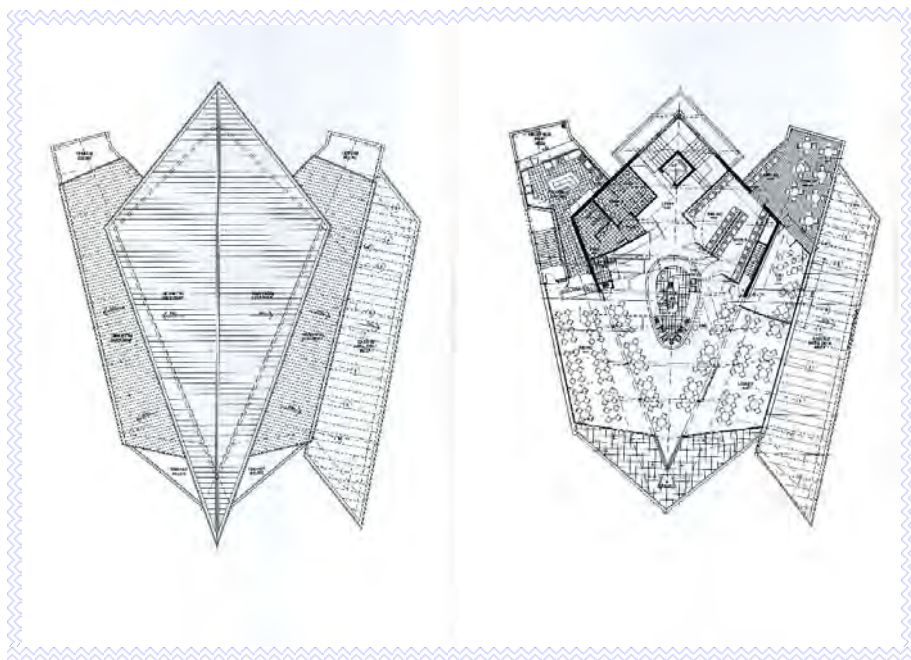




# KOGARAH CITY COUNCIL

## Merriman Reserve, Kyle Bay

### Plan of Management



2013

Prepared by

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2011 - 2013

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# Executive Summary

The Merriman Reserves, Kyle Bay Plan of Management has been prepared in accordance with the provisions of the *Local Government Act, 1993* and the *Crown Lands Act, 1989* with the assistance and in consultation with the Department of Primary Industries – Crown Lands Division, Kogarah community and especially the residents of Middle Ward and principal users of Merriman Reserve, Kyle Bay.

The spirit of the plan and the recommendations, policies, strategies and actions within are founded on both the public's identified need for recreation and community facilities and to comply with Council's Mission Statement which states:

*To build on the diversity of our community,  
To improve our natural and built environment, and  
To respond to changing community needs and expectations.*

The plan also addresses the objectives of Council's Community Strategic Plan entitled *Bright Future Better Lifestyle Kogarah 2020* and the goal in Section 4.2 of that plan entitled *A Vibrant, Safe and Inclusive City* which states:

*Kogarah City maintains high quality, accessible community services to meet the needs of the community.*

The plan also acknowledges the previous original owners of the land the Bediagal People of the Eora Nation occupied the land prior to European settlement and the need to preserve both Aboriginal and European heritage.

Based on the findings from the public and State Authority consultation the principal recommendations of for this plan of management are that:

- The Community Land within Merriman Reserve be categorised to provide direction in the management of the land through the application of the core objectives associated with the designated land categories as described in the *Local Government Act, 1993*.
- Council as the appointed Trustee of the Crown Reserve 100242 is to manage the reserve in accordance with the provisions of the *Crown Lands Act, 1989*.
- The plan grants authorisation to Council to enter into lease or licence agreements for the use of Community Land categorised *General Community Use* for a community benefit or service.
- The plan grants authorisation to Council to enter into temporary licence agreements for the use of Community Land and Crown Reserve for activities approved in accordance with the provisions of the governing legislation and the *Kogarah Local Environmental Plan, 1998*.
- A Tender to be offered for the leasing of the building now identified as The Kyle Bay, Georges River. The identified community preference is to retain its existing use as a restaurant/bar. The venue is perceived by the community as a key venue for community socialisation, cohesion and integration.

- The No. 2 lawn bowling green be upgraded suitable for competition lawn bowls.
- The greenkeeper's building be demolished and a new building relocated opposite the No.2 bowling green. The new building is to house a small office and storage area for use by Blakehurst Bowling Club Inc.
- A public amenity building be erected next to the new greenkeeper's building for use by daylight hour park users. The new public amenity building is to include facilities for persons with a disability.
- The No.1 lawn bowling green be converted into a gated public car park.
- The existing foreshore car park be converted into public parkland, landscaped to include provision for a children's playground and picnic facilities, park furniture suitable for ease of use by mature aged persons.
- A network of internal pathways with security lighting, suitable for use by persons with a disability, circulate within and around the park. The pathway is to provide pedestrian links throughout the parkland and to its amenities.
- The foreshore dune system is retained, protected and conserved as a habitat area.
- To improve vehicle parking and safety in Inala Avenue, Kyle Bay construct a behind kerb vehicle parking facilities on the eastern side of the Avenue .

Reference should be made to the *Merriman Reserve Landscape Sketch*, p.9 of the plan to assist in interpreting some of the proposals in this document.

During the preparation of this plan 363 residents had direct input by means of providing comments at a public consultative meeting, community survey and ongoing meetings with representatives of Blakehurst Bowling Club Inc.

In summary, the plan provides for the future direction, planning, development and management of Merriman Reserve, Kyle Bay. However, it should be noted that the implementation of the strategies and actions in the plan by Council, whether wholly undertaken in one attempt or staged over an extended period of time, will be dependent on the demands made on Council, its preferred priorities in any one financial year and the availability of resources, including grants and alike, each financial year.

This plan is subject to change and should be reviewed annually and renewed if not before then in 2020 to ensure its relevance to a changing community.



# MERRIMAN RESERVE, KYLE BAY LANDSCAPE CONCEPT SKETCH



### KEY

1. UPGRADE THE NO.2 BOWLING GREEN TO COMPETITION STANDARD
2. CONVERT NO.1 BOWLING GREEN INTO A NEW CAR PARK
3. CONVERT THE EXISTING FORESHORE CAR PARK INTO PARKLAND
4. RELOCATE THE GREENKEEPERS SHED & INCLUDE PROVISIONS FOR A SMALL OFFICE AND STORAGE AREA FOR BOWLING CLUB USE CONSTRUCT A PUBLIC AMENITIES BUILDING NEXT TO THE GREENKEEPERS SHED CONSTRUCT A NEW PLAYGROUND WITH PICNIC FACILITIES
5. CONSTRUCT A NEW PLAYGROUND & PICNIC AREA.
6. CONSTRUCT A NETWORK OF INTERCONNECTING PEDESTRAIN PATHWAYS SUITABLE FOR DISABLED PERSONS ACCESS
7. LANDSCAPE THE PARKLAND PRESERVING VIEWS FROM THE KYLE BAY; GEORGES RIVER AND NEW CAR PARK
8. CONSTRUCT BEHIND KERB VEHICLE PARKING IN INALA AVENUE.

NOTE: SKETCH NOT TO SCALE

NOT TO SCALE



# Introduction

## WHAT IS A PLAN OF MANAGEMENT?

A plan of management is a document that identifies issues and proposes solutions to address changing community recreational needs. Where required it can recommend developments or changes of use for public parks, such as Merriman Reserve, Kyle Bay, that have been classified as *Community Land*. A plan of management can also be prepared for State owned Crown land under Council's care, control and management that has been reserved or dedicated for a public purpose and Council appointed Trustee. The purpose of a plan of management is to ensure that the land is managed in the best interest of the public. In preparing the plan, as part of the public consultative process the public must be informed of the proposals outlined in the plan and invited to make submissions on those proposals as well as participate in a public hearing.

## PREPARING A PLAN OF MANAGEMENT

### **Community Land**

With reference to s.36 of the *Local Government Act, 1993* a Council must prepare a plan of management for *Community Land*. A plan of management for *Community Land* must identify the following:

- The category of land,
- The objectives and performance targets of the plan with respect to the land,
- The means by which the council proposed to achieve the plan's objectives and performance targets,
- The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and
- May require the prior approval of the council to carry out any specific activity on the land.

Under s.38 of the *Local Government Act, 1993* a plan of management for *Community Land* must be publicly exhibited and the public invited to make written submissions on the proposals outlined in the draft plan. The public exhibition period must be for a minimum of 28 days but Council is required to receive written submissions for a further 14 days.

Prior to public exhibition, if there are other owners of land within the reserve then Council must notify and forward a copy of the draft plan of management to them and invite comments on the proposals in the plan.

With reference to s.40A of the *Local Government Act, 1993* Council must hold a public hearing to categorise or re-categorise *Community Land* in accordance with one or more of the provisions outlined in s.36 (4) or (5) of the Act.

## **Crown Land**

Where public reserves are entirely or partly made up of parcels of land that are Crown reserve then under Division 6, s.112, of the *Crown Lands Act, 1989* entitled *Plans of Management* the Minister administering the Act can direct that a plan of management be prepared for the Crown reserve. However, a Trustee to the land can, with the Minister's consent, prepare a draft plan. The Minister may require inclusions or amendment to a draft plan prepared by a Trust. The Minister may refer a copy of the draft plan (s.113) to a third party such as the NSW Fisheries if the reserve is part of a foreshore.

A plan of management that includes Crown land must be placed on public exhibition for a period of not less than 28 days (s.113 (2)). This provision can be concurrent with the provisions of s.38 of the *Local Government Act, 1993*. Under s.113 (3) of the *Crown Lands Act, 1989* The Minister can consider any representation before adopting the plan. However, the Minister may adopt a plan of management without it being amended or can have it amended as the Minister thinks is appropriate (s.114).

## **Legislative Compliance**

To ensure legislative compliance where the land consists of both *Community Land* and Crown Reserve or land in the ownership of any other third party Council will consult with and forward a copy of the draft plan to the Minister administering the *Crown Lands Act, 1989*. Any other Minister or party that owns land within the parkland where Council has been appointed to have care, control and management will be invited to make submissions on the proposals in the draft prior to public exhibition.

With the respective Ministers approval and that of other land owners Council will implement the provisions under s.38 of the *Local Government Act, 1993* and place the plan on public exhibition for 28 days and receive public written submissions for a further 14 days.

Under s114 of the *Crown Lands Act, 1989* once a plan of management for Crown land is adopted then the Trust must implement the strategies and actions in accordance with the requirements of the adopted plan of management.

## **PRINCIPAL OBJECTIVES OF THIS PLAN OF MANAGEMENT**

The principal objectives of the plan are to:

- Fulfil the requirements of the respective legislation governing the use of the Merriman Reserve, Kyle Bay.
- Engage in public consultation to ensure public concerns, issues and preferences are given due consideration throughout the planning process including the utilisation of findings from the Community Strategic Plan public consultation process and local community surveys, Regional and City wide recreation surveys.
- Establish a use for the buildings and infrastructure within Merriman Reserve, Kyle Bay that will benefit and address identified community needs.
- Resolve issues relative to the proposals and recommendations identified during the consultative process.

- Identify and reflect community values, visions and aspirations ascribed to the land by the community as a whole.
- Ensure that the existing and future use of the land and its buildings are for a public benefit.
- Provide the mechanisms to authorise the licensing and leasing of the land, buildings or parts thereof for a public benefit and in the best interest of the community.
- Provide appropriate and achievable policies, strategies and actions that complement the identified community values and visions for the reserve that is the subject of this plan.
- Address the public's expectations to provide a diversity of quality recreational opportunities, community service benefits and landscape settings that are accessible to and for all age and ethnic groups, genders, socio-economic groups and persons with varying degrees of disability.
- Ensure the financial feasibility and resource availability to implement, manage and maintain any of the proposals adopted in the plan by considering Council's existing and future obligations.

## WHAT IS A PUBLIC PARK OR RESERVE?

A public park is defined to mean land that is open space used for public recreation that has been vested in or under the care, control and management of Council and classified as *Community Land* under the provisions of the *Local Government Act, 1993*. The definition in the Act excludes bushland as Public Park. Public land does not include land in private ownership used for sport or recreation, a public road, land to which the *Crown Lands Act 1989* applies, a common, lands under either the *Trustees of School of Arts Enabling Act 1902* or *National Parks & Wildlife Act, 1974*.

In accordance with s.36 of the *Local Government Act, 1993* Councils must prepare a plan of management for land it has classified as *Community Land*. This obligation does not apply to the alternative land category *Operational Land*. The former classification is to identify land in Council's ownership that is to be kept accessible to and for the use of the general public. Land classified as *Community Land* cannot be sold unless it is reclassified as *Operational Land* through the appropriate procedures outlined in Part 2, Division 1, entitled *Classification and reclassification of public land*, *Local Government Act, 1993*. Only *Operational Land* can be put to any purpose as well as being sold.

Public reserves include Crown Reserves defined under s.78 of the *Crown Lands Act, 1989* to mean land that has been dedicated or reserved for a public purpose under s.80 and s.87 of the *Crown Lands Act, 1989*. Under s.95, Council has been appointed the Trust manager of a number of Crown Reserves within the LGA. Relative to s.92 of the *Crown Lands Act, 1989* a reserve trust is charged with the care, control and management of any reserve (or any part of a reserve) of which it is appointed by the Minister administering the *Crown Lands Act, 1989* as trustee. This also includes land vested in Council and declared to be a public reserve under Section 76 of the *Crown Lands Act, 1989*.

The parcels of land that comprise Merriman Reserve are managed and maintained by Council through their respective legislation or agreements as well as the provisions

of Council's *Infrastructure Asset Service Levels Maintenance Plan* and the *Kogarah City Council Open Space Policy*.

## MERRIMAN RESERVE, KYLE BAY

Merriman Reserve is a 1.33 hectare public reserve located on the foreshore of Kyle Bay at 12A Merriman Street, Kyle Bay (Refer to Map 1). It is the former site of the Kyle Bay Bowling Club. When the nearby South Hurstville Diggers Bowling Club folded its members amalgamated and transferred their assets to the Kyle Bay Bowling Club. As a consequence of the amalgamation on the 14 November 2003 Kyle Bay Bowling Club was renamed Club Blakehurst Ltd. Club Blakehurst Ltd went into liquidation on the 27<sup>th</sup> October, 2010. Blakehurst Bowling Club Inc was affiliated with Club Blakehurst Ltd and used the three lawn bowling greens and premises at the site. This was later reduced to two greens with their decline in membership.

Map.1



LOCATION MAP OF MERRIMAN RESERVE, KYLE BAY

Merriman Reserve consists of Community Land in the ownership of Kogarah City Council and foreshore Crown Reserve 100242 in the ownership of the Minister administering the *Crown Lands Act, 1989* and currently responsible for the Department of Primary Industries. Table 1 provides property details of the land comprising Merriman Reserve that is the subject of this plan of management.

Table 1.

PROPERTY DETAILS – MERRIMAN RESERVE, KYLE BAY

DP No	Lot No.	Section	Site	Owner
752056	7081		Crown Reserve No.100242, part of the foreshore of Merriman Reserve having an area of 0.14 hectares.	Department of Primary Industries with Kogarah City Council appointed as the reserve trust manager.
21299	10		Part of Merriman Reserve.	Kogarah City Council
650783	12		Part of Merriman Reserve.	Kogarah City Council
7641	40		Drainage Reserve between Lots 11 & 12	Kogarah City Council
7641	11	1	Part of Merriman Reserve.	Kogarah City Council
7641	10	1	Part of Merriman Reserve.	Kogarah City Council
7641	9	1	Merriman Reserve (that includes the foreshore).	Kogarah City Council
7641	8	1	Merriman Reserve off Merriman Street, Kyle Bay (includes part of the foreshore)	Kogarah City Council
7641	7	1	Merriman Reserve off Merriman Street, Kyle Bay (includes part of the foreshore)	Kogarah City Council

Photograph 1.



MERRIMAN RESERVE, KYLE BAY, CIRCA 1961 – Not the unclaimed foreshore.

## GEOGRAPHICAL NAMES BOARD

The park has adopted its unofficial name from the adjoining street, Merriman Street. The Geographical Names Board has no record of the site being officially named Merriman Reserve.

## CONSULTATION PREPARING THE PLAN OF MANAGEMENT

Council's 2010-2011 Management Plan made provision to prepare a plan of management for Merriman Reserve, Kyle Bay. To determine the community's preferences for the use of the Reserve and its facilities Council engaged in an extensive public consultation program in the preparation of this plan of management. This program is outlined in Table 2.

Table 2.

PROGRAM OF CONSULTATION				
Date	Consultative Event		Attendance	Issues / Comments
02-08-2011	Department of Primary Industries – Crown Land Division		0	By letter Council notifies the Department of Primary Industries – Crown Lands Division that it is reviewing the plan of management for Merriman Reserve, Kyle Bay
06-09-2011	Connells Point Progress Association Meeting		130 in attendance	Resolved unanimously that the operation of Merriman Reserve remain generally unaltered with no significant changes to its operation.
15-09-2011	Blakehurst Bowling Club Inc (Executive) Meeting – Merriman Reserve, Kyle Bay		5 in attendance	Preference to retain the existing 3 bowling greens. Assurance of ongoing use of the site by the Club. Retain existing.
11-10-2011	St George Sutherland Shire Leader, p.11, article entitled <i>Former club's future up in air.</i>		0	Article provided public notification of the preparation of the draft plan of management and public consultation.
24-10-2011	Merriman Reserve, Kyle Bay Community Survey		800 surveys distributed 227 responses	Community survey with self addressed return envelop to Council distributed on 24 <sup>th</sup> October 2011 and closed on 4 <sup>th</sup> November 2011.
13-01-2012	Blakehurst Bowling Club Inc (Executive) Meeting – Merriman Reserve, Kyle Bay		6 Executives in attendance	Review the findings and proposals of the Community Survey – Invite ideas, discuss possible development proposals.
24-01-2012	Metropolitan Local Aboriginal Land Council		0	MLALC representative Paul Morris contracted Council by telephone and advised as to the requirements to be included in the draft PoM. Requested copy of final draft plan prior to public exhibition.
13-03-2012	Blakehurst Bowling Club Inc (Executive) Meeting – Merriman Reserve, Kyle Bay		6 Executives in attendance	Finalise recommendation in the draft plan of management.



# Governance

## WHAT GOVERNS THE USE AND MANAGEMENT OF PARKS AND RESERVES?

Subject to the ownership of the land within this plan the land must be used and managed in accordance with the following:

- The plan of management applying to the land,
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land including the *Kogarah Council Local Environmental Plan, 1998*.
- *Local Government Act, 1993* for those land parcels that are classified as *Community Land*.
- *Crown Lands Act, 1989* and policies for those land parcels that are *Crown Reserves* dedicated or reserved for a public purpose for which Council has been appointed Trustee.
- *Sydney Water Corporations Act 2004* and policies for those parcels of land occupied by the Sydney Water Corporation and are accessible for public use.

Council must also include in the draft any provisions that may be required by the authority or administrator who owns or controls the land or part thereof.

### **COMMUNITY LAND CLASSIFICATION**

In accordance with the *Local Government Act, 1993* Council has classified particular public open space areas in its ownership as *Community Land*. The purpose of this classification is to identify land to be kept for use by the general public.

### **COMMUNITY LAND CATEGORISATION**

The various landscapes that can make up a single park, such as bushland, foreshores, landscaped areas need to be managed differently so as to preserve their purpose, individual character, amenity, recreational, social, cultural and environmental values. Subsequently, each different land portion is ascribed a land management category that provides specific core management objectives. The categories ascribed to the different portions of land within a park are based on the lands principal attributes and its current or preferred future use. The land categories listed under s.36 of the *Local Government Act, 1993* are:

- General Community Use,
- Sportsground,
- Park,
- Natural Area – Watercourse,
- Natural Area – Wetland
- Natural Area – Escarpment
- Natural Area - Foreshore
- Natural Area – Bushland, and
- Area of Cultural Significance.

The following provides the management objectives as provided in the *Local Government Act 1993* for each *Community Land* category proposed for Merriman Reserve, Kyle Bay (Refer to Photograph 2).

- **General Community Use**

The core objectives for the management of this category focuses on promoting, encouraging and providing for the use of the land, and to provide facilities on the land, to meet the current and future needs of the general community in relation to:

- a. public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
- b. the purposes for which a lease, license 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) (LGA: 1993).

- **Park**

The core objectives for the management of community land categorised as *Park* are:

- a. to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- b. to provide for passive recreational activities or pastimes and for the casual playing of games; and
- c. to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management (LGA:1993).

- **Cultural Significance**

The core objectives for the management of community land categorised as Cultural Significance are:

To retain and enhance the cultural significance of the area (namely its aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods (LGA: 1993).

- **Sportsground**

With reference to the core objectives for management of community land categorised as a Sportsground these are cited in the legislation as:

- a. to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b. to ensure such activities are managed having regard to any adverse impacts on nearby residents (LGA: 1993).

- **Crown Reserve 100242**

Crown Reserve 100242 principally comprises all of the foreshore and intertidal area of the Reserve. Crown Reserves are principally governed by the *Crown Lands Act, 1989* and not the *Local Government Act, 1993*. Crown Reserves are not required to be categorized under the provisions of the *Crown Lands Act, 1989*.

Photograph 2 identifies the land categories for the various portions of Community Land at Merriman Reserve. The categories are relevant to either the current land use or alternatively address the proposed change of use to part(s) of the Community

Land that comprises the Reserve. The plan also proposes to convert that portion of Crown Reserve that is currently foreshore car park back into landscaped parkland. This will open up the foreshore area for greater public access and use.

Photograph 2.



LAND CATEGORIES & CROWN RESERVE LAND AT MERRIMAN RESERVE, KYLE BAY

Table 3, describes the areas to which the proposed land categories apply.

Table 3.

LAND CATEGORY ASSESSMENT

Category	Assessment
<b>General Community Use</b>	The category <i>General Community Use</i> applies to that area of the Reserve occupied by the No.1 bowling green and along part of the frontage of Merriman Reserve as depicted by that area bounded by the white line in Photograph 2, p.19. The plan proposed that the No.1 lawn bowling green to be converted into public car park. It is considered that the proposed use of this part of the Reserve, with the existing infrastructure including driveways, pathways, delivery entrances service any the purpose the building will be put to currently or at any future date.
<b>Park</b>	The category <i>Park</i> applies to the community land that forms that area of Merriman Reserve depicted in green in Photograph 2, p.19. It excludes all of Crown Reserve 100242 which forms the foreshore of Merriman Reserve. The plan proposes the conversion of that section of the existing car park adjacent the foreshore and part of the asphalt area on the western side of the Merriman Reserve Heritage building be converted to landscaped parkland. Subsequently, it is considered that the objectives of the land category "Park" best suit the intended purpose of these portions of Community Land.
<b>Sportsground</b>	The category <i>Sportsground</i> applies to the Community Land that forms the No.2 and No.3 lawn bowling greens located on the western boundary of Merriman Reserve. These areas are marked "Sportsground" in Photograph 2, p.19. The category is considered the most appropriate for that area of the reserve used for the playing of lawn bowls and other bowls related activities.
<b>Cultural Significance</b> <b>General Community Use</b>	The category <i>Cultural Significance &amp; General Community Use</i> is to apply to the footprint of the Merriman Reserve Heritage Building (Refer to Photograph 2, p.19. the area outlined in "Blue"). Council has listed the building as a site of Local Heritage Significance. The building is listed on the NSW Heritage Inventory (Database No.5000679) as a structure of local significance. The category " <i>General Community Use</i> " includes the provision to permit the licensing or leasing of buildings. Therefore, the category is considered the most appropriate for that area of the reserve occupied by the Merriman Reserve Heritage building.

## CROWN RESERVES

Crown Reserve 100242 (Refer to Photograph 3) forms the foreshore and intertidal areas of Merriman Reserve. Parts of the Reserve are reclaimed foreshore land that was once part of Kyle Bay. Under s.95 of the *Crown Lands Act, 1989* the Minister responsible for administering the Act appointed Kogarah Council as the corporation to manage the Kyle Bay (R100242) Reserve Trust. Notification of the appointment was Government Gazette on the 5<sup>th</sup> November 1993. A Reserve Trust has the functions conferred on it under the provisions of the *Crown Lands Act, 1989* and has responsibility for the daily care, control and management of the reserve. A Trustee must manage Crown Reserve principally through the provisions of the *Crown Lands Act, 1989* and the *Local Government Act, 1993*. Where there are inconsistencies between the two Acts then with reference to s.98 (2) of the *Crown Lands Act, 1989* this Act has precedence.

Photograph 3.



CROWN RESERVE R100242, MERRIMAN RESERVE, KYLE BAY

The Minister cannot direct the Trust as to how it is to manage the reserves, unless the Trust exceeds its powers (*acts ultra vires*). The Minister can only suggest or make representation to the Trust on the question of management.

Relative to these limitations, under s.98 (1A) of the *Crown Lands Act, 1989* a Council that has been appointed a Reserve Trust Manager has no powers to classify Crown

Reserve land as either *Community* or *Operational Land* as would be the requirement under s.36 of the *Local Government Act, 1993* for land in Council's ownership.

The management of Crown Reserves, although similar in many respects, does differ particularly with regard to leasing and licensing and the types of development permitted on Crown Reserves as opposed to what may be permissible on *Community Land*.

## **OBJECTIVES AND PRINCIPLES OF CROWN LAND MANAGEMENT**

The *Crown Lands Act, 1989* sets out the objectives and principals for Crown land management in s.10 and s.11 of the Act.

The Objectives for the management of Crown Reserves are stated in s.10 of the Act. These ensure the reserves are managed for the benefit of the people of New South Wales. The objectives are that:

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

Section 11 of the *Crown Lands Act, 1989* sets out the Principles for Crown land management referred to in the Objectives of the legislation which states:

- a. that the environmental protection principles be observed in relation to the management and administration of Crown land,
- b. that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- c. that public use and enjoyment of appropriate Crown land be encouraged,
- d. that, where appropriate, multiple use of Crown land be encouraged,
- e. that where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity; and
- f. that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interest of the State consistent with the above principles.

Reference is made to Table 4, which outlines Council's management initiatives for Crown Reserve 100242.

Table 4.

STATEMENTS ADDRESSING PRINCIPLES FOR CROWN LAND MANAGEMENT

Crown Land Principal	Council Initiative
That environmental protection principles be observed in relation to the management of Crown land.	To conserve, protect and where appropriate rehabilitate the reserves foreshore ecological systems and biodiversity. To preserve the environmental benefits.
That natural resources of the Crown land be conserved wherever possible.	To retain, conserve and rehabilitate the natural landscape to ensure the future representation of the character of the land is retained in perpetuity.
That public use and enjoyment of appropriate Crown land be encouraged.	The plan proposes to convert that part of Crown Reserve 100242 from existing car park back into foreshore parkland.
That where appropriate, multiple use of Crown land be encouraged.	The strategies and actions in the plan will ensure that the land is available for multiple uses as sites for passive recreation, social interaction, education and cultural integration.
That Crown land be used and managed in such a way that both its resources are sustained in perpetuity	That the land is used and managed for the benefit of current and future generations by retaining its public purpose.
That the land be managed in the best interest of the State and be consistent with the Principles of Crown land management.	The strategies and actions in the plan comply with the Principles of the Crown land management by ensuring that the use of the land is appropriate to its reservation and its ascribed public purpose.

## VISION STATEMENT & VALUES

Crown land, as previously noted, is managed by the Aims, Objectives and Principles of the *Crown Lands Act, 1989*. These are guided by Vision and Values Statements that are specific to the land that is the subject of a plan of management. These complementary Statements and values guide and assist in the decision making processes for the management and development of the land.

### Vision Statement

*To plan, develop and manage Merriman Reserve, Kyle Bay in a manner that fulfils the community's preferences for a diversity of quality recreational opportunities in a variety of environmental settings both natural and man-made.*

## Value Statement

Table 5 outlines the community values that have been ascribed to the land and its resources. These value statements strive to achieve environmental sustainability and intergenerational equity for the current and future use of land.

Table 5.

VALUE STATEMENTS FOR CROWN LANDS	
Value	Value Statement
Recreation	Provide a diversity of high quality passive and active recreational experiences, benefits and opportunities to a diverse community.
Social	The Crown reserve provides a meeting place, a place to interact, socialize and celebrate with others by providing a venue capable of fulfilling individual and group needs for affiliation and the sharing of common interest whether it is recreation, appreciation of the natural environment, the scenic quality or any other leisure or ancillary activity.
Cultural	The Crown reserve is valued because it creates a strong sense of identity and cohesion within the local community and throughout the surrounding neighbourhood and across the City.
Natural	The Crown reserve is valued as a place that provides native and indigenous flora & fauna habitat as well as a corridor for the movement of native fauna between the terrestrial open space and marine environments along the Georges Rives and hinterland, intertidal, estuary areas and riparian zones.
Location	The Crown reserve is valued as open space that provides a buffer between the natural and built environment and improves the visual and scenic amenity from the surrounding urban fabric.
Access	Crown land is valued as accessible land that provides equal opportunity to the public, regardless of any physical limitations, capabilities, ethnicity, religion or other factors, to use and enjoy for recreation and socialization.
Environment	The Crown reserve is valued as a site for conserving, rehabilitating and protecting the natural environment to ensure biodiversity, ecological sustainability and inter-generational equity.
Management	The management of the Crown reserve has been undertaken by Council because it values the opportunity to improve the environmental, social & recreation opportunities that can be provided to the community and for its own intrinsic values as a functioning ecological system.

