



KOGARAH CITY COUNCIL

The Green, Kyle Bay Plan of Management



2013

Prepared by

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INDEX

EXECUTIVE SUMMARY	7
INTRODUCTION	10
ACKNOWLEDGEMENT OF INDIGENOUS AUSTRALIANS	10
WHAT IS A PLAN OF MANAGEMENT?	10
PREPARING A PLAN OF MANAGEMENT Community Land	10 10
WHAT IS A PUBLIC PARK OR RESERVE?	11
PRINCIPAL OBJECTIVES OF THIS PLAN OF MANANGEMENT	11
THE GREEN, KYLE BAY	12
PROPERTY DETAILS	14
SITE HISTORY	14
GOVERNANCE	16
WHAT GOVERNS THE USE & MANAGEMENT OF PARKS & RESERVES?	16
ASSESSING OPEN SPACE POTENTIAL & NEEDS	16
PRINCIPAL GOVERNING LEGISLATION, POLICIES & GUIDELINES	17
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	17
KOGARAH LOCAL ENVIRONMENTAL PLAN	17
WHO CAN MAKE A DEVELOPMENT APPLICATION FOR THE USE OF PUBLIC LAND	17 17
OPEN SPACE 6(A) – OPEN SPACE (PUBLIC) ZONE	18
ASSESSMENT CRITERIA KOGARAH LOCAL ENVIRONMENTAL PLAN	18
STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT) 2008	19 19
EXEMPT DEVELOPMENT	19
COMPLYING DEVELOPMENT	20
ABORIGINAL HERITAGE	20
PERMISSABLE USES OF COMMUNITY LAND	20
PERMISSABLE STRUCTURES	21
STATE ENVIRONMENTAL PLANNING POLICY No.19 BUSHLAND IN URBAN AREAS	22 22
COMMUNITY LAND CLASSIFICATION	22
COMMUNITY LAND CATEGORISAT ION	22
Sportsground	23
General Community Use	23
Park	23
Natural Area – Bushland	23

PLANNING FOR THE FUTURE CHANGE	25
LEASING & LICENSING & OTHER ESTATES FOR COMMUNITY LAND	26
PRINCIPALS OF LEASING & LICENSING COMMUNITY LAND	26
LEASING & LICENSING COMMUNITY LAND & BUILDINGS	29
PUBLIC CONSULTATION FOR LANDSCAPE MASTER OR CONCEPT PLANS	29
ASSESSING THE PERCEPTION OF PRIVATE RIGHTS TO A VIEW	30
DIVIDING FENCES ACT, 1991	31
COMPANION ANIMALS ACT, 1998	31
KOGARAH OPEN SPACE POLICY	32
MANAGEMENT INITIATIVES	33
ASSET MANAGEMENT	33
RISK MANAGEMENT	33
PARK ASSET SERVICE LEVELS	33
Parks & Reserves General	33
Public Buildings	34
GOVERNANCE POLICIES, STRATEGIES & ACTIONS	37
SOCIAL	41
DEMOGRAPHIC ANALYSIS	41
SOCIAL VALUE	41
POPULATION & AGE STRUCTURE	43
Kogarah Local Government Area Population Past & Projected 2006-2036	43
Connells Point & Kyle Bay	44
Blakehurst	44
South Hurstville	45
SUMMARY	45
SOCIAL ISSUES RELEVANT TO PARKS & RECREATION	46
PARKS & RECREATION NEEDS	46
CHALLENGES & IMPLICATIONS	46
ACCESS TO THE GREEN	47
PUBLIC BUS TRANSPORT	47
STREET PARKING	48
PEDESTRIAN ACCESS	49
PARK VISITOR ACCESS	49
RESULTS OF LOCAL COMMUNITY SURVEY	50
Summary of Survey Findings & Comments & Responses	51
Use of the Reserve	51
Visitation Rates	51
Preferred Activities	51
Valuing the Reserve	51
Permitted Activities	52
Restricted Activities	52
Issues & Current Use	52
Improving Sustainability	53
Suggested Landscape Improvements	54
Years a Resident in the Area	55
Respondents Location	55
What facilities do you use or would use?	55

Reason for Visitation	56
SUMMARY	58
DISABILITY DISCRIMINATION PLAN – ACCESS AUDIT	58
DESIGN FOR AN AGING POPULATION & PERSONS WITH A DISABILITY	59
DESIGN CONSIDERATIONS	59
ORIENTATION & WAYFINDING	59
PREDICTABILITY OF SPACE & CONTROL	59
SPATIAL PREFERENCES	60
SENSORY STIMULATION & ENVIRONMENTAL COMPREHENSION	60
SAFE & SECURE ENVIRONMENTS	61
EASE OF ACCESS & TRANSITION FOR PHYSICAL & PSYCHOLOGICAL COMFORT	61
CULTURAL DIVERSITY	61
CULTURAL VISION & PRINCIPALS	62
Respect	62
Equity of Access	62
Commitment to Community Consultation	62
Capacity Building	62
Creativity and Innovation	62
SOCIAL & ECONOMIC POLICIES, STRATEGIES & ACTIONS	63
ENVIRONMENT	64
MANAGEMENT OF THE NATURAL ENVIRONMENT	64
ECOLOGICAL SUSTAINABLE DEVELOPMENT	65
BIODIVERSITY	66
GREEN WEB-SYDNEY	67
SOUTHERN SYDNEY CATCHMENT BLUEPRINT POLICY	67
NATURAL RESOURCE MANAGEMENT	68
POSSIBLE IMPACTS OF CLIMATE CHANGE	69
RAINFALL	69
SEA LEVEL RISE	69
TEMPERATURE	70
IMPACTS ON BIODIVERSITY	71
FLORA	71
COUNCIL'S RESPONSE TO CLIMATE CHANGE	73
ACID SULPHATE SOILS	73
ENVIRONMENT POLICIES, STRATEGIES & ACTIONS	76
ECONOMIC	78
ESTIMATED LAND VALUE OF THE GREEN, KYLE BAY	78
ECONOMIC BENEFITS OF PARKS	79
Direct User Values	79
Health Values	79
Community Cohesion Values	79
Visitor Spending	79
ESTIMATED MAJOR ASSET VALUE & USE	79
COST BENEFIT ANALYSIS	81

