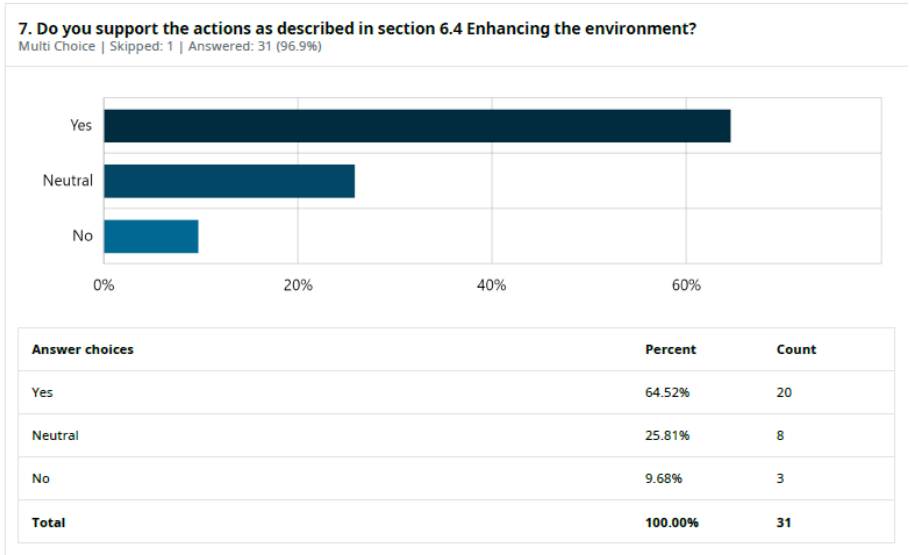
Comments received under this section were concerned with:

- Maintain peaceful park setting (one mention)
- Poor enforcement of regulations regarding dogs (four mentions)
- Ongoing support for beach volleyball (three mentions)
- Concern about trespassing adjacent to waterfall (one mention)
- Desire for dog off leash areas (two mentions)
- Manage issues of noise and alcohol consumption (one mention)
- Playground is at capacity (one mention)
- Accessibility improvements from the top of the gully into the park (one mention)

Enhancing the environment

Question 1: Do you support the actions as described in section 6.4 Enhancing the environment?

- 64.5% said yes
- 26% were neutral
- 10% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.4 Enhancing the environment

- 69% Skipped
- 31% Provided additional comments

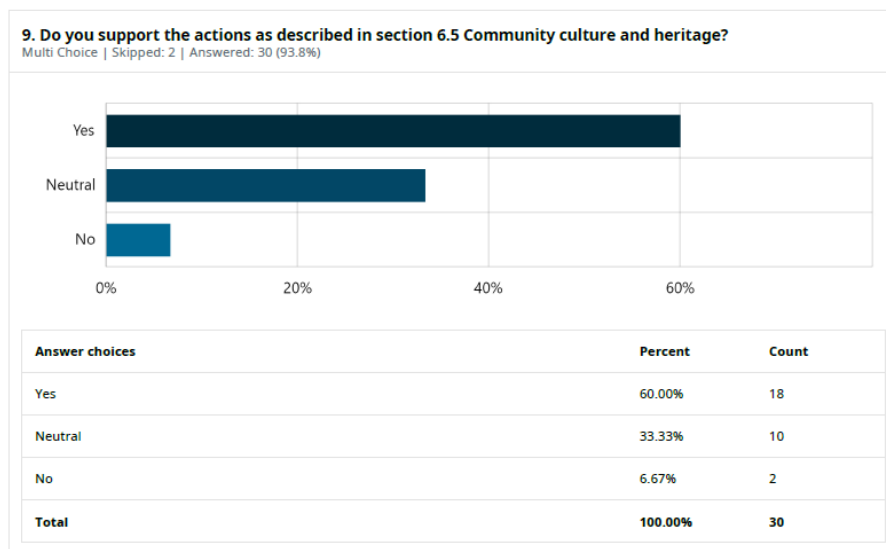
Comments received under this section were concerned with:

- Maintain peaceful park setting (two mentions)
- Poor Enforcement of regulations regarding dogs (one mention)
- Remove weed species in Gully and replace with endemic species (one mention)
- Manage issues of noise and alcohol consumption (one mention)
- Balance management between park use and vegetation (one mention)

Community culture and heritage

Question 1: Do you support the actions as described in section 6.5 Community culture and heritage?

- 60% said yes
- 33% were neutral
- 7% said no



Question2: Please provide any extra comments or feedback you may have in relation to section 6.5 Community culture and heritage

- 75% Skipped
- 25% Provided additional comments

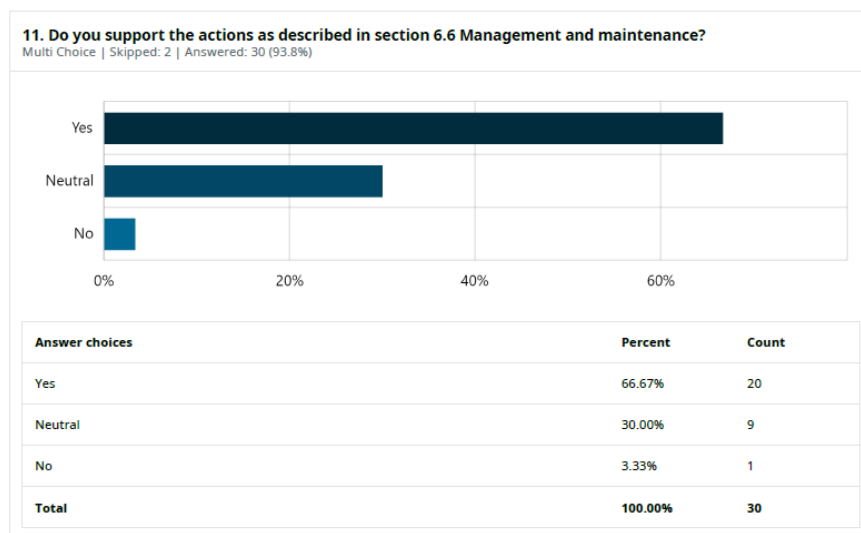
Comments received under this section were concerned with:

- Indigenous history should be included in park signage (three mentions)
- Support for increased historical knowledge to be available on site (one mention)
- Management of impact of groups upon other park users, by managing noise and rubbish (one mention)

Management and maintenance

Question 1: Do you support the actions as described in section 6.6 Management and maintenance?