## CASE LAW

The Department of Primary Industry – Crown Lands Division has advised of other considerations that need to be taken into account in the management of Crown Reserves. These considerations include judgments derived from case law concerning public recreation as well as provide guidance for Council's who are appointed as Trustees of Crown Reserves. As an example these are:

- Where Crown land has been reserved or dedicated for a public purpose then any development or improvements must be ancillary to the public purpose of the reservation.
- A Trust may impose reasonable entry fees.
- Access to cross Crown land should be freely available as of right.
- The use of reserved Crown land must be consistent with the public purpose e.g. activities or uses that are supportive of the recreational use of land reserved for public recreation.
- The terms and conditions of use outlined in a lease or license must be consistent with the public purpose of the reserved land.

Where Council has been appointed Trustee it is obliged to take into consideration judgments arising from case law that may in the future impact on the management of land.



## SYDNEY WATER CORPORATION

There is one parcel of land within Merriman Reserve, Lot 7 Sec 1 DP 7641, which is partly occupied by a Sydney Water Corporation underground sewage transfer pumping and monitoring station (SPS 0194). The above ground infrastructure includes monitoring control box, steel entry hatches and sewage manhole covers. Kogarah City Council does not have jurisdiction regarding the control and management of the facility. Council does, however, maintain the grassed surface areas around the site as it is accessible to the public and forms part of public reserve.

Photograph 4.



SYDNEY WATER CORPORATION SEWAGE PUMPING STATION SPS 0194

The Sydney Water Corporation manages the facility in accordance with the objectives and principles of the *Sydney Water Act, 1994*, *Sydney Water Corporations Act 2004* and the *Sydney Water Catchment Act, 1998*, s.14 in part states:

- a. *to ensure that the catchment and the catchment infrastructure works are managed and protected so as to promote water quality, the protection of public health and public safety and the protection of the environment.*

Council has no jurisdiction over the management of the facility and must confer with and comply with Sydney Water Corporations policy, directives and guidelines in accordance with the respective governing Acts.

## LEASING & LICENSING

### **PRINCIPLES FOR LEASING, LICENSING & OTHER ESTATES FOR COMMUNITY LAND**

Since the liquidation of Club Blakehurst Ltd on the 27<sup>th</sup> October 2010 Council has entered into temporary licence with Tenora Pty Ltd who currently operates Zippos Restaurant/Bar within the former clubhouse. Council also entered into a temporary seasonal permit with the Blakehurst Bowling Club Inc. The bowling club was affiliated with Club Blakehurst Ltd and has been the principal user of two of the three greens at Merriman Reserve, Kyle Bay.

As the former Club Blakehurst Ltd building is now a restaurant and bar facility then should this use remain the community's preference then any future lease or licence

offered for the use of the venue for this purpose cannot reasonably be expected to cater for former club and interclub type activities that were available when the building functioned as a club. Interclub's or those organisations such as Probus and Bridge Clubs that used the indoor facilities of the former Club Blakehurst Ltd building would need to consider relocating or affiliating or merging into other clubs in the area.

This Plan of Management expressly authorises the issuing of leasing, licensing and other estates for the use of *Community Land* subject to the general and specific conditions and uses set out in this plan. The most important characteristic of a lease is the legal right to exclusive possession. Conversely, where it is intended to offer a licence or other estates it should not provide the means to a right of exclusive possession. What determines whether the occupant is a lessee or licensee is not the labelling of the document but the definition of their respective rights, the nature of the user and the nature of the premises that are factors of significance.

There are restrictions placed on *Community Land* relative to the granting of leases, licenses or other estates. For example, under the provisions of the *Local Government Act, 1993* Council may grant a lease, licence or other estate for a period up to 21 years for *Community Land* categorised *General Community Use*. In addition, the lease, licence or other estate must be consistent with the core objectives of the nominated land category in which an agreement is confined.

Under s.47 of the *Local Government Act, 1993* if Council considers entering into a lease, licence or other estate for the use of *Community Land* for a period greater than 5 years (including an option) it has to give public notice by way of advertisement in the local media of the proposed agreement and exhibit a notice of the proposal on the related land. Also it must give notice to adjoining owners and other key stakeholders. Any person can make a submission (s.47 (3)) in writing to Council up to 28 days after the public notice (s.47 (2)) or as specified in the public notice but this must not be less than 28 days. A Council must consider all submissions (s.47 (4)) prior to granting a lease or licence or other estate over *Community Land*.

Table 6 outlines the governing Principles for licensing and leasing parkland and public buildings within the parkland that is the subject of this plan of management.

Table 6.

PRINCIPLES FOR LEASING & LICENSING

Item	Principles
Lease Agreements	Subject to the termination of any current lease agreement for the use of any of the existing built structures within the reserve, either by default or voluntary surrender of the existing licence or lease by the licensee or lessee, any future permit, licence or lease agreement for the use of land or existing or new built structures are to adopt the following principles.
Occupied Buildings on Community Land	Council is to enter into a lease or licence agreement for any buildings constructed on <i>Community Land</i> occupied by a third party.
Lease or Licence Area	As agreed between Council and the potential lessee or licensee and in accordance with the objectives of the ascribed land categories, the provisions of this plan of management and the <i>Local Government Act, 1993</i> .
Development	(i) Any proposed building development is to demonstrate how it achieves the Ecological Sustainable Development principles outlined in this plan. (ii) Council should strive to rationalise the number of buildings by limiting future new separate building development and where appropriate, seek multiple use of existing facilities and amenities by means, if necessary, by permitting alterations and additions to existing structures or replacing existing structures. (iii) Key scenic corridors should be maintained across Parks and reserves. (iv) Permit development in accordance with the Kogarah Local Environmental Plan.
Development Conditions	Approved development will be subject to the terms and conditions of development consent, this plan of management and the core objectives of the land category.
Development Costs	Where appropriate development costs for new development or embellishment,

## PRINCIPLES FOR LEASING & LICENSING

Item	Principles
Aesthetics	<p>alterations and additions to an existing built structure the subject of a licence or lease is to be at the lessee's costs or as agreed between participating parties.</p> <p>Future built form should relate to the scale and character of the parkland as established by the existing buildings, heritage significance and surrounds. The design of built structures must consider the proposed building mass, form, roof pitch and shape, materials, detailing and colour and their impact on the parkland, its users, existing park buildings, vistas to the park and the surrounding residential area. Lessee and licensees must notify and obtain consent in writing from Council prior to erecting, placing, fixing or attaching or otherwise any product advertising, promotional material, lights or otherwise to the buildings or surrounding grounds, fixtures or fittings.</p>
Maintenance	Lessees shall be responsible for the maintenance and good appearance of the building(s) and surrounding parkland within the boundary of their leased area.
Permitted Uses	<p>This plan authorises activities associated with passive recreational activities, social, cultural, educational, community and ancillary services and programs as permitted under the Kogarah Local Environmental Plan, <i>Local Government Act, 1993</i>, as determined by Council in respect of the objectives of the assigned land category, the purpose of reservation or dedication and this plan of management.</p> <p>From the adoption of this Plan of Management Council explicitly prohibits any future use of the former Club Blakehurst Ltd building as a registered club and the provision of gaming facilities of any type.</p>
Private Access to the Parkland.	<p>The plan authorises the issuing of a temporary licence at a fee for private access to cross or transport materials or equipment for private construction, excavation, demolition, building or waste removal or other engineering or maintenance works to be carried out on adjoining private properties to the parkland. However, access is restricted to those premises that have no other means of vehicle access off a public road into the property and where it is determined that the use of cranes, other lifting devices or alternative engineering means could not otherwise provide safe and reasonable access. Access will not be permitted where it would result in any impact on or removal of any native vegetation within the park.</p> <p>Access will be permitted where Council determines that a hazard on private property poses a direct threat to public health, safety, public or private property.</p> <p>In accordance with the provisions of the respective legislation access will be permitted to construct, connect, maintain or any other works required to any essential public utility services located or to be created in the parkland or emergency services.</p> <p>Where access is approved to an adjoining private property owner access will be conditional and subject to appropriate terms and conditions of the permit and the payment of all fees and charges as imposed by Council in accordance with its Management Plan.</p>
Storage of Private Property	It is prohibited to store private property of any kind on Community Land the subject of this plan of management. Temporary storage of materials by authorised essential services is permitted subject to Council's written approval and agreement to its terms and conditions.
Intensity of Use	<p>Council permits a diversity of recreational, social, educational and cultural events to take place in the reserve. However, the use of the reserve and their facilities are to be managed in a manner that will avoid detriment to public assets being exposed to excessive wear and tear, the natural environment or results in unreasonable inconvenience to adjoining residents and other park users.</p> <p>Council is to consult with local residents when an application for any event that is proposed that has the potential to result in high traffic volumes and an excessive overflow of vehicles parking in the adjoining surrounding residential areas.</p>
Hours of Use	Hours of use of buildings and facilities in Parks and reserves will be subject to the outcome of negotiations between the Council, licensee or lessee or as approved under any Development Application or as restricted by this plan of management.
Buildings	Restrict the use of the reserve to small group private cultural or social gatherings from 8.30am to sunset. Public events are permitted as determined by Council.
Parks and reserve	
Lease Term	<p>(i) Agreed negotiated period between Council and the lessee up to 21 years where the land is "Community Land" and has the category "General Community Use".</p> <p>(ii) Where the land is Crown Land reserved for public recreation and Council has been appointed Trustee then although a lease may extend beyond</p>

## PRINCIPLES FOR LEASING & LICENSING

Item	Principles
	<p>21 years this plan limits the leasing of Crown Land reserved for recreation to a period not greater than 21 years to be in accordance with the provisions of the <i>Crown Lands Act 1989</i>. It is a Department of Primary Industries Crown Lands Division policy for lease and licence agreements to offer shorter terms to allow for economic consideration, rental redetermination.</p> <p>(iii) Where the land is Crown land reserved for environmental protection then the appointed Trustee is not permitted to lease or licence this reserve land.</p> <p>(iv) Where the land is in the ownership of another State Government Authority and Council has care, control and management a lease or licence will be subject to the policies and directions of that Authority.</p> <p>(v) Other than leases entered into under Item (i), at the conclusion or at such time as the current lessee or Council terminates a lease for whatever reason, future leases are to be generally restricted to 5 years.</p> <p>(ii) Leases exceeding 5 years are only to be considered where the total investment capital to be expended by the lessee for new capital works (excluding maintenance works) within the lease period exceeds \$100,000 Sydney CPI adjusted annually from 2012.</p> <p>(iii) Leases extending beyond 5 years are to be conditional on the commencement of the new capital works within 12 months of the lease commencement and the completion of the proposed works within an agreed timeframe between Council and the lessee. Any development is to be ancillary to the purpose of the park as a venue for public recreation and permitted under the Kogarah Local Environmental Plan.</p> <p>(v) Generally, licenses should not exceed 5 years unless associated with new capital improvement works.</p> <p>(vi) The plan complies with the appropriate legislative provisions to permit essential service activities and infrastructure on the land and where such provisions apply within the cited legislation or by agreement to seek compensation by means of a lease or licence fee for the occupation and use of Community Land.</p> <p>(vii) Seasonal licenses or permits are authorised where applicable and appropriate.</p> <p>(viii) Daily, weekly or monthly permits are authorised to be offered at Council's discretion.</p> <p>(ix) It is mandatory for all lessees and licensees of built structures and organisational users of the reserve to provide Council with accurate usage and participation data and any other data requested in writing by Council.</p>
Rent	<p><i>Commercial Activity</i> The plan authorises private commercial activities that derive a community or recreational benefit.</p> <p><i>Community Activity</i> All lease or licence agreements with community groups or associations are to comply with Council's policy entitled "<i>Leasing of Community Land and Buildings</i>" adopted 27 August, 2001 and are also to be based on an independent valuation.</p> <p><i>Periodic Rent Review</i> Part 2(c) of Council's policy entitled "<i>Leasing of Community Land and Buildings</i>" makes provisions for periodic rent reviews. This condition should be extended to lease agreements for facilities and amenities that operate on a commercial basis and are profit orientated. Minimal rent increases should be based on the annual Sydney Consumer Price Index.</p> <p><i>Subsidised Rents</i> Any agreement that results in Council subsidising a commercial activity or service then that amount is to be compared with similar full commercial rates and the level of annual subsidisation as well as for the term of the agreement is to be reported to Council.</p> <p>Lease and licensing fees and charges are to be expended by Council at its discretion for the benefit of the community.</p>
Reporting	To ensure Council's accountability and transparency in the management of a public built asset any new lease or license agreement is to ensure that Council is provided with an annual report and other reports as required by this plan and those included in any license or lease agreement.
Insurance	Lessees and licensees annually must provide Council with copies of their Certificates

## PRINCIPLES FOR LEASING & LICENSING

Item	Principles
	<p>of Currency for their Public Risk Liability Insurance that must to be the sum as stipulated in their lease or licence agreements.</p> <p>Where a lessee or licensee has public risk liability insurance protection by their affiliation with an Association then they are required to provide proof of cover by way of a letter from their Governing Association that they are included in the Association's current policy.</p> <p>The lessee/s of community buildings must have appropriate fire indemnity insurance in the joint names of the lessee/s and Council.</p>

### LEASING OF COMMUNITY LAND & BUILDINGS

On 27 August 2001 Council adopted the Policy – *Leasing of Community Land and Buildings*. The purpose of the policy is to set clear and equitable criteria for determining the suitability of Community groups and associations to lease Community Land. The objectives of the policy are:

*To ensure equity and openness in the selection, occupation and conditions of such occupation of Council properties leased to Community groups and associations.*

Leases excluded under the policy include:

- Leases to organisations which are other than non-profit organisations.
- Leases that are less than one year in term.
- Leases which are covered by fees set out in the Management Plan.

Briefly, when determining the issuing of a lease under the terms of this policy Council seeks to ensure that:

- a. Community groups that apply can demonstrate their capacity to meet the commitments under the lease terms prior to the lease being granted.
- b. That no Community Land lease be for a term greater than five years unless exceptional circumstances are proven by the Community groups.
- c. That no lease of a community building be granted unless a "life of building" management plan is prepared indicating cost of structural and minor repairs likely during the term of the lease.
- d. That Council encourages multiple and optimal use of existing community buildings. Preference is to be given to multiple permanent hiring of buildings over one exclusive occupation.
- e. All Community lease are to include rent review provisions if the Council forms the view subsidised rentals are no longer appropriate.

Other provisions apply and further reference should may to the policy on Council's website.

### LEASING & LICENSING CROWN RESERVE LAND

The licensing and leasing of Crown Reserve's must be in accordance with the objectives and principles for Crown land management as specified under ss. 10 and 11 of the *Crown Lands Act, 1989*. Section 10, entitled *Objects* for the management of Crown reserve land in part stated as:

- ...b. *the management of Crown land having regard to the principles of the Crown land management contained in the Act,*

- c. *the proper development and conservation of Crown land having regard to those principles...*
- e. *the reservation or dedication of Crown land for public purposes and the management and use of the reserved or dedicated land...*

While section 11 of the Act entitled *Principles of Crown land management* in part states:

- a. *that environmental protection principles be observed in relation to the management and administration of Crown land;*
- b. *that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;*
- c. *that the public use and enjoyment of appropriate Crown land be encouraged...*

Furthermore, with reference to s.102 of the *Crown Lands Act 1989* a Council if it is appointed reserve trustee cannot sell, lease or mortgage land or grant an easement or a licence except a temporary licence over any part of Crown Reserve land without the Minister's responsible for administering the *Crown Lands Act 1989* consent. The trustee may not give consent for a licence or lease for a term exceeding 5 years or a lease for a term that by the exercise of an option exceeds five years without advertising and obtaining prior written consent from the Minister. As part of the consent the Minister may choose to impose terms and conditions within the proposed lease agreement. Under s.108, of the *Crown Lands Act 1989* a reserve trustee may issue a temporary licence for all or any part of a reserve for a prescribed purpose that is in accordance with the reservation or public purpose of the land.

## **RESERVE TRUST LAND**

Merriman Reserve consists of a single parcel of Crown Reserve land that forms part of the foreshore of the Reserve. Part of the Crown Reserve, forms part of the formalised car park and was included in the previous leased area to the former Club Blakehurst Ltd. The remainder along the foreshore is freely accessible to the public at all times. Currently, there is no lease agreement with third parties for the use of the Crown Reserve.

## **Proceeds Derived From Trust Crown Reserves**

Proceeds generated from lease or licence agreements from those Crown Reserves listed in Table 11 must be spent within the reserves from which the lease or licence applies. Council as the Reserve Trust Manager must separately account for all the proceeds from activities on the reserve. The Minister (and the community) may request such information at any time.

Under Section 106 of the *Crown Lands Act, 1989*, net proceeds from a sale, lease, easement or licence (including a temporary licence) on any of the reserves will apply in accordance with any directions given by the Minister for Lands. This may include but not be limited to:

- a. Direction that proceeds are to be paid to another reserve trust to be applied to the care, control and management of another trust's reserve.
- b. Direction to Consolidated Funds or to the Public Reserve Management Fund under the *Public Reserves Management Act, 1987*. In the absence of a direction from the Minister the proceeds from any of the Crown Reserves listed in Table 4 shall be invested or applied for the general purpose of the Reserve

Trust. Under Section 122 of the *Crown Lands Act, 1989* reserve trust must report on their activities on the reserves as detailed in Clause 33 of the Act.

## PRINCIPAL GOVERNING LEGISLATION, POLICIES & GUIDELINES

The following provides a brief overview of some of the legislation and policies affecting the management of the Reserve. Further referenced can be made via the internet on [www.austlii.edu.au/databases.html](http://www.austlii.edu.au/databases.html).

### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Local Environmental Plans (LEP's) and Development Control Plans (DCP's) are prepared by Council in accordance with Division 4 of the *Environmental Planning & Assessment Act, 1979*. LEP's provide a guide to Council in its planning decisions for the LGA it administers. Through the provision of planning zones and development controls Council manages the way land is developed within the various planning zones.

Briefly the following land use zones have relevance to the management of *Community Land*, Crown Reserves the subject of this plan:

#### **OPEN SPACE 6(A) – OPEN SPACE (PUBLIC) ZONE**

Merriman Reserve is zoned Open Space 6(a) (Public) Zone. The objectives of this zone are:

- a. to recognise publicly owned land used or capable of being used for local public recreation, and
- b. to identify and protect land intended to be acquired for local public open space.

In accordance with the zoning the following activities do not require development consent:

Drainage, minor works and structures such as fencing, playground equipment, reticulation, lighting, signage, seating/shelter sheds, barbecues, and buildings not more than 40 m<sup>2</sup> in area, roads, works (but not buildings) used for gardening, landscaping and bushfire hazard reduction, exempt development.

Only with development consent can the following activities be carried out on the land that is the subject of this plan of management:

Buildings used for gardening, landscaping and bushfire hazard reduction, centre based child care services, community facilities, public parking, public utility installations, recreation areas, refreshment rooms.

Any other development is prohibited. The zone is identified on the land use map as those areas shaded green.

#### **ENVIRONMENTAL PROTECTION 7(A) ENVIRONMENTAL PROTECTION (WATERWAYS) ZONE**

The objectives of this zone is to ensure any development on land below the mean high water mark, in this case intertidal areas that adjoins a public reserve, is carried out in an environmentally sensitive manner, having particular regard to the nature and function of the waterways. Under the provisions of the zoning no development

may be carried out without development consent. This includes boatsheds, enclosed tidal swimming areas, watercraft launching and landing facilities, etc.

### **WHO CAN MAKE A DEVELOPMENT APPLICATION FOR THE USE OF PUBLIC LAND?**

Under the provisions Section 49 of the *Environmental Planning & Assessment Regulation 2000* a development application can be made by the owner of the land to which the development application applies (s.49(1)(a)), that is land owned by either Kogarah City Council, the appointed Trustee under the *Crown Lands Act, 1989*, and Department of Primary Industries – Crown Lands Division who is a principal owner of land within the reserve.

A development application can also be made by a person, with the written consent of the land owner (s. 49(1) (b)). In this case Kogarah City Council may permit a community group or club to develop parkland for a public benefit. However, s.49 (2) Subclause (1)(b) does not require the consent in writing of the owner of the land for a development application made by a public authority if before making the application the public authority, such as the Sydney Water Corporation, serves a copy of the application to the owner.

Relative to the Crown land a development application made by a lessee of Crown land, such as a community club leasing Crown land can only be made with the written consent of the Minister administering the *Crown Lands Act 1989*. If a Council is appointed Trustee of Crown land then it must forward a copy of the development application to the Department of Primary Industries Crown Lands Division 14 days prior to the application being lodged.

Under the provisions of the Kogarah Local Environmental Plan 1998 in considering a development application for any proposed development on Open Space 6(a) Zone is that Council must take into consideration as to whether the proposed development is consistent with any plan of management adopted by Council.

### **ASSESSMENT CRITERIA KOGARAH LOCAL ENVIRONMENTAL PLAN**

Council considers development applications for its parks and reserves with reference to the Kogarah Local Environmental Plan, 1998 (KLEP) and the development assessment criteria within that plan and the provisions of the *Environmental Planning & Assessment Act, 1979*, Clause 21 of the KLEP requires Council, as the consent authority, must not grant its consent to the carrying out of development on land zoned Open Space 6(a) unless it has considered the following assessment criteria:

- a. the need for the proposed development on that land;
- b. whether the proposed development promotes or is related to the use of the land;
- c. the impact of the proposed development on the existing or likely future use of the land; and
- d. the need to retain the land for its existing or likely future use.
- e. whether the proposed development is compatible with uses on adjacent land in relation to its height, bulk, noise generation, traffic generation, and any other aspects that might conflict with surrounding land uses.
- f. whether the proposed development is consistent with any plan of management adopted by Council.
- g. whether the height of any proposed building or structure is visually sympathetic to existing vegetation and topography.

Furthermore, consideration also needs to be given to:



- the total area to be affected by a proposed development is to be a relevant factor in assessing the appropriateness of that development. Where a development proposal results in a permanent loss of a substantial area of open space parkland, then the total area to be alienated is to be weighted against the impact on the existing use, purpose, enjoyment and amenity of the reserves open space.
- the incorporation and use of ecological sustainable development building and management practices.

## STATE ENVIRONMENT PLANNING POLICIES (SEPP)

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The *State Environmental Planning Policy (Infrastructure) 2007* (SEPP (Infrastructure) 2007) applies to Crown Reserve land that Council has been appointed Trustee under the provisions of s92 of the *Crown Lands Act, 1989*.

The principal aims of SEPP (Infrastructure) 2007 are:

Facilitate the effective delivery of infrastructure across the State by, for example:

- improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services,
- provide greater flexibility in the location of infrastructure and service facilities...
- identify the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development)...
- provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing (SEPP (Infrastructure) 2007).

Conditionally, SEPP (Infrastructure) 2007 has precedence over any other environmental planning instruments.

### **DEVELOPMENT PERMITTED WITHOUT CONSENT**

Division 12 entitled *Parks and other reserves*, Clause 65(d) of SEPP (Infrastructure) 2008 states that development for any purpose may be carried out without consent if the land is a reserve within the meaning of Part 5 of the *Crown Lands Act, 1989*, by or on the behalf of the Director General of the Department of Lands and an appointed trustee of a reserve under s92 of the *Crown Lands Act, 1989*. Council is the appointed Trustee of the Crown reserves cited within this plan of management. The policy also states that if the development is for the purpose of implementing a plan of management adopted for the land under the Act then Clause 65(d) also applies.

Clause 65, Part 3 permits development for any of the following purposes may be carried out or on behalf of a Council without consent on a public reserve under the control of or vested in the Council:

- roads, cycle ways, single storey car parks, ticketing facilities and viewing platforms,
- outdoor recreational facilities, including playing fields, but not including grandstands,
- information facilities such as visitors' centres and information boards,

- d. lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZ 1158:2007, *Lighting for Roads and Public Spaces*,
- e. landscaping, including irrigation schemes (whether they use recycled or other water),
- f. amenity facilities,
- g. maintenance depots,
- h. environmental management works (SEPP (Infrastructure) 2007).

## EXEMPT DEVELOPMENT

Clause 66 of the policy entitled *Exempt development* states that development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority, such as Council, in connection with a public reserve or on land referred to in Clause 65 (1) and if it complies with Clause 20 (2) (Exempt development) of then the policy states that:

- a. construction, maintenance and repair of:
    - i. walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats. Barbecues, shelters and shade structures,
    - ii. viewing platforms with an area not exceeding 100m<sup>2</sup>, or
    - iii. sporting facilities, including goal post, sight screens and fences, if the visual impact of the development on the surrounding land uses is minimal, or
    - iv. play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence.
  - b. routine maintenance (including earthworks associated with playing field regrading or landscaping and maintenance of existing access roads).
2. Development of a kind referred to in subclause (1) is exempt development if it is carried out on land referred to in Clause 65(2) by or on behalf of Council if the development:
- a. complies with clause 20(2) (Exempt development), and
  - b. involves no greater disturbance of native vegetation than necessary, and
  - c. does not result in an increase in stormwater run-off or erosion, and
  - d. for the purpose of implementing a plan of management adopted for the land under the *Crown Lands Act, 1989*(SEPP (Infrastructure) 2007).

When considering specific development on Crown Reserve land that Council has been appointed trustee under s92 of the *Crown Lands Act, 1989* and where a plan of management has been adopted under s143 of the cited Act then relative to SEPP (Infrastructure) 2007 such development may be permitted without development consent or may be exempt development.

Further reference will need to be made to SEPP (Infrastructure) 2007 for other specific development proposals that may take place in public reserves such as stormwater management systems, etc. Further reference needs to be made to the policy when Council is considering development works on Crown Reserve land that it has been appointed Trustee.

## **STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008**

The *State Environmental Planning Policy (Exempt and complying development codes) 2008* (SEPP (E&CDC) 2008) applies to both Crown Reserve and dedicated land that Council has been appointed Trustee under the provisions of s92 of the *Crown Lands Act, 1989* and *Community Land*. The policy aims to streamline the assessment process for development that complies with specified development standards.

Currently, to avoid confusion between Council's Development Control Plan No.26 – *Exempt & Complying Development* (DCP) Council has amended and is currently exhibiting the amended DCP which excludes all of those provisions addressed in SEPP (E&CDC) 2008. The latter has precedence over the provisions of the DCP. The DCP will retain only those developments of an exempt and complying nature that are not included in SEPP (E&CDC) 2008.

Some of the principal aims of SEPP (E&CDC) 2008 that are relevant to parks are:

- a. providing exempt and complying development codes that have State-wide application, and
- b. identifying, in General Exempt Development Codes the types of development that are of minimal environmental impact that may be carried out without the need for development consent...(SEPP (E&CDC) 2008).

To be exempt or complying development the proposed development must not be carried out on land that is an environmentally sensitive area. Relative to parks and reserves *environmentally sensitive* would apply, for example, to land that has high Aboriginal cultural significance or high biodiversity significance as well as land reserved or dedicated under the *Crown Lands Act, 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.

### **EXEMPT DEVELOPMENT**

Exempt development is development that, subject to satisfying pre-specified standards such as the Building Code of Australia or the Development standards outlined in Subdivision 24 of SEPP (E&CDC) 2008, does not require development consent.

Relative to parks, exempt development includes for example items such as access ramps (Subdivision 1 SEPP (E&CDC) 2008), BBQs (Subdivision 24 SEPP (E&CDC) 2008), landscape structures (Subdivision 24 SEPP (E&CDC) 2008), minor building alterations (Internal / External) (Subdivision 26 & 27 SEPP (E&CDC) 2008), rainwater tanks (Subdivision 32 & 33 SEPP (E&CDC) 2008). For reasons of clarification, further reference should be made to SEPP (E&CDC) 2008.

### **COMPLYING DEVELOPMENT**

SEPP (E&CDC) 2008 allows for development for a purpose which is of minor environmental significance that must meet specific standards. The cited SEPP states that for a development to be a complying development it must not:

- a. be designated development, or
- b. be exempt development under the terms of SEPP (E&CDC) 2008,

- c. be carried out on land that is less than the minimum lot size for the erection of a dwelling house under an environmental planning instrument applying to that land, or
- d. be development that requires concurrence (except a concurrence of the Director-General of the Department of Environment & Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act, 1995*) SEPP (E&CDC) 2008.

Clause 1.17 of SEPP (E&CDC) 2008 entitled General requirements for complying development states that for a development to be complying development it must:

- a. be permissible, with consent, in the land use zone in which it is carried out, and
- b. meet the relevant provisions of Building Codes Australia, and
- c. have prior approval, if required by the Local Government Act, 1993 for example for an on-site stormwater drainage system... SEPP (E&CDC) 2008.

## HERITAGE CONSERVATION

Local Heritage Significance refers to a place, site, item or thing of heritage value to the local community in terms of its aesthetic, historic, scientific, cultural, social, archaeological, natural or aesthetic value for present and future generations.

Section 17 of the *Kogarah LEP, 1998* makes provision for the conservation of both non-Aboriginal (European) and Aboriginal significant heritage sites within the Kogarah LGA. The LEP lists Merriman Reserve as a place of Local Heritage Significance.