INCOME & SPORTSFIELD MAINTENANCE COST	81
PROJECTED BUILDING MAINTENANCE COST	82
COST OF NEW AMENITIES BUILDING	83
STORMWATER HARVESTING & REUSE	86
PRINCIPAL ASSETS IMPROVEMENT PROGRAM	87
FUNDING	88
ECONOMIC POLICIES, STRATEGIES & ACTIONS	90
Appendix 1 – The Green, Kyle Bay Community Survey	91
References	107

Executive Summary

The Green, Kyle Bay Plan of Management has been prepared in accordance with the provisions of the *Local Government Act, 1993* the Kogarah community and especially the residents of Kyle Bay and principal users of The Green.

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 consultation the principal recommendations of for this plan of management are that:

- The Community Land within The Green 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*.
- 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 for activities approved in accordance with the provisions of the governing legislation and the *Kogarah Local Environmental Plan, 1998*.

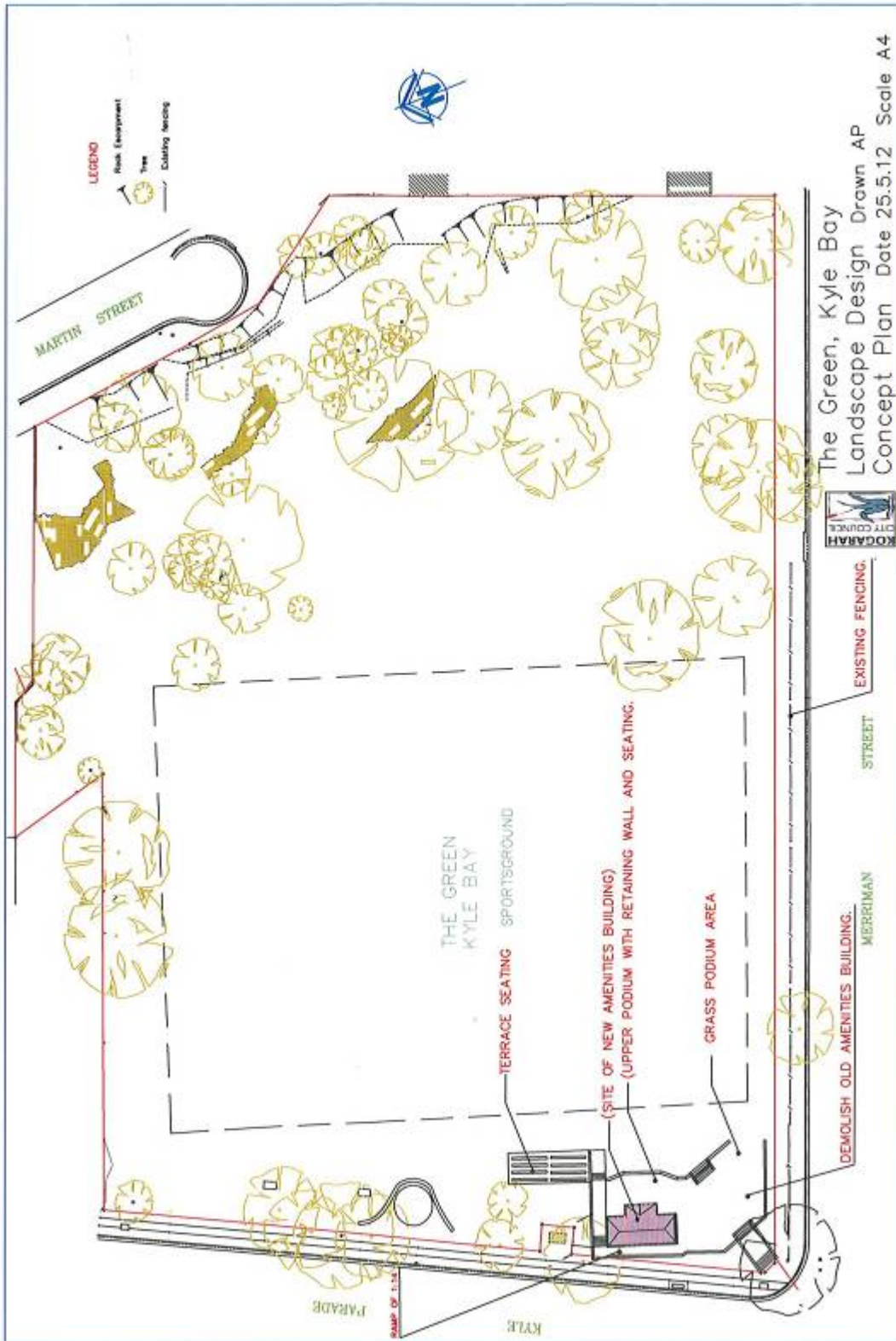
Reference should be made to *The Green Landscape Sketch*, p.9 of the plan to assist in interpreting some of the proposals in this document.