- 67% said yes
- 30% were neutral
- 3% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.6 Management and maintenance

- 72% Skipped
- 28% Provided additional comments

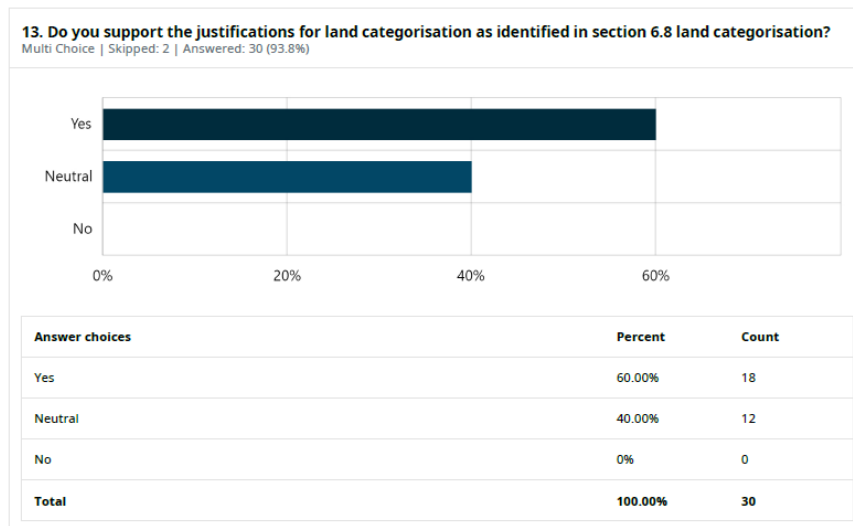
Comments received under this section were concerned with:

- Management of lighting assets and resolving issues with public lighting (one mention)
- More regular patrols to enforce park regulations (one mention)
- Management of rubbish entering the gulley via stormwater (one mention)
- Minimising excessive signage (one mention)
- Provision for recycling (one mention)
- Support for volleyball to continue (one mention)
- Desire for increased surveillance (one mention)

Community land management and land categorisation

Question 1: Do you support the justifications for land categorisation as identified in section 6.8 land categorisation?

- 60% said yes
- 40% were neutral



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.7 & 6.8 Community land management and land categorisation

- 94% Skipped
- 6% Provided additional comments

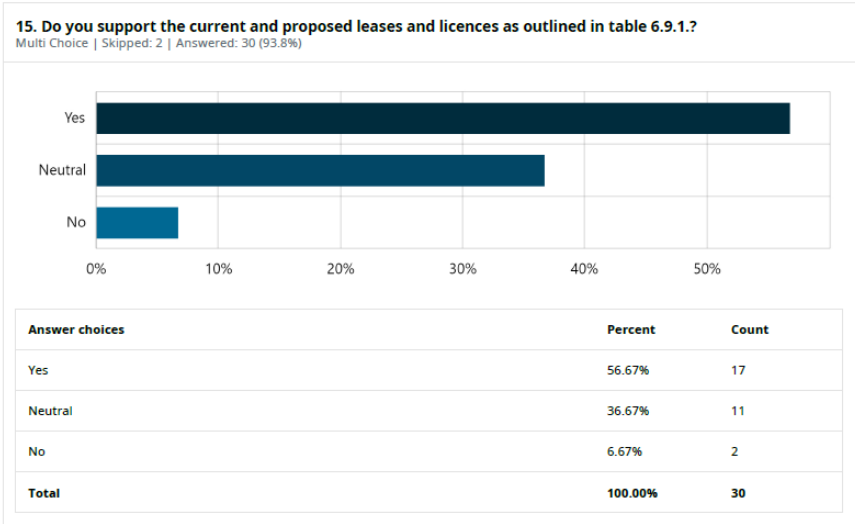
Comments received under this section were from 2 submission with majority mainly from the one submission including:

- The Birrell St area of the gully park is shown as “Road Reserve” which is an important area for gully users but seems to lie in a difficult category. (one mention)
- Pedestrian access to the gully from Birrell Street are vague or obscure and need more attention in the PoM. (one mention)
- The gully is an important area for the provision of educational signage regarding the best way for us to use and enhance the gully. (one mention)
- This is an important area that could showcase the value of Bush Regeneration and the nurturing of Biodiversity to passersby who are not accustomed to "getting off the beaten track". (one mention)
- Getting rid of anything not really necessary in the Gully to interfere with the view from above.

Lease and licences

Question 1: Do you support the current and proposed leases and licences as outlined in table 6.9.1.?

- 57% said yes
- 37% were neutral
- 6% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6.9 Leases and Licences.

- 81% Skipped
- 19% Provided additional comments

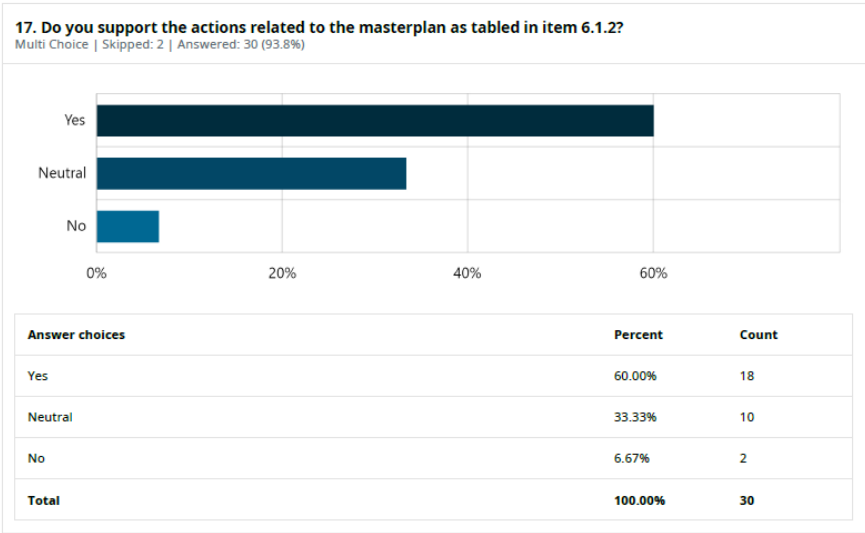
Comments received under this section were concerned with:

- Contentment with current Tamarama Kiosk Licensee (one mention)
- Management of impact of groups upon other park users, by managing noise and rubbish (one mention)
- Desire for high quality community supported tenancy at kiosk (two mentions)

Master plan and action plan

Question 1: Do you support the actions related to the masterplan as tabled in item 6.1.2?