### EUROPEAN HERITAGE

The building in Merriman Reserve has been listed in the *Kogarah Municipal Council Heritage List (Inventory Item 65)* and at the *NSW Heritage Office Crown Heritage Inventory (Database No. 5000679)* as a structure of *Local Significance*. These listings ensure the future protection of the heritage value of the building. The clubhouse was built circa 1958 and completed for opening in August, 1962 (SofH:2002)

In a document entitled a *Statement of Heritage for Kyle Bay Bowling Club, 12 Merriman Street, Kyle Bay NSW : April 2002* prepared by Phoenix Architects it was noted that the building was designed and built in the Post War international architectural style and as having heritage significance as it;

*...represents a good example of Post War International Style building circa 1950. It is a later development overlay in the Williams Estate established in 1914. It is socially significant as a community focus for local residents*

The report cites comments from Mr Jon Mathias, a former Heritage Advisor to Council saying:

*...it is probably the only bowling club in NSW or even Australia that has an 'anti-classic' vaulted roof...the club roof is unusual because it is large and built out of timber also appearing very thin. The setting and construction of this roof were no doubt challenging and represent a significant achievement in design and structural integrity, particularly in Australia at this time...*

## ABORIGINAL HERITAGE

- **Native Title Act 1998 (Commonwealth)**

There are no current Native Title Claims been made under the provisions of the Commonwealth Native Title Act, 1998 within the Kogarah LGA. Table 7, outlines the past Native Title Claims as of January 1994 to January 2012 in the Kogarah LGA and the status of those claims as of the date of the 3<sup>rd</sup> January 2012.

Table 7.

FEDERAL - NATIVE TITLE TRIBUNAL ABORIGINAL LAND CLAIMS						
Date Filed	Application Name	Application Type	Status	Tribunal No.	File No.	Court File No.
13/06/1995	NSW Government #5	Non-claimant application	Finalised Dismissed	NN95/11		Not applicable
5/01/1996	NSW Government #18	Non-claimant application	Finalised Dismissed	NN96/1		Not applicable
26/06/1996	Gundu-ngura	Claimant application	Finalised Rejected	NC96/21		Not applicable
12/05/1997	Darug Tribal Aboriginal Corporation	Claimant application	Finalised Discontinued	NC97/8		NSD6061/98
1/05/06	Eora People	Claimant application	Finalised Dismissed	NC98/10		NSD6099/98

Source: National Native Title Tribunal: [www.nntt.au/Applications-And-Determinations/Search-Applications] 03-01-2012

- **Aboriginal Land Rights Act 1983 (NSW)**

The NSW Government has introduced the *Aboriginal Land Rights Act 1983*. Section 36 *Claims to Crown lands* sets out the provisions for a NSW Aboriginal Land Council to make a claim for land within its jurisdiction or, with the approval of the Register, outside its area or jurisdiction. The Act was established to provide a mechanism for compensating Aboriginal peoples for the loss of their land. Unlike Commonwealth Native Title, land rights are a grant created by the NSW State Government rather than the Courts. The assessment of a claim is fundamentally based on whether the Minister administering the *Aboriginal Land Rights Act 1983* determines that the lands are needed, or likely to be needed for an essential public purpose at the time the claim is made, if the whole of the lands claimed is claimable Crown lands or only part of the lands is claimable.

The Office of The Registrar Aboriginal Land Rights Act 1983 (NSW) advised Council on the 17 January 2011 that there is a land claim over the Crown Reserve 100242 at Merriman Reserve, Kyle Bay. This claim is included in the Aboriginal land claim listed in Table 8 that notes the claim is incomplete at the time of the preparation of this plan.

Table 8.

STATE ABORIGINAL LAND CLAIMS AFFECTING KOGARAH LGA						
Claim No.	Affected Land / Waters	Date Lodged	Aboriginal Land Council	Parish	County	Status
6735	Georges River Cooks River Wooko Creek Muddy Creek	19/06/2002	Metropolitan	St Peters	Cumberland	Incomplete

On the 24<sup>th</sup> January 2012 the Metropolitan Local Aboriginal Land Council advised that Merriman Reserve is not currently identified as a site of Aboriginal Heritage

significance. However, the Land Council also advised that any items of Aboriginal Heritage Significance must follow the appropriate requirements of relevant legislation. The Kogarah LEP makes provision for consideration of potential sites of Aboriginal Heritage significance.

- **Kogarah City Council Acknowledgement of Indigenous Australians**

The traditional owners of the land that is the subject of this plan of management were the Bediagal People of the Eora Nation who occupied land between the northern shores of the Georges River to the Cooks River to the north. They were of the Dharug and Dharawal language groups being two of the major language groups occupying the Sydney Basin area.

Subsequently, on the 1<sup>st</sup> January 1988 Reconciliation Week Council issued a Statement of Commitment which in part states that it acknowledges the Indigenous Australians who occupied the land that comprises the Kogarah City Council area and that the Dharug and Dharawal were the first people of this land and that they have survived European settlement for more than two centuries. The statement goes on to acknowledge with regret the loss of their traditional culture and lands and commits itself to respecting, recognising and preserving Aboriginal sacred sites and special places (KCC, 1988 Statement of Commitment).

Section 17D of the Kogarah LEP 1998 entitled *Development Affecting Places or Sites of Known or Potential Aboriginal Heritage Significance* ensures that prior to the granting of consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal significance the Council must consider the impact on the site by preparing a heritage impact statement. In addition, other than for integrated development, it must notify the local Aboriginal communities and the Director-General of the National Parks & Wildlife of its intentions to carry out a proposed development and take into consideration any comments received in response within 28 days after notification was sent.

Registered European or Aboriginal Heritage sites and any potential heritage sites will need to be managed in accordance with the provisions of the *Environmental Planning & Assessment Act, 1979* and subsequent local heritage policies for the protection of sites of heritage significance.

## PUBLIC CONSULTATION FOR LANDSCAPE MASTER OR CONCEPT PLANS

Council is to ensure that where it is to prepare a landscape master plan or concept plan for any park the subject of a plan of management then it must engage in further public consultation. The propose method of consultation is to be in accordance with Council's *Public Consultation Policy*. Under various legislative, such as the *Local Government Act, 1993*, the *Crown Lands Act, 1989* and the *Environmental Planning & Assessment Act, 1979* and their associated Regulations Councils are statutorily obliged to engage in public consultation. Where such an obligation does not exist Council has adopted four tier methodology that is to be initiated according to the purpose and intent of the consultative process.

- Level 1 community consultation is to inform the public in a one-way communication via public notices and similar activities.
- Level 2 is to encourage community participation by calling for submissions or through public meetings.

- Level 3 requires direct contact with the public principally via public meetings, workshops, public hearings, focus groups etc.
- Level 4 seeks to empower the community by ballot or referendum but may also incorporate Level 3 consultative actions.

For the preparation of Landscape Master Plans or Concept Plans Council should initiate Level 3 public consultative strategies to ensure direct public input into the park planning process.

## ASSESSING PRIVATE RIGHTS TO A VIEW

A continuing issue that arises when preparing landscape master plans for parks is the issue of “rights to a view”. This issue arises where adjoining private property owners contend that they are entitled to retain existing views across the park and that landscape works, particularly any proposal in a landscape plan to plant trees within a park, is seen by some private property owners as detrimental to their interest. They contend that the loss of views will impact on the value and the enjoyment of their property. Common law does not recognise any right to the maintenance of a view ((Day v Pringlen (1981) 34 ALR 545)) (Lyster, Lipman, Franklin, Wiffen & Pearson : 2009). To reach a compromise to ensure private property owners concerns are considered together with park user rights and environmental initiatives, policies and guidelines it is proposed that the following procedures be undertaken as part of the preparation of any Landscape Master Plan. It is proposed that where a private property owner(s) has objected to a proposed landscape plan because of the potential loss of private views across the parkland then Council to initiate the following procedures:

- a. That where a private property owner has registered their objections in writing to Council contending that a proposed planting scheme detailed in a landscape master plan for the park could affect their views from inside their property then Council is to carry out an assessment of private views from the property as part of the public consultation process to prepare the Landscape Master Plan.
- b. That reasonable sight lines be valued and established. For example, the protection of views across side boundaries has been established by the *Land & Environment Court* to have lesser value than views directly in front.
- c. Council's Residential Design Guidelines 2005, Section 3.10 entitled Views and View Sharing provides guidelines for assessing the impact of a proposed development on the views of adjoining neighbours. Council will take into account the following:
  - i. An assessment of views offered, and the importance of the view.
  - ii. Where the views are obtained from. In this regard an assessment of the extent and nature of views will be made from a standing position (1.6m eye height) within the main living area and from associated terraces / balconies of existing and proposed developments.
  - iii. To supplement the Residential Design Guidelines the assessment criteria is to be further based on the determination made by the *Land & Environment Court* in *Tenacity Consulting vs. Warringah* [2004] NSWLEC 140 using the assessment categories, minor, moderate, severe or devastating loss of views together with identified sight lines, directly in front and side boundary views.

- iv. Whether the proposed design is reasonable and whether an alternative design would provide the same development potential but reduce the impact on views. In some circumstances, (for example where a single storey dwelling is being redeveloped on a waterfront property) the redevelopment potential of a site may result in some or total loss of view to neighbouring properties.

In such cases Council will consider the impact of the proposed development on its merits (RDG : 2005)

- d. That an assessment of the "Reasonableness" of the proposal that is causing the impact. The principal questions to be addressed are:
  - i. Does the proposed planting scheme or development comply with the intent of the plan of management, the objectives of the respective land category and the Kogarah LEP?
  - ii. Would a more skilful design provide an improved planting scheme that achieved the desired functional, environmental and amenity values as well as reduce impacts on the views of neighbours?

The purpose of the assessment is, where feasible, to reach a compromise and ensure the reasonable rights of both the users of public parks and local residents while achieving an acceptable level of environmental outcomes. In any decision further references can be made to case law in particular *Double Bay Marina v Woollahra Council [2009] NSWLEC 1001 (9 January 2009)*, *Tenacity Consulting vs. Warringah [2004] NSWLEC 140* and other similar cases addressing rights to a view.

## DIVIDING FENCES ACT, 1991

Under the provisions of the *Dividing Fences Act, 1991*, Section 25(1) all Councils are exempt from the payment of a contribution towards the installation or replacement of a fence on private land that adjoins public property in Council's ownership, care, control and management.

## COMPANION ANIMALS ACT, 1998

Council's *Companion Animal Management Plan for the City of Kogarah* recognises the rights of pets themselves to a healthy existence and has made provisions for their exercise off the leash in designated areas within a number of its Regional, District and Parks within the City. Further reference should be made to Council's website at [www.kogarah.nsw.gov.au](http://www.kogarah.nsw.gov.au). Relative to Merriman Reserve dogs are not permitted to be off the leash and must be under control at all times.

In addition, under the provisions of the *Companion Animals Act, 1998*, Section 13 list the responsibilities of the owner when they take their dog into a public area and states that unless the dog is in a designated dog off leash exercise area then:

- (1) *A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.*

Dog owners must also ensure that their dog wears a collar and tag showing the name of the dog and the address and telephone number of the owner of the dog (s.12).



In reference to s.25 of the Act the owner of a dog incurs all liability in damages for injury to persons or property incurred by the dog(s). While under s.20 the owner also has the responsibility for immediately removing the dog's faeces and properly disposing of it in an appropriate receptacle.

## KOGARAH OPEN SPACE POLICY

On 23 September 2002 Council adopted the Kogarah Council Open Space Policy. The policy applies to all public open space regardless of its classification as *Community Land*, *Crown Reserve* or other land as long as it is in Council's care control and management and that it is currently open to and accessible to the public for their use and enjoyment.

The purpose of the policy states:

- *To ensure accountability in the management and short term temporary use of public open space under Council's care, control and management.*
- *To provide park visitors with appropriate recreational opportunities in a safe environment.*
- *To ensure protection of the natural and cultural environment.*

The policy sets out the terms and conditions of use of public open space as well as the management of that use.

## MANAGEMENT INITIATIVES

### **ASSET MANAGEMENT**

It is important that Council continues to monitor and report on its assets and ageing infrastructure. The information provides the means for Council to evaluate and make decisions relative to the allocation of scarce resources and the need for repairing, renewing, replacing or disposing of an asset. The process allows for budget and service planning relative to the expenditure required to retain the quantity and/or quality of service to be provided to a particular asset. Council and/or its lessees or licensees should be required to prepare an asset management plan for leased or licensed areas in at Merriman Reserve. Council should prepare such a plan for any non-leased or licensed area (Refer to Appendices 1-4).

### **RISK MANAGEMENT**

Standards Australia notes that:

*Risk management is recognised as an integral part of good management practice (AS/NZS 4360:2004).*

Risk management is a systematic method for establishing the context, identification, analysis, evaluation, treatment, monitoring and communication of risks (AS/NZS 4360:2004). Council and/or its lessees or licensees will need to prepare a hazard identification and risk management plan for Merriman Reserve. The risk management plan should be prepared by an appropriately qualified person and in accordance with Australian Standard AS/NZS 4360:2004.

## PARK ASSET SERVICE LEVELS

At the Council meeting of 23<sup>rd</sup> February 2009 Council adopted the *Kogarah Council Infrastructure Assets Service Levels* which specified the maintenance service levels across all of Council's capital and natural resource assets. Although there are a range of assets within parks and reserves this plan briefly reviews the most significant maintenance issues relevant to Merriman Reserve.

- **Parks & Reserves General**

For parks and reserves general the plan states as the principal objectives in managing Kogarah's Parks & Reserves as:

- To implement Council's Vision and Mission Statement for the health and safety of its citizens through best practice management of its landscaped, sports and recreational assets,
- To provide a diversity of safe sports and recreational environments,
- To meet the community's expectations in the management of parks and recreational assets.

Table 9 outlines the service levels and timeframes for parks and reserves.

Table 9.

PARKS & RESERVES		
Category 1	Category 2	Category 3
Market Catchment predominately described as Regional or District	Market Catchment predominately described as District or Local	Market Catchment predominately described as Local
The lands physical and environmental condition offers a high diversity of recreational opportunities.	The lands physical and environmental condition offers the potential to offer a diversity of recreational opportunities.	The lands physical and environmental condition limits the potential to offer a diversity of recreational opportunities.
Generally has access to nearby public transport and provision for off street visitor parking.	Generally has access to nearby public transport and limited or no off street visitor parking.	Generally has low access to public transport and limited or no off street visitor parking.
Response Extreme / High Risk 24-48 hours	Response Extreme / High Risk 24-48 hours	Response Extreme / High Risk 24-48 hours
Substantial / Medium Risk 7 days – 3 months	Substantial / Medium Risk 7 days – 3 months	Substantial / Medium Risk 7 days – 3 months
Moderate to Low Risk 6 months to 12 months	Moderate to Low Risk 6 months to 12 months	Moderate to Low Risk 6 months to 12 months

Council's parks maintenance teams maintain the lawns and park vegetation on fortnightly visits and report any hazards to the Park Supervisor who instigates actions in accordance with the above schedule.

- **Public Buildings**

The provision for public building maintenance is founded on following principal objectives stated as in the document as:

- To provide the physical space required through which community services can be provided.
- To ensure that these physical spaces are fit for their purpose and fit for use through CSR performance indicators. Also that they meet the repair timeframes set out in Table 8 below.

- To minimise long-term maintenance problems and financial pressures by ensuring that industry standard maintenance expenditure by Category is followed,
- To increase the value of Council's building assets stock,
- To generate market rate returns on buildings that are rented or leased out by Council,
- To generate market rate usage fees where Council buildings are hired out on a short-term basis.

Where a building is licensed or leased to a third party for an extended period up to 21 years the lessee or licensee incurs the responsibility of the maintenance of the building in accordance with the terms and conditions of the agreement.

Table 10 cites the service levels and timeframes for public buildings managed by Council.

Table 10.

BUILDING CATEGORIES		
Category 1	Category 2	Category 3
Major Civic Significance (e.g. Kogarah Library)	Significant (e.g. Oatley Senior Citizens)	Minor (e.g. Carss Park Toilet)
Condition 1 to 2	Condition 2 to 4	Condition 4 to 5
Annual Maintenance Expenditure (2% of Value)	Annual Maintenance Expenditure (1% of Value)	Maintenance as needed.
Customer Service Rating (CSR) up to 90% good.	Customer Service Rating (CSR) up to 70% good.	Customer Service Rating (CSR) up to 50% good.
Other repairs completed within 3 weeks.	Other repairs completed within 2 months.	Other repairs completed within 6 months.
Note: CSR = Customer Service Rating.		

Table 11 identifies the location, purpose, scale and use of the built assets within Merriman Reserve.

Table 11.

BUILT STRUCTURES – MERRIMAN RESERVE PURPOSE, SCALE & INTENSITY of USE				
Location	Purpose	Approx Scale	Capability	Use
Former Clubhouse Building	Clubhouse	1,224m <sup>2</sup>	Maximum 276 persons.	<ul style="list-style-type: none"> <li>• Former bar &amp; bistro services</li> <li>• Former entertainment, functions and meetings</li> <li>• Office administration</li> <li>• Kitchens</li> <li>• Storage areas</li> <li>• Toilets &amp; locker areas</li> </ul>
Three (3) lawn bowling greens and complementary surrounding landscaped areas.	The playing of lawn bowls	10,105m <sup>2</sup>	No.1 Green high use. No.2 Green very low use. No.3 Green high use.	Lawn bowls area set-aside for the playing the game of lawn bowls.
Greenkeepers Building	Office Equipment Storage Area Toilet	105.07m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Technical Office administration</li> <li>• Site machinery, tools and equipment, maintenance area.</li> <li>• Toilets</li> <li>• Equipment storage</li> </ul>
Water Storage Tank	Irrigation water	8.55m <sup>2</sup>	Daily	<ul style="list-style-type: none"> <li>• Irrigation of landscape areas and bowling greens.</li> </ul>
Brick Shed (West)	Bore water irrigation pump	5.29m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Irrigation shed.</li> </ul>
Soil Storage Bay	Soil storage	8.4m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Soil storage bay</li> </ul>

BUILT STRUCTURES – MERRIMAN RESERVE  
PURPOSE, SCALE & INTENSITY of USE

Location	Purpose	Approx Scale	Capability	Use
Mulch Storage Bay	Green waste storage	9.5m <sup>2</sup>	Daily	• Green waste storage bay
Crown Reserve (Foreshore Land)	Public Recreation	605m <sup>2</sup>	Low to medium	• Leased car park area. • Landscaped boundary area.

## ASSESSING OPEN SPACE POTENTIAL & NEEDS

Council's Section 94 Plan sets out factors that need to be considered when determining appropriate open space and recreation requirements whether it is to embellish or redesign existing parks, providing additional open space to existing parks or acquiring additional strategically located parks in the Kogarah LGA. These factors include:

- The proximity and prominence of the open space in relation to the existing and projected future populations.
- The potential of specific parks and reserves to increase their serviceability and market potential to the community by having the capacity and scope in terms of infrastructure and facilities to provide a diversity of complementary recreational opportunities and settings to address future demand.
- The group identity as either Local, District or Regional of each of the parks and reserves within the Precinct, their distribution, facilities and prominence in the local area to attract and cater to current and future needs.
- The need to provide as far as possible equity in the provision of recreational opportunities for existing and future socio-economic, age, gender, ethnic, minority and physically impaired groups.
- Current usage patterns, degree and ease of access to parks and reserves and their recreational facilities and amenities for new and existing residents with various fine and gross motor skills or physical abilities.
- Council's financial capability to embellish and/or acquire additional public open space in order to make provision for current and future needs and demands.
- The identification of any physical, environmental, social or economic constraints that would inhibit the development of any preferred site as a multipurpose recreation venue catering for future population needs.
- The changes in sporting and recreational needs of the existing and future populations.

In the future planning of public open space and the provision of recreational facilities at the Local level it will be necessary to give consideration to these factors together with the locations threshold of use, the limitations of existing infrastructure, the impact of competition for limited resources as well as changing trends in recreational activities. This in addition to the impact on and the adequacy of the existing open space area of a park and the design of the recreational equipment and facilities in the park as well as the impact on the natural environment and these factors relevance in a changing community.

# Governance Policies, Strategies & Actions

## Governance Policies, Strategies & Actions

Governance strategies and actions include the undertaking of research or specific studies to provide relevant information that would further enhance management decision-making and assist in implementing best practice park management. Table 12 lists appropriate policies, strategies and actions for all Parks.

Table 12.

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS		
Policies, Strategies & Actions	Objectives	Performance Measures
<b>CROWN RESERVE LAND</b>		
The Crown Reserve 100242 land is to be managed by the Trust in accordance with the provisions of the Crown Lands Act, 1989, Regulations and Department of Land's policies and directions of the Minister administering the Crown Lands Act, 1989.	To comply with the provisions of the Crown Lands Act, 1989, Regulations and Department of Primary Industries Crown Lands Division policies and directions of the Minister administering the Crown Lands Act, 1989.	Compliance with the provisions of the Crown Lands Act, 1989, Regulations and Department of Land's policies and directions of the Minister administering the Crown Lands Act, 1989.
Continue to provide high level maintenance and rehabilitation to the Crown Reserve land and its infrastructure.	To integrate the maintenance and rehabilitation of these areas to the same level as that of the adjoining Community Land.	Well maintained Crown Reserve land. No noxious or invasive weeds.
Convert that portion of Crown Reserve identified on p.21, Photograph 2 that is currently used as car park back into foreshore parkland.	To increase the available foreshore greenspace for public recreation.	Conversion of that portion of Crown Reserve currently used as car park into foreshore greenspace.
<b>SYDNEY WATER CORPORATION FACILITY</b>		
The infrastructure owned and managed by Sydney Water Corporation in Merriman Reserve is to be managed by the Corporation in accordance with the provisions of the Sydney Water Act, 1994, Regulations and Sydney Water Corporation policies and directions.	To liaise and comply with the directions of the Sydney Water Corporation relative to the provisions of the Sydney Water Act, 1994, Regulations and Sydney Water Corporation policies and directions.	Compliance with the directions of the Sydney Water Corporation relative to the provisions of the Sydney Water Act, 1994, Regulations and Sydney Water Corporation policies and directions.
<b>COMMUNITY LAND CATEGORY – PARK</b>		
Council to apply the single Land Category "Park" to all of the Community Land that comprises that area marked "Green" on Photograph 2, p.19 of the plan.	To comply with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.  To adhere to the core objectives of the category and the provisions in this plan of management relevant to the land category.	Council compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.  Council adhering to the core objectives of the category and the provisions in this plan of management relevant to the land category.
<b>COMMUNITY LAND CATEGORY – GENERAL COMMUNITY USE</b>		
Council to apply the single Land Category "General Community Use" to that area of Community Land bordered in "White" on Photograph 2, p.19 of the plan.	To comply with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.  To adhere to the core objectives	Council compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.

**GOVERNANCE, POLICIES, STRATEGIES & ACTIONS**

Policies, Strategies & Actions	Objectives	Performance Measures
	of the category and the provisions in this plan of management relevant to the land category.	Council adhering to the core objectives of the category and the provisions in this plan of management relevant to the land category.
<b>COMMUNITY DUAL LAND CATEGORIES – CULTURAL SIGNIFICANCE &amp; GENERAL COMMUNITY USE</b>		
Council to apply the Land Category “Cultural Significance” to that area of Community Land bounded in “Blue” on Photograph 2, p.19 of the plan.	To comply with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.	Council compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.
Council to also apply the Land Category “General Community Use” to that area of Community Land bounded in “Blue” on Diagram 1, p.18 of the plan.	To adhere to the core objectives of the category and the provisions in this plan of management relevant to the land category.	Council adhering to the core objectives of the category and the provisions in this plan of management relevant to the land category.
<b>COMMUNITY LAND CATEGORY - SPORTSGROUND</b>		
Council to apply the land category “Sportground” to that Community Land that comprises the two bowling greens on the western boundary of the Reserve marked “Sportground” on Diagram 1, p.18 of the plan.	To comply with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.	Council compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.
	To adhere to the core objectives of the category and the provisions in this plan of management relevant to the land category.	Council adhering to the core objectives of the category and the provisions in this plan of management relevant to the land category.
<b>LICENSING &amp; LEASING</b>		
This plan authorises Council to enter into lease, licence and other estates for those portions of Community Land Categorised “General Community Use”.	Council to comply with the provisions of the Local Government Act, 1993 for the licensing and leasing of Community Land.	Compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.
This plan also authorises Council to enter into temporary licenses or permits for those portions of Community Land Categorised “Sportground” and “Park”	Council to enact the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.25 of the plan.	Compliance with the core objectives of the category and the provisions in this plan of management relevant to the land category.
		Where feasible avoid duplication of existing facilities and amenities.
		Shared use of facilities and amenities.
Apply the Principles of Leasing and Licensing outlined in Table 6, p.25 to Community Land and existing buildings Categorised “General Community Use” and “Sportground”	Council to enact the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.25 of the plan.	Enactment and enforcement of the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.25 of the plan.
The plan authorises Council to enter into temporary licence or permit for those portions of Community Land Categorised “Park” for low impact social, educational, recreational, cultural and community events.	Council to comply with the provisions of the Local Government Act, 1993 for the licensing and leasing of Community Land.	Number of temporary licence issued for those portions of Community Land Categorised “Park” for low impact social, educational, recreational, cultural and community events.
	Council to enact the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.25 of the plan.	Promote a range of suitable low impact community activities that are not detrimental to the parkland & nearby residents.
	To provide a venue for low impact social, educational, recreational, cultural and community events.	Monitor the number of complaints & introduce effective management procedures to

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
	To promote, develop and support our local community & groups.	address concerns.
The plan authorises Council to enter into a temporary licence or permit for adjoining residents or their contractors to cross Community Land Categorised "Park" to carryout works on their property or works on essential services if and only if there is no alternative access route or reasonable means to gain access.	To permit access to private property to carryout development, repair or essential services works where any other means of access is not available.	Compliance with to terms of access when assessing applications to cross Community Land.
With the consent of the Minister administering the Crown Lands Act, 1989 Council may apply to enter into a licence or lease agreement with a third party for the use of the Crown Reserve 100242 or parts thereof in accordance with the provisions of the Crown Lands Act, 1989.	Council as Trustee of Crown Reserve Land to comply with the provisions of the Crown Lands Act, 1989, its Regulations and directions of the Minister administering the Act.	Compliance with the provisions of the Crown Lands Act, 1989, its Regulations and directions of the Minister administering the Act.
Council is prohibited from leasing, licensing or other estates to third parties that portion of Community Land occupied by Sydney Water Corporation infrastructure.	No leasing, licensing of other estates to third parties of that portion of Community land occupied by Sydney Water Corporation infrastructure.	No leasing, licensing or other estates to third parties of that portion of Community land occupied by Sydney Water Corporation infrastructure.
<b>DEVELOPMENT GUIDELINES</b>		
The plan permits development of those portions of Community Land Categorised "General Community Use" that is ancillary to the purpose, use and enjoyment of the parkland in accordance with identified local community recreational needs and that comply with the provisions of Kogarah Local Environmental Plan, the Land Category and this plan of management.	Where development is proposed Council to comply with the provisions of the Environmental Planning & Assessment Act, 1979, with regards to the objectives of the assigned Land Category, this plan of management and the Kogarah Local Environmental Plan.	Development of those portions of Parks categorised "General Community Use" in accordance with identified local community recreational needs and the provisions of the Environmental Planning & Assessment Act, 1979, the Kogarah Local Environmental Plan, the core objectives of the Land Category and this plan of management.
Council to prepare Architectural Design Guidelines (ADG) for any future buildings that may be proposed for the park based on sustainable design principles and where appropriate with consideration to site's heritage significance.  Where feasible, introduce sustainable energy and water saving features into existing buildings.	To adopt sustainable architectural design principles for buildings based on the following: <ul style="list-style-type: none"> <li>• Consideration given to the heritage value and architectural merit of the former clubhouse building.</li> <li>• Flexible designs to enhance multiple uses and building longevity.</li> <li>• Utilise strategies that protect and restore water resources.</li> <li>• Improve energy efficiency while ensuring thermal comfort.</li> <li>• Reduce environmental impacts related to energy use.</li> <li>• Promote Occupational Health and Safety in the indoor and outdoor environments.</li> <li>• Conserve water and consider water reuse systems.</li> <li>• Use environmentally preferable building materials such as uncertified rainforest woods, reclaimed woods, and other renewable resources.</li> <li>• Use appropriate plant</li> </ul>	Compliance with the criteria within the Council approved Architectural Design Guidelines, Landscape Design Guidelines and Heritage values associated with the Clubhouse.