During the preparation of this plan Local residents had direct input by means of providing comments at a public consultative meeting, participating in a resident community survey randomly distributed to 230 residential properties around or nearby The Green.

In summary, the plan provides for the future direction, planning, development and management of The Green, 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.



(SITE AREA = 1.67 ha)

Introduction

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 1st 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).

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 The Green, Kyle Bay, that have been classified as *Community Land*. 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.

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.

The parcels of land that comprise The Green 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*.

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 Green, 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 The Green, 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.

THE GREEN, KYLE BAY

The Green is a 1.6 hectare (16,772m²) public reserve located at 2 Merriman Street, Kyle Bay (Refer to Map 1). The Green is identified as a District park that services the active recreation needs of the surrounding area that includes part South Hurstville, Blakehurst, Kyle Bay and Connells Point. The Green provides for a wide range of recreational activities and has the potential to provide for a diversity of recreational opportunities. Because of its size it also has the potential to address any future changes in the need for community facilities and services.

The main features of The Green Reserve can be summarised as follows:

- The size of the reserve at 1.6 hectares provides the opportunity to address changing recreational and community facility needs;
- the park is effectively located to provide the needs of the surrounding residential area;
- the frontages to the perimeter roads, and the orientation of housing to the Reserve provides for a high level of informal surveillance and potential community safety;
- The Green Reserve has a significant quantity of established trees and shrubs;
- The aging amenities building, kiosk and change rooms at the south-western end have been the subject of significant graffiti. The replacement of the amenities building, kiosk and change rooms will require consultation with the community as to its future design;
- At the south-eastern end of the Reserve is a playground that is enhanced by the natural shade provided by the established trees;
- A sportsground used for junior rugby union and friendly senior rugby union, football coaching and futsal;
- Seating is provided to view sports being played on the sportsground or in the picnic and playground area;
- There is a path, step and handrail through the bushland that connects Martin Street with The Green Reserve, bus stop, local shops and the Kyle Bay Bowling Club and Merriman Foreshore Reserve;
- Parking is currently available as kerbside allocation within Merriman Street, Kyle Parade, Inala Avenue and Martin Street.

Map.1



LOCATION MAP OF THE GREEN, KYLE BAY

PROPERTY DETAILS

The Green consists of *Community Land* in the ownership of Kogarah City Council. Table 1 provides property details of the land comprising The Green that is the subject of this plan of management.

Table 1.

Lot / DP	Manager / Owner	Area m ²
LOT: 12 DP: 778322	Kogarah City Council	537
LOTS: 1-11 DP: 15281	Kogarah City Council	1139
LOT: 2		1306
LOT: 3		1254
LOT: 4		1304
LOT: 5		
LOT: 6		524
LOT: 7		546
LOT: 8		531
LOT: 9		526
LOT: 10		526
LOT: 11		529
LOT: 1 DP: 15597	Kogarah City Council	906
LOT: A DP: 375988	Kogarah City Council	610
LOT: C DP: 375988	Kogarah City Council	810
LOT: 10 SEC: 2 DP: 7641	Kogarah City Council	3153
LOT: 90 DP: 874110	Kogarah City Council	2138

SITE HISTORY

Key events in the history of The Green Reserve are summarised in Table 2. Limited other information can be found regarding the use of the reserve between this time and the early 1960's.

Table 2.

Year	Event
	Land occupied by the traditional owners the Bediagal People of the Eora Nation.
1889	The Green area was part of land that was originally granted to Robert Kyle, an early ship builder and James Merriman. Growth was minimal until the early 1900's. Expansion continued into the interwar period and immediate post-war years.
1914	The area around Merriman St was subdivided as the "Williams Estate" and auctioned on 7 February 1914 (DP 7641).
1921	Lots 11-12 DP 1262 and Lot 13 DP 1263 of the Williams estate were known as the "Recreation Reserve". A drainage easement runs through The Green and exits on the foreshore of Merriman Reserve into Kyle Bay.
1925	Lots 11-13 of Section 1 of the Williams Estate were re-subdivided into 11 lots as the "Kyle View Estate" (DP 15281, date unknown, but probably circa. 1925).
1938	By 1938 Kogarah Council had purchased all but Lot 5 as a public reserve.
1938-1941	Between 1938 and 1941 Council purchased Lot 5 of the Kyle View Estate.
1943	
1959	In 1959 Lots 9 and 10 of Section 1 of the Williams Estate were resumed by Cumberland County Council (Govt Gazette 29/5/1959).
Between 1957 and 1960	Playground equipment and change rooms valued at £1000 had been added to the park.
1961	In May 1961 Lots 1 and 34 and 35 of Section D of the Bayview Estate (fronting Kyle Parade and Martin Street) were transferred to Kogarah Council by Cumberland County Council.
1964	A Declaration of Trust was placed on the Land by the Cumberland County Council on