- 60% said yes
- 33% were neutral
- 7% said no



Question 2: Please provide any extra comments or feedback you may have in relation to section 6. The master plan and action plan.

- 91% Skipped
- 9% Provided additional comments

Comments received under this section were concerned with:

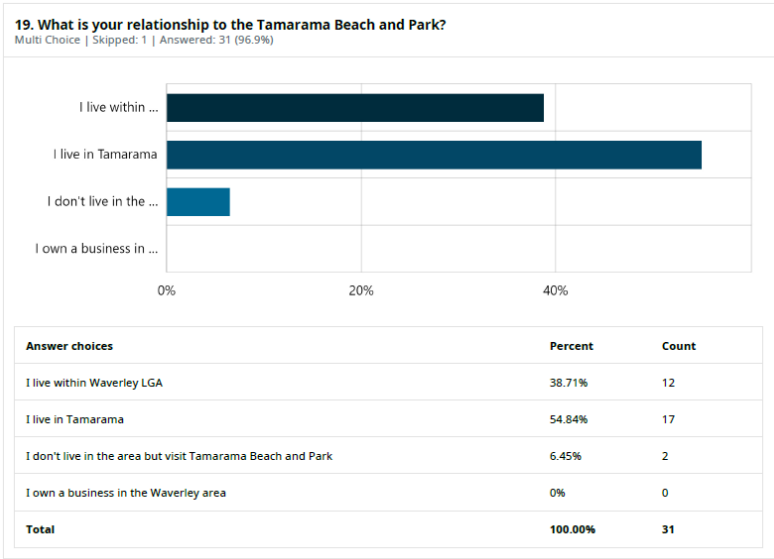
- Weak enforcement of dog regulations (one mention)
- Minimise nocturnal lighting (one mention)
- Management of revegetation to maintain current access and sightlines (one mention)

General feedback

Question 1: What is your relationship to the Tamarama Beach and park?

Participants could choose multiple answers.

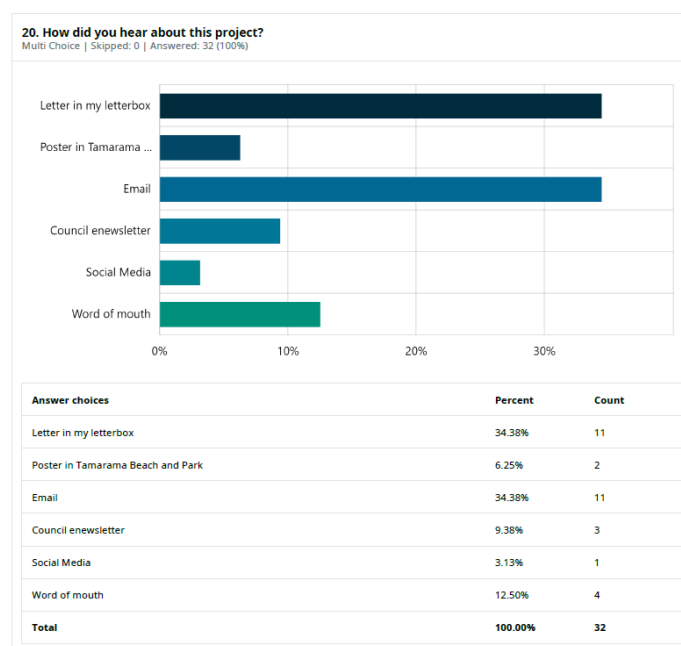
- 39% - I live within Waverley LGA
- 55% - I live in Tamarama
- 6% - I don't live in the area but visit Tamarama Beach and Park



Question 2: How did you hear about this project?

Participants could choose multiple answers.

- 34.5% - Letter in my letterbox
- 6% - Poster in Tamarama Beach and Park
- 34.5% - Email
- 9.5% - Council enewsletter
- 3% Social Media
- 12.5% Word of Mouth



Question 3: Please provide any extra comments or feedback on the draft Plan of Management and Masterplan, including areas for improvement or issues of concern.

- 47% Skipped
- 53% provided additional comments

Comments received under this section repeated respondents comments they had provided in earlier questions as follows:

- Rejection of lighting in the gully (one mention)
- Preference for natural feel to be maintained (three mentions)
- Minimising of built elements within park (three mentions)
- Improvements to the stairs (two mentions)
- Management of dogs – enforcement (two mentions)
- Desire for Off leash dog areas (two mentions)
- Noise and alcohol concerns (two mentions)
- Public consumption of illegal substances (two mentions)

New comments received included:

- General repairs and maintenance issues (one mention)
- Difficulty comprehending masterplan due to length (one mention)

Written submissions

Email responses were accepted and included in the results as part of the public exhibition process, however, the free form nature of email submissions meant that not all respondents addressed the survey questions directly. Only three direct emails were received during the public exhibition phase, including a collective feedback from the South Bondi / Tamarama Precinct committees. No email respondents noted their support or lack of support for the plan, however feedback generally fell into similar categories as were captured in the online survey.

The key ideas that arose from the received email responses were:

- The need for remediation of stair access in and around Tamarama Park and Gully (one mention).
- Better management and enforcement of dog off leash restrictions (one mention).
- Maintaining the 'natural' feel of Tamarama Gully and minimising built elements (one mention).
- Objection to picnic tables and additional seating (one mention).
- Preference for natural materials in any upgrades or additions (one mention)
- Maintaining scenic ridgetop views of the gully, park and sea (one mention)
- Objection to the proposed dog off-leash area on safety, environmental impact and residential amenity grounds (one mention)

These ideas were in line with what the community told us in Stage 1 of consultation and are reflected in the Draft PoM and Masterplan.

Several respondents (three mentions) made comments against increasing hard surface paths within the park, or disputed the need for increased accessibility and amenity. These comments were focused on minimising the addition of built elements or additional seating within the park. Council is committed to addressing and improving accessibility for people living with disabilities in line with the *Disability Inclusion Act 2014* and Council's *Disability Inclusion Action Plan*.

Summary of Consultation results:

The aim of the public exhibition was to inform the public of the draft plan of management, including the vision, directions and master plan and action plan.

Respondents were asked to confirm whether they had read the draft plan, whether they support the draft plan and whether the master plan and action plan achieve the key objectives of the draft POM. Respondents were then asked to provide any additional comments, feedback or areas of improvement and concern. The open format of this question allowed respondents to comment on a range of issues, many of which had already been addressed in the plan.