**GOVERNANCE, POLICIES, STRATEGIES & ACTIONS**

Policies, Strategies & Actions	Objectives	Performance Measures
	<p>materials.</p> <ul style="list-style-type: none"> <li>Plan for recycling during construction, demolition and occupancy" (Mendler &amp; Odell : 2000).</li> </ul> <p>To ensure building fixtures and fittings aesthetically complement the parkland environment and its surrounds.</p> <p>To ensure quality in building fixtures and fittings relative to their design, form, colour, texture and construction materials.</p> <p>To improve and maintain the amenity of the parkland and its <b>resources</b>.</p>	
<p>In accordance with the objectives of each of the prescribed land categories where feasible avoid excessive building development within those land categories where such development is permitted.</p> <p>To address identified community needs for additional indoor facilities and amenities.</p>	<p>To retain and preserve public open space, improve asset management, avoid duplication of existing building facilities and amenities, encourage the maximisation and use of existing assets.</p> <p>To meet identified community needs.</p>	<p>Avoidance of duplication of existing facilities and amenities.</p> <p>Shared community use of facilities and amenities.</p> <p>Development based on addressing identified community needs.</p>
<b>GOVERNANCE &amp; ASSET MANAGEMENT</b>		
<p>Council to enforce and comply with the principal governing legislation and Ministerial directions of the principal land owner to improve the planning, development and management of Merriman Reserve.</p>	<p>To comply with the principal governing legislation and Ministerial directions for land in the ownership of Crown Reserve or land occupied by the Sydney Water Corporation.</p>	<p>Council compliance with the principal governing legislation and Ministerial directions for land in the ownership of the State Government being Crown Reserve or land occupied by the Sydney Water Corporation.</p>
<p>Council to ensure compliance with the Kogarah City Council Open Space, Sports and Recreation Policies, State Government Policies affecting Crown Reserves and other policies affecting the management of the land and its resources.</p>	<p>To better manage the reserve by ensuring compliance with Kogarah City Council Open Space and Sports and Recreation Policies, State Government Policies affecting Crown Reserves and other policies affecting the management of the land and its resources.</p>	<p>Evidence of compliance with Kogarah City Council Open Space and Sports and Recreation Policies, State Government Policies affecting Crown Reserves and other policies affecting the management of the land and its resources.</p>
<p>Council to keep up to date its Local Park Asset Management Inventory.</p>	<p>To ensure the Parks Asset Inventory is relevant and kept up to date so as to provide improved management decisions and planning for the reserve.</p>	<p>The Parks Asset Inventory is relevant and up to date.</p>
<p>Council to monitor the condition and use of its assets and infrastructure and natural resources and maintain its Parks inventory.</p>	<p>To ensure accountability in the management of Council assets and infrastructure.</p> <p>To ensure appropriate service and maintenance levels relative to reasonable user demands on park infrastructure and natural resources.</p> <p>To adhere to health and safety regulations to ensure the protection of park visitors.</p>	<p>Compliance with health and safety regulations.</p> <p>No adverse incidents to visitors or the parklands natural resources.</p> <p>Well maintain build structures, fixtures and fittings.</p> <p>Up to date Parks Asset Inventory.</p> <p>Protection and conservation of natural resources.</p>



GOVERNANCE, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
	To retain the visual amenity of the parkland and its resources.	
Where appropriate, Council to prepare a detailed structural design engineers Dilapidation & Risk Assessment Report on the condition of existing buildings their structural integrity, fixtures and fittings prior to issuing any lease agreement.	<p>To implement life cycle property asset management and maintenance practices.</p> <p>To provide cost-benefits analysis (depreciation rates, remaining life span, major repair and replacement costs, social costs and benefits, etc) of assets and services for decision making purposes.</p> <p>To comply with occupational health and safety regulations</p>	<p>Implementation of the recommendations of the Dilapidation Report.</p> <p>Compliance with requirements of AAS27, Workcover, Work, Health and Safety Regulations, Building Codes of Australia and access requirements in accordance with AS1428.1</p>
Council to prepare a Hazard & Risk Assessment Plan.	To prepare Hazard & Risk Assessment Plan in accordance with AS 4360:2004.	<p>Hazard &amp; Risk Assessment Plan prepared in accordance with AS 4360:2004.</p> <p>A record of monitoring, reporting and addressing Hazards &amp; Risk by Council and lessees.</p> <p>Low to zero hazards identified.</p>
<p>Council to monitor complaints about the maintenance and appearance of Merriman Reserve.</p> <p>Council to record actions to address complaints.</p>	To assess the effectiveness of Council's maintenance plan and cleaning schedules.	60% community satisfaction with the appearance and cleanliness of Merriman Reserve.
Council to triennially survey of users and residents assessing their use and reasons for non-use of Merriman Reserve.	To assess the relevance of recreational opportunities, facilities in relation to changing recreational needs and trends.	Implementation of triennial Community and user surveys and actions to address survey findings.

# Social

## DEMOGRAPHIC ANALYSIS

The Kogarah City Council area is located in the southern suburbs of the Sydney Metropolitan Area approximately 15 kilometres from the Sydney City Central Business District. The Council covers an area of approximately 20 square miles and is bounded by Hurstville City in the northwest, Rockdale City Council in the northeast and on its southern boundary is the northern foreshore of the Georges River.

Merriman Reserve is located in the suburb of Kyle Bay and situated at the head of and on the foreshore of Kyle Bay. The surrounding suburbs include Connells Point generally to the west, Blakehurst to the east and South Hurstville further to the north.

### SOCIAL VALUE

Because Merriman Reserve has a significant history within the local community, having formerly been a bowling club offering extensive facilities, recreation and social programs and services, and even at the demise of the previous Club Blakehurst Ltd it still retains its high social values within the local community as a place to meet and socialise. In this regard, the community has developed a deeper attachment to the site which is beyond its utility value.

Although subject to the changes from the former Kyle Bay Bowling Club Ltd then to Club Blakehurst Ltd then to its present form as the Kyle Bay, Georges River leased as restaurant and bar the amenities and facilities remains accessible to the public which retains its social significance. This is especially the case for mature aged local residents and retirees who have used the facilities for a number of years and who have developed an affinity with the Reserve and its location.

### POPULATION & AGE STRUCTURE

#### Kogarah LGA Population Past & Projected 2006-2036

With reference to the Australian Bureau of Statistics (ABS) on 30 June 2006 the resident population of the Kogarah LGA was 54,900.

The in the document entitled *New South Wales Statistical Local Government Population Projections, 2006-2036* it projects that Kogarah's population will increase to 62,700 by 2036 (NSWSLAPP: 2010). Table 13, indicates the projected population growth.

Table 13.

YEAR	PROJECTED POPULATION OF KOGARAH LGA								
	1996	2001	2006	2011	2016	2021	2026	2031	2036
Kogarah LGA	49,900	52,500	54,900	56,900	58,700	59,900	60,700	61,700	62,700

Source: Projections – Department of Planning NSW a Population number are for 30 June of the year shown.

Table 14 provides an indication of the potential population growth across the Kogarah LGA by age groups.

Table 14.

PAST AND PROJECTED POPULATION OF KOGARAH LGA BY AGE GROUP, 1996-2036				
Year	Population in Age Group			
	0-14	15-39	40-64	65+
<b>Past</b>				
1996	8,600	18,800	14,500	8,000
2001	9,500	19,000	16,200	7,800
2006	9,700	19,700	17,600	7,900
<b>Projected</b>				
2011	10,100	20,300	18,300	8,200
2016	10,300	20,900	18,600	8,800
2021	10,600	21,200	18,800	9,400
2026	10,600	21,400	18,700	10,000
2031	10,700	21,600	18,800	10,600
2036	10,800	21,800	19,000	11,100

Source: Past Data – Australian Bureau of Statistics; Projections – Department of Planning NSW (2008) a Population number are for 30 June of the year shown.

With reference to Table 14, from the 2006 ABS census to the year 2036 there could be an increase of 48% in the age group 65 years and older. While from 2006 to 2016 the increase will be a more modest 9.3%. However, the greatest project increase from 2006 to 2036 will be in the in the 65+ years of age group at 3,200 people (Dept Planning NSW: 2008).

### **Connells Point & Kyle Bay**

Referring to Table 15, compared with the total Kogarah Local Government Area, the suburbs of Connells Point, on the western boundary of the suburb of Kyle Bay, together with the suburb of Kyle Bay had a larger proportion of people in the younger age groups from 0-17 years (23.6% of the suburbs population). In addition, these two suburbs combined also had a larger portion of people in the older age groups 60 years plus which accounted for 23.8% of the total combined suburbs population.

Table 15.

CONNELLS POINT - KYLE BAY AGE STRUCTURE 2006 ABS			
Age Group	Number	%	Change 2001 to 2006
0-4	182	5.1	-32
5-11	359	10.0	4
12-17	307	8.5	17
18-24	324	9.0	30
25-34	300	8.4	-108
35-49	780	21.7	8
50-59	486	13.5	26
60-69	379	10.6	24
70-84	382	10.6	-9
85+	93	2.6	38
<b>Total</b>	<b>3,592</b>	<b>100.0</b>	<b>-1</b>

Reference: ABS Population Census 2006

## Blakehurst

The suburb of Blakehurst lies generally on the western boundary of the suburb of Kyle Bay. With reference to Table 16 the composition of the age groups of Blakehurst is similar to that of the suburbs of Connells Point and Kyle Bay. Blakehurst also has a larger proportion of younger people in the 0-17 years of age group (23.5% of the suburbs population) compared with the overall Kogarah City Council area as well as a larger proportion of people in the 60 year plus age group (21.4%).

Table 16.

BLAKEHURST AGE STRUCTURE 2006 ABS			
Age Group	Number	%	Change 2001 to 2006
0-4	284	5.0	-55
5-11	536	9.4	29
12-17	522	9.1	60
18-24	543	9.5	15
25-34	549	9.6	-57
35-49	1212	21.1	-68
50-59	858	15.0	169
60-69	459	8.0	-3
70-84	572	10.0	-52
85+	196	3.4	4
<b>Total</b>	<b>5,731</b>	<b>100.0</b>	<b>-15</b>

Reference: ABS Population Census 2006

## South Hurstville

Table 17, details the various age groups within the suburb of South Hurstville. Although the suburb is divided by King George's Road there is easy access from the southern portion of the suburb to Merriman Reserve. Overall, in 2006 a total of 23.3% of the population of South Hurstville were aged between 0 and 17 years. In addition, 18.8% were aged 60 years and over.

Table 17.

SOUTH HURSTVILLE AGE STRUCTURE 2006 ABS			
Age Group	Number	%	Change 2001 to 2006
0-4	253	5.8	10
5-11	392	9.0	-21
12-17	373	8.5	55
18-24	409	9.3	31
25-34	613	14.0	-32
35-49	1027	23.5	114
50-59	490	11.2	40
60-69	327	7.5	0
70-84	393	9.0	38
85+	99	2.3	3
<b>Total</b>	<b>4,376</b>	<b>100.0</b>	<b>245</b>

Reference: ABS Population Census 2006

## SUMMARY

When tallying the total population of the surrounding suburbs to Merriman Reserve the Reserve has a potential market catchment of 13,699 persons (Refer to Table 18). Relative to the various age groups 23.4% are in the 0-17 years of age and 21.1% are 60 years of age or more

Table 18.

TOTAL SUBURBS AGE STRUCTURE		
Age Group	Total Number	%
0-4	719	5.2
5-11	1,287	9.4
12-17	1,202	8.8
18-24	1,276	9.3
25-34	1,462	10.7
35-49	3,019	22.0
50-59	1,834	13.4
60-69	1,165	8.5
70-84	1,347	9.8
85+	388	2.8
<b>Total</b>	<b>13,699</b>	<b>100.0</b>

Reference: ABS Population Census 2006

## SOCIAL ISSUES RELEVANT TO PARKS & RECREATION

Throughout 2009 Council engaged a program of extensive community consultation as part of the preparation of its *Community Strategic Plan, Bright Future, Better Lifestyle Kogarah 2020*. During the public consultation the community informed Council of the importance of the City's parks and reserves. The community expressed the need that the City's parks and reserves should be maintained and preserved for current and future generations. The following provides a summary of their identified needs as well as the challenges and implications that need to be considered.

### PARKS & RECREATIONAL NEEDS

- *Provide more children's playground equipment that is sheltered from the sun.*
- *Increase the number of public BBQs, seating and tables in our parks and recreation areas;*
- *Provide more pet friendly open spaces that are fenced off and safe for everyone;*
- *Maintain our parks and open spaces to ensure they are clean and safe;*
- *Provide more well maintained public amenities;*
- *Increase the number of trees and gardens within the City;*
- *Provide recreational facilities for all age groups within our community;*
- *Continually improve and increase local public infrastructure.*

### CHALLENGES & IMPLICATIONS

- *Identify and implementing new funding opportunities for maintaining and upgrading existing play areas and facilities across the City;*
- *Identifying and implementing funding opportunities to provide additional open space, recreational areas and foreshore access across the City;*

- *Advocating the State Government for the facilitation of foreshore access, where appropriate;*
- *Maintaining access to open spaces, bushland reserves and foreshore areas which cater to the needs of residents;*
- *Locating an appropriate site within the City to provide a youth specific recreational facility;*
- *Establishing a system of cycleways and pedestrian paths to provide links between major recreational resources.*

## UNITED NATIONS PRINCIPLES FOR OLDER PERSONS

As this particular site has specific relevance to mature aged persons in considering one of the principle objectives of the plan reference was made to Resolution 46/91 of the United Nations Principles for Older Persons. This UN resolution has been supported by the Commonwealth Federal Government and subsequently the States and Local Governments of Australia. These principles recognise rights to independence, participation, care, self-fulfilment and dignity of older persons. This plan seeks to fulfil the following Principles that form part of Resolution 46/91;

### **PARTICIPATION**

Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.

### **SELF-FULFILLMENT**

Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

### **DIGNITY**

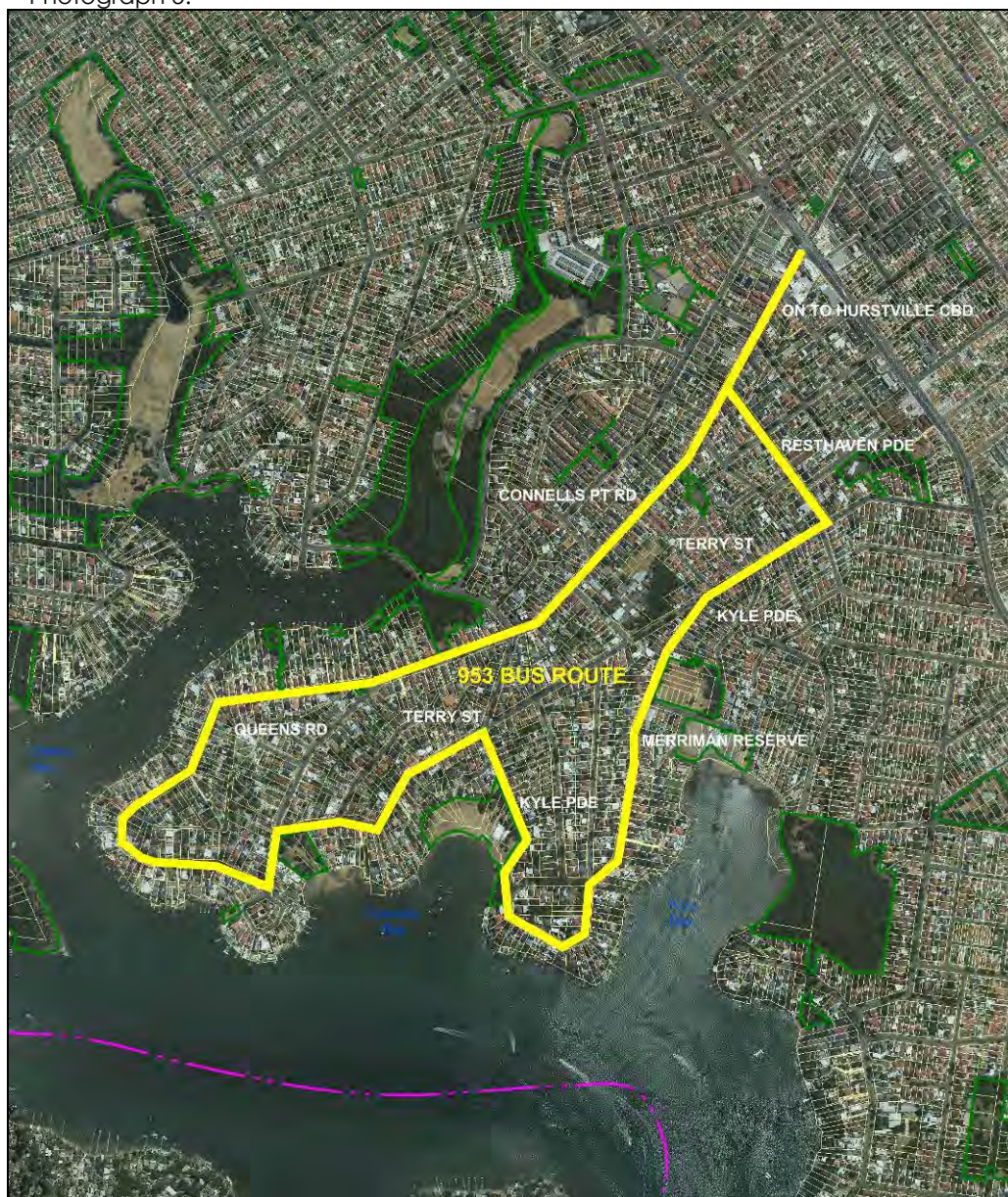
Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

## ACCESS TO MERRIMAN RESERVE

### PUBLIC BUS TRANSPORT

The Punchbowl Bus Company provides public transport to the Kyle Bay shopping centre via route 953 (Refer to Photograph 5). It is a short walk of approximately 178 metres from the shopping centre to the Reserve. The bus service operates from the Hurstville CBD on Monday to Fridays commencing at 6:08am and every 15 minutes to 8:08am then every half hour to 4:08pm then every 15 minutes till 6:08pm and every 30 minutes thereafter. On Saturdays the service commences at 7:53am operating every 30 minutes to 12:53pm and on the hour to 1:53pm and every half hour thereafter to 6:53pm. On Sundays the service commences at 9:03am for every hour until 5:03pm. The bus service provides easy access to Merriman Reserve for those without vehicles.

Photograph 5.



PUBLIC TRANSPORT ROUTE 953 AS OF 03-01-2012 TO MERRIMAN RESERVE

## ON-SITE VEHICLE PARKING

There is vehicle parking within Merriman Reserve (Refer to Photograph 6) for 65 vehicles. Three vehicle parking spaces have been set aside for Disable Parking.

Photograph 6.



MERRIMAN RESERVE, FORESHORE REAR CAR PARK.

## STREET PARKING

There is substantial available street parking along Merriman Street opposite the Reserve and The Green and also some limited parking in Inala Avenue. In winter The Green, which is a park directly opposite of Merriman Reserve, is used for both training and competition soccer and rugby union. During these times parking can be an issue for residents and visitors to Merriman Reserve.

Photograph 7.



MERRIMAN STREET - STREETSCAPE



Both Merriman Street at 10.5 metres wide and Inala Avenue with a width of approximately 7 metres wide are too narrow to include angle parking. For angle parking the Australian Standards AS 2890.5-1993 entitled *On Street Parking* requires a road width minimum of 15.5 metres between opposing kerb lines.

However, to improve vehicle movement and parking in Inala Avenue it is proposed that Council construct behind kerb parking on the eastern side of the Avenue next to the two bowling greens (Refer to Diagram 1. p.9 and Photographs 8 & 9). The nature strip is 8.35 metres wide and approximately 79 metres in length and provides the opportunity to increase vehicle and pedestrian safety in the street.

Photograph 8.



INALA AVENUE EASTERN NATURE STRIP, KYLE BAY

Photograph 9.



EXAMPLE OF BEHIND KERB VEHICLE PARKING – BELLEVUE STREET, KOGARAH

## PEDESTRIAN ACCESS

There is no formal pedestrian pathway on the northern side of Merriman Street. However, the southern side of the street where the Reserve is located does have a standard pedestrian pathway with disabled access laybacks built into the kerbs on the cross streets.

## PARK VISITOR ACCESS

There are no formalised pedestrian pathways in the landscaped turf areas of the foreshore parkland. Access for people in wheelchairs, those using walking frames or parents using prams would have difficulty in gaining access to the foreshore area of the reserve. Subsequently, there is a need to construct formal pathways to the foreshore area and throughout the reserve.

Visitors to the restaurant/ bar facilities can gain wheelchair access to the Merriman Reserve building directly from the street as there are no stairways or other obstacles inhibiting access. Once inside the building access can be gained to the first floor by means of an internal lift.

## THE KYLE BAY, GEORGES RIVER

The building at Merriman Reserve is now identified as The Kyle Bay, Georges River. It is currently on a temporary lease with Tenora Pty Ltd who operates Zippo's Restaurant and Zips Brasserie & Bar. The venue offers A La carte and Degustation menus at reasonable prices. Entrees start at \$19 with mains starting at \$36, Sides \$8 and deserts \$15. The restaurant is closed on Mondays. It opens from 12:00pm to 9:00pm from Tuesday to Thursday, Friday from 12:00pm to 9:30pm, Saturdays from 12:00pm to 9:00pm and Sundays from 12:00pm to late.

The venue can also be hired out for functions such as wedding receptions, corporate events etc. A platinum three course meal cost \$130 per head. Prices can also be suited to the requirements of the customer. A minimum of 80 adults is required for use of the function room. This is the case where the applicant requires the deluxe package service, food and beverages. In total a 120 adults are required to be able to book the restaurant and the function rooms for the deluxe package. A cocktail event cost \$100 per person. For this type of event, there must be at least 60 adults to use the function rooms with deluxe package or 120 for both the restaurant and function rooms combined ([www.zippos.com.au](http://www.zippos.com.au)).

Relative to serving alcohol the venue is prohibited to serve alcohol after 11:45pm Mondays to Saturdays and 10:00pm on Sundays. Noise level restrictions apply in accordance with the provisions of the *Protection of the Environment Operations Act, 1997* and any music played on the terrace is to non-amplified ([www.zippos.com.au](http://www.zippos.com.au)).

The use of The Kyle Bay, Georges River as a restaurant and bar is popular with the community who see it as a venue well suited for families and as a place to meet and socialise.

## OUTDOOR RECREATION FACILITIES FOR MATURE AGED PERSONS

For a Council with an aging population the City of Kogarah has a limited number of outdoor sports related recreational facilities for mature aged persons. The following lists the more significant sports venues used by this age group.

### **BEVERLEY PARK GOLF COURSE**

Beverley Park Golf Course, Beverley Park is an 18 hole golf course situated in the North Ward of the City of Kogarah. The club makes provision for special rates and in 2011 the cost of a game of golf was set at \$14 per game for Pensioners and Senior's within the community. The Club also set aside specific times for their use of the course.

The club's membership consists of 23% of males in the age group from 60-69 years of age, 15% in the 70+ years and over age group. The average age of male members of the club is 52 years of age. Women in the age group 60-69 years comprise of 38% of the membership and those in the 70+ years 29% of the membership. The average age of women in the club is 63 years of age (Match & Course Newsletter – December 2011).

### **BOCCE, CROQUET & PETANQUE**

The traditional bowling sports favoured by many mature aged immigrants are Bocce, croquet and petanque. There are facilities within the St George Region for people to participate in these physically less demanding forms of active social and competitive recreation.

The South Hurstville Bowling Bocce & Recreation Club Ltd is the only club in the Kogarah LGA that provides facilities for social and competitive games of Bocce. There are facilities within the St George Region for croquet at the Hurstville Croquet Club Inc, Penshurst, Sutherland Croquet Club Inc, Sutherland and Port Hacking Croquet Club at Caringbah.

The closest facilities to play the game of petanque are with the France Petanque Club at the Cooks River Bowling Club at Tempe. Other facilities are located at the Allez Asquith Petanque Club at Asquith Bowling Club and the Boules Artistes Petanque Club which plays in the Eastern Suburbs ([www.petanque.org/clubinfo/](http://www.petanque.org/clubinfo/)).

## ROYAL NSW BOWLS ASSOCIATION ZONE 13 SOUTH SYDNEY

The Royal NSW Bowls Association (RNSWBA) co-ordinates lawn bowl events across the state of NSW both in the Sydney Metropolitan Area and Regional Areas. The Association administers lawn bowls activities through 16 Zones. Within the Sydney Metropolitan Area there are five Zones, these are Zones 9, Sydney Northern Districts Bowls Association (DBA), Zone 10, Sydney North Western DBA, Zone 11, Sydney Central DBA, Zone 12, Sydney South West DBA and Zone 13, Sydney South DBA. Blakehurst Bowling Club plays in Zone 13 of the Association.

### **NUMBER OF REGISTERED PLAYERS & CLUBS IN ZONE 13**

In 2010 the Official Bowls Australia publication entitled *Nation Bowls Census Report 2010*, p.31 recorded the membership of Bowls Clubs in the Sydney Metropolitan Region to be 72,078 of which 32,049 were registered as lawn bowlers and 40,029 were non playing members (Refer to Table 19). Both the Inner Sydney Area and Southern Sydney Region recorded the lowest levels of total membership and player membership.

Table 19.

## NSW METROPOLITAN 2010 BOWLS CLUB MEMBERSHIP

Metropolitan	No. of Bowls Clubs	Pennant Playing Members	Non-Pennant Playing Members	Total Playing Members	Non Playing Members	Total Members
Northern Sydney	37	1,987	5,962	7,949	7,878	15,827
Greater Western Sydney	72	2,748	11,164	13,912	19,884	33,796
Inner Sydney	33	1,003	3,271	4,274	6,922	11,196
Southern Sydney	25	890	5,024	5,914	5,345	11,259
Sub Total	167	6,628	25,421	32,049	40,029	72,078

By 2011 Southern Sydney had lost two clubs reducing the number to 21  
Reference: Bowls Australia, National Bowls Census Report 2010, Bowls Australia 2010 pub

However, relative to the competition Zone that Blakehurst Bowling Club Inc participate in, the RNSWBA reports that there are approximately 2,400 registered players in the Royal NSW Bowling Association Zone 13, South Sydney competition who are members of at least one of remaining 21 active clubs with bowling greens identified in Table 20 ([www.zone13.com.au](http://www.zone13.com.au)).

Table 20.

## ROYAL NSW BOWLS ASSOCIATION ZONE 13 BOWLING GREEN FACILITIES 2011

Club	Address	Suburb
Bexley Bowling & Recreation Club Ltd	73 Laycock Street	Bexley North
Brighton Le Sands Bowling Club	50A Francis Avenue	Brighton Le Sands
Bundeena Bowling Club	Liverpool Street	Bundeena
Caringbah Bowling & Recreation Club	105-107 Willarong Road	Caringbah
<b>Blakehurst Bowling Club Inc</b>	12 Merriman Street	Kyle Bay
Cooks River Bowling Club	Holbeach Avenue	Tempe
Club Cronulla	Croydon Street	Cronulla
Cronulla RSL Bowling Club	Gerrale Street	Cronulla
Engadine Bowling Club	Cambari Avenue	Engadine
Francis Drake Bowling Club	119 Barton Street	Monterey
Grandviews Bowling & Recreation Club	821 Forest Road	Peakhurst
GyMEA Bowling Club (Mens Section)	691 The Kingsway	GyMEA
Moorefield Bowling Club	40-45 French Street	Kogarah
Peakhurst Bowling & Recreation Club Ltd	Holley Road	Beverly Hills
Ramsgate RSL Memorial Bowling Club	Chuter Ave & Ramsgate Rd	Ramsgate
Roselands Bowling Club	21 Roseland Avenue	Roselands
South Cronulla Bowling Club	Chelmsford Avenue	Cronulla
<b>South Hurstville Bowling Bocce &amp; Recreation Club Ltd</b>	29A Greenacre Road	South Hurstville
Sutherland Bowling & Recreation Club	101 Oak Road	Kirrawee
Sylvania Bowling Club Co-Operative Ltd	22 Holt Road	Sylvania
Taren Point Bowling Club Ltd	203 Holt Road	Taren Point

Source: Royal NSW Bowls Association – [www.mswba.org.au](http://www.mswba.org.au) & [www.zone13.com.au](http://www.zone13.com.au), Hurstville City Council, Rockdale City Council, Kogarah City Council records.

**Bold Print** identifies the remaining locations of outdoor lawn bowling greens within the Kogarah LGA.

## NEGATIVE GROWTH IN PATRONAGE

In 2006 Bowls Australia issued a report entitled *Building Participation in Lawn Bowls* prepared by Sweeny Sports & Entertainment Consultants Pty Ltd noted that National Bowls Membership had been in decline since 1998. This decline has been further substantiated in the more recent publication by Bowls Australia entitled *National Bowls Census Report 2010* which notes that over the last 30 years the rate of decline in participation by registered playing members of bowls clubs has been increasing.

From 1980's to the 1990's the rate of decline was 2.2% and through the 2000-2010 decade this decline increased by an average of 2.9% per.

In the period from 1980 to 2010 the number of those playing lawn bowls fell from approximately 450,000 participants nationally to approximately 240,000 (*National Bowls Census Report 2010*, pp.8-9, 2010). This has resulted in net loss of 210,000 persons playing lawn bowls over that 30 year period.

### **AGE STRUCTURE OF PARTICIPANTS**

With reference to the *National Bowls Census Report 2010* the report noted that 66% of participants in the sport at the time of the report were between 60 or more years of age and 23% were between the ages of 40-59 years of age. The number of participants under 18 years of age represented 2% of the total and those between 18-39 years of age 9%. The low participation levels of those up to 39 years of age may not be sufficient to ensure the long term survival of the sport. This could be the case especially for smaller clubs and clubs without the supporting infrastructure and variety of complimentary recreation and leisure programs generally associated with Clubs affiliated with Clubs NSW.

### **LOST NATIONAL MARKETING OPPORTUNITY**

In August 2011 the ABC Television announced it would no longer telecast lawn bowls. The only provider of televised lawn bowls is through the paid television services of the Fox Channel. This is a significant loss of public exposure and sponsorship for the sport and could be seen as being detrimental to its chances for long-term survival.