HISTORY OF THE GREEN, KYLE BAY

Year	Event
	transfer of Land to Council in 1964. This Declaration was placed on the Land to ensure that it remained used for the purposes of a public park, public reserve and public recreation area. Department of Urban Affairs & Planning is the successor to the Cumberland County Council.
1964	Transfer of Reserved Lands Lots 9 &10, Section 2, DP 7641 is complete.
1964	Lots 9 and 10 of Section 1 of the Williams Estate were added to The Green Reserve after 1965
1965	Residents oppose installation of an aerial substation by St George County Council. Kogarah Council concurs with resident views and recommend to St George County Council that a ground substation be established.
1966	Ground substation with underground mains built at a cost of 1400 pounds in total (700 pounds more than an aerial substation) Kogarah Council contributing the additional 700 pounds for a ground substation.
1973	Connells Point Public school use The Green for their winter afternoons for rugby league and netball.
1977	The name The Green Reserve is registered and assigned by the Geographical Names Board on the 10 th June 1977. The Green Reserve is located in the St George Parish in the County of Cumberland.
1983	Kogarah Council seeks a Lease Agreement from Sydney County Council for Lease of Substation Premises No. 10377
1983	Sydney County Council becomes responsible for the electricity supply in the St George Area from 1 st January 1980. Proposal that the substation be regularised by a fifty year lease and Registered with the Registrar General's Department for 10 cents per year (if demanded)
1985	Substation Lease Agreement finalised
1992	Blakehurst Junior Rugby Football Club awarded grant of \$10, 000 from Sport & Recreation for extension to the change rooms and addition of a kiosk, covered, patio area. \$27, 000 is required for the total project which the Club is responsible for contributing.
1992	Club notifies Council that it has only \$7,000 in funds available for the project \$10,000 less than is required. Club seeks Council assistance in meeting the costs either as a loan or repaid as fees for a licence agreement
1993	A licence agreement is drawn up by Council's solicitors and is considered by Blakehurst Junior Rugby Football Club.
1995	Report to Finance, Works & Buildings Committee Meeting to consider a draft Plan of Management for Merriman Reserve (The Green). Council has previously agreed to enter into a ten year lease with the Club but this decision occurred after the enactment of the new Local Government Act and cannot be executed until the Plan of Management is finalised.
1996	Re-orientation of the playing field was opposed by 83% of park user respondents in the draft Plan of Management resident consultation survey. Council resolved to not re-orientate the playing fields as part of the adoption of the Merriman Reserve Plan of Management.
1996	Pinedrive Landscapes of Oatley was awarded the contract for landscape works including excavation, rock and log retaining walls and artificial rocks. The project was value at \$20,000.
1997	Irrigation system installed for the sportsground, playground, gazebo and garden area along Merriman Street. A gazebo is proposed for the irrigation tank adjacent to Kyle Parade.
1999	Council are successful in obtaining capital assistance from sport and recreation grant to the value of \$15,000 to install a path, steps and handrail from the Martin Street entrance.
1999	Blakehurst Junior Rugby Football Club writes to Council in relation to the condition of the amenities building.
2010	Council receive funding for up to \$148, 877 from Sydney Water for restoration Works to nine (9) sportsgrounds that include The Green as part of the Irrigation Landscape Efficiency Project (ILEP)
2011	Kogarah Council installs more flood lighting at The Green
Ongoing	Consistent use for informal and semi-formal sports activities such as school sports days has been a feature of this use of the site.

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*.
- Council policies relevant to the management of *Community Land*.

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.

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.
- The 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 the public's preferences, participation or desire to participate in any particular sports, recreation or leisure activity relative to identified community needs.

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, social, cultural and community needs. 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.

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.

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.

KOGARAH LOCAL ENVIRONMENTAL PLAN

The Kogarah Local Environmental Plan is currently being reviewed. However, no significant changes are expected that would affect the *Community Land* at The Green. Relative to the provisions of the plan the following apply to The Green:

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.

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.

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

The Green 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 m² 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.

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; and
- the incorporation and use of ecological sustainable development building and

management practices.

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 *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 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.

ABORIGINAL HERITAGE

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.

PERMISSABLE USES OF COMMUNITY LAND

The *Local Government Act, 1993* requires Council to consider what activities may require the granting of a licence or lease or other estate. Development and the use of Community Land must also be in accordance with the previous cited legislation as well as the *Environmental Planning & Assessment Act, 1979* and the *Kogarah Local Environmental Plan*.

Permissible activities will be consistent with the:

- Objectives of the land classification and category as outlined in this Plan of Management,
- Objectives for the management of the park,
- Relevant legislation,
- Current and future role of the park and its capacity in providing a diversity of

- appropriate recreation and community facilities, and
- Identified community values for the park.

Tables 3 and 4 provide an example of the types of permissible uses that can occur at The Green in accordance with the governing legislation and the *Kogarah Local Environmental Plan*.

Table 3.

EXAMPLES OF PERMISSIBLE USE OF THE GREEN	
Examples Of Permissible Activities & Use	
Ceremonies	Mobile Food and Beverage Vending
Children's Play	Natural Resource Restoration / Rehabilitation
Casual Sports Activities	Organised Sports & Recreation Activities & Events
Commercial Activities (e.g. Community Market Day)	On-leash Dog Exercise within restricted areas
Corporate Promotions	Passive Recreation
Competition Sports Activities	Picnics and Barbeques
Emergency aircraft landing	Photography and Filming
Environmental Education	School Sports Activities
Habitat Creation	Social and Cultural Activities
Informal bat and/or ball games	Community Services Activities & Programs

PERMISSABLE STRUCTURES

Permissible structures their scale and intensity of use will be governed by the:

- Categorisation of community land,
- Zoning of the land as stated in the *Kogarah Local Environmental Plan*,
- Provisions of applicable Development Control Plans,
- Public demonstrated need for a specific development,
- Character and setting of the land, its suitability for a proposed purpose and its location within the parkland,
- Impact on the overall amenity of and where applicable the natural resources within the parkland,
- Development approval process in the *Environmental Planning & Assessment Act, 1979*, and
- Character of the existing and surrounding structures.

Table 4.