These key findings from public exhibition were in line with what the community told us in the previous consultation and have been addressed in the PoM Action plan.

Key findings from the public exhibition consultation were:

- There was general community support for the overarching vision of the plan and the key ideas (90.6% 29 out of 32 online survey responses).
- All PoM themes were majority supported by the Community on average 61.5% support, 31% neutral and 7.5% unsupportive.
- Management and Maintenance actions in the Draft PoM was the most supported theme (66.67% 20 of 30 respondents)
- Getting to and around the park is important to the community (64.25% 20 of 31 responses) – with access improvements to the gully getting 6 mentions and universal access improvements 4 mentions along the same theme.
- Enhancing the Environment was an equally important theme amongst the community (64.52% 20 of 31 respondents) – in particular support for ongoing revegetation works while balancing the needs of park users and maintaining important views and vistas.

Written feedback received in the online survey and emails were categorised to align with the existing themes of the draft POM. The key ideas that arose from the combined responses received from the online survey and written responses were:

Feedback	PoM Response
Relevant Theme: Design and Setting	
<ul style="list-style-type: none"> • Maintaining 'natural' feel of Tamarama Gully and minimising built elements (six mentions). 	<p>Addressed in the following PoM Actions:</p> <ul style="list-style-type: none"> • A1.2 - being fit with the established character of the site and visually harmonious • A1.3 - seeking to establish a harmonious palette of materials. • A2 - Maintain and reinforce the variety of unique landscape characteristics across the park in future design and planning. • A3 - Ensure the landscape and architectural design reflects best practice and design excellence and integrates within the landscape. A5. Ensure materials and finishes are of high quality, are robust and designed to fit the setting.
Relevant Theme: Getting to and Around the Park	
<ul style="list-style-type: none"> • The need for remediation of stair access in 	Addressed in the following PoM Actions:

and around Tamarama Park and Gully (six mentions).	<ul style="list-style-type: none"> B3. Enhance existing pathways to improve pedestrian experience. B3.1 Entrances into the Gully (<i>Birrell Street, Carlisle Street and Wolaroi Crescent</i>) : <ol style="list-style-type: none"> Replace Birrell street stairs. New stairs designed and built to comply with current Australian Standards. Replace dilapidated ramps at Birrell Street entry. Widen ramp and provide step-free access to land locked residents. Lift and re-lay Carlisle Street stairs to provide even tread and rise ratios across its alignment. Upgrade stairs at Wolaroi Crescent to provide even tread and rise ratios across its alignment.
<ul style="list-style-type: none"> Improvement to universal accessibility (4 mentions) 	<p>Addressed in the following PoM actions:</p> <ul style="list-style-type: none"> B1 - Provide easily identified, distinct arrival points into the park and designated pedestrian pathways that allow safe and continuous movement. Includes sub actions B1.1 - Universal and internal park access B1.2 - Entrances into the Gully (<i>Birrell Street, Carlisle Street and Wolaroi Crescent</i>) B1.3 - Entrances into the Beach Park (<i>Tamarama Marine Drive & Pacific Avenue</i>)
Relevant Theme: Playing and Relaxing	
<ul style="list-style-type: none"> Support for dog off leash area (2 mentions) 	<p>Supported by the following PoM actions:</p> <ul style="list-style-type: none"> C1.1 Dog Access I - Provide a single off-leash zone in the open grass areas in Tamarama Gully. Dogs access to remain prohibited in vegetated upper slope areas where re-vegetation works are being undertaking in accordance with ERAP and in identified remnant vegetation areas.
Relevant Theme: Enhancing the Environment	
<ul style="list-style-type: none"> General support to sensitively manage revegetation works in the gully (4 mentions) 	<p>Addressed in the following PoM actions:</p> <ul style="list-style-type: none"> E1 - Enhance and conserve the natural heritage of the site such as vegetation, landform and hydrology <p>and sub-actions:</p> <ul style="list-style-type: none"> D1.1 to D1.5
Relevant Theme: Community, Culture and Heritage	
<ul style="list-style-type: none"> Support for increased interpretation of the sites including environmental, indigenous and post colonisation history themes (5 mentions) 	<p>Addressed in the following PoM actions:</p> <ul style="list-style-type: none"> E1 - Interpret and tell the story of the place, including Aboriginal, Māori and European themes and storylines
Relevant Theme: Management and Maintenance	
<ul style="list-style-type: none"> Sensitively managing public lighting in the park and gully (2 mentions) 	<p>Addressed in the following PoM actions:</p> <ul style="list-style-type: none"> A3.3 - supports the development of a lighting plan for the park that meets best practice and current Australian Standards for lighting public spaces.
<ul style="list-style-type: none"> Support for the current management of 	<p>Addressed in the following PoM actions:</p>

volleyball activities (four mentions).	<ul style="list-style-type: none"> F5.5 - Continue to support casual volleyball players in accordance with rules and regulations.
Relevant Theme: Leases, Licences and Other Estates	
<ul style="list-style-type: none"> Support for kiosk (3 mentions) 	Addressed as a permissible lease or licence for a Café or Kiosk including outdoor dining in: <ul style="list-style-type: none"> Section 6.9.1 Express authorisation of leases and licences. Permitted activity within the General Community Use land categorisation.
Relevant Theme: Compliance	
<ul style="list-style-type: none"> Better management and enforcement of dog off-leash breaches (7 mentions) 	Addressed in the following PoM actions: <ul style="list-style-type: none"> F5.2 - Continue to monitor the use of the dogs off-leash in prohibited areas. Undertake any necessary campaigns to educate dog-owners about regulations and responsibilities. Enforce regulations as required. C1.1 ii. - Enforce on-leash only dog access across all other areas of the park.
<ul style="list-style-type: none"> Desire for better enforcement of regulations in relation to antisocial behaviour - noise and alcohol consumption (three mentions). 	Addressed in the following PoM actions: <ul style="list-style-type: none"> Action F5 - Review and enforce compliance and regulations that enable a range of users to enjoy the park safely
<ul style="list-style-type: none"> Increased park surveillance and ranger patrols (2 mentions) 	Addressed in the following PoM actions: <ul style="list-style-type: none"> Action F5.6 - Maintain ranger patrols to enforce compliance and safety issues.

These key ideas were in line with what the community told us in the previous consultation.

It's clear that Tamarama Park and Beach is valued for its green, open and recreational spaces. It used by a wide range of groups for different activities which has meant the feedback varied from each stakeholder.