### **DECLINE IN THE NUMBER OF BOWLS CLUBS**

Because of the diminishing numbers of lawn bowlers through aging and the difficulty in recruiting younger players as a result of the sports image, rightly or wrongly, being associated with advanced age and a bygone era many bowling clubs have become non-profitable. The highest sources of revenue for local clubs of all types cited in the *Taylor Woodings Chartered Accountants Industry Update Report (July : 2005)* refers to the findings of the Allen Consulting Group. The Allen Group identified that the main income for local licensed clubs is gained from gaming machine revenue (68.4%), bar Sales (14.8%) and food sales (7%). The report noted that:

*...the group in which the highest proportion of clubs were considered to be "Non-profitable" came from the group of clubs earning between \$0-\$200,000 in gaming machine revenue...Interestingly, a great proportion of this group were bowling clubs.*

Clubs with declining patronage naturally experience profitability issues. The report notes that although industry wide analysis indicates club social membership is increasing there is substantial anecdotal evidence that membership in certain areas of the club industry are in reverse. Relative to the decline in membership, bowling clubs were viewed as the most likely to experience sustainability problems.

## **ZONE 13 BOWLING CLUB CLOSURES**

There have been three bowling clubs and one lawn bowling green site closed within the Kogarah Local Government Area (LGA). These include:

*Kogarah City Council LGA:*

1. Carss Park Bowling Club
2. Hurstville Diggers Bowling Club
3. Penshurst Bowling Club Ltd
4. St Georges Leagues Bowling Club (bowls greens close and converted to car park).

Other bowling green closures that have occurred in adjoining LGA's and within Zone 13 of the NSW Bowls Association include:

*Hurstville City Council LGA:*

5. Oatley Bowling Club Inc
6. Beverly Hills Bowling Club
7. Mortdale Bowling & Recreation Club Ltd

*Rockdale City Council LGA:*

8. Rockdale Bowling Club
9. Kyeemagh Bowling Club
10. St George Bowlers & Recreation Club

Others:

11. Riverview Bowling & Recreation Club

Within the Royal NSW Bowls Association Zone 13 a total of 11 (34%) of the bowling clubs have closed.

## **BLAKEHURST BOWLING CLUB INC**

Blakehurst Bowling Club Inc is the principal users of the bowling greens at Merriman Reserve. The greens are used for competition, social lawn bowls and schools introductory lawn bowls. Greens, No.1 and 3 are used consistently while green No.2 is under utilised. Because of the reduction in bowlers numbers the maintenance upkeep of No.2 green to competition standard has not be economically viable. A portion of the maintenance budget for this green has been reallocated towards the maintenance of greens No.1 and No. 3. The Bowling Club has a reported total membership of 142 persons of which 100 are men and 42 are female members. Not all of these members are active bowlers.

Social or competition lawn bowls can be played either as single, pairs, triples or fours, mixed pairs or mixed fours. The Blakehurst Bowling Club plays in the Royal NSW Bowls Association Zone 13 South Sydney Pennant competition. In 2011 the Club was the Zone 13 Pennants Grade 2 competition champions. In 2012 the club has again fielded teams in the Zone 13 Pennant Competition.

## USE OF THE LAWN BOWLING GREENS AT MERRIMAN RESERVE

The two competition bowling greens at Merriman Reserve consist of 6 rinks per green for a total of 12 rinks. These are booked annually by Blakehurst Bowls Club Inc from Monday to Sundays from 7:30am to 6:30pm. However, the observed actual days and hours of use are listed in Table 21.

Table 21.

MERRIMAN RESERVE LAWN BOWLING GREEN TIMES & HOURS OF USE			
Day	Green No.1	Green No.2	Green No.3
Sunday	Occasional Use	Occasional Use	Occasional Use
Monday	Maintenance	Maintenance	Maintenance
Tuesday	9:30am-12 noon		1:00pm-3:00pm
Wednesday	12:30pm-3:30pm		12:30pm-3:30pm
Thursday	Maintenance		Maintenance
Friday	9:00am-12 noon 12:30pm-3:30pm		Rested
Saturday	9:30am-11:30am 12:30pm-3:30pm		9:30am-11:30am 12:30pm-3:30pm
Total Playing Hours	16.5 hours	Variable hours	10 hours
Total Hours of Use	26.5 hours		

The greens are used weekly for a total 26.5 hours. There would be some variation to this total as the No.2 lawn bowling green is used occasionally.

Council has issued a temporary annual permit to Blakehurst Bowls Club Inc to use the greens until Council adopts this plan. After that time, Council will consider what type of licensing arrangement would be the most appropriate with regards to the Principles of Leasing and Licensing as stated in Table 6, p.26 this plan and the provisions of s.46 and s.47 of the *Local Government Act, 1993*.

## SOUTH HURSTVILLE BOWLING BOCCI & RECREATION CLUB LTD

The South Hurstville Bowling Bocce & Recreation Club is an affiliated club under the umbrella of Club Hurstville Sports Ltd. The club is located at 29A Greenacre Road, South Hurstville (Refer to Photograph 10). Unlike the Merriman Reserve lawn bowling facilities this club is sited on private land in the ownership of the club. The club is a company limited entity. Other affiliated clubs with Club Hurstville Sports Ltd are South Hurstville Diggers Women's Bowling Club and Hurstville United Junior Rugby League Football Club, Hurstville United Netball Club, Probus, Bridge and Rotary Clubs ([www.clubhurstville.com.au](http://www.clubhurstville.com.au)).

The club came into operation in 1955. In 2010 the club had a membership of 824. This increased to 873 in 2011 representing 6% increase in membership. Of this number 230 are full sporting members, 632 are social members and 11 are life members. The club is in close proximity to Merriman Reserve being located approximately 1.6 kilometres by road to the northwest of Kyle Bay.

The club has two active competition lawn bowling greens while a third green is not used for lawn bowls. Instead, this third green is being hired out to other sports groups specifically for children's sports training and other activities. The club remains financially viable and has the capacity and facilities to expand its membership.

Photograph 10.



CLUB HURSTVILLE - SOUTH HURSTVILLE BOWLING BOCCIE & RECREATION CLUB

## RESULTS OF THE LOCAL COMMUNITY SURVEY

As part of its public consultation to prepare this plan Council issued a local community survey (Refer to Appendix 1, p.113) to determine the community's preferences for the future use of Merriman Reserve. The aims of the community survey were to:

- Ensure equity in public participation and consultation for all members of the community.
- Engage with the broader community to establish the future planning, development and management of the Reserve by identifying dominant community preferences, existing and latent needs.
- Provide an avenue to better understand local issues relevant to the management and use of the Reserve.
- Invite and encourage the local community to participate in the preparation of the plan and provide the opportunity to influence the outcomes to ensure their relevance to the community.

The community survey was hand distributed randomly to 800 households across a 9km<sup>2</sup> area that included the suburbs of Connells Point, Kyle Bay, part Blakehurst and part South Hurstville (Refer to Map 2).



Map 2.

MERRIMAN RESERVE COMMUNITY SURVEY  
RANDOM DISTRIBUTION AREA



The survey was accompanied by a letter of invitation to the resident to participate in the survey and explained the purpose of the survey. For convenience a return self addressed pre-paid envelop was enclosed in the survey package. Surveys could also be returned to an identified email address or hand delivered to Council's customer service centre.

The hardcopy survey form consisted of 11 questions of which 5 were closed questions that required the respondent to tick the box(s) next to their related personal details or preferences. Questions 1 to 4 consisted of socio- demographic inquiries regarding the respondent's gender, age, residential location by street name and family type.

Question 5 and 6 inquired as to whom the respondent was likely to visit the reserve with, if anyone at all or with a pet. Relative to Question 6, this section required the respondent to identify their reasons for visiting Merriman Reserve. Five concealed "Categories" consisting of a total of 19 variables were presented in a random order for selection by the respondent.

The categories for visiting the Reserve were as follows:

- Nature Appreciation
- Novelty
- Social Familiar
- Personal Development
- Introspection

The survey was delivered on the 24<sup>th</sup> October 2011 and submissions closed on the 4<sup>th</sup> November 2011. However, late submissions were received up to the 5<sup>th</sup> December 2011. All surveys were registered in Council's records. The results of the survey were analysed using Microsoft Excel.

## **CHARACTERISTICS OF THE SURVEY RESPONDENTS**

### **Gender & Age**

Of the 800 surveys distributed Council received a total of 227 resulting in a return rate of 28%. Of this return rate 128(56%) were identified as male respondents, 90(40%) female while 9(4%) of respondents did not identify their gender.

The dominant identified age groups of the 221 respondents to this question were from those in the 56-65 years of age group representing 27%. This was followed by those in the 46-55 years of age group (22%) and those aged between 66-75 years of age (16%).

### **Respondents Location**

In total 37 streets within the survey area had a total representation of 206 residents who identified their street in the survey. The response rate for various respondents location were highest from those living in Kyle Parade, 37 (18% of the total 206 respondents), Terry Street 8%, Stuart Street 8% and Merriman Street with 7% of the overall number of responses to this question. The remainder, 51% of respondents identified their streets but the overall individual street response for any one location was less than 7%.

### **Family Type**

Relative to the question of "Family Type" those with children less than 12 years of age and those with children less than 12 years of age and also with teenagers who participated in the survey achieved a joint total return rate of 53%. Families consisting of just two adults had a return rate of 27% while those identified as living alone returned 11%.

### **Visit the Reserve with Whom?**

In identifying whom respondents would most likely visit the Reserve with the category with those in the same age group had the highest recorded response of 128 and those in the company of people of different ages recorded 51 responses. The combined total for those in the company of children and/or teenagers recorded a total score of 102. Persons in the company of a person with a disability recorded 27 and visitations by persons alone 34. Those in the company of pets recorded 37 responses. Respondents to this question were able to select more than one category.

### **Reason for Visitation**

Twenty (20) variables were presented in the survey. Three were grouped as reasons associated with a person visiting the reserve for "Nature Appreciation", three with "Novelty", four with "Social Familiar", four with "Personal Development", three with "Introspection" and one listed for "Other" reasons for visiting the Reserve. Respondents could provide more than one reason for visiting the Reserve.

1. "Nature Appreciation" consisted of the following three variables:

1. View the scenery
2. Release tension
3. Be close to nature and enjoy the outdoors

The category proposes that the natural settings of inner-city parks provide a venue for urban dwellers to derive psychological benefits in the form of relaxation and stress relief by being in a natural setting away from the tensions of day to day living. This was the second highest scoring category with 281 responses indicating they visit the reserve for reason associated with the benefits derived from observing or being close to nature. Merriman Reserve has been designated by Council as a *Habitat Reinforcement Area* under the Green Web Sydney initiative (Refer to Section – Environment - Biodiversity).

2. The category "Novelty" consisted of three variables which were:

1. Meeting new people
2. Experience new and different things
3. Experience excitement

This category proposes that urban parks provide an alternative setting to experience variety in terms of social contact, outdoor activities and an alternative physical environment to structured urban areas. The total number of responses received for this question was 38.

3. The category "Social Familiar" consisted of five variables relative to seeking social interaction:

1. Doing something with friends
2. Be near people who enjoy the same things
3. Get away from the demands of life
4. Visit the restaurant
5. Socialise indoors

Variables 4 and 5 within this category were site specific related variables included to determine the importance of the indoor facilities at Merriman Reserve as a venue for socialisation. In total there were 435 responses received for this category. "Visiting the restaurant" scored a total of 154 responses while "Doing something with Friends" resulted in a score of 110.

4. "Personal Development" consisted of four variables:

1. Keep physically fit
2. Doing something creative
3. Develop new skills and abilities
4. Play lawn bowls

Of the total number of responses to this category 74 indicated they visited the reserve to keep physically fit. Only 32 respondents indicated that they visited the Reserve to play lawn bowls as a means of personal development.

5. "Introspection" consisted of the following four variables:

1. Just do your own thing
2. Be away from the family for a while

3. Think about important issues or problems
4. Rest physically and relax

The category "Introspection" placed third with 131 responses just ahead of "Personal Development" with 129 responses as reasons for visiting the reserve. Going to the Reserve to "Rest physically and relax" scored the highest individual reason in this group with a score of 70 with "Just do your own thing" recording 36 responses.

6. "Other"

The final category "Other" was an open question that provided respondents with the opportunity to enter other reasons for visiting the Reserve. There were mixed responses and comments received were grouped and are outlined in Table 22.

Table 22.

OTHER ACTIVITIES FOR VISITING MERRIMAN RESERVE	
Indoor Activities	Outdoor Activities
Just chill out and relax, Catch up with mates at the pub Attend Probus Club meetings Meet people at the restaurant Patron the bar Visit the restaurant Social functions Zumba classes Socialise to ease loneliness Enjoy facilities Visit a licensed club	Just chill out and relax Watch the waterbirds Take children to collect shells on the beach Play with children Enjoy a walk Get close to the foreshore of the Georges River Walk the dog

Table 23, is a summary of frequency rates in order of priority for reasons to visit the Reserve:

Table 23.

PRINCIPAL REASONS FOR VISITING MERRIMAN RESERVE		
Priority	Reason	Score
1	Social Familiar	435
2	Nature Appreciation	281
3	Introspection	131
4	Personal Development	129
5	Novelty	38
6	Other	6

The top three individual reasons for visiting the Reserve were:

1. To visit the restaurant (154 responses).
2. To view the scenery (132 responses).
3. Doing something with friends (110 responses).

7. Establishing the Options for the alternative use of No.2 Bows Green

Question 7 of the survey asked the following question:

*Because of the diminishing number of people playing bowls Council has been advised that the No.2 Bowling Green is under utilised having very low use that could easily be absorbed by the remaining bowling greens. Do you think that it should be converted into landscaped public foreshore parkland for greater community access and alternative recreational use?*

A total of 216 residents responded to this question of which 65% (146) indicated that the No.2 lawn bowling green should be converted to an alternative community use. Only 19% indicated that No. 2 bowls green should be retained while the remainder (12%) indicated that they were "Not sure". Four percent (4%) did not respond to this part of the question.

If the respondent indicated that No.2 bowls green should be put to an alternative use then part two of Question 7 of the survey inquired as to what suggested use that could be. In total, Council received 158 suggestions to this part of the question. The most common suggestion was to convert No.2 bowling green into passive landscaped parkland with picnic, BBQ, playground facilities for young children and appropriate park furniture.

### Alternative Planning Suggestions

Although unsolicited, there were a number of alternative suggestions put forward by some respondents to the survey in lieu of the proposed conversion of No.2 bowls green. These alternative suggestions are presented in Table 24 and have value for consideration as alternative planning proposals. These proposals retain the broader community preference identified in the survey to reclaim parkland for increased public use and to provide better access to the foreshore of Kyle Bay.

Table 24.

#### MERRIMAN RESERVE COMMUNITY SURVEY RESULTS

ALTERNATIVE PLANNING SUGGESTIONS
Convert No.1 bowling green into parkland, retain greens No.2 and No.3
Convert No.1 & No.2. bowling greens and retain No.3 bowling green
Convert No.1 or No.3 bowling green to provide greater access to the water
Convert No.1 or No.3 bowling green to join into the existing parkland
Convert No.1 green and keep No.2 & No.3 together for bowls
Convert No.1 green to car park, retain No.2 & No.3
Convert No.1 to car park and retain No.2 & No.3 bowling green
Convert No.1 green to extend the reserve and install a tennis or basketball court
Convert No.1 to picnic area
Convert No.1 bowling green into a tennis court, basketball court, futsal venue
Convert No.2 bowling green into car park - develop existing car park to park
Convert No.3 bowling green into native landscape because it is closer to the foreshore
Convert No.3 bowling green to parkland







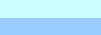
Of the 43 respondents who preferred to retain all three bowling greens 39 respondents provided reasons why it should be retained. The most valid reasons for retaining all three greens were:

1. The No.2 bowls green could be used by schools, younger groups, bowls clinics and is already used for bare foot bowls.
2. The green should continue to serve the over 50's sports interest.
3. Use the No. 2 green for lawn bowls, Bocce or croquet.
4. Promote lawn bowls to attract new members.
5. The green allows for the rotation between the greens to retain pristine playing conditions.
6. The green can absorb members from those bowling clubs that are closing down.

### Suggested Improvements

Question 8 of the survey inquired as to the respondents preferred improvement that could be made to Merriman Reserve that they would benefit from. Table 25 lists the seven most popular suggestions to this question. In total there were 93 different suggestions forwarded for consideration. The remaining suggestions not listed in Table 25 recorded frequencies of 1 to 11 responses with many receiving only one response.

Table 25.

MERRIMAN RESERVE COMMUNITY SURVEY RESULTS		
SURVEY QUESTION 8	What suggestions would you make to improve Merriman Reserve so that you and your family would benefit from its use?	
RESPONSES	RESPONSE RATE PER ITEM	TALLY
Park furniture / picnic facilities		48
As is (No Change)		24
BBQs		24
Landscaping / Gardens		20
Playground		17
Indoor - Outdoor Dining		14
Native Flora Landscaping		12
Total Number of received suggestions		<b>93</b>

The most frequently requested improvements, with a score of 48, were for park furniture and picnic facilities. This score combined with that for BBQs, landscaping and gardens, playground and native flora landscaping which are general park facilities recorded a total score of 121. Making provision for general park facilities was the most dominant preference. Twenty-four (24) respondents preferred to make no changes to the Reserve at all.

### Undesirable Facilities

Question 9 of the community survey inquired into those facilities that would be the least desirable for inclusion at Merriman Reserve. With reference to Table 26, the three dominant responses to this question was for Council not to permit the reserve to be converted into residential or commercial property (27 responses), not to use the reserve as a place for a childcare, day care centre or for a kindergarten or preschool. A skate park was also an undesirable facility.

Table 26.

## MERRIMAN RESERVE COMMUNITY SURVEY RESULTS

SURVEY QUESTION 9	What types of facilities would you NOT like to see in Merriman Reserve?	TALLY
RESPONSES	RESPONSE RATE PER ITEM	TALLY
Residential / Commercial Buildings		27
Childcare / Day-care Centre, etc		26
Skate Park / Roller Skating		20
Building Extension		17
Playground		12
Car Park or its Extension		11
Exclusive Use Activities		10
Noisy Activities		10
Picnic / BBQs		9
Reception / Function Centre		9
Boating Facilities		8
Commercial Activity		8
Gambling Facilities		8
Total Number of received suggestions		49

The community survey further confirmed the resolution passed at the public consultation meeting of 6<sup>th</sup> September 2011 were 130 residents rejected the proposal for childcare facilities or alike. In total, there were 49 different suggestions recorded with the remaining 36 not listed in Table 26 receiving between 1-7 responses. The majority of the remaining suggestions received only one response each.

### Suggested Alternative Use of the former Club Building

Question 10 of the survey invited respondents to put suggestions forward for the use of the former clubhouse building at Merriman Reserve. The clubhouse is currently used for a restaurant and bar. The overwhelming majority, 118 responses, preferred to retain the existing use of the building. The closest preferred alternative use was for Community Meeting Rooms which recorded 25 responses (Refer to Table 27).

Table 27.

## MERRIMAN RESERVE COMMUNITY SURVEY RESULTS

SURVEY QUESTION 10	What alternative use would you suggest that the existing building at Merriman Reserve could be used for e.g. Community meeting rooms, community arts and crafts centre, a combination of community uses etc, or leave as a restaurant / bar facility?	TALLY
RESPONSES	RESPONSE RATE PER ITEM	TALLY
As is (No Change)		118
Community Meeting Rooms		25
Restaurant		23
Art Gallery / Crafts Centre		22
Day Café / Bistro / Internet Café		21
Combined Community Uses		18
Beer Garden / Bar		9
Fitness Club / Gym		8
Community Centre / Hall		7
Total Number of received suggestions		47

## Survey Respondents Additional Comments

Question 11 was the final question of the Local Community Survey. It invited respondents to make any additional comments. The following provides only an example of the comments. However, they reveal the general feeling as to the community's preferences for the Reserve:

- *It is a very important local asset that should not be allowed to fall into disrepair.*
- *Retain the restaurant and bar it is the only place like it in the Kyle Bay-Blakehurst area.*
- *Definitely must remain some form of parkland or open space.*
- *Make it a local family zone, don't make it a community excluded venue – open it wider to others more than just a bowling arena...*
- *The restaurant is too expensive even for this area. The Probus club is always looking for cheaper venues.*
- *...I think a community centre and picnic grounds would be greatly used by most families in the area.*
- *...Keep the buildings for adult use.*
- *The facilities service the needs of the Local area. Whatever is proposed noise considerations need to be taken into account.*
- *Return the club to what it was, it was a great place to meet friends and interact.*
- *Minimise changes...as the facilities are very important to the elderly in the community.*

## SITUATION ANALYSIS

The following points summarise the findings of the community consultation and community survey with regards to social issues and the role of Merriman Reserve and its facilities and amenities for public recreation.

1. Kogarah has been identified as a LGA with an aging population. An increase in older residents will mean that more facilities are required to cater for their needs.
2. The results of the public consultation and community survey overwhelmingly supported the continuation of the building at Merriman Reserve as a restaurant and bar for family use rather than that of an exclusive club or having the venue converted to any other use.
3. Lawn bowls is in severe decline within the Kogarah LGA with the study identifying a number of closures of bowling clubs and lawn bowling greens over the last several years. The result is that South Hurstville Bowling Bocce and Recreation Club Ltd is the only outdoor lawn bowls club in the LGA with comprehensive infrastructure, including the provision of greens and clubhouse facilities that support those specifically interested in various outdoor lawn bowls activities. This situation limits the scope of opportunities to engage in lawn bowls or other similar activities at the local level.
4. The decline in lawn bowls clubs has not been restricted to the Kogarah LGA but applies across the whole of Bowls NSW Zone 13 South Sydney. For various reasons, there have been a significant number of closures of these facilities.
5. There has been and will continue to be closures of lawn bowls clubs and greens if the sport cannot successfully re-market itself to a younger generation. Because of the sports image and average participant age of 60



years or more together with the vast array of alternative recreational opportunities open to the young, to date the prospects of future success remains questionable.

6. The situation for Blakehurst Bowling Club Inc could be even less tenable. This is because of its low membership numbers at 142 and the lack of supporting infrastructure in terms of clubhouse facilities and amenities. These facilities can be offered by those remaining lawn bowls clubs in Zone 13 to attract supporting membership which could ensure their longevity. As reported general club membership is on the increase while participation in lawn bowls is in decline. Although Blakehurst Bowling Club Inc has strong community support to remain at Merriman Reserve it may in the future need to consider affiliating with one of the other clubs in Zone 13 to remain viable.
7. A foreseeable issue for Council is the issue of cost-benefit (Refer to *Economics*, p.97).
8. Merriman Reserve is accessible by an interconnecting public transport system from across the Kogarah LGA providing access to the both the restaurant/bar facilities and lawn bowling greens. An issue raised in the community survey was the need to improve the marketing of the venue by the successful lessee of The Kyle Bay, Georges River building and by Blakehurst Bowling Club Inc.
9. The results of the community survey overwhelmingly supported the conversion of any underutilised lawn bowling green or any other areas that were formally required but no longer needed as a result of the closure of the former Club Blakehurst Ltd to be returned to the public as landscaped parkland with facilities for passive recreational use. This finding confirms and supports the objectives of Council's *Community Strategic Plan, Bright Future, Better Lifestyle, Kogarah 2020*.
10. Council received a number of valid suggestions to reconfigure the use of the open space land at Merriman Reserve to maximise the public's use. A number of suggestions recommended converting land to alternative or exchanged use. The latter included the foreshore car park being converted to open space parkland and the No.1 bowling green converted to car park.
11. There was a significant preference that there be no further major building development at Merriman Reserve. This supports previous studies within the Kogarah LGA which have identified a preference to increase the amount of green space within the City of Kogarah.
12. The community rejected any proposal for the provision or conversion of existing facilities into childcare, day-care or kindergarten facilities. The community also rejected any further commercial development or rezoning for residential development at Merriman Reserve. It was evident that the open space foreshore parkland was highly valued by the community.

Prior to public exhibition, in total 363 residents were involved in providing comments for the preparation of this draft plan of management. Based on the findings from the community consultation and community survey it is evident that the public's preference is to retain much of the existing infrastructure in its current role at Merriman Reserve. However, the community has shown a preference to increase the availability of public accessible landscaped parkland for passive recreational use at the Reserve.

## DISABILITY DISCRIMINATION PLAN - ACCESS AUDIT

Council has prepared a disability access audit for the City of Kogarah to address the provisions of the *Disability Discrimination Act, 1992* to ensure equitable access to public facilities for persons with a disability. The plan states that 3.9% of the population of the City of Kogarah are in need of assistance with core activities. The report also notes that the City has an aging population and that it is expected that this number will continue to increase in the foreseeable future. It is reported that 1 in 5 Australians over 60 has a disability and by 2030 25% of the adults in Australia will be aged over 65 years. In addition to this number within the City there are a number of nursing homes, hospitals and nearby schools for children with a disability. The principal objectives of the plan are:

- To comply with the requirements of the *Disability Discrimination Act, 1992* and Australian Standard 1428 *Design access & mobility*. The Standard includes AS 1428.1-2001 General Requirements for access – New buildings, AS 1428.2-1992 Enhanced and additional requirements – Buildings and facilities, AS 1428.3-1992 Requirements for children and adolescents with physical disabilities and AS / NZS 1428.4-2002 Design for access and mobility – Tactile indicators. These Standards are to be referred to when designing new or updating existing facilities.
- To provide recommendations to improve the accessibility of Council's buildings and facilities to comply with the *Disability Discrimination Act, 1992* and AS 1428.
- To prioritise future building works, and
- To provide approximate costing.

General issues concern provision for vehicle parking for persons with a disability, pathway gradients and linkages, toilet access, design and facilities, access from the streets into the parks to meet the provisions of AS 1428. Further reference should be made to the Kogarah City Council DDA Access Audit Report Volumes 1 & 2.

## DESIGN FOR AN AGING POPULATION & PERSONS WITH A DISABILITY

### DESIGN CONSIDERATIONS

As Parks have higher visitation rates of older residents from within a local area then the design of the parks demands sensitivity to the spatial requirements, preferences, needs and concerns that are relevant to an ageing population. As residents' age they are subject to age related changes to their sensory systems, cognitive functions and physical abilities. Carstens (1993) states that these affect the way older people perceive and negotiate the environment. In preparing designs for specific Parks it will be necessary to take these changes into consideration and facilitate a general design response to accommodate older persons changing needs.

The key design considerations to address these changing needs are:

- Orientation and wayfinding within the environment.
- Predictability of a space to reduce confusion and conflicts over appropriate uses.
- Socializing, mastering and claiming of a space.
- Sensory stimulation and environmental comprehension
- Safe & Secure Environment
- Ease of Access & Transition for Physical & Psychological Comfort (Carstens:1993).

## 1. **ORIENTATION & WAYFINDING**

### *Objective*

To design Parks so as to facilitate clarity in orientation and wayfinding.

### *Rationale*

Age related losses in sensory systems, cognitive functions and physical abilities may exasperate the ability to orientate the environment by reducing the number and strength of sensory clues that are able to be comprehended by elderly persons (DeLong:1970).

The site-planning scheme to be developed for each individual Local Park must be easy to recognise and identify with. The detailed Landscape Master Plan must complement the objectives of easy orientation and wayfinding. Reference should be made to the appropriate Australian Standards.

## 2. **PREDICTABILITY OF SPACE & CONTROL**

### *Objective*

To ensure that the design of Parks defines the types of uses within the park, who those uses are intended for in terms of certain age groups, group or individual use, passive or active use.

### *Rationale*

Undefined open space creates the potential for confusion and social conflict over perceived rights to and intended use of the available space. This creates a sense of a lack of ownership and control especially for older people as well as younger people who may be discouraged from entering Parks. Providing specifically defined spaces for particular uses and groups encourages ownership of an area. The inclusion of connections between areas also provides a sense of safety, security and involvement for older persons who enjoy the role of spectator of others activities while at the same time being seen and feeling part of the social process of a local community.

## 3. **SPATIAL PREFERENCES**

### *Objective*

To design Parks so as to support social interaction and encourage residents to claim social areas within a park.

### *Rationale*

In addition to the need to clearly define the various uses of open space in Parks Pastalan (1971) identified the need for smaller spaces which are considered more appropriate for socialising and these areas are sought out by elderly people.

*Smaller spaces are more easily negotiated and more easily claimed and mastered, particularly by the less able, who may have difficulty defending a larger space (Pastalan:1971).*

Marcus & Frances (1990) contend that relative to their studies most people actually visit parks for social contact. This contact can be either in the form of overt or covert socialising.

Overt socialising is defined as those visitations to parks either in the company of others or coming to the park in the hope to meet people that they expect to see there. Covert socialising is the act of visiting a park to watch people without the intention of meeting them or conversing with them. Many elderly people engage in this type of activity to fulfil their day to feel part of the local community. Therefore these social pockets should not be isolated from other activities in the park and should be connected to ensure their intended use of enhancing socialisation.

#### **4. SENSORY STIMULATION & ENVIRONMENTAL COMPREHENSION**

##### *Objective*

To design the environment of a Local Park so that it is loaded with elements that enhances sensory stimulation and facilitates environmental comprehension.

##### *Rationale*

Overloading the environment with elements that stimulate sensory factors can provide a means to compensate for age related or physical disability that result in sensory losses. By incorporating heightened factors into the park design that are able to enhance visual, auditory and tactual sensory stimulation elderly people are better able to comprehend the environment, increase their ease of use and confidence, reduce frustration and encourage greater participation in outdoor recreation (Carstens:1993).

#### **5. SAFE & SECURE ENVIRONMENTS**

##### *Objective*

To ensure that the landscape plan and design of a Local Park promotes real and perceived security and safety.