EXAMPLES OF PERMISSIBLE DEVELOPMENT	
Examples of Development Without Consent	Examples of Development With Consent
Drainage works	Centre Based Childcare Services
Minor works & structures e.g. playground equipment	Community Facilities
Lighting	Public Parking
Signage	Public Utility Installation
Seating / Shelter sheds	Refreshment Rooms
BBQs	Sports Amenities Building
Buildings not more than 40m ² in area	
Roadwork's	
Exempt development	

STATE ENVIRONMENTAL PLANNING POLICY NO.19 BUSHLAND IN URBAN AREAS

The general aims and objectives of State Environmental Planning Policy No.19 – Bushland in Urban Areas (SEPP 19) is to protect and preserve bushland within the Kogarah LGA.

SEPP 19 recognises the value of native bushland to the community as part of the natural heritage, in this case Kogarah's natural heritage. It also recognized the aesthetic value of bushland as a means of softening the urban fabric. Natural bushland areas are also valued as recreational, educational and for their scientific value to the community. SEPP 19 outlines specific aims some of which are:

- (a) *To protect the remnants of plant communities which were once characteristic of land now within an urban area.*
- (b) *To retain bushland in parcels of a size and configuration this will enable the existing plant and animal communities to survive in the long term.*
- (c) *To protect rare and endangered flora and fauna species.*
- (d) *To protect habitats for native flora and fauna.*
- (e) *To protect wildlife corridors and vegetation links with other nearby bushland...*

Future reference should be made to this policy when any development is proposed that could impact on the bushland.

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.

Of those land Categories listed above only the following apply to The Green, Kyle Bay. These Categories are the most relevant to parkland and provide the management objectives as provided in the *Local Government Act 1993* for each

Community Land category proposed for The Green, Kyle Bay (Refer to Photograph 2).

- **Sportsground**

The core objectives for land categorised as 'Sportsground' are to:

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

- **General Community Use**

To ensure that the plan is best able to address the future needs of the community, provision. The land category *General Community Use* will permit the leasing or licensing of that portion of the reserve identified in the plan for community facility development while preserving and protecting the lands other assets such as natural resources.

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)

- **Natural Area - Bushland**

The core objectives for management of community land categorised as a Natural Area - Bushland are:

- a. to ensure the ongoing ecological viability of the land by protecting its ecological values in terms of its biodiversity and habitat, the flora and fauna, (including invertebrates, fungi and micro-organisms) of the land;
- b. to protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- c. to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment

of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion;

- d. to restore degraded bushland;
- e. to protect existing landforms such as exposed sandstone ridges, boulders, natural drainage lines, watercourses and foreshores;
- f. to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- g. to protect bushland as a natural stabiliser of the soil surface (LGA: 1993)

Photograph 2.



LAND CATEGORIES AT THE GREEN, KYLE BAY

Table 5, describes the areas to which the proposed land categories apply.

Table 5.

LAND CATEGORY ASSESSMENT

Category	Assessment
General Community Use	<p>The category <i>General Community Use</i> applies to the area of parkland coloured red and marked '<i>General Community Use</i>' in Photograph 2. It includes the public toilets, bus shelter and the kiosk/amenities building adjacent to the rugby field being Lot 12 DP 778322 (536m²). It also includes approximately 973m² of the street front portion of Lot 90 DP 874110.</p> <p>Relative to the attributes of the land, the structures on that land, their use or potential use as multi-purpose recreational or community venues and the ancillary services or opportunities they provide, together with the existing infrastructure, the category for these portions of land is considered valid. Relative to the attributes of the land, its current use and infrastructure having principally been set aside for sporting training and competition, and informal sport, no other category is considered valid.</p>
Natural Area – Bushland	<p>The category <i>Natural Area - Bushland</i> applies to the community land in the north eastern corner marked <i>Bushland</i> in Photograph 2, coloured dark green. Relative to the presence and density of native vegetation, its biodiversity and habitat value no other category is considered valid.</p>
Sportsground	<p>The category <i>Sportsground</i> is to apply to that area of parkland coloured green and marked <i>Sportsground</i> and includes the rugby field (Refer to Photograph 2). Relative to the use and attributes of this portion of parkland, its historical and current use as a sports venue, the existing infrastructure having principally been set aside for the promotion and encouragement of organised sports activities no other category is considered to be appropriate.</p>
Park	<p>The category <i>Park</i> is to apply to that land coloured light green and marked <i>Park</i> on Photograph 2. The area includes part of the playground area, picnic areas set aside for the purpose of enhancing social and cultural passive recreational activities. Relative to the attributes of the land, its current use and infrastructure having principally been set aside for the promotion and encouragement of passive recreational, social and cultural activities the proposed category would be considered the most appropriate for this section of the Reserve.</p>

PLANNING FOR FUTURE CHANGE

Those portions of parkland in Photograph 2 marked in **Red** are categorised *General Community Use*. This land category permits the licensing and leasing of these sites for a range of uses including community services facilities, indoor recreational venues, community hall or meeting venue, sports amenities buildings, senior citizen centres, leisure and craft centres, community emergency centres, playground centres etc. These sites have been nominated to be categorised *General Community Use* to ensure the park is capable of addressing future needs.

The actual type of development on any one site will be subject to the permissible uses outlined in the *Kogarah Local Environmental Plan*, the outcome of any proposed development assessment under the provisions of the *Environmental Planning & Assessment Act, 1979* and any *State Environmental Planning Policy* that may apply now or in the future as well as the public consultation process that is required as part of the assessment of a Development Application.

One of the proposed sites at The Green, at the intersection of Kyle Parade and Merriman Street that is to be categorised *General Community Use* already has a building within that parcel of land (marked **Red** in photograph 2). The building is used by a local sports club and also incorporates a public toilet. It appears to be in poor condition but this needs further investigation by a qualified structural engineer. Also the building is poorly placed at the major intersection adjacent to the park and the local shopping centre. This corner of the park should be a landscaped gateway into the parkland offering vista's across the parkland.