Conclusion and next steps

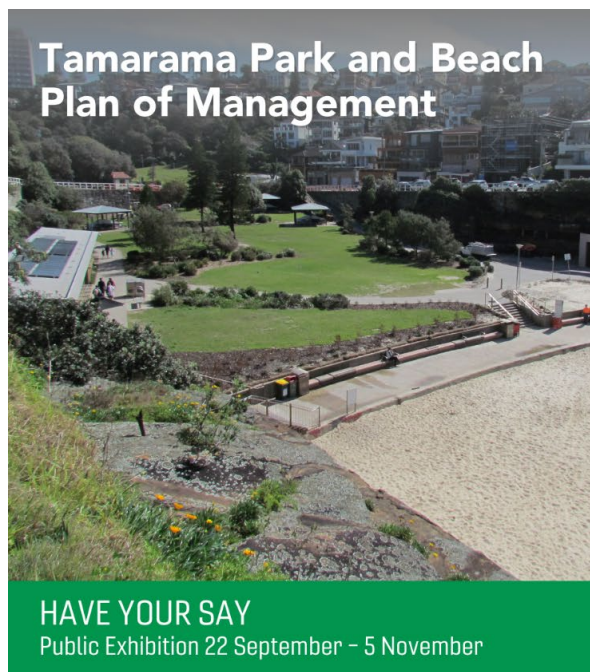
All feedback received has been considered by the relevant project teams and Council officers. The key ideas suggested by the community during the public exhibition process were in line with what was learned in the previous consultation.

These ideas have been tested and reflect the site analysis, consultation feedback and best practice guiding principles outlined throughout the PoM. They are encompassed in the Vision Statement and Directions and will be implemented through the Master Plan and Action Plan.

This report will be attached to a Council report presented to Councillors in December of 2023. A decision will be made annually on the capital work projects which will then be separated from the PoM over the ten-year life of the plan and funding considered in the Long-Term Financial Plan.

The Tamarama Park and Beach PoM will be finalised and sent to Department of Planning and Environment – Crown Lands.

Appendix A – flyer and distribution map



In 2022 we asked for feedback to help shape the Plan of Management (PoM) for Tamarama Beach and Park.

Before we finalise the PoM we want to make sure we've captured your ideas. Community feedback will guide the sustainable use and management of Tamarama Beach and Park over the next decade. Take a look at the draft and provide your feedback by Sunday 5 November 2023.


How to have your say

Complete our online survey by scanning the QR code or visiting:
haveyoursaywaverley.nsw.gov.au/tamaramapom

For more information please email:
openspaceplanning@waverley.nsw.gov.au



Appendix B – Facebook post



Waverley Council


4 October · 🌐

...


Last year, we asked for your feedback on the revised Plan of Management (PoM) for Tamarama Park and Beach to help guide how this beautiful area is used and improved for future generations to enjoy.


We want to make sure we've captured all your ideas before finalising the revised plan, so have your say on the updated draft by Sunday 5 November: <https://bit.ly/3LvXiNG>




 11

1 comment 3 shares

 Like

 Comment


 Share



Mark Baker

Waverley Council you don't need to do anything, leave Tamarama Park and Beach as it is . By the way, isn't it time to move on Sculptures By The Sea, it's an enormous imposition / burden on the area for a whole month of the year for residents, locals and visitors alike. Suggest you relocate to surround Council Chambers, then you can call it Sculptures Surround **Waverley Council**, that way you folk at Council can get a feel for what it's like to have well over a million "visitors" surround where you live and work for a month out of the year, enjoy the inability to park or get anywhere near the place, ahhh...the serenity !