##### *Rationale*

The most prominent issue for non-participation in outdoor recreation in public parks for elderly people is the fear of crime against them, their frailty, their lack of defence and their not being seen or assisted (Lawton:1980). Park design must give consideration to appropriate safety measures, including visual surveillance from nearby residential housing and along the connections to various spatial areas, the elimination of "blind spots" or potential hiding places, clear transition from the streetscape into and from the park. These considerations in the planning and design of Parks will assist in reassuring and promoting participation in outdoor recreation by the elderly.

#### **6. EASE OF ACCESS & TRANSITION FOR PHYSICAL & PSYCHOLOGICAL COMFORT**

##### *Objective*

To ensure comfortable and easy access into and from as well as within and between the various destinations within the park and includes comfort with park furniture within a Local Park.

To comply with the appropriate Australian Standards to assist persons with a disability so as to provide ease of access, transition and assist with the provisions of appropriate fixtures and fittings.

#### *Rationale*

Elderly people or persons with a disability, because of decline in their physical and psychological abilities, require ease of access and transition within Parks. A perception by them of a high expenditure rate in effort to negotiate within open space areas may detract them from using those areas.

In addition, there is a need to ensure that the elderly and persons with various disabilities are able to access park furniture. The selection of park furniture such as picnic tables seating arrangements, bubbler access should make provision for persons with varying degrees of disability in particular for those confined to wheelchairs. Council is to ensure appropriate compliance to relevant Australian Standards for addressing the needs for persons with a disability.

## CULTURAL DIVERSITY

The diversity of cultures provides reason to give greater consideration to public consultation to ensure the incorporation of cultural aspects into the planning and design of Parks.

### **CULTURAL VISION & PRINCIPALS**

The Kogarah Cultural Plan 2007-2012 states as its vision for the Kogarah LGA that it is:

*...recognised for its cultural vitality, its distinctive and diverse suburbs and for the strength of its cultural networks and partnerships with the community (KCP:2007).*

It is an LGA with a commitment to valuing its history and heritage, the natural environment and the diversity and creativity of its people.

The Plan states as its Cultural Sustainability Principles:

#### 1. **Respect**

Council respects the diversity in our area – in both people and places. Indigenous culture and people from diverse ethnic, religious and language backgrounds are supported and valued in order to foster social and cultural harmony for future generations.

#### 2. **Equity of Access**

Kogarah's cultural assets, resources and programs accommodate the diverse needs of the local community, including being supportive to the full range of cultural and social groups.

#### 3. **Commitment to Community Consultation**

Council has a commitment to developing an informed, well-connected community.

4. **Capacity Building**

Council works with the community to foster and develop networks of artist, individuals, arts and cultural groups and businesses that contribute to social capital and building strong, safe and vibrant communities.

5. **Creativity and Innovation**

Creativity and the development and exchange of new ideas foster human expression and nurtures education, skills development and encourage shared understanding and develop insights into the diversity of ways of life.

# Social Policies, Strategies & Actions

## SOCIAL POLICIES, STRATEGIES & ACTIONS

Social policies, strategies and actions include the undertaking of research or specific studies to provide relevant information that would further enhance management decision-making and assist in implementing best practice park management. Table 28 lists appropriate policies, strategies and actions for all Parks.

Table 28

### SOCIAL, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
Provide facilities and amenities for persons with a disability such as toilet facilities, access ways and seating in Merriman Reserve.	<p>Comply with the requirement of the Disability Discrimination Act, 1992.</p> <p>Comply with Australian Standard 1428 Design access and mobility.</p>	<p>Compliance with the requirement of the Disability Discrimination Act, 1992.</p> <p>Compliance with Australian Standard 1428 Design access and mobility.</p>
<p>The design for Merriman Reserve is to provide for the needs for aged persons and those with a disability by addressing the following factors:</p> <ul style="list-style-type: none"> <li>▪ Ease of orientation and wayfinding.</li> <li>▪ Environmental predictability.</li> <li>▪ Opportunities for socialising, mastering the environment and the ability to claim space.</li> <li>▪ Infusing a sense of safety and security in the design.</li> <li>▪ Providing ease of access and transition.</li> </ul>	<p>To provide the following:</p> <ul style="list-style-type: none"> <li>▪ Ease of orientation and wayfinding.</li> <li>▪ Environmental predictability.</li> <li>▪ Opportunities for socialising, mastering the environment and the ability to claim space.</li> <li>▪ Infusing a sense of safety and security in the design.</li> <li>▪ Providing ease of access and transition.</li> </ul> <p>Meet the requirements of Standard Australia AS 1428 entitled <i>Design for access and mobility</i>.</p>	<p>Installation of facilities and amenities, furniture, fixtures and fittings that provide:</p> <ul style="list-style-type: none"> <li>▪ Ease of orientation and wayfinding.</li> <li>▪ Environmental predictability.</li> <li>▪ Opportunities for socialising, mastering the environment and the ability to claim space.</li> <li>▪ Infusing a sense of safety and security in the design.</li> <li>▪ Providing ease of access and transition.</li> </ul> <p>Compliance with the requirements of Standard Australia AS 1428 entitled <i>Design for access and mobility</i>.</p>
Implement the finding of the Disability Discrimination Plan Access Audit 2009.	<p>To meet the requirements of Standard Australia AS 1428 entitled <i>Design for access and mobility</i>.</p> <p>To address issues raised in the Disability Discrimination Plan Access Audit 2009</p>	Completion of the required works identified in the Disability Discrimination Plan Access Audit 2009.
In the design of new parks or upgrading ensure provisions are made to support identified local culturally specific recreational and leisure needs by consulting with diverse cultural groups.	<p>To consult with various relevant cultural groups to identify and address their specific recreational needs.</p> <p>To include cultural elements and opportunities for cultural expression in Parks.</p>	Cultural orientated recreational opportunities provided in Parks.
With further public consultation and with regards to the findings of this plan of management prepare a detailed Landscape Master Plan for Merriman Reserve.	To ensure the design of the park fulfils the objectives and directions of this plan of management.	Landscape Master Plan prepared in line with the objectives and directions of the adopted plan of management for Merriman Reserve.

SOCIAL, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
Improve vehicle parking and movement in Inala Avenue, Kyle Bay by constructing behind the kerb parking on the eastern side of the Avenue.	To improve public safety by improving vehicle parking and movement in Inala Avenue, Kyle.	Construction of behind the kerb street vehicle parking bays on the eastern side of Inala Avenue, Kyle Bay.



# Environment

## MANAGEMENT OF THE NATURAL ENVIRONMENT

The *Local Government Act, 1993* provides the foundation for an integrated approach to environmental management. The *Environmental Planning & Assessment Act, 1979* has greater scope than the *Local Government Act, 1979* for regulating activities that affect the natural environment.

The potential role of the *Local Government Act, 1993* as a tool for integrating the management of natural resources is highlighted by one of the items of the statutory charter as amended by the *Local Government Amendment (Ecologically Sustainable Development) Act 1997* which states that Councils are to:

*...properly manage, protect, restore, enhance and conserve the environment of the area for which [each council] is responsible, in a manner that is consistent with and promotes the principles of ecological sustainable development.*

Local Government powers provide substantial scope for Councils to undertake a broad range of natural resource management activities, ranging from educational programs to on ground activities such as environmental engineering projects.

## ECOLOGICAL SUSTAINABLE DEVELOPMENT

Ecologically sustainable development seeks to provide economic, social and environmental benefits in the long term; the Commonwealth Government defines it as:

*...using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased. (Commonwealth Govt:1990).*

Essentially this means that any activity carried out now should meet current sustainability requirements in that the activity should not degrade or deplete the environment so much that a society or community will not be able to meet their needs in the future (Beder:1996).

An objective of Kogarah LEP is to ensure that any development, in this case on Community Land or Crown Reserve, must consider ecological sustainability as part of the development process. The LEP cites the following criteria:

*That Council must not grant consent to the carrying out of development unless it has given consideration to the following principles of ecologically sustainable development in so far as they are relevant to the proposed development:*

- a. conservation of natural resources,
- b. optimisation of the use of natural features,
- c. optimisation of energy efficiency,
- d. maintenance or improvement of air, water and soil quality,
- e. reduction of car dependence, and
- f. waste avoidance, waste minimisation and cleaner products.

These core principles should form the basis for guiding any future development, alterations or additions to the built environment as well as landscape works that may take place within the study area.

The following provides a brief explanation of how these principles can be adopted for works within parks:

a. CONSERVATION OF ENERGY

Any new building or landscape structure should, where feasible, be constructed so as to minimise the reliance on fossil fuels and promote renewable energy alternatives, for example the use of solar and wind sources to generate power.

b. UTILISATION OF ECOLOGICAL SYSTEMS

Buildings or landscape works are to be designed to work with the seasonal climatic conditions, natural energy sources and other ecological systems.

c. MINIMISATION OF NEW RESOURCES

Buildings and landscape works are to be designed so as to minimise the use of new resources. Existing resources at the end of their useful life in one form, where feasible, to be incorporated into new works.

d. INTEGRATING USER NEEDS WHILE ENSURING ECOLOGICAL SUSTAINABLE PRACTICES

Buildings and landscape works are to be designed relative to the principal purpose and needs with least impact on the environment. Works associated with the landscape are to consider the inclusion of endemic vegetation and the creation of habitat opportunities for native species and furthering life supporting ecological systems.

e. CONSIDERATION OF THE SITES & ITS ECOLOGICAL SYSTEMS

Works associated with buildings or the landscape and their use are to give consideration to the site and impacts on ecological systems, e.g. wildlife habitat and water quality.

f. WATER SENSITIVE URBAN DESIGN

Adoption of Water Sensitive Urban Design principles and relevant practices for built structures.

g. ADOPTING A HOLISTIC APPROACH

From the above-cited Principals, Items (a) to (e) are to be embodied into a holistic approach to the built and landscaped environment within Local parks.

## BIODIVERSITY

Federal legislation including the *Environmental Protection & Biodiversity Conservation Act 1999*, the Intergovernmental Agreement on the Environment (IGAE), Agenda 21, State government legislation including the *Local Government Act 1993*, *Environmental Planning & Assessment Act 1979*, *Threatened Species Conservation Act 1995*, *Fisheries Management Act 1994*, State Environmental Planning Policies (SEPP) such as SEPP, 19 and specific policies prepared by Kogarah City Council in its LEP's and DCP's are the means by which Council protects and conserves biodiversity within the City. Biodiversity is considered at three levels, ecosystem, species and genetic diversity.

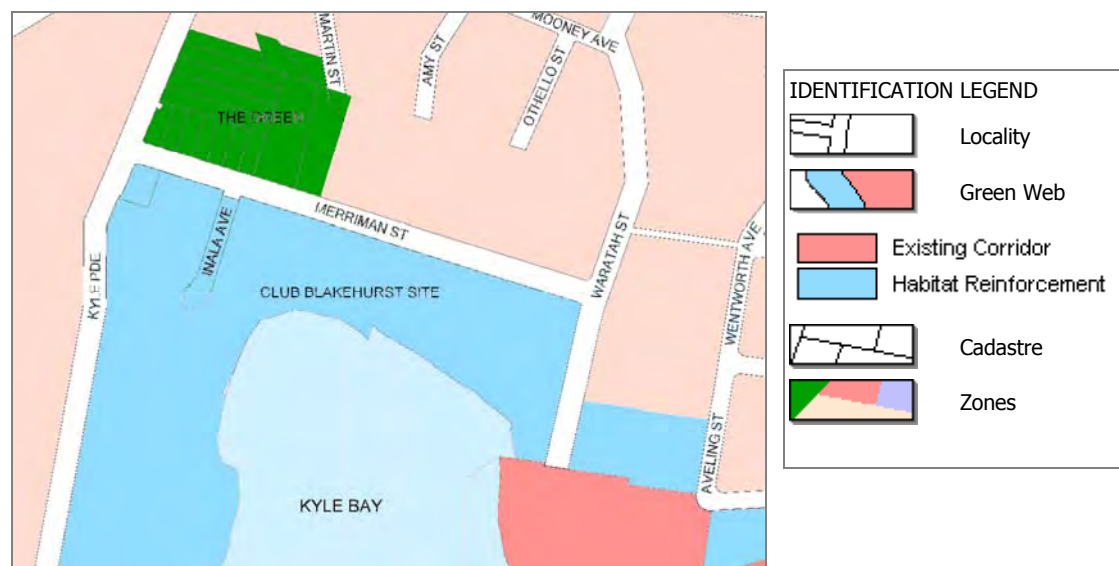
Briefly, the following short list highlights some of the principal guidelines and planning controls applied by Council in conserving the City's biodiversity. Further reference to Federal and State Government legislation including those listed in the plan can be accessed via the internet at [www.austlii.edu.au](http://www.austlii.edu.au).

- **GREEN WEB-SYDNEY**

Green Web – Sydney is a metropolitan wide initiative to establish a green web of native vegetation and habitat corridors. Its principal objectives are to establish habitat corridors so as to provide links between fragmented sections of urban native bushland as well as to protect, conserve and enhance the remaining bushland in the Sydney region (Seidlich:1997). The aim of the project is to facilitate the migration of wildlife and the natural dispersal of native plants (Seidlich: 1997).

Map 3.

MERRIMAN RESERVE, KYLE BAY – GREEN WEB CORRIDOR



Large open space areas, such as parklands, can make a significant contribution to these ideals without undue impact on their existing use or conflict with core objectives for such use.

With reference to the Green Web – Sydney scheme, parks within the City have been designated by Council as a *Habitat Reinforcement Areas*. As a consequence, Council requires the planting of native trees and vegetation to establish green web links that provide for migrating birds and create habitat opportunities. Foreshore

parks such as Merriman Reserve provide opportunities to create or enhance biodiversity for both native flora and fauna.

- **SOUTHERN SYDNEY CATCHMENT BLUEPRINT POLICY**

The Minister for the Department of Land & Property Management Authority has notified Council of the *Southern Sydney Catchment Blueprint Policy*. The Policy outlines a number of strategies to achieve a healthy, productive and diverse catchment. The Blueprint Policy is consistent with the environmental plans previously prepared by the former Catchment Management Committee for Southern Sydney. It also gives consideration to other planning instruments and documents prepared by State and Local government as well as organisations such as the Southern Sydney Regional Organisation of Council's of which Kogarah City Council is a member. The plan states as its vision for catchment management as:

*A sustainable Southern Sydney Catchment which recognises cultural and heritage values and is the responsibility of the whole community.*

The objectives of the plan are stated as follows:

- Remediation and protection of terrestrial and aquatic environments to levels where they will be ecologically sustainable.
- Management of urban and rural areas with economic, social and physical infrastructures that promote sustainable communities with good quality of life.
- Management of the Board area by participation of the whole community, including Aboriginal people in recognition of their historical occupation and Care of the Country.
- Recognition and appropriate preservation of the Board area's cultural heritage.
- Integration and coordination of all spheres of government, business and the community to achieve a sustainable and productive Board area.

The Blueprint Policy sets out a number of measurable targets to be achieved by Councils. Briefly the Catchment Targets have been stated as:

- Improve management of the natural environment in the catchment.
- Regional environmental plans and other environmental plans for the Board area are consistent with the Blueprint.

Catchment management plans and programs give consideration and support to the cultural valued and needs of indigenous and other cultural groups in the Board area.

By 2012 achieve a coordinating, representative and participative integrated system, including the capacity to:

- Integrate research and information systems,
- Oversee the implementation of the provisions of the Blueprint.

A number of management targets and actions have been identified that have relevance to this plan of management and should be referred to as part of Merriman Reserve's management. The targets and actions of the *Southern Sydney Catchment Blueprint* that are relevant to this site and will form part of the strategies to be undertaken for this plan.

## NATURAL RESOURCE MANAGEMENT

Natural parkland and foreshore areas, whether large or small provide one of the only remaining habitats for many of our native plants and animals within urban areas. Many of our existing urban reserves play an important role in providing habitat and refuges for permanent and migrating fauna such as the White-faced Heron, Great Egret and the Royal Spoonbill within the Kogarah LGA. They provide a crucial link to the pre European state of our environment and are a source of local genetics for both flora and fauna.

Photograph 11.



PHOTOGRAPH GLEN FERGUS – WHITE-FACED HERON

These natural assets need to be actively managed and dealing with the source of the disturbance is the key issue. Elements such as excess water and nutrients, dumping of waste, removal of tree and vegetation for personal gain, invasion of exotic and feral flora and fauna and vegetation fragmentation are some of the main elements that degrade the habitat potential and existing biodiversity within these reserves. Activities that remove the source of the disturbance are preferable followed by minimising the effects of the disturbance such as restricting water flow and minimising its effects on the surrounding soil and vegetation.

Care needs to be taken that natural systems are understood as some disturbances are a natural process and are crucial for ecosystem health. Some natural disturbances such as fire and the accumulation of leaf litter and logs for habitat have been seen as 'untidy and unnecessary' in the past and due to this the systems have suffered. Natural resource management programs need to be built on an understanding of each individual system and provide the means for this system to be self functioning. This method is beneficial for both the environment and the managing authority as without human disturbances ecosystem are able to care for themselves and require little financial input.

## POSSIBLE IMPACTS OF CLIMATE CHANGE

*The Garnaut Climate Change Review Final Report (2008)* notes that weather patterns in Australia are affected by the El Nino – Southern Oscillation and the Southern Annular Mode, which are described as the dominant drivers that influence climatic conditions. Changes to these systems by the influence of greenhouse gas emissions are believed to be impacting on both temperature and rainfall patterns across the continent. Other climatic influences occurring at a more intense rate could include cyclones, severe storms and bushfires.

### TEMPERATURE

In Australia the average temperature is expected to rise. Significant regional variations are projected across the continent. The CSIRO & Bureau of Meteorology (BoM) (2007) project an average temperature rise of around 1° C above the 1999 level by 2030. The range of uncertainty projected on a national scale is an increase between 0.4° C to 1.8° C for 2030. For coastal areas, including the Kogarah LGA, temperature increases are expected to be slightly less at 0.7° C to 0.9° C. However, there is no certainty as to an accurate measure of temperature increase to 2030 (Garnaut: 2008). It has been projected that there will be an increase in the frequency of hot days and nights with the number of days over 35° C for 2030 in Sydney rising from the current 3.3 days to 4.4 days (CSIRO: 2008).

Since 1861 when temperature records were introduced in Australia the records show that the last nine years of the last decade were the warmest ever recorded. Steffen (2006) reports that since the start of the 20<sup>th</sup> century the global average surface temperature has risen between 0.6° and 0.7° Celsius. Since 1976 global temperature has increased more rapidly with the 1990's being the warmest decade and 2005 recorded the warmest year on record for Australia (Australian Bureau of Meteorology : 2006).

Temperature changes will have a significant impact on the oceans and rivers. Higher temperatures will expand the oceans, influencing sea levels that will impact on local river foreshore parks. Other impacts will result in changes to the riparian, estuary, wetland and marine biodiversity within the City of Kogarah. Other issues include public health, infrastructure replacement costs, bushfires etc.

### RAINFALL

*The Garnaut Climate Change Review Final Report (2008)* notes that changes to the average annual rainfall may be more predominant in some regions than others. Rainfall averages may remain the same but rainfall patterns may change with rainfall days being less frequent and more intense storm events when they do occur. Seasonal patterns may also change with more rain during summer months than winter months. There could be longer dry spells broken by heavier rainfall events (Garnaut: 2008). The infrastructure at Merriman Reserve that are subject to overland stormwater flow would be susceptible to damage by more violent storm events resulting in large volumes of water quickly moving through the reserve.

The warming of the earth impacts on marine and terrestrial biodiversity, weather patterns including more intense heatwaves, droughts, storms, floods and cyclones, increasing acidity and rising sea levels, changes in the circulation of ocean currents all have significant impacts on all life and the quality of life (Steffen: 2006). The following reviews three key impacts that climate change will have on Merriman Reserve.

## SEA LEVEL RISE

Records indicate that sea levels have risen 17cm since the start of the 20<sup>th</sup> Century and are continuing to rise. It is predicted that relative to the 1990 mean sea level there will be a rise of up to 40cm by 2050 and 90cm by 2100 (DECC: 2009). These measures have been adopted by the NSW Government as the accepted current benchmark for expected sea level rise.

Photograph 12.



PHOTOGRAPH 12 INDICATES THE IMPACT OF SEA LEVEL ENCROACHMENT INTO MERRIMAN RESERVE, KYLE BAY IF THE GEORGES RIVER WERE TO RISE FROM 0.25M UP TO 2.6M.

The NSW State Government document entitled *Draft Sea Level Rise Policy Statement* states that the government acknowledges that increases in sea level will have significant medium to long term social, economic and environmental impacts. These impacts will require a response from local communities, the Federal, State and Local Governments. The draft policy states:

*Sea level rise will increase average sea levels, as well as raising high and low tide levels. This will impact on coastal land and foreshore land around estuaries, bays and harbours, increasing the tidal inundation of foreshore land and structures, reducing the ability to effectively drain low lying coastal areas.*

Photograph 13.



IMPACT OF THE 2009 KING TIDES AT CARSS BUSH PARK

Any proposal for significant development investment for any foreshore park should be weighted against the current adopted sea level rise benchmark at the time of the proposal and the proposed location within a foreshore park. Where there is significant infrastructure below the current adopted sea level rise that has or is reaching the end of its life –Cycle then consideration will need to be given to the feasibility of relocating it above the adopted sea level rise benchmark or if that option does not exist then repairing or refurbishing it to extend its life with the expectation that the asset could eventually be lost or replacing them with relocatable facilities.

### **IMPACTS ON BIODIVERSITY**

Steffen (2006) notes that the affects of climate change to biodiversity are already observable and that these affects serve as important indicator of the stages of change. Flora and fauna are highly responsive to climatic events as they impact more dramatically on their ecological systems. In studies by the IPCC TAR (2000) and others it is now possible to estimate the direction of responses to climate change but not the magnitude of such changes;

*Ecological responses are largely driven by extreme weather events rather than by changes in mean climate, which in part, is responsible for the unexpectedly rapid appearance of ecological impacts. Also there is wide variation in responsiveness from species to species, leading to changes in community composition (Steffen: 2006).*

Ecosystems are considered most vulnerable to climatic change principally because other stresses that are exacerbating conditions towards change, these include:

- a. *The majority of species will not have time to adapt genetically if climate change occurs rapidly,*
- b. *There are numerous disturbances and allogeneic successional changes impacting on the environment. These include the loss of habitat, invasive species, degradation and fragmentation from both natural adverse*



*events such as increased intensity of storm events, rising temperatures etc and human interference with the natural environment (NCCARF:2009).*

Rapid shifts in environmental conditions caused by introduced stressors are likely to result in changes in dominance among species (Huston: 1998). The NCCARF (2009) contends that isolating climate change from significant disturbances and allogenic successional changes is misleading and counter productive in terms of policy and management.

In this study, the intertidal area, and although limited the native vegetation within the reserve are the most significant contributors to sustaining local biodiversity. Any opportunity to increase the biodiversity within the reserve should be given priority especially where the evidence supports that anthropocentric needs are being adequately met.

### **COUNCIL'S RESPONSE TO CLIMATE CHANGE**

In a report to the Council meeting of 22<sup>nd</sup> March 2010 Council's Climate Change Adaptation (CCA) Working Group recommended that Council adopt the A1F1 climate change scenario which predicts a future where *"emissions remain high due to limited efforts in greenhouse gas emissions reduction and the climate's response is more significant."*

The key climate change impacts that pose the highest risk to Council's operations were identified in the report as deriving from:

- a. Impacts on Kogarah's foreshore and coastal areas as a result of sea level rise, increase watertable and foreshore erosion.
- b. Impacts derived from flooding and overland flows because of increase in the quantity, frequency and severity of rainfall events and the failure of stormwater infrastructure to manage the increase volumes.
- c. Impacts of increasing frequency of extreme weather and storm events resulting in increase in the severity of storms and droughts.
- d. Impacts of higher temperatures on Council's operations, services and community including effects on recreation facilities, biodiversity management, community health, infrastructure, etc.

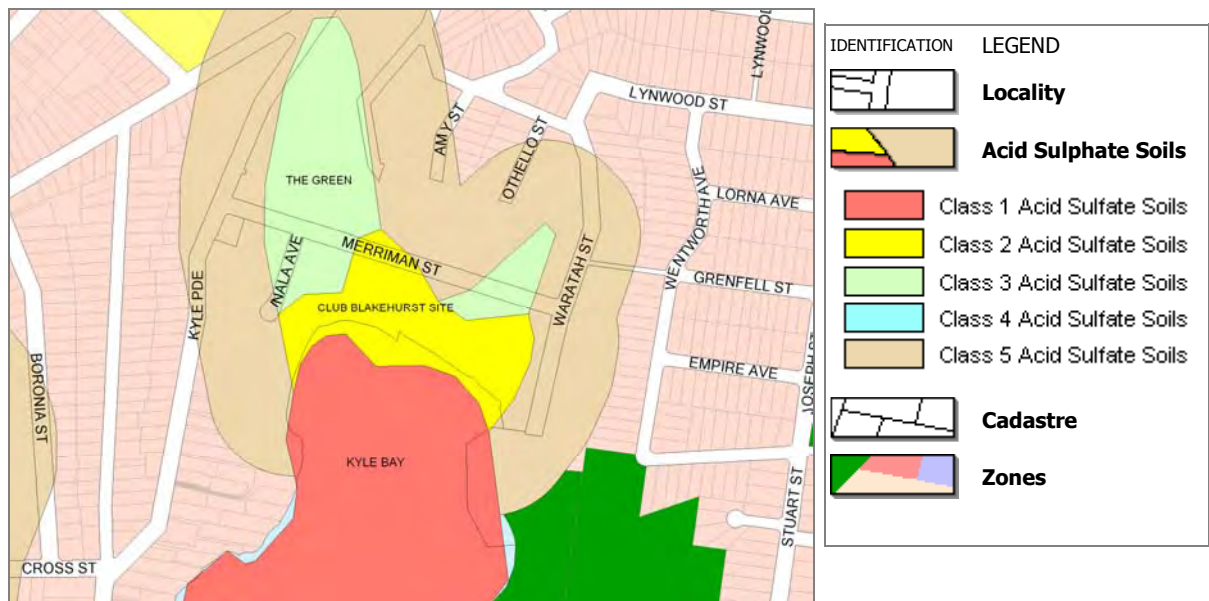
Essentially, Council resolved to adopt the A1F1 Climate Scenario as the basis for Council's Climate Change Adaptation work, recognised the key climate change risk to the City and to continue to work towards maintaining its ability to deliver its services to the community over the next 20 years to 2030 and minimising climate change impacts wherever feasible.

## ACID SULFATE SOILS

Acid sulphate soils (ASS) are soils containing iron sulphides. When exposed to air, these iron sulphides oxidise and produce sulphuric acid. They are found in layers of waterlogged soil which can be comprised of clay or sand and are usually dark grey with a soft texture. The acid is a toxic mix that has the potential to cause significant environment damage, corrode concrete, iron, steel and certain aluminium alloys.

Map 4.

MERRIMAN RESERVE, KYLE BAY – ACID SULFATE SOILS



In 2006 Hayes Environmental Consulting Pty Ltd (HEC) submitted a report to Council entitled *Acid Sulphate Soil Assessment & Management Plan, Merriman Reserve Beach, Kyle Bay NSW*. Based on the findings of the ASS assessment, HEC concluded that:

- Merriman Reserve is located in an area of low lying (<2m Australian Height Datum) disturbed terrain, the top soil is of unknown origin and consists brown, imported top-soil / fill materials;
- It is envisaged that the bedrock is Hawkesbury Sandstone (>5.8m Below Ground Level ((BGL));
- Soil samples indicated factors relevant to ASSs, these included the presence of dark grey, alluvial, silty sands and marine shell fragments / grit;
- laboratory analytical testing confirmed that oxidised sulphides (i.e. potential Acid Sulphate Soils) were present in the dark grey, silty sand and grey, silty sandy clay dominated soils beyond 0.4-0.8m BGL; and
- the groundwater table was estimated at approximately 1.5-1.8m and likely to be altered during any excavation works (HEC:2006)

Under the provisions of the Kogarah Local Environmental Plan (LEP) a person must not, without the consent of Council, carry out any works below the natural ground surface or works that would impact on lowering the watertable. In addition, any works within 100 metres of land classified as potential acid sulphate soils that is likely to lower the watertable. Further reference needs to be made to the Kogarah LEP section entitled *Development on Land Containing Acid Sulphate Soils*.

# Environment Policies, Strategies & Actions

## ENVIRONMENT POLICIES, STRATEGIES & ACTIONS

Environment, policies strategies and actions include the undertaking of research or specific studies to provide relevant information that would further enhance management decision-making and assist in implementing best practice park management. Table 28 lists appropriate policies, strategies and actions for all Local Parks.