On the northern side of Merriman Street that parcel of land marked **Red** being in Lot 90 DP 874110 has the potential to provide for any identified future community facilities required by the local community. Whether this site is actually used and developed for a community facility will ultimately depend on changing community needs for any particular facility or service. The projected changes in the demographics for Kogarah suggest a transition from the present aging population to one of younger families which may give rise to new needs for community facilities.

LEASING & LICENSING

PRINCIPALS FOR LEASING, LICENSING & OTHER ESTATES FOR COMMUNITY LAND

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 Community Land 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, 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.
Aesthetics	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.
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	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.
Private Access to the Parkland.	(i) 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. (ii) 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. (iii) 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. (iv) 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.
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	(i) 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

PRINCIPLES FOR LEASING & LICENSING

Item	Principles
	<p>being exposed to excessive wear and tear, the natural environment or results in unreasonable inconvenience to adjoining residents and other park users.</p> <p>(ii) 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 (For additional information refer to the <i>Local Government Act, 1993, Section 46 entitled Leases, licences and other estates in respect of community land-generally</i>).	<p>(i) With the consent of the Minister responsible for the Local Government Act, 1993 Council may enter a lease for a maximum period (including the period of any renewal by exercise of an option) up to but not exceeding 30 years.</p> <p>(ii) Council must not grant a lease or licence for a period in excess of 5 years without the Minister's consent if a person objects to the proposal but also if the proposed lease or licence exceeds 21 years.</p> <p>(iii) If Council seeks the Minister's consent for a lease exceeding 21 years it must in its application for that consent forward a statement outlining the special circumstances that justify the period exceeding 21 years.</p> <p>(iv) The Minister may only consent to the lease or licence exceeding 21 years if the Minister is satisfied that there are special circumstances that justify the period of the lease exceeding 21 years.</p> <p>(v) The Minister must provide a person requesting the Minister's reasons for consent to, or refusal of, consent to the granting of consent to a lease under Section 47 within 14 days of the request.</p> <p>(vi) 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>(vii) 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.</p> <p>(viii) Generally, licenses should not exceed 5 years unless associated with new capital improvement works.</p> <p>(ix) 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>(x) Daily, weekly, monthly or seasonal permits are authorised to be offered at Council's discretion.</p> <p>(xi) 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> Agreements resulting in Council subsidising a commercial activity or service 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. 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.

PRINCIPLES FOR LEASING & LICENSING

Item	Principles
Insurance	(i) Lessees and licensees annually must provide Council with copies of their Certificates of Currency for their Public Risk Liability Insurance that must to be the sum as stipulated in their lease or licence agreements. (ii) 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. (iii)The lessee/s of community buildings must have appropriate fire indemnity insurance in the joint names of the lessee/s and Council.

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 be made to the policy on Council's website at www.kogarah.nsw.gov.au.

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 the provisions of the *Local Government Act, 1993* 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 to the park planning process.

ASSESSING THE PERCEPTION OF 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. Relative to The Green 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 12, Dog owners must 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.

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.*

Relative to parks and reserves under the provisions of the *Companion Animals Act, 1998* dogs are prohibited in the following public places:

- Within 10 metres of any children's play area.
- In areas where food is being prepared or consumed unless it is a public thoroughfare such as a road, pedestrian pathway etc.
- Recreation areas including sports fields or areas for the playing of organised games where dogs are declared prohibited.
- Public bathing areas where dogs are declared prohibited.
- Wildlife protected areas.

Council can elect to prohibit dogs from particular areas if there is concern from the community about their presence in a specific public area.

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 The Green. 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 The Green. 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 23rd 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 The Green.

• 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 7 outlines the service levels and timeframes for parks and reserves.

Table 7.

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 Substantial / Medium Risk 7 days – 3 months Moderate to Low Risk 6 months to 12 months	Response Extreme / High Risk 24-48 hours Substantial / Medium Risk 7 days – 3 months Moderate to Low Risk 6 months to 12 months	Response Extreme / High Risk 24-48 hours Substantial / Medium Risk 7 days – 3 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 8 cites the service levels and timeframes for public buildings managed by Council.

Table 8.

BUILDING CATEGORIES		
Category 1	Category 2	Category 3
Major Civic Significance (e.g. Kogarah Library)	Significant (e.g. Oatley Senior Citizens)	Minor (e.g. Carrs 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.		

The Green Reserve contains a variety of capital assets (Refer to Table 9&10) that contribute to the general enjoyment of the parkland for both passive and active recreation. These assets extend the range of opportunities from sports organised activities for both clubs and schools to social recreational activities.

Table 9.

THE GREEN – BUILT STRUCTURES			
Asset	Location	Materials	Comments
Toilet Block	South eastern corner of Reserve	Red brick, metal security grille and metal roofing	Includes women's and men's toilets, men's. Poor visible security for women's toilet. No basin inside women's toilets.
Amenities Building	South eastern corner of Reserve	Painted Red brick, small glass windows with metal roof	Used by Blakehurst Junior Rugby Club. No lease or licence for the occupation on Community Land. The building is in poor condition and appearance. Contains canteen, dressing room with shower, storage.
Bus shelter	South eastern corner of Reserve	Concrete and brick forms part of the toilets building. Painted timber seating	Reasonable condition after recent refurbishment by Council. The building is prone to Graffiti attacks.