5 w

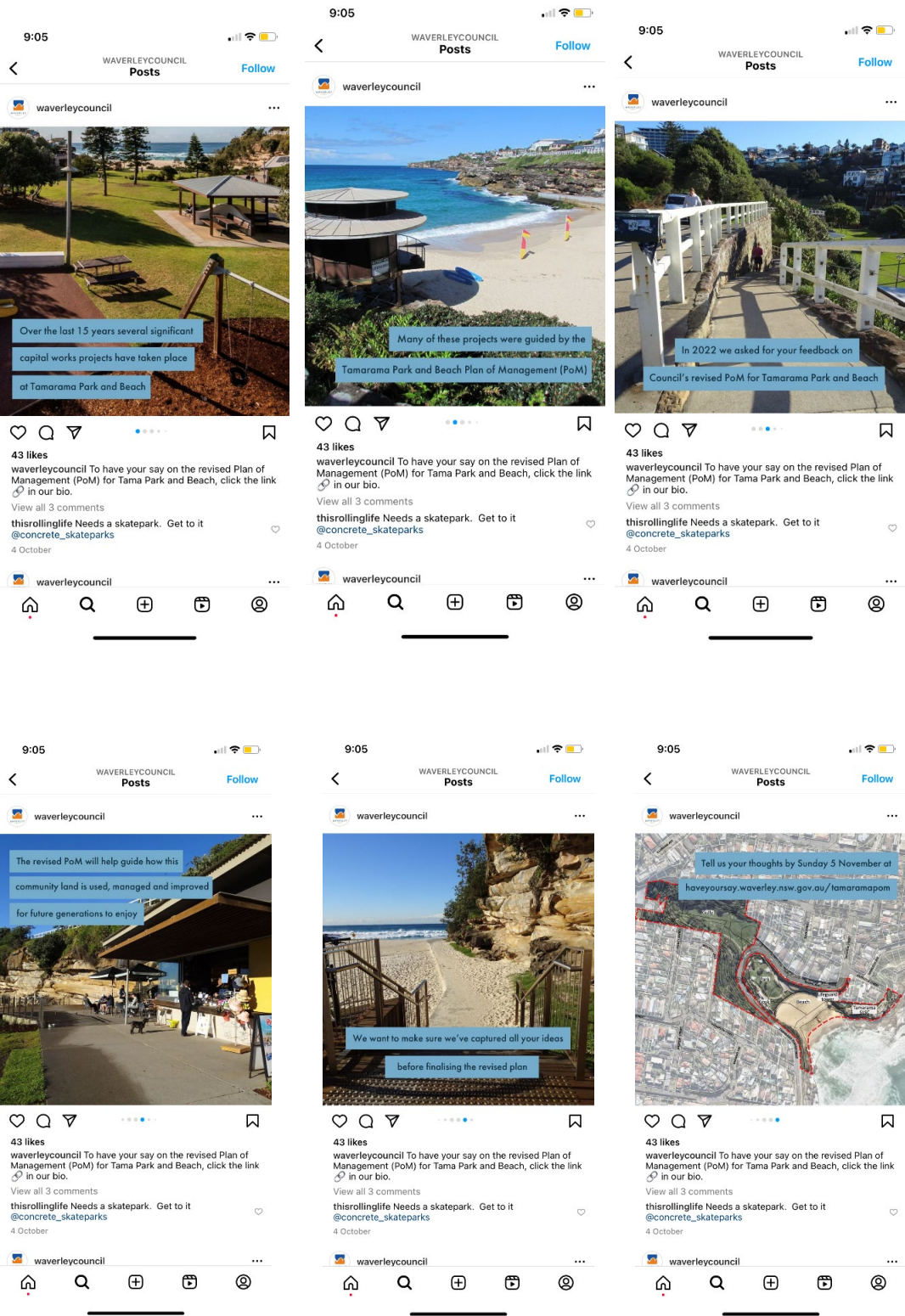
 Like

 Reply


Edited


 2

Appendix C – Instagram posts



Appendix D - Enewsletter

 WAVERLEY COUNCIL




Waverley's streets as shared spaces

Earlier this year, we installed five parklets between Bondi Junction and Bondi Beach as part of a six-month trial to provide free space for the community to sit down, relax and socialise along popular walking routes.

Given the success of the trial, the parklets in Wairoa Avenue and Watson Street will be left in place for a further six months for the community to enjoy over summer! All other parklets will be moved to new temporary locations that will be determined in the near future.


MORE



The future of Tamarama Park and Beach

In 2022, we asked for your feedback on the revised Plan of Management (PoM) for Tamarama Park and Beach to help guide how this beautiful area is used and continues to be improved in the years ahead. We want to make sure we've captured all your ideas before finalising the revised plan, so tell us your thoughts on the updated draft by Sunday 5 November.

MORE



Glenayr Avenue Streetscape Upgrade

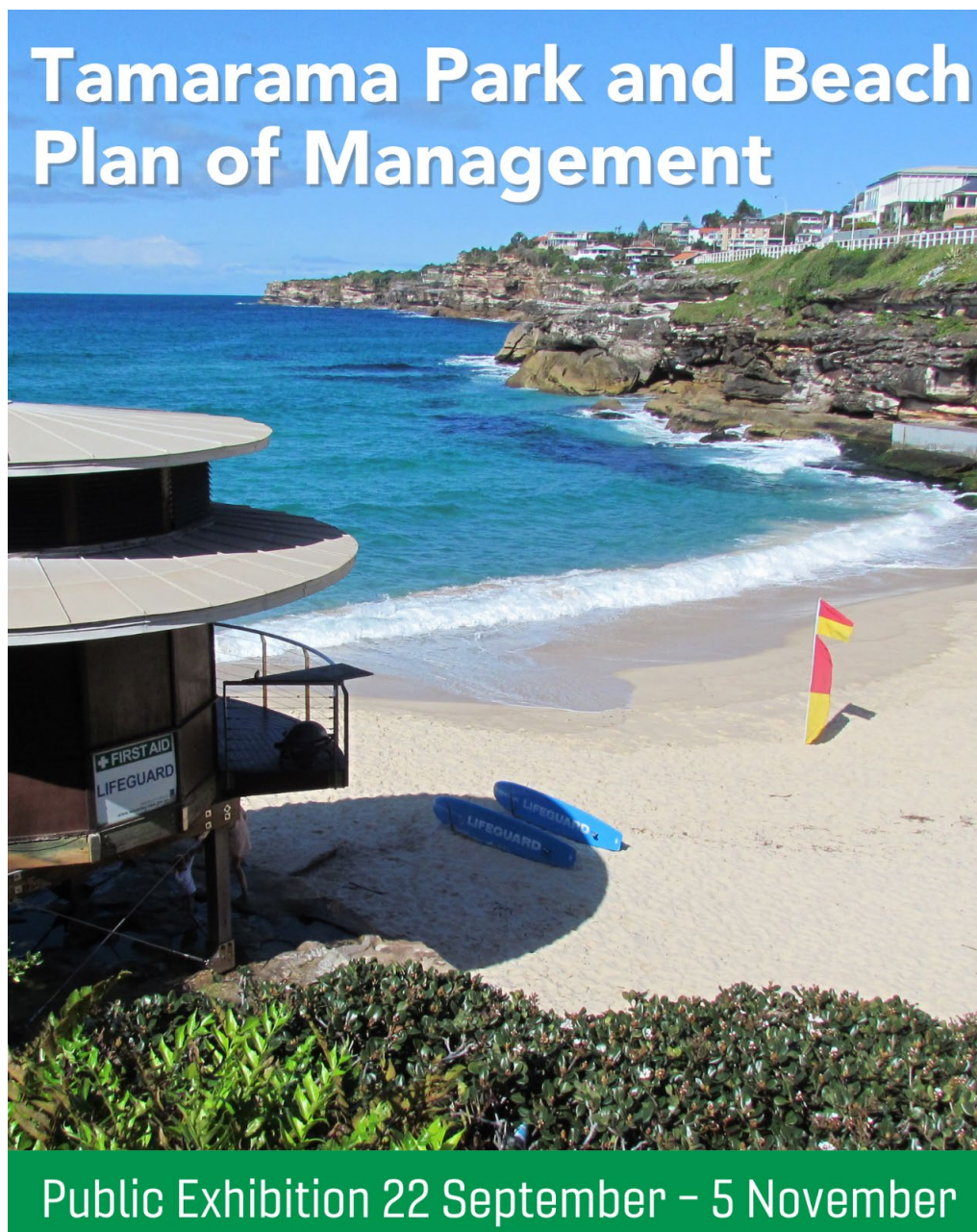
After months of work to revamp Glenayr Avenue in Bondi, the street is ready to rumble with new footpaths, cycle lanes, roads made of recycled glass, trees, raingardens and EV charging stations!

There's never been a better time to explore what Glenayr Avenue has to offer so swing by for a bite to eat and see it for yourself.

MORE

Appendix E - posters

Panels installed around Tamarama Park and Beach



Further information and to provide feedback:
haveyoursay.waverley.nsw.gov.au/tamaramapom



Appendix F – Have Your Say Page

At the Council meeting on 13 December 2022, Councillors approved the Draft Plan of Management to be referred to NSW Crown Lands for review and approval to be placed on public exhibition. Once approved by the Minister, the draft PoM will be placed on public exhibition for 42 days.

To stay updated, press +Follow at the top of this page.