Table 28

Environmental, Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
Council to manage, protect, restore, enhance and conserve the natural environment in a manner consistent with and promotes ecological sustainable development.	To comply with the Charter of the Local Government Act, 1993 and as Trustee of Crown Reserves the Crown Lands Act, 1989 with regards to its responsibilities to environmental management, conservation and protection.	Council to comply with the provisions of the Charter of the Local Government Act, 1993 and as Trustee of Crown Reserves the Crown Lands Act, 1989 concerning environmental management, conservation and protection.
Council to implement ecological sustainable development practices as prescribed in the Kogarah Local Environmental Plan.	To engage in best practice ecological sustainable development practices.	Implementation of energy conservation practices in design and construction works.  Utilisation and integration of ecological systems into built and landscape structures and works.  Minimisation of the use of new resources. Percentage of recycled resources used in development projects.  Minimal impact on the environment and ecological systems.
Recognise the significance of maintaining and understanding ecological processes and the need to maintain relevant information and build on knowledge to ensure best practice ecological management of parks, estuary and riparian biodiversity that the Reserve contributes.	To comply with the provisions of Australia's Biodiversity Conservation Strategy 2010-2020.  To gather knowledge and understanding of the role and function of Merriman Reserve in the conservation and rehabilitation of local ecological systems.	Ecological processes are being maintained, conserved, rehabilitated, regenerated and protected under best practice management processes and procedures without incurring unintentional impacts by incorporating the precautionary principal to ecological management.
Include the biodiversity of Merriman Reserve when preparing and implementing plans for biodiversity conservation to protect threatened, endangered, rare or remnant terrestrial or marine flora and fauna species.	To comply with the provisions of Australia's Biodiversity Conservation Strategy 2010-2020.  To provide direction for the future planning and management of biodiversity under potential conditions of climate change.	Merriman Reserve biodiversity issues addressed in significant biodiversity planning.

## Environmental, Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
<b>CROWN RESERVE LAND</b>		
Council to maintain and protect Merriman Reserve's river foreshore beach and dune system.	<p>To prevent damage to local foreshore assets.</p> <p>To prevent erosion of the foreshore.</p> <p>Where feasible to prevent seawater encroachment into foreshore and beyond.</p> <p>Where feasible to prevent loss of the beach and parkland of the Reserve.</p> <p>To protect the aesthetic value of the foreshore.</p> <p>To protect existing intertidal marine habitat.</p>	Council to monitor and report the impacts of climate change and adverse weather conditions on the foreshore area of the Reserve.
<b>CLIMATE CHANGE – MITIGATION &amp; ADAPTATION</b>		
<p>To monitor Federal and State policies, guidelines and legislative responses to Climate Change for Coastal Estuary Environments.</p> <p>Prepare a Climate Change Policy for Foreshore Recreational Assets &amp; Infrastructure based on the adopted NSW Government Sea Rise Policy Statement.</p>	<p>To response to Federal and State policies, guidelines and legislation that addresses Climate Change issues relevant to Kogarah City Council.</p> <p>To implement mitigation and adaptation strategies to be identified by Council in any future planning documents that address Climate Change risks.</p>	<p>Initiation of Federal and State Government policies, guidelines and legislation that addresses Climate Change issues relevant to Kogarah City Council.</p> <p>Monitoring of Climate Change and identification of risks to local parks.</p>
<b>LANDSCAPE MASTER PLANS &amp; LANDSCAPE CONCEPT PLANS</b>		
In public consultation in accordance with Level 3 of Council's Community Consultation Policy prepare either a landscape master plan or concept landscape plan to embellish and upgrade Local Parks.	<p>To develop a landscape plan to meet the expectations, recreational needs and environmental quality of the local community.</p> <p>To continue to provide high quality recreational venues and environments that enhances the recreational experience within the Reserve.</p> <p>To contribute to the streetscape amenity that landscaped parks provide within an area.</p> <p>To improve by planting of native flora the biodiversity within the landscape and provide habitat for native avifauna.</p>	<p>A diversity of high quality landscapes within Merriman Reserve that complement's identified community needs, the environmental setting and surrounds.</p> <p>Public feedback on the adopted landscape design that satisfy the expectations of the Local community in terms of the parks visual amenity defined in terms of colour, complementary plant species, layout, structures and artworks.</p>
Where reasonable, address private resident's requests to maintain views.	To find a compromise in the perception of a "right to a view" from private property.	Instigate the assessment process for private view as established in the Land & Environment Court in Tenacity Consulting vs. Warringah (2004) NSWLEC 140 and the Kogarah City Council residential design guidelines 2005.

# Economics

## ESTIMATED LAND VALUE OF MERRIMAN RESERVE

There is need as part of the preparation of this plan of management to establish the economic value of the land that comprises Merriman Reserve as well as the capital investment required to improve and maintain the land, its facilities and resources in a manner that best addresses the community's needs. The purpose is to fully recognise the assets value in terms of its social, environmental and economic benefits and the cost of failing to maintain and develop these assets in a manner that maximises its full potential. It is proposed that there is a need for Council to communicate to the public the many values and benefits of the Reserve as a basis for justification for continued investment.

The *Local Government Asset Accounting Manual, 1999* states that land valuations provided by the Valuer-General or independent valuer may be the most appropriate and simplistic method of obtaining most types of land value. By utilising the concept of current cost land will be valued at market value. Subsequently, in 2006 McLennan Steege Smith & Associates, Valuation & Property Consultants were appointed by Council to undertake and prepare a valuation report on various public open space areas within the Kogarah LGA for the purpose of preparing Council's Section 94 Acquisition Plan. The valuations were not comprehensive in that they did not include all the parks and reserves within the LGA but did take a representative sample across the LGA. Merriman Reserve was not included in the valuation process. However, for example, nearby Donnelly Reserve with an area of 2.4 hectares (24,000m<sup>2</sup>) on the foreshore of Connells Bay at the time was market valued at \$21,100,000 while the Valuer General recently estimated its value at \$1,992,500. The obvious discrepancy between the methodologies causes some concern when trying to value Council's open space assets. However, it does provide some insight into the lands value to the community. In 2011 the NSW Valuer General notified Council that the total value of Merriman Reserve with an area of 1.33 hectares (13,300m<sup>2</sup>) was \$1,750,000. As with the Donnelly Reserve discrepancy this is considered well below the market value for this amount of quality foreshore land.

The methodology for this study to establish an estimated market valuation of Merriman Reserve was based on the decisions handed down in the Land & Environment Court in *Hurstville City Council vs. R.T.A.* [1999] NSWLEC 100 (4 May 1999) and *Canterbury City Council vs. R.T.A. of NSW* [2004] NSWLEC 536 (29 September 2004). With reference to this case law the court held that in inner suburban areas of Sydney for a Council to acquire parkland for public open space it would need to purchase lands zoned residential and a 50% discount factor was adopted due to the proposed Community Land classification that would be attributed to the newly acquired land. Therefore the value was based on the immediate adjoining residential land zoned either Residential 2(a) (Low Density) or Residential 2(b) (Medium Density). In the Kogarah City valuation study the report states:

*...waterfront values show a wide variance related to the location, topography and size of the allotments ranging between approximately \$1,200 per square metre to \$1,700 per square metre.*

Using the above methodology to establish an estimate of market value for Merriman Reserve directly on the foreshore of Kyle Bay with an area of 13,300 m<sup>2</sup> was valued at the premium price of \$1,700 per m<sup>2</sup>. Subsequently, the reserve has an estimated land value of \$11,305,000.

## ESTIMATED MAJOR ASSET VALUES

Table 29 provides an overview of estimated value of various major assets within Merriman Reserve, Kyle Bay. With reference to Table 29, the total replacement value for the greens is based on \$150,000 per green. The major assets in the Reserve have an estimated total value of \$5,928,000.

Table 29.

MERRIMAN RESERVE, KYLE BAY – EXAMPLES OF ESTIMATED ASSET VALUES			
Facility	Purpose	Approx Scale	Estimated Value \$
Former clubhouse building, air conditioning and other fixtures and fittings as well as building contents.	Bar Restaurant Office & Storage areas	1,224m <sup>2</sup>	\$4,750,000
Three (3) lawn bowling greens.	Playing of the game of lawn bowls / spectator activities	10,105m <sup>2</sup>	\$450,000
Greenkeepers Building	Office Storage Area Toilet	105.07m <sup>2</sup>	\$130,000
Water Storage Tank	Irrigation water	8.55m <sup>2</sup>	\$20,000
Brick Irrigation enclosure, Pump & Irrigation lines	Bore water irrigation pump	5.29m <sup>2</sup>	\$70,000
Soil Storage Bay	Soil storage	8.4m <sup>2</sup>	\$4,000
Mulch Storage Bay	Green waste storage	9.5m <sup>2</sup>	\$4,000
Beach and foreshore improvements	Public use / Habitat Creation		\$500,000

## CROWN LAND RESERVE TRUST REPORTING

### RESERVE TRUST ACCOUNTABILITY

The Crown Lands Act Regulation (2006) specifies the accountability of the reserve trust in terms of the management of the reserve. Clause 33 directs that the Reserve Trust reports must be prepared annually detailing the income, expenditure, assets, liabilities and improvements of the reserve as well as the details of any leases or licences granted by the Trust. Clause 34 directs that the Trust must keep the following records in Schedule 4 of the Regulations. Relative to Local Government appointments as Reserve Trust Managers they are required to:

*...keep separate records to permit analysis of monetary details for each reserve. The account must, among other things detail revenue and expenditure, improvements carried out on the reserves, and list all leases and licences granted or in force.*

*List business or commercial operations currently existing within the Reserve. It is crucial that the Trust adopt economically sustainable management principles with the aim to make the reserve self-sufficient financially.*

### RESERVE TRUST CAPITAL IMPROVEMENT

The Crown Reserve in Merriman Reserve has previously had extensive capital improvements principally to the foreshore area and the inclusion of a public car park that forms part of the former Club Blakehurst complex, extensive foreshore works including landscaping, drainage works, dune preservation and stabilisation works, fencing and park furniture. The total cost of the existing foreshore improvements is estimated to be \$500,000.

Photograph 14.



MERRIMAN RESERVE FORESHORE

## FACILITY PURPOSE, SCALE & INTENSITY OF USE

Table 30, identifies the facility, purpose, scale and intensity of use of those facilities and amenities within that area of Merriman Reserve.

Table 30.

### MERRIMAN RESERVE, KYLE BAY PURPOSE, SCALE & INTENSITY of USE

Facility	Purpose	Approx Scale	Intensity of Use	Use
The Kyle Bay, Georges River building	Bar (The Kyle Bay) Restaurant (Zippo's)	1,224m <sup>2</sup>	Maximum 276 persons per function on the first floor.	<ul style="list-style-type: none"> <li>• Bar services – social area</li> <li>• Restaurant facilities</li> <li>• Office administration</li> <li>• Kitchens</li> <li>• Storage areas</li> <li>• Toilets &amp; locker areas</li> </ul>
Three (3) lawn bowling greens and complementary surrounding landscaped areas.	Playing of the game of lawn bowls / spectator activities	10,105m <sup>2</sup>	Very low to Medium to high with 5-6 competition games per week.	No.1 and No.3 Greens medium use lawn bowls area set-aside for the playing the game of lawn bowls. No.2 Green very low use – used for corporate and social bowls.
Greenkeepers Building	Office Equipment Storage Area Toilet	105.07m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Technical Office administration</li> <li>• Site machinery, tools and equipment, maintenance area.</li> <li>• Toilets</li> <li>• Equipment storage</li> </ul>
Water Storage Tank	Irrigation water	8.55m <sup>2</sup>	Daily	<ul style="list-style-type: none"> <li>• Irrigation of landscape areas and bowling greens.</li> </ul>
Brick Shed (West)	Bore water irrigation pump	5.29m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Irrigation shed.</li> </ul>
Soil Storage Bay	Soil storage	8.4m <sup>2</sup>	Employees daily	<ul style="list-style-type: none"> <li>• Soil storage bay</li> </ul>
Mulch Storage Bay	Green waste storage	9.5m <sup>2</sup>	Daily	<ul style="list-style-type: none"> <li>• Green waste storage bay</li> </ul>
Part Crown Reserve (Car park)	Public Recreation	605m <sup>2</sup>	Low to medium	<ul style="list-style-type: none"> <li>• Leased car park area.</li> <li>• Landscaped boundary area.</li> </ul>
Community Land (Foreshore parkland)	Public Recreation	1,574 m <sup>2</sup>	Low to medium	<ul style="list-style-type: none"> <li>• Public recreation</li> </ul>
Part Crown Reserve (Foreshore Land – beach and part foreshore parkland)	Public Recreation	825 m <sup>2</sup>	Low to medium	<ul style="list-style-type: none"> <li>• Public recreation</li> </ul>



## COST BENEFIT ANALYSIS

All sport and recreational facilities incur a cost and benefit to the community. As such, it is important to understand those costs and benefits and to be accountable in their management. Whatever a sport or recreation facility cost to operate it is important to ensure its use and benefits are maximised to ensure the community receives a return on its investment. As there are finite financial resources for sports and recreation capital projects as well as their ongoing operational cost it is important that allocated funds are maximise the greatest benefit to the wider community.

### LAWN BOWLING GREEN MAINTENANCE COST

With reference to Table 31, using the 2010-2011 maintenance cost reported in each of the cited clubs Annual Reports for 2011 financial year the average annual cost to maintain three fullsize competition lawn greens is in the vicinity of \$37,186. This does not include the on-site greenkeeper's wage which can vary from approximately \$815 gross per week (\$42,380 pa) to exceeding \$880 gross per week (\$45,760) (<http://joboutlook.gov.au>). Using these figures, the average wage for a greenkeeper would be approximately \$44,070 per annum. Using the above averages as indicative cost the total minimum cost of maintaining the three lawn bowling greens is \$81,126 per annum. However, these costs substantially increase when bowling greens are refurbished.

The cost of refurbishing a single bowling green can range from \$140,000 to \$160,000 per green. Generally, it is desirable to do a major refurbishment of a bowling green at least once every 10 years. If the average cost is \$150,000 to refurbish a bowling green once over a 10 year period then approximately \$15,000 per annum is added onto the annual maintenance cost. The refurbishment of three greens would result in a cost of approximately \$45,000 per year over the same period. The total cost, including wages, of maintaining three bowling greens would be \$126,000 per year. Using the same averages, the cost of maintaining two bowling greens per year would result in an estimated annual cost in excess of \$111,126 or \$1,111,260 over the 10 year period.

Table 31.

SAMPLE MAINTENANCE COST OF COMPETITION LAWN BOWLING GREENS

CLUB	Club Membership 2011	Bowlers Membership 2011	Lawn Greens No.	Competition Greens No.	Revenue		
					Green Fees 2011	Maintenance Cost \$ 2011	Maintenance Cost \$ 2010
Club Hurstville Sports - South Hurstville Bowls Bocce & Recreation Club	873	Not Reported	3	2	\$19,922	\$48,038	\$65,730
GyMEA Miranda Bowling & Sports Club Ltd	2,317	Not Reported	3	3	\$66,805	\$35,786	\$63,211
Maroubra RSL Memorial Bowling Club Co-Op Ltd	580	Not Reported	3	3	\$23,691	\$37,326	\$26,887
Peakhurst Bowling & Recreation Club Ltd	818	181	3	3	\$44,649	\$29,243	\$57,802
Taren Point Bowling & Recreation Club Ltd	4,955	359	3	3	\$61,809	\$35,539	\$32,026

Source: Cited Clubs Annual General Meeting Reports for 2010-2011 Financial Year

Table 31 indicates that there is a significant cost variation between the financial years 2009-2010 and 2010-2011 in individual bowls clubs expenditure on maintenance of

the bowling greens less maintenance staff wages which were listed separately in cited Clubs Annual Reports. These figures exclude any other ancillary cost.

With further reference to those bowling clubs listed in Table 31 that reported their membership in their 2010-2011 annual reports the 873 members of South Hurstville Bowling Club Pty Ltd in 2011 contributed \$19,922 towards the maintenance of the greens by imposing green fees. A further \$28,116 was provided from funds from other club activities. With reference to the previous cited *Taylor Woodings Chartered Accountants Industry Update Report (July 2005)* it can be assumed that the club's revenue for bowling green maintenance was principally derived from a combination of sources mainly from gambling machines, bar takings and to a lesser extent revenue from the restaurant.

Using the above average cost, with regards to Merriman Reserve, the rarely used No.2 bowling green at the Reserve has reduced maintenance expenditure to approximately \$8,000 per annum. The total cost for the maintenance of the three greens at Merriman Reserve is approximately \$32,790 per annum less ancillary cost. The total cost of maintaining two bowling greens at Merriman Reserve would be approximately \$73,256 per annum including maintenance staff wages.

### ZONE 13 CLUBS WITH TWO OR LESS COMPETITION BOWLING GREENS

It is not uncommon for Bowls Clubs to have one or two bowling greens. The *National Bowls Census Report 2010*, p.22 reports that the average number of greens per bowling club in 2010 was 2.1 greens with an average 14.4 rinks or 7.2 rinks per green. Within Zone 13, there have been a number of lawn bowls clubs that, because of the reduced number of patrons and the cost of maintaining the greens, have had to reduce the number of lawn bowls greens to less than the traditional three competition greens. Generally, the smaller clubs operated with only two competition greens.

Table 32 identifies eight lawn bowls clubs in Zone 13 that have less than the three traditional fullsize competition lawn bowling greens. These clubs represent 34% of all the clubs registered in 2011 in Zone 13 of the RNSWBA.

Table 32.

RNSWBA ZONE 13 – BOWLING CLUBS WITH LESS THAN 3 FULLSIZE GREENS	
Club	No. of Bowling Greens
Bundeena Bowling Club	1
Cooks River Bowling Club	1 (1 additional green used only for Petanque)
Cronulla RSL Bowling Club	2
Francis Drake Bowling Club	2
Moorefield Bowling Club	2
Ramsgate RSL Memorial Bowling Club	2
South Cronulla Bowling Club	2
Club Hurstville Sports	2
South Hurstville Bowls Bocce & Recreation Club	(1 additional green hired out for children's sporting activities)

Two clubs in Zone 13 have converted one of their previous lawn bowling greens into another sporting use including for petanque and another as a children's sports training venue.

## Merriman Reserve Bowling Greens

In assessing the need for three bowling greens at Merriman Reserve consideration has been given to:

- a. The lack of use of the No.2 green over an extended period of time at Merriman Reserve and the ability of the remaining two greens to absorb any additional use.
- b. The cost of the maintenance requirements for the No. 2 bowling green relative to its low use,
- c. The results of the Local Community Survey and the expressed desire by the local community to convert any residual public land back into landscaped parkland,
- d. Blakehurst Bowling Club Inc's low membership when compared to other clubs in Zone 13,
- e. The number of lawn bowling clubs in Zone 13 with less than 3 competition lawn bowling greens. This considered with the national average number bowling greens per club at 2.1 suggesting a workable outcome.
- f. The overall situation concerning lawn bowls clubs in Bowls NSW Zone 13 where a number of clubs have closed or reduced the number of lawn bowling greens because of declining player membership,
- g. Although Blakehurst Bowling Club Inc operate additional teaching programs for schools and corporate events these are not considered to be high enough in numbers or frequency to warrant the maintenance expenditure on a third green specifically for training purposes.

Photograph 15.



MERRIMAN RESERVE, LOW USE & MAINTAINED NO.2 LAWN BOWLING GREEN

It is considered that, relative to the above points, the retention of a third bowling green based on speculative growth in lawn bowls, the need to rotate the greens for maintenance purposes or based on a perceived existing need does not seem to be reasonable grounds to warrant further ongoing financial investment in at least one of the bowling greens. The findings of the studies and the community survey confirm that at least one of the greens at Merriman Reserve can be put to an alternative

recreational use to address the local community needs as identified in the community survey.

Photograph 16.



MERRIMAN RESERVE, HIGH USE NO.3 LAWN BOWLING GREEN

Photograph 17.



MERRIMAN RESERVE, HIGH USE NO.1 LAWN BOWLING GREEN

## BOWLING GREEN DEVELOPMENT PROPOSAL

In discussions with the Executive of Blakehurst Bowling Club Inc to address their needs as well as the identified community needs the following Staged development has been proposed:

1. Bring the No.2 lawn bowling green online by refurbishing it up to competition standard. Assess the options of upgrading to synthetic turf or alternatively re-using the Tifdwarf grass already on the No.1 bowling green.
2. Improve the facilities on both the No.2 and No.3 greens including the provision of shade structures. These two adjoining greens already have an in-ground irrigation system in place which reduces upgrade and refurbishment cost.
3. Convert the eastern No.1 green into a car park and provide entry and exit points on Merriman Street. This bowling green does not have an irrigation system and is labour intensive and therefore incurs higher maintenance cost. This is detached from both the No.2 and No.3 greens which are both located on the opposite western side of the centralised building.

## ASSESSING TURF & SYNTHETIC LAWN BOWLING GREENS

Relative to assessing the options to either refurbish the No.2 lawn bowling green or convert the green into a synthetic grass bowling green in 2004 the Victorian Greenkeepers Association prepared a document entitled *Lawn Bowls Surface Study: Issues & Actions*. The study provided information on a number of issues concerning the comparative benefits and draw backs of natural lawn and synthetic grass surfaces for lawn bowls.

Table 33 provides a brief outline and a general guide of the findings of the comparative study between natural turf as opposed to using synthetic grass for lawn bowls. All cost cited in the Table were estimates at 2004 when the study was undertaken. It is used here as a point of reference. It should also be noted that there have been significant advances in synthetic grass and carpet technology.

Table 33

COMPARING NATURAL AND SYNTHETIC GRASS SURFACES			
Factor	Note	Synthetic Turf	Natural Turf
Hardness	World Bowls Board standard for hardness less than 300g (g=gravities).	(Only sand filled synthetic grass tested) Between 250-1000g	Between 130-200g
Temperature	Surface temperatures for synthetic grass are significantly hotter than natural greens. But no significant difference a 1.5m above ground level	Higher temperatures than natural surfaces – More variation in surface temperatures.	Cool the surface temperature by 5° less than synthetic surfaces – Less variation in surface temperatures
Costs & Benefits	Synthetic surface issues – sand filled surfaces scratch bowls – glare – negative impacts from poor maintenance affect the bowl performance.	Lower maintenance cost – no edging required in construction – extra play time at night and year round. Uniform playing surface.	High water requirements – impediment to growth – turf dormancy – lawn cutting – labour intensive - high maintenance – high chemical applications – high wear and tear -
Environmental Benefits		High water conservation – lower maintenance cost – low carbon emission in carrying out maintenance	Carbon dioxide conversion – heat dissipation – temperature

COMPARING NATURAL AND SYNTHETIC GRASS SURFACES

Factor	Note	Synthetic Turf	Natural Turf
		- no fertilizers required.	moderation – decreased noxious pests & allergy related issues – enhanced biodegradation
Player Preferences	The following findings are based on a survey of 300 Victorian lawn bowlers (Interview with bowlers, @leisure, 2004)	10%	85%
Construction Costs (All cost included in Table x are for a standard 6 rink green 33.5-38.5m long x 33.5m – 38.50m wide.		Totally new synthetic green: \$130,000 = \$150,000* Conversion of a natural green to synthetic: \$90,000 - \$150,000*	Totally new natural green: \$60,000 - \$80,000* Conversion of a synthetic green to a natural green: \$30,000 - \$40,000*
Surface Replacement Cost	Other cost could be incurred if the base or irrigation system also required repairs at the time of replacement.	Synthetic grass: 8-10 years Average subject to the intensity of use and the quality of the synthetic grass \$75,000 - \$90,000*	Natural grass surface 5-11 years average subject to the intensity of use and the level of maintenance - \$30,000*
Maintenance Cost	Cited costs are applicable to cost cited by @leisure for 2004.	\$5,028 per annum (10 year maintenance = \$50,280*)	\$22,720 per annum (10 year maintenance = \$227,200*)
Probable Cost over 10 years		\$470,328* (@leisure, 2004)	\$502,772* (@leisure, 2004)
Number of Days of Use		Available for 52 weeks per year	Greens rested from 10-20 weeks per year
Access for People with Disability		High	Low
Vandalism / Repair	Vandalism includes Graffiti – Fire – Tyre marks - Digging	Impact High – Repairs more difficult higher cost – less downtime	Impact High – Repairs easier with less cost higher downtime

Source: Lawn Bowls Surface Study: Issues & Actions, Victoria Greenkeepers Association, @leisure, 2004 – Victoria State Government  
\* Cited Estimates at 2004 Prices

The findings from the study confirmed that because smaller clubs have restrictions on available funds to maintain turf greens there is a preference for synthetic grass. These clubs also can obtain capital assistance from state government grants which are available to upgrade an existing turf green to a synthetic green but are not available for the purpose of renovating turf greens. Renovation work falls under maintenance and NSW grants are not available to clubs or local Council's for this type of work. However, the NSW Department of Sports & Recreation has recently advised Council that dollar-for-dollar grants are available under their Facility Grants Program for sums up to \$200,000 to change from turf to synthetic grass bowling greens.

The poor condition of the No.2 turf green at Merriman Reserve would require major renovation works. The estimated initial cost would be in the vicinity in excess of \$150,000. However, there would also be ancillary costs if synthetic grass was the preferred option. These costs would include the need to provide security fencing.

Alternatively, should Council wish to pursue the option of installing synthetic grass on the No.2 turf green then its day-to-day cost would be significantly lower. However, a more detailed investigation would be required of the site, including a geotechnical study, changes in synthetic grass technologies, its actual maintenance requirements and their costs and benefits. In essence, what is required is detailed SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) prior to finalising any decisions to commit public funds on this option.

## PREFERRED LAWN BOWLING GREEN TURF TYPE

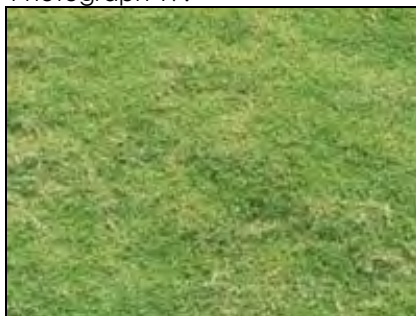
Subject to an unfavourable outcome to change the No.2 lawn bowling green to a synthetic lawn bowling green Blakehurst Bowling Club Inc Executives have advised Council to consider the option of transferring the Tifdwarf grass currently on the No.1 bowling green to be re-used on a refurbished No.2 green.

Tifdwarf grass (*Cynodon Dactylon X C. Transvaalensis*) is a hybrid couch cultivar that has a very fine dark green leaf. If a high level of maintenance is achieved the turf will produce a very tight textured lawn. This produces a suitable surface for bowling greens.

Photograph 18.



Photograph 19.



TIFDWARF GRASS (Photographs: Cabarlah Park Turf)

The advantages of this species of turf are:

- Establishes quickly,
- Recovers quickly from damage,
- Tolerant of high temperatures,
- Tolerant of drought,
- Medium salt tolerance,
- Good wear resistance,
- Excellent spring green up, and
- Tolerates very close low mowing ([www.cabarlahpark.com](http://www.cabarlahpark.com))

Disadvantages:

- High maintenance grass,
- May lose colour in frosted areas, and
- Requires regular mowing ([www.cabarlahpark.com](http://www.cabarlahpark.com)).

There could be cost savings for Council if it was to transfer the existing turf on the No.1 bowling green to the No.2 green. As part of the assessment of options to upgrade the No.2 lawn bowling green Council will need to cost the alternatives, assess the viability to obtain a grant or otherwise and then determine its best option.

## THE KYLE BAY, GEORGES RIVER

As previously noted, the building at Merriman Reserve, currently identified as The Kyle Bay, Georges River, is currently on a temporary lease with Tenora Pty Ltd who operates Zippo's Restaurant / Zips Brasserie & Bar. The venue offers A La carte and Degustation menus at reasonable prices. The venue can also be hired out for functions such as wedding receptions.

As the current use was strongly supported by the outcome of the public consultation and community survey the plan supports this ongoing use of the building for the stated purpose until such time as that purpose is no longer viable to the community.

Council currently derives income from the temporary lessee. As a tender is to be offered after the adoption of this plan of management the current lease arrangements remain corporate-in-confidence so as to avoid publically benchmarking current arrangements to potential future prospective tender applicants.

## PROJECTED BUILDING MAINTENANCE COST

The total insurance value for the former Club Blakehurst building (now The Kyle Bay, Georges River) at Merriman Reserve and its contents has been valued at \$4,750,000. The location of the building on the foreshore of the Georges River exposes it to both salt and sand laden winds which incur high ongoing maintenance costs. If the building is not well maintained in this environment maintenance and repair cost can quickly escalate impacting on the buildings asset value and ultimately its use.

An allocated budget of 0.32% of the total insured value for the maintenance of the building and the replacement of fixtures and fittings would require the sum of \$15,000 be set aside annually specifically for that purpose. Active preventative maintenance schedules would be the most desirable course of action to preserve the buildings longevity and therefore its heritage and community use value.

Photograph 20.



THE KYLE BAY, GEORGES RIVER BUILDING AT MERRIMAN RESERVE.

Under the provisions of the *Local Government Act, 1993* Council, if it wishes to lease the building, will be required to offer a public Tender. At that time, Council will be in a better position assess its revenue potential and allocate funds.



## NEW AMENITIES BUILDING & GREENKEEPERS FACILITIES

The existing amenities and greenkeepers building is located next to the south end of the No.3 bowling green. The building is in a poor state of repair with structural damage. The architecture of the building also detracts from and is unsympathetic to the foreshore setting and surrounding architecture.

The building is also poorly located close to the foreshore in an isolated position outside the boundary of the built area of the park. The building also impacts on the view lines across the foreshore of the park from east to the west and from Merriman Street south to Kyle Bay.

Photograph 21.



MERRIMAN RESERVE, GREENKEEPERS BUILDING & OUTDOOR TOILETS

It is proposed to consolidate the built structures within the park into the existing building zone. This is that area that forms the immediate perimeter area around The Kyle Bay building. Therefore, it is proposed to demolish the greenkeepers building and relocating it next to the No.2 bowling green (Refer to the Merriman Reserve, Kyle Bay Landscape Concept Sketch, p. 9 Key, Item 4).