Picnic Shelter	Centre of Reserve	Multiple table gazebo. Painted hardwood timber frame and metal roof	Fairly good condition
Rugby Field 102m x 64.4m	Southern and western sides of Reserve	Turf and line marking	Good condition.
Floodlights	Western side of the full rugby field.	Two flood light towers	Two recently installed 20m floodlight towers with two floodlights per tower. Towers located on the north western side of the reserve.
Bush Path	North eastern corner of Reserve	Bush track with aluminium balustrade railing.	Poor condition, loose gravel poses a footing problem for aged persons. Prone to erosion in wet conditions. Handrail requires paint and replacing a section that has been removed.
Park Signage	Merriman Street near access gate	Painted sheet metal signs on tubular steel poles	Requires upgrade to recently adopted signage style for parks.
Park boundary fence	Merriman Street and Kyle Parade	Recycled plastic fencing	Very good condition, highly durable material. Installed in 2011.

Table 10.

THE GREEN PARK FIXTURES & FITTINGS

Element	Location	Materials	Manufacturer	Comments
Picnic Furniture Type 1	Picnic Area	Hardwood timber battens	NA	Poor Condition and appearance
Picnic Furniture Type 2	Picnic Shelter	Hardwood timber and painted tubular steel frame	NA	Reasonable Condition and appearance
Play Equipment	South western corner of Reserve	Powder coated tubular steel and plastic	Ausplay Pty Ltd (Company dissolved more than 10 years ago – spare parts no longer available.	15 years old. Aged appearance requiring modernisation. Minimal play equipment for 0-6 years of age. Condition average, appearance average.
Reserve Seats	Western and eastern edge of rugby field	Aluminium seat and painted tubular steel frame; Timber seat with metal support and concrete base	Unknown	Good Condition and appearance. Range of different park furniture styles detracts for the uniformity of the park furniture impacting the park's amenity value.
Reserve Lighting	Playing fields and amenities building	Metal post floodlights, timer post with metal bowl-shaped surround floodlight, timber post and metal standard streetlight type light.	Sports lights supplied by Sylvania Lighting Australiasia Pty Ltd. Sportz Lighting Pty Ltd installers.	Sports floodlights recently installed are of good condition and appearance. Spot lights and fixtures on the amenities building are unsightly and could be removed.
Reserve Bin Facilities	Various	Sulo, plastic, metal post, concrete base.	Unknown	Varies

Photograph 3.



THE GREEN, AGED & OUTDATED CHILDRENS PLAYGROUND IS 15 YEARS

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 11 lists appropriate policies, strategies and actions for all Parks.

Table 11.

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS		
Policies, Strategies & Actions	Objectives	Performance Measures
COMMUNITY LAND CATEGORY – PARK		
Council to apply the Land Category "Park" to that area of Community Land so labelled on Photograph 2, p.27 of the plan and coloured Emerald Green .	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 land 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.
COMMUNITY LAND CATEGORY – GENERAL COMMUNITY USE		
Council to apply the Land Category "General Community Use" to that area of Community Land so labelled on Photograph 2, p.27 of the plan and coloured Red .	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 land category and the provisions in this plan of management relevant to the land category. To make provision for a diversity of recreational and or future local community service and facility needs.	Council compliance with the provisions of the Local Government Act, 1993 for Community Land. Council adhering to the core objectives of the category and the provisions in this plan of management relevant to the land category. Address identified changing trends in local recreational or community service and facility needs.
COMMUNITY LAND CATEGORY - SPORTSGROUND		
Council to apply the Land Category "Sportsground" to that area of Community Land so labelled on Photograph 2, p.27 of the plan and coloured Olive Green .	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 land 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.
COMMUNITY LAND CATEGORY – NATURAL AREA - BUSHLAND		
Council to apply the Land Category "Natural Area - Bushland" to that area of Community Land so labelled on Photograph 2, p.27 of the plan and coloured Mint Green .	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 land 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

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
LICENSING & LEASING		
<p>This plan authorises Council to enter into lease, licence and other estates for those portions of Community Land Categorised "General Community Use".</p> <p>This plan authorises Council to enter into temporary or seasonal licenses or permits for those portions of Community Land Categorised "Sportsground" for organised and social sports and "Park" for low impact social, educational, recreational, cultural and community events</p>	<p>Council to comply with the provisions of the Local Government Act, 1993 for the licensing and leasing of Community Land.</p> <p>Council to enact the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.18 of the plan.</p> <p>Council to enact its licensing and leasing policy for community facilities.</p>	<p>Compliance with the provisions of the Local Government Act, 1993 for the categorisation of Community Land.</p> <p>Compliance with the core objectives of the category and the provisions in this plan of management relevant to the land category.</p> <p>Enactment and enforcement of the Principles of Licensing & Leasing of Community Land as outlined in Table 6, p.18 of the plan.</p> <p>Where feasible avoid duplication of existing facilities and amenities.</p> <p>Shared use of facilities and amenities.</p> <p>Promote a range of suitable low impact community activities that are not detrimental to the parkland & nearby residents.</p> <p>Monitor the number of complaints & introduce effective management procedures to address concerns.</p>
<p>This plan does not authorise Council to enter into lease, licence and other estates for those portions of Community Land Categorised "Natural Area – Bushland".</p>	<p>To prohibit access by private residents into established bushland.</p> <p>To protect and conserve native bushland as habitat, it's supporting ecological systems and biodiversity.</p>	<p>Bushland protected from destruction of flora, fauna and habitat.</p> <p>The preservation of native bushland to ensure intergenerational equity.</p>
<p>The plan authorises Council to enter into a temporary licence or permit for adjoining residents or their contractors to cross Community Land Categorised "Park" and "Sportsground" 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.</p>	<p>To permit access to private property to carryout development, repair or essential services works where any other means of access is not available.</p>	<p>Compliance with to terms of access when assessing applications to cross Community Land.</p>
DEVELOPMENT GUIDELINES		
<p>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.</p>	<p>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.</p>	<p>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.</p>
<p>Council to prepare Architectural Design Guidelines (ADG) for any future buildings that may be proposed for the park based on</p>	<p>To adopt sustainable architectural design principles for buildings based on the following:</p> <ul style="list-style-type: none"> • Consideration given to the 	<p>Compliance with the criteria within the Council approved Architectural Design Guidelines, Landscape Design Guidelines</p>