What is a Plan of Management?

To ensure future generations can enjoy Waverley's open spaces, it is important we have a sustainable approach to the management of our parks. Plans of Management (PoM) guide how community land is used, managed and improved.

Tamarama Park and Beach Plan of Management and Masterplan

Over the last 15 years, several significant capital works have occurred within Tamarama Park and Beach. Many of the projects and actions identified in the current PoM have since been addressed or completed. Some are underway or are continuous maintenance items. Others may no longer be relevant as expectations of recreational experiences evolve. In 2022 we asked for feedback to help shape the revised PoM. This feedback has been used to develop a vision for Tamarama Park and Beach, and to establish key directions guiding future works. The vision and directions feature in Section 6 of the draft Tamarama Park and Beach PoM and Masterplan sets out an action plan guiding these works .

We're now seeking feedback on the draft PoM to make sure we've captured your ideas.

How to have your say

Take a look at the visions and directions and **Draft PoM** and provide your feedback via the survey below.

Feedback closes at 11.59pm, Sunday 5 November 2023.



SURVEY

BACKGROUND

UPDATES

Join the conversation today

Create an account or log in to share your thoughts and ideas.

Join

Log In

Share your feedback on the draft Plan of Management.

Before sharing your feedback, please make sure you've reviewed the draft Plan of Management.

Have you read the draft Plan of Management?

- ☐ Yes
- ☐ No

In general do you support the draft Plan of Management for Tamarama Beach and Park?

- ☐ Yes
- ☐ No

Action Plans (Refer Section 6, p.72-111)

Action plans are the working parts of a plan of management. They detail the key actions and implementation priorities needed to achieve the objectives of the plan of management for Tamarama Park and Beach. Action plans within the plan of management have been categorised within the subheadings below.

Getting to and around the park

This section of the master plan is concerned with access, accessibility, wayfinding and circulation within the park. Key actions centre on creating defined park entries that are obvious, easily identifiable, have character and allow efficient movement both into and around the park. New paths or path improvements are suggested in the Action Plan (item 6.2.1).

Do you support the actions as outlined in section 6.2 Getting to and around the park?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.2 Getting to and around the park

You have 1,000 characters left

Playing and relaxing

The intent of this section of the Plan of Management is to identify improvements to the recreation amenities, such as buildings and park infrastructure that support current activities including sport, play, leisure and the activities associated with the park, gully and beach. The Action Plan (item 6.3.1) outlines actions to address these points.

Do you support the actions as described in section 6.3 Playing and relaxing?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.3 Playing and relaxing

You have 1,000 characters left

Enhancing the environment

One of the intrinsic values of Tamarama Park and Beach is the preservation of the unique environment. This section of the plan of management outlines strategies to manage the impact brought on by coastal conditions and vegetation within the park, ensuring that recreational use effectively coexists with the natural environment.

Do you support the actions as described in section 6.4 Enhancing the environment?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.4 Enhancing the environment

You have 1,000 characters left

Community culture and heritage

The plan of management aims to reveal the site's heritage values by integrating interpretation within the park. Key priorities centre on involving the local community and Traditional Owners with interpreting the area's historic heritage, encouraging participation as tour guides, and recording the community's knowledge of heritage values, stories and connections. These priorities are outlined in the Action plan (item 6.5.1.1).

Do you support the actions as described in section 6.5 Community culture and heritage?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.5 Community culture and heritage

You have 1,000 characters left

Management and maintenance

The plan of management proposes to review some of the current management and maintenance practices for the park and beach with the intention of ensuring maintenance service levels are adequate to achieve a high level of amenity and safety. Key strategies are priorities. In relation to management and maintenance are included in the Action plan (item 6.6.1).

Do you support the actions as described in section 6.6 Management and maintenance?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.6 Management and maintenance

You have 1,000 characters left

Community land management and land categorisation

Councils must assign a category or categories to a reserve that the council considers are most closely related to the reserve purposes of the land. Categorisation of land considers the reserve purpose, current and existing uses, and characteristics of the land. The scale and intensity of permitted uses and developments will be governed by the plan of management once adopted. Land ownership, categorisation and justifications are provided in a table within section 6.8.

Do you support the justifications for land categorisation as identified in section 6.8 land categorisation?

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.7 & 6.8 Community land management and land categorisation

You have 1,000 characters left

Leases and licences

Tamarama Park and Beach is a Crown reserve for the gazetted purpose of 'Public Recreation'. Council is required to nominate spaces and licences in accordance with relevant acts. Leases and licences must support the reserve purposes for public recreation. Council must consider both existing leases and licences and any potential future leases and licences that may be applicable to Tamarama park and beach. Leases and licences for activities within the park and beach are outlined in the Current administration of leases and licences table (item 6.9.1).

Do you support the current and proposed leases and licences as outlined in table 6.9.1.7

- ☐ Yes
- ☐ No

Please provide any extra comments or feedback you may have in relation to section 6.9 Leases and Licences

You have 1,000 characters left

Document Library

- Tamarama Park and Beach Plan of Management

PDF (11.58 MB)
- Consultation Report Tamarama PCM 2022

PDF (2.41 MB)
- Tamarama Park Plan of Management_Key Ideas.pptx

PPTX (1.12 MB)
- Tamarama Park Plan of Management_Site Analysis.pdf

PDF (3.15 MB)

See more

Timeline

- Round 1 community consultation

10 May - 7 June 2022

Receiving feedback on proposed key ideas for Tamarama Park and Beach
- Consultation feedback review

Feedback received to be collated and the draft Plan of Management updated.
- Draft taken to Council and Crown Lands for endorsement

Approximately 8 months required for review and approval by Crown Lands
- Round 2 community consultation - public exhibition

22 September - 28 November 2023

The draft Tamarama Park and Beach Plan of Management (PoM) is placed on public exhibition for community feedback
- Final draft adopted

Final draft adopted by Crown Lands and Waverley Council

See less

Who's Listening

David Whitworth
Senior Landscape Architect, Waverley Council
Email: OpenSpacePlanning@waverley.nsw.gov.au

Need assistance?

We are committed to making sure you can access the information you need in a format that is right for you. If you would like information supplied in another language or format, please contact us on 9553 9559.

Other helpful contacts include:

- 131 420 to speak with the Translating and Interpreting Service (TIS)
- 131 677 TTY/voice calls
- 1300 555 727 Speak & Listen
- 9523 677 TIS 9555 relay

FAQ

? What is a Plan of Management

? What happens after public exhibition?