### **OPERATIONAL FACILITIES FOR BLAKEHURST BOWLING CLUB INC**

As part of the new construction to house the greenkeeper provision should also be made to accommodate the operational needs of the Blakehurst Bowling Club Inc. This would include setting an area aside for a small administration office and storage area.

### **PREFERRED BUILDING CONSTRUCTION**

Because of the uncertain future of lawn bowls in the City of Kogarah, preference should be for two separate buildings to be constructed. The public amenities building should be of a type similar to that provided by Council in parks such as Donnelly Park, Connells Point and Hogben Park, Kogarah (Refer to Photograph 22 and Diagram 2).

Photograph 22.



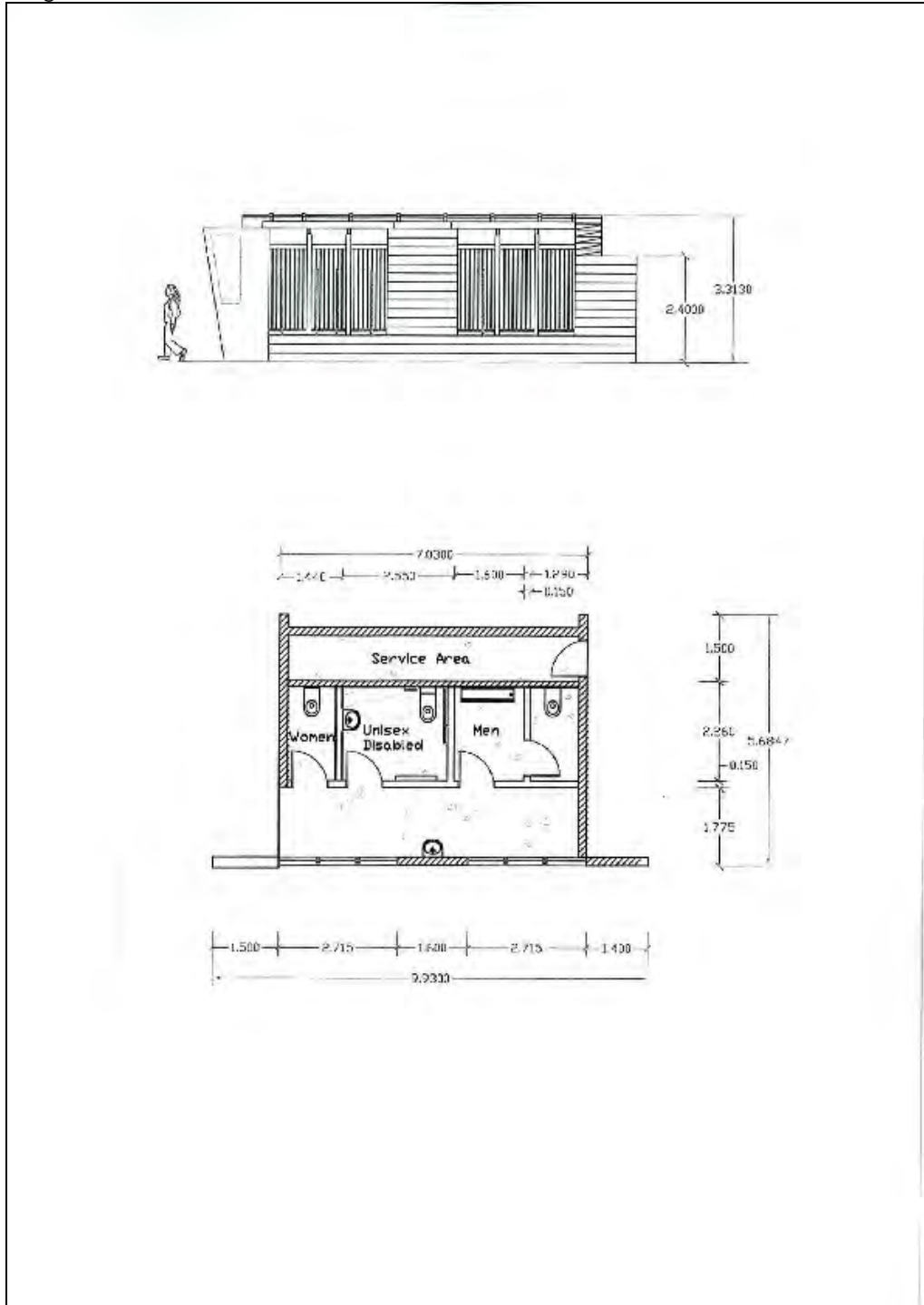
EXAMPLE OF PUBLIC TOILET FACILITIES, HOGBEN PARK, KOGARAH

A second building to be constructed would accommodate the greenkeeper and Blakehurst Bowling Club Inc. To contain building cost, this building could be a prefabricated or demountable structure. Then, should the bowlers facilities fall into disuse this building can be removed at low cost and the area it occupied returned to parkland.

However, to avoid the appearance of two separate buildings in the reserve these two structures should be placed immediately next to one another. This would contain the overall impact on the reserve that would be created by locating the buildings in separate locations within the Reserve.

As this is a replacement of an existing building that is to be demolished the public preference to avoid further building development is reasonably achieved with this option.

Diagram 2.



PROPOSED DESIGN OF THE PUBLIC AMENITIES BUILDING, MERRIMAN RESERVE, KYLE BAY

## BENEFITS

Numerous studies have been carried out worldwide attesting to the economic contribution of urban parks and public recreation venues within a community. Studies by Harnik & Welle (2009), Wolf (2004), Crompton (2001) and others have identified seven community values that various types of parks and recreation facilities provide. The following summarises these values and the benefits to the community.

- **Direct User Value**

Direct use value represents the amount of expenditure residents save by not having to travel to parks to engage in recreation and leisure activities or the travel costs involved in travelling to a park of their choice or the savings from not having to pay market rates to indulge in many park activities provided by commercial venues. The standard of quality of facilities in parks, the diversity of recreational opportunities and the quality of the environmental setting have been found to be major contributors to direct user value savings for local residents. This especially applies to low income families and disadvantaged families. Considerable costs savings to the community can be achieved where the provision of local facilities reflect the local community's preferred use of public parkland.

- **Health Value**

One of the more obvious benefits local parks and their recreation facilities can provide is the opportunity to freely engage in outdoor physical exercise, sport and recreation. The lack of exercise has been shown in many health studies to contribute to obesity and its many effects with both Federal and State Government Health Agencies encouraging Australians to engage in more exercise. Research suggests that access to parks can help people increase their level of physical activity. In addition, there is collective economic savings realised in health costs by local residents because of their use of parks for exercise. In a study of health savings due to residents using the parks of Philadelphia in the United States for the year 2007 there were health savings of \$69.4 million dollars for those in its population of 1,517,550 who exercised in parks (PPA:2007).

- **Community Cohesion Value**

In the Trust for Public Land document entitled *Measuring the Economic Value of a City Park System* states:

*Numerous studies have shown that the more webs of human relationships a neighbourhood has, the stronger, safer, and more successful it is...social capital is strengthened in some cities by parks. From playgrounds to sports fields to park benches...parks offer opportunities for people of all ages to interact, communicate, compete, learn and grow (TPL:2009).*

The act of improving, renewing, or even saving a park can build extraordinary levels of social capital. This is particularly true in a neighbourhood suffering from alienation partially due to the lack of safe public spaces (TPL: 2009).

Although the economic value of social capital cannot be measured directly it can be beneficial to determine the amount of time and money that residents devote to parks. The value in terms of both time and financial expenditure that individuals, families, volunteer groups, play groups, educational groups, aged persons and disability groups utilised to visit parks contributes towards and established a contingency value for a park.

- **Visitor Spending**

Well designed parks, whether they are Regional, District or Local parks have the potential to encourage visitation from both within the outside the St George Region. Local shops in near Merriman Reserve can derive a benefit commercially from visitations to the Reserve. The perceived essential marketing factor is the quality of the parks in terms of its landscape setting, the relevance and diversity of the recreational facilities to meet changing recreational preferences and trends. Knowing park visitation rates and visitor origins and their spending may provide an insight into establishing at least a “ball park” figure for some of the more highly used local parks and why others are not used to their full potential or not at all by some members of a community.

## PRINCIPAL ASSETS IMPROVEMENT PROGRAM

Table 34 provides an outline of the estimated total cost of the proposed principal asset improvement programs outlined in this plan. These estimated costs are subject to change overtime. The implementation of this program is subject to many financial factors imposed on Council and its priorities. The principal impacts are related to possible future affects of Climate Change, changes to the State Government's Policy on rate pegging and other unknown priorities that may arise.

Table 34.

ESTIMATED MAJOR CAPITAL IMPROVEMENT COST – MERRIMAN RESERVE, KYLE BAY	
Proposed Capital Works	Estimated Cost \$
Upgrade the No.2 bowling green to competition standard	\$150,000
Supply and install shade covers on the No.2 & No.3 bowling greens	\$25,000
Supply and install 28 x seating designed for elderly persons on No.2 & 3 greens	\$40,000
Convert the No.1 bowling green into a formalised vehicle car park	\$120,000
Demolish the existing maintenance staff building and toilets	\$10,000
Construct a public toilet facility	\$120,000
Construct a demountable or install a portable building suitable for the greenkeeper and provide a small office and storage area for the bowling club.	\$180,000
Convert the rear and part western portion of the existing car park into landscaped parkland.	\$350,000
Construct internal pathways suitable for wheelchair access	\$70,000
Supply and install a children's playground with shade cover	\$80,000
Supply and install park furniture	\$40,000
Supply and install energy efficient park lighting	\$40,000
<b>Total Estimated Cost \$</b>	<b>\$1,225,000*</b>

\*Prices are estimates only. Actual prices will subject to competitive quotations.

## FUNDING

The estimated cost of the proposed projects outlined in this plan are guides only and more detailed cost will be required as part of the preparation of plans, detailed designs and other ancillary costs associated with the proposed project.

The implementation of the strategies and actions outlined in the plan, whether wholly undertaken in one attempt or staged over a period of time will be dependent on the demands made on Council, its preferred priorities in any one financial year and the availability of resources each financial year. Table 35, outlines possible external sources of funding to assist Council in its undertaking of capital works associated with the plan.

Table 35.

POSSIBLE SOURCES OF EXTERNAL FUNDING
Licenses & Leases – rental income
NSW Department of Sport & Recreation – Capital Assistance Program
Land & Property Management Authority - Capital Assistance Programs
Land & Property Management Authority - Public Reserves Management Fund
Department of Planning – Capital Improvement Programs, e.g. Metropolitan Greenspace Program.

The cited external grants are generally available annually but may vary as to the sum of capital assistance available and the criteria for preferred projects being promoted by the funding body. It should be noted that grants are not available to contribute towards maintenance works. These remain the responsibility of Council and any third party lessee or licensee. In addition, grants are available only for a limited time and are not always available every year. The availability of grants can be limited to only 12 months or may be available for a set period, for example grant funding may be available over a three (3) year period for a specific staged project that requires, owing to the extent of the project, extensive financial assistance. Financial assistance from grants is generally confined to a dollar-for-dollar contribution. This requires Council to contribute 50% of the costs of the project and the funding body contributing the other 50%.

The total amount and number of grant funds that are available from any one source at any one time is very limited. The availability of grant funding is also competitive between all applicant Councils. Therefore, Council cannot entirely rely on grants to commence and supplement a project. However, it should apply to any grant body for assistance where any of its projects comply with the grant criteria. This plan of management can assist Council in the preparation of appropriate applications. In addition, the State and Federal Government periodically introduce new grant programs. These may address a specific social, economic or environmental issue. Council will need to monitor these as they are introduced.

As previously noted, grants are not available to assist Council in financing its maintenance for its parks and reserves. Unless balanced by the introduction of new efficiency measures any reduction in existing maintenance expenditure to supplement new capital works should be avoided. The consequences of a failure to adequately maintain a valuable asset is the necessity to bring that asset back online at a later date. This is usually at a higher financial cost to the community. Further consequences result in a loss of public credibility and accountability in asset management as well as a reduction in asset service value. The adage "*prevention is better than cure*" has significant relevance in the management of valuable community assets.

The ongoing maintenance and replacement of the parkland's existing assets should be the preferred course of action where that asset has high community value and use. However, assets whose rate of deterioration have exceeded reasonable ongoing maintenance expenditure, repair or replacement costs, or are under utilised then Council will need to give consideration to converting the asset to another use or asset disposal and divert funding to supplement new development or conversion or improved maintenance of other assets.

# Economic Policies, Strategies & Actions

## ECONOMIC POLICIES, STRATEGIES & ACTIONS

Economic, policies, strategies and actions include the undertaking of research or specific studies to provide relevant information that would further enhance management decision-making and assist in implementing best practice park management. Table 43 lists appropriate strategies and actions for Merriman Reserve.

Table 43.

Economic Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
Comply with the provisions of the Crown Lands Act, 1989 relative to Reserve Trust accountability and reporting.	To comply with the provisions of the Crown Lands Act, 1989 relative to Reserve Trust accountability and reporting.	Compliance with the provisions of the Crown Lands Act, 1989 relative to Reserve Trust accountability and reporting.
Monitor Cost-Benefits	To ensure accountability and transparency.	Annual cost per user – weighted benefits including income.
In consultation with the Blakehurst Bowling Club Inc Executive upgrade or refurbish the No.2 lawn bowling green.  Assess the option of upgrading the bowling green with synthetic turf. In addition, assess the alternative option of re-using the existing Tifdwarf grass on No.1 bowling green.	To allow a reduction of one lawn bowling green from Merriman Reserve by putting the No.1 bowling green to an alternative use.  To utilise the existing irrigation system at this green.  To link the No.2 and No.3 greens that adjoin each other on the western side of the Reserve	Refurbishment of the No.2 lawn bowling green.  Increased use of the No.2 lawn bowling green.
Provide shade cover and seating around the perimeter of the lawn bowling greens.	To address potential health issues from overexposure to sunlight.  To accommodate mature aged persons.	Installation of shade covers.  Installation of seating for bowlers.
Convert the No.1 lawn bowling green into a gated public car park to close if and when lessee of The Kyle Bay, Georges River closes of a night.	To permit the conversion of the foreshore from an existing car parking area to public parkland.  To open up the foreshore to the public.	Conversion of the No.1 bowling green into a public car park.
Construct a new public amenities building for day light use only.  Construct a second building adjoining the public amenities building. This building to house the greenkeepers facilities and make provision for an office and storage area for the bowling club.  Assess the option of constructing a demountable or prefabricated building for the greenkeepers & bowling club building.	To improve the public amenities at the Reserve.  To preserve the architectural integrity of the buildings at the Reserve.  To provide for an expected increase in park visitation and participation in outdoor recreation at the Reserve.  To provide facilities for the groundsman and his/her work requirements.	Construction of a new architectural designed amenities building.  Construction of a prefabricated demountable greenkeepers storage building attached to the new amenities building. The greenkeepers structure is to have a small office and small storage area for use by Blakehurst Bowls Club Inc.

## Economic Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
	<p>To provide facilities for the lawn bowlers.</p> <p>To improve the visual aesthetics of the park.</p>	
Demolish the existing outdoor amenities and greenkeepers storage building	To remove an unsightly designed building from the immediate foreshore area and eliminate its high negative impact on the views across the park.	Demolition of the building and restoration of the site into landscaped parkland.
The lessee to prepare a building maintenance schedule.	To provide a means to ensure the upkeep and good appearance of the buildings interior and exterior, landscaped areas and access ways.	Building maintenance schedule submitted to Council.
Audit electricity use at the Reserve and introduce economical power consumption practices, fixtures and fittings.	To provide energy efficient practices to reduce carbon loads on the environment.	Electrical efficiency audit prepared and recommendations implemented.
Audit portable water use at the Reserve and introduce economical water consumption practices, fixtures and fittings.	To provide water efficient practices to reduce waste.	Water efficiency audit prepared and recommendations implemented.
Implement a high level of park and foreshore maintenance at the Reserve.	<p>To retain the appearance of the reserve to complement it as a preferred destination for indoor our outdoor recreation.</p> <p>To provide an aesthetically pleasing environment that complement's a quality public venue for indoor and outdoor dining.</p>	High public rating of >60% satisfaction with the appearance of the reserve, its buildings, fixtures and fittings and other infrastructure.
Seek Federal and State Government Capital Assistance Grants.	To obtain capital assistance for selected recreation and park projects.	Number of projects partly or fully funded by Federal or State Capital Assistance Grants.



# Appendix 1

LOCAL COMMUNITY SURVEY

Our Contact: Gary Eastman  
Direct Phone: 0419 580 848 / 9330 9473  
Our Reference:



14 October, 2011

## **RESIDENT**

Dear Resident,

### **Merriman Reserve, Kyle Bay Community Survey - Merriman Reserve Draft Plan of Management**

I wish to advise you that Council is preparing a draft Plan of Management for Merriman Reserve, Kyle Bay to determine the future use of the former Club Blakehurst site which went into liquidation in 2010. Since then Council has managed the site and has a short term lease with the operator of the The Kyle Bay group who manage Zippo's Restaurant. It has also issued a permit to Kyle Bay Bowling Club so they can continue to use the bowling facilities.

During recent public consultation it was found that only two of the three bowling greens at the site are use consistently while the third is under utilise. Public participation in lawn bowls has declined over recent years. Two issues to consider are what alternative use the No.2 bowling green could be put to so as to benefit the community and are there any other suggestions for the use of the building.

To assist in determining the future of the site Council is working with the key stakeholders and is conducting this random household survey of 800 residential properties in the area. This will allow others to have input into the planning process and allow consideration of other preferred uses of the site and its facilities.

As a selected household it would be appreciated if you could complete the survey and return it to Council in the enclosed prepaid envelop by the close of business on the 4<sup>th</sup> November 2011. Your participation would be appreciated.

Should you require any additional information please contact me on 0419 580 848 or by email at [gary.eastman@kogarah.nsw.gov.au](mailto:gary.eastman@kogarah.nsw.gov.au), or 9330 9473.

Yours faithfully,

Gary Eastman  
*Manager*  
*Recreation & Urban Landscapes*

# Merriman Reserve, Kyle Bay Community Survey



1. Gender of respondent, please tick one of the following.

Male <sub>1</sub>      Female <sub>2</sub>

2. Age group of respondent (years), Please tick one of the following.

Less than 18 years of age <sub>1</sub> 18-25 <sub>2</sub> 26-35 <sub>3</sub> 36-45 <sub>4</sub>

46-55 <sub>5</sub> 56-65 <sub>6</sub> 66-75 <sub>7</sub> 76+ <sub>8</sub>

3. Please enter the name of your Street where you live .....

4. Family Type, please tick one of the following.

Single <sub>1</sub>

One parent family <sub>2</sub>

Two adults no children <sub>3</sub>

Two adults and children <sub>4</sub>

Two adults with children and teenagers <sub>5</sub>

Other <sub>6</sub>

5. When you visit the Reserve are you likely to be:

Alone <sub>1</sub>

With a pet <sub>2</sub>

With family and/or friends of a similar age group <sub>3</sub>

With family and/or friends of a much different age group <sub>4</sub>

With one or more children under 6 years of age <sub>5</sub>

With one or more children between 7-11 years of age <sub>6</sub>

In the company of teenagers between 12-19 years <sub>7</sub>

With aged and/or persons with a disability <sub>8</sub>

6. Which of the following reasons would you most likely visit Merriman Reserve?  
Please tick one or more of the following:

- View the scenery  1
- Meet new people  2
- Do something with friend's  3
- Keep physically fit  4
- Just do your own thing  5
- Release tension  6
- Experience new and different things  7
- Be near people who enjoy the same things  8
- Do something creative  9
- Be away from the family for a while  10
- Be close to nature and enjoy the outdoors  11
- Experience excitement  12
- Develop new skills and abilities  13
- Think about important issues or problems  14
- Rest physically and relax  15
- Get away from the demands of life  16
- Play lawn bowls  17
- Visit the restaurant  18
- Socialise indoors  19
- Other, please enter.....

7. Because of the diminishing number of people playing bowls Council has been advised that the No.2 Bowling Green is under utilised having very low use that could easily be absorbed by the remaining Bowling Greens. Do you think that it should be converted into landscaped public foreshore parkland for greater community access and alternative recreational use? Please Tick YES, NO or NOT SURE.

YES <sub>1</sub>      NO <sub>2</sub>      NOT SURE <sub>3</sub>

If YES, why and what use would you suggest,

.....

If NO,why not?.....

MERRIMAN RESERVE, KYLE BAY BOWLING GREENS





8. What suggestion would you make to improve Merriman Reserve so that you and your family would benefit from its use?

- 1.....
- 2.....
- 3.....

9. What types of facilities would you NOT LIKE to see in Merriman Reserve?

- 1.....
- 2.....
- 3.....

10. What alternative use would you suggest that the existing building at Merriman Reserve could be used for, e.g. Community meeting rooms, community arts and crafts centre, a combination of community uses etc, or leave it as a restaurant / bar facility?

- 1.....
- 2.....
- 3.....
- 4.....

11. PLEASE ENTER ANY ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE

.....  
.....

**SURVEYS MUST BE RETURNED IN THE ENCLOSED ENVELOPE OR BY MAIL TO:**

MERRIMAN RESERVE POM  
KOGARAH CITY COUNCIL  
2 BELGRAVE STREET  
KOGARAH NSW 2217

**OR YOU CAN SCAN YOUR SURVEY AND SEND IT TO:**

**[gary.eastman@kogarah.nsw.gov.au](mailto:gary.eastman@kogarah.nsw.gov.au)**

**BY CLOSE OF BUSINESS ON FRIDAY, 4th NOVEMBER, 2011.**

# Appendix 2

## **REPORT ON THE PUBLIC MEETING TO CONSIDER THE DRAFT PLAN OF MANAGEMENT TO CATEGORISE COMMUNITY LAND**

### **MERRIMAN RESERVE, KYLE BAY**

#### **Contents:**

- 1. Introduction**
- 2. Background materials**
- 3. Purpose of this report**
- 4. Author of this report**
- 5. The land that forms Merriman Reserve, Kyle Bay**
- 6. Assignment of Land Category**
- 7. General Comments**
- 8. Summary**

#### **1. Introduction**

At the public hearing which took place at the function room in the building in Merriman Reserve, Kyle Bay on 12th June, 2012 a document titled Kogarah City Council Draft Merriman Reserve, Kyle Bay Plan of Management was discussed.

I explained that the purpose of the public hearing was to enable members of the public who attended that meeting to discuss the Draft Plan of Management and to voice their opinions on the Draft Plan of Management in an open public forum.

Since the enactment of the Local Government Act, 1993 councils are required to identify all the land owned and controlled by the council and they are also required to categorise that land as either operational land or community land. Operational land in the hands of the council is exactly the same as land owned by individuals and the council is free to acquire and sell that land in the open market. Community land is generally open spaces in the nature of parks. The community has the opportunity to inform the council on how the members of the public who attended this public forum think Merriman Reserve should be managed. The Draft Plan of Management has been evolving over time and this report will be taken into consideration by the Councillors before they make the final decision on the form of the Final plan of Management.

## **2. Background materials**

In preparing this report, the following were taken into consideration:  
Kogarah City Council Draft Merriman Reserve, Kyle Bay Plan of Management 2012 of 121 pages (attachment 1). This document is available on the Council's web site.

Deposited plan 7641 (attachment 2).

Oral participation at the Public Hearing by fifteen members of the public who registered their attendance by recording their names and addresses in an Attendance List which is now kept on the council file. (The names have not been recorded here consistently with the Identity Theft Prevention and Anonymisation Policy of the Land and Environment Court.)

## **3. Purpose of this report**

This report is intended to assist the Councillors in making their decision on how Merriman Reserve, Kyle Bay is to be used in the future.

It is a report back to the Councillors on the feelings of people who attended the public hearing.

## **4. Author of this report**

This report has been prepared by Michael McMahon who is a solicitor with specialist accreditation by the Law Society in Local Government and Town Planning. He is completely independent of Kogarah Council and he has been given freedom on the preparation of this report. He has visited the park and the surrounding area. He observed the part of the building in which the hearing took place is currently used as a function room capable of being divided into smaller rooms by wooden doors. A bistro/restaurant upstairs was in use that evening.

## **5. The land that forms Merriman Reserve that forms the basis of this report**

Photograph 1 on page 15 of attachment 1 is an aerial photograph of the land taken circa 1961.

Photograph 2 is a more recent aerial photograph, shown on page 19 of Attachment 1 and that shows the proposed land categories and the Crown Reserve.

Photograph 3 on page 21 shows the position of Crown Reserve R100242.

Table 1 on page 15 contains a list of the lots and Deposited Plans which make up Merriman Reserve. Kogarah Council is the registered proprietor of the above land that is under Torrens Title. Kogarah Council is the Reserve Trust Manager of the Crown Reserve.

A doubt was raised at the start of the hearing on the eastern boundary of the land. Attachment 2 to this report is a copy of Deposited Plan 7641. If one



looks at Table 1 on page 15 and compares it with DP 7641, reading from the bottom of the table upwards, Lots 7,8,9,10 and 11 are all part of section 1 in DP 7641 as well as lot 40. The eastern boundary is between lots 7 and 6. Lot 6 has subsequently been subdivided and photograph 2 shows a battle axe house at 14A and a street frontage house at 14. I am satisfied that the colourbond fence shown in photograph 4 on page 25 is on (or close to) that boundary.

## **6. Assignment of Land Category**

There was unanimous support for the suggestion that instead of converting No. 1 Bowling Green into general community use (for carparking), that green should remain as a bowling green and should be categorised as sportsground.

At the same time, the new carpark should be constructed in the position of the existing No.2 Bowling Green, so that land should be categorised as General Community Use. The existing carpark between that new carpark and the building should be retained as carpark so that the combined carpark is adjacent to the entrance to the building. The area shown green in photograph 2 between the point of the building and the area categorised as sportsground could be categorised as general community use so as to enable it to be retained as carpark and it could also accommodate the new amenities building and green keeper's facilities referred to on page 105 of attachment 1. The repositioning of the carpark would have the advantage of cars lights not shining into the houses on the other side of Merriman Street, which would have been a problem with the carpark being located on the other side of the building. A carpark in this position would also have the advantage of being available for people using the green open space on the other side of Merriman Street, particularly on weekends.

## **7. General Comments**

There is a fundamental problem with the current mix of uses on this community land. The three bowling greens exist because there is a building on the site that was used by members of the bowling club. That building is no longer used as a club house for the bowlers. Pages 60 -63 of Attachment 1 reveal the decline of bowling as a sport. At page 62 it is stated: "Within the Royal NSW Bowls Association Zone 13 a total of 11 (34%) of the bowling clubs have closed."

There were six points raised that warrant consideration:

1. Locking gates.

The locking of the gates at night after the restaurant closes is fully supported as that practice at the present time has eliminated the problems with hoons late at night.

2. Facilities for people who play bowls.

Now that the clubhouse is no longer under the control of the bowling club new members are not joining. For it to function as a club toilets are essential and a

kitchenette and meeting area with somewhere to sit are desirable. There was a comment during the public hearing that the club spirit was maintained by the use of a demountable building when the main building was damaged by fire. It is noted that on page 105 of attachment 1 it is proposed to demolish the greenkeeper's building and relocate it next to the No.2 bowling green and as part of the new construction to house the greenkeeper "provision should also be made to accommodate the operational needs of the Blakehurst Bowling Club Inc. This would include setting an area aside for a small administration office and storage area." The general consensus of this hearing also asked for somewhere to sit out of the weather, own toilets and kitchenette with somewhere to lock up bits and pieces.

### 3. New lease of the Kyle Bay building.

The feeling of the meeting was that the suggested alternative use of the former Club Building was the same as the survey results set out in Table 27 to Attachment 1 results, being "As is (No Change)". There was concern about whether the proposed lease would further isolate the bowlers. Pages 25 to 30 of Attachment 1 confirm that further input is available because council is obliged to comply with section 47 of the Local Government Act, 1993 which requires public notification and consideration of submissions from the public.

4. Public notification. There were 15 members of the public who registered their names and addresses but there was concern that many of the notifications that were sent to neighbours ended up in the "junk mail" and more people could have attended. I was satisfied that a good cross section of the community attended and they had the opportunity to have their concerns considered.

### 5. Access to the new parking area.

It was suggested that the entrance to the new carpark could be from Inala Avenue with the exit being the current exit onto Merriman Street. This is something for the traffic engineers from council to work out.

### 6. Maintenance of the foreshore landscaping.

Concern was also expressed about maintaining the landscaping around the foreshore. This does not need to form part of a plan of management but now that Council is aware of it a visit from Council rangers should fix this problem.

## 8. Summary

I find that the strategies in the Merriman Reserve, Kyle Bay Draft Plan of Management for the land identified in Table 1 of Attachment 1 are generally suitable for adoption, subject to consideration of the six points set out in the general summary in the 7th heading.

The members of the public who attended this public hearing have requested council to consider amending the Draft Plan of Management by making the following changes to the land categories shown on photograph 2 on page 19 of Attachment 1:

Change No.1 Bowling Green to Sportsground.

Change No.2 Bowling Green to General Community Use and add the area in front of the building that was attached to No. 1 Bowling Green as General Community Use.

Change the area categorised as park in the draft plan between the point of the

building and No.3 Bowling Green and the new carpark to General Community Use to enable parking to be available and the location of the amenities building.

Michael McMahon.  
20th June, 2012.

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