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
<p>sustainable design principles and where appropriate with consideration to site's heritage significance.</p> <p>Where feasible, introduce sustainable energy and water saving features into existing buildings.</p>	<p>heritage value and architectural merit of the former clubhouse building.</p> <ul style="list-style-type: none"> • Flexible designs to enhance multiple uses and building longevity. • Utilise strategies that protect and restore water resources. • Improve energy efficiency while ensuring thermal comfort. • Reduce environmental impacts related to energy use. • Promote Occupational Health and Safety in the indoor and outdoor environments. • Conserve water and consider water reuse systems. • Use environmentally preferable building materials such as uncertified rainforest woods, reclaimed woods, and other renewable resources. • Use appropriate plant materials. • Plan for recycling during construction, demolition and occupancy" (Mendler & Odell : 2000). <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 resources.</p>	<p>and Heritage values associated with the Clubhouse.</p>
<p>To provide a plan that provides the means to address any future community needs for additional indoor facilities and amenities.</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>
GOVERNANCE & ASSET MANAGEMENT		
<p>Council to ensure compliance with the Kogarah City Council Open Space, Sports and Recreation Policies 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 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 and other policies affecting the management of the land and its resources.</p>
<p>Council to keep up to date its Park Asset Management Inventory.</p>	<p>To ensure that the Parks Asset Inventory is relevant and kept up to date so as to provide improved management decisions in life-cycle planning and development based on identified community needs for the future use of the reserve and its resources.</p>	<p>The Parks Asset Inventory is relevant and up to date.</p> <p>Assets are managed to ensure appropriate maintenance levels are attained and their appearance are to an acceptable level to ensure their ongoing function and use.</p>

GOVERNANCE, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
<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>To retain the visual amenity of the parkland and its resources.</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>
<p>Where appropriate, Council to prepare a detailed structural design engineers Dilapidation & Risk Assessment Report on the condition of the existing building and its structural integrity, fixtures and fittings prior to issuing any lease agreement.</p>	<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>
<p>Council to prepare a Hazard & Risk Assessment Plan.</p>	<p>To prepare Hazard & Risk Assessment Plan in accordance with AS 4360:2004.</p>	<p>Hazard & Risk Assessment Plan prepared in accordance with AS 4360:2004.</p> <p>A record of monitoring, reporting and addressing Hazards & Risk by Council and lessees. Low to zero hazards identified.</p>
<p>Council to monitor complaints and actions about the maintenance and appearance of The Green.</p>	<p>To assess the effectiveness of Council's maintenance plan and cleaning schedules.</p>	<p>Number of complaints and type identification.</p>
<p>Council to triennially survey of users and residents assessing their use and reasons for non-use of The Green.</p>	<p>To assess the relevance of recreational opportunities, facilities in relation to changing recreational needs and trends.</p>	<p>Implementation of triennial Community and user surveys and actions to address survey findings.</p>

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.

The Green is located in the suburb of Kyle Bay and situated opposite Merriman Reserve. The latter is sited 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

The Green has significant social value to the community as it provides the only sportsfield in the local area, contains a small but relevant area of native bushland vegetation that attracts native fauna both of which are highly value in the community. The parkland also provides areas for picnics, social and cultural activities. The Green together with nearby Merriman Reserve, provides a total of 2.93 hectares of public open space (Refer to Photograph 4). Each of these reserves has a different function and role in providing a diversity of recreational opportunities to the community but together provide a unique outlook and idyllic setting that enhances the amenity of the location that heightens visitor's experiences and enjoyment. Table 12 list the community values for the land.

Table 12.

VALUE STATEMENTS	
Value	Value Statement
Recreation	The Green provides a diversity of high quality passive and active recreational experiences, benefits and opportunities to a diverse community and has the potential to increase the range of recreational opportunities it can provide.
Social	The Green 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 sport, recreation, appreciation of the natural environment, the scenic quality or other preferred leisure or ancillary activities that the venue is found to be suited for.
Cultural	The Green is valued because it creates a strong sense of identity and cohesion within the local community and throughout the surrounding neighbourhood and District.
Natural	The Green is valued as a place that provides native and indigenous flora & fauna habitat as well as providing a corridor for the movement of native fauna between the terrestrial open space and the marine environments along the Georges Rives and hinterland.
Location	The Green is valued for its expanse of public 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	The Green is valued as easily accessible parkland 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 Green 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 Green 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 venue for social engagement and environmental conservation.

Photograph 4.



THE GREEN AND MERRIMAN RESERVE, KYLE BAY

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.

PROJECTED POPULATION OF KOGARAH LGA									
YEAR	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 and 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+
Past				
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
Projected				
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 16, 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.

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
Total	3,592	100.0	-1

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.

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
Total	5,731	100.0	-15

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 The Green. 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
Total	4,376	100.0	245

Reference: ABS Population Census 2006

SUMMARY

When tallying the total population of the surrounding suburbs to The Green 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, 55.4% are from 18-59 years of age and 21.2% 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
Total	13,699	100.0

Reference: ABS Population Census 2006

Nearby Merriman Reserve has a range of specific facilities for both indoor passive recreation and