Subject: *Tamarama Park and Beach
Draft Plan of Management
– list of amendments*



W A V E R L E Y
COUNCIL

Background

The following list of amendments are in accordance with adopted minutes of the Council meeting on 13 December 2022 – CM/7.12/22.12 Items 2(a) – (c):

The amendments were incorporated into the Draft Plan of Management prior to the referral to the minister for Lands and Property. Additional minor amendments have been made within the document related to spelling, grammar and consistency.

Amendment	Proposed By	Page No.	Status
<i>2. Submits the draft Tamarama Park and Beach Plan of Management (TPB PoM) attached to the report (Attachment 1), and as amended by clause 3 below, to the Minister for Lands and Water for approval, subject to the following amendments:</i>			
<i>Page 216 of the agenda, section 4.4.4, Hydrology and Services – Delete the second sentence ‘An automatic irrigation system operates in the park, and a manual system operates in the gully’ to remove the duplication and wording error.</i>	Council	52	Updated in PoM
<i>Page 249 of the agenda, section 6.3.1, Action Plan, item C1.4, Fitness Station – In point (i), delete the word ‘existing’ so that it now reads ‘Maintain the fitness station’ to align with Council resolution FC/5.4/22.11.</i>	Council	85	Updated in PoM
<i>Page 275 of the agenda, section 6.11, Compliance Restrictions – Amend the dot point ‘No commercial activities’ to read as follows: ‘No commercial activities, without Council approval’ to align with Council practice.</i>	Council	111	Updated in PoM

The following list includes the amendments requested by Crown Lands on 6 June 2023 - Reference LBN23/581; DOC23/089646 - following referral to the NSW minister for Lands and Property.

Amendment	Proposed By	Page No	Status
<i>Attachment 1:</i>			
<i>Update the Minister's title throughout to Minister for Lands and Property.</i>	Crown Lands		Editorial Review completed
<i>Update s1.4 Consultation stage two: to 'approval from Council and the consent of the Minister for Lands and Property'.</i>	Crown Lands	8	Updated in PoM
<i>Update the date of the Local Government (General) Regulation 2005 to 2021 throughout.</i>	Crown Lands		Editorial Review completed
<i>Page 23 - insert a sentence reflecting that Native title can only be extinguished by a court of law or by agreement.</i>	Crown Lands	23	Updated in PoM
<i>Remove Pacific Avenue in Figure 3 on page 21 as being within the Plan of Management boundary, as this road is not part of the Crown reserve.</i>	Crown Lands	21	Updated in PoM
<i>Update the Departments name throughout to Department of Planning and Environment.</i>	Crown Lands		Editorial Review completed
<i>Page 46 s4.6.1 update the Crown Lands Act 2016 to Crown Land Management Act 2016.</i>	Crown Lands	65	Updated in PoM
<i>Include on page 109 s6.9.1 more details on the current licences i.e., who to and the expiry date, including the Kiosk Café, which is mentioned on page 104 as being under licence but is not listed in table s6.9.1. as a current licence.</i>	Crown Lands	109	Currently at time of writing lease for kiosk is out for public tender.
<i>Correct spelling of licensed/licenses to licenced/licences throughout.</i>	Crown Lands		Editorial Review completed
<i>Add gazettal dates of the Crown reserves into the table on page 104.</i>	Crown Lands	104	Updated in PoM

<i>A private driveway at the end of Carlisle Street crosses R500481 – Council should address how they intend to deal with this encroachment.</i>	Crown Lands	65	Updated in PoM - ‘Where possible Council will work with landowners to <u>alleviate these issues and enforce regulations</u> with the focus on sustainably managing the park for future generations. ‘
<i>Figure 3.1 includes Council owned land but there are no other details of this land in the PoM. Council should consider including details of Council owned land in another table.</i>	Crown Lands	25	Updated in PoM
<i>Where possible, given it is a site-specific PoM, Council should include more information on the expansion of the Tamarama Surf Life Saving Club, including but not limited to the addition of information about the upgrade to the Tamarama Surf Life Saving Club on the Masterplan Figure 6.1 on page 73.</i>	Crown Lands	37	Updated in PoM



Department of Planning and Environment

Our ref: LBN23/581; DOC23/089646

Carl Nugent
Service Manager, Open Space and Recreation
Waverley Council
Level 1 / 87-89 Oxford Street
BONDI JUNCTION NSW 2022

Email: carl.nugent@waverley.nsw.gov.au
Cc: info@waverley.nsw.gov.au

6 June 2023

Subject: Waverley Council draft Plan of Management – Tamarama Park and Beach

Thank you for submitting the draft Plan of Management (PoM) for Tamarama Park and Beach on 21 December 2022 .

I have reviewed the draft PoM and support it being placed on public exhibition, as per the amendments detailed in Attachment 1.

Council should conduct a final review of the document to ensure all legislation referenced is currently in force, departmental names are up to date, and spelling, grammar and formatting is correct and consistent.

After public exhibition, to obtain Minister's consent for council to adopt the PoM, council must provide the following documents:

- copy of the PoM
- summary report of submissions after public exhibition of PoM
- a table outlining amendments or tracked changes to the PoM.

If you have any questions or need assistance, please email the Council Crown Land Management Team at council.clm@crowland.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jane Adam".

Jane Adam
Acting Principal Policy and Project Manager
Department of Planning and Environment – Crown Lands

Attachment 1

- Update the Minister's title throughout to Minister for Lands and Property.
- Update s1.4 Consultation stage two: to '*approval from Council and the consent of the Minister for Lands and Property*'.
- Update the date of the *Local Government (General) Regulation 2005* to 2021 throughout.
- Page 23 - insert a sentence reflecting that Native title can only be extinguished by a court of law or by agreement.
- Remove Pacific Avenue in Figure 3 on page 21 as being within the Plan of Management boundary, as this road is not part of the Crown reserve.
- Update the Departments name throughout to Department of Planning and Environment.
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- Include on page 109 s6.9.1 more details on the current licences i.e., who to and the expiry date, including the Kiosk Café, which is mentioned on page 104 as being under licence but is not listed in table s6.9.1. as a current licence.
- Correct spelling of licensed/licenses to licenced/licences throughout.
- Add gazettal dates of the Crown reserves into the table on page 104.
- A private driveway at the end of Carlisle Street crosses R500481 – Council should address how they intend to deal with this encroachment.
- Figure 3.1 includes Council owned land but there are no other details of this land in the PoM. Council should consider including details of Council owned land in another table.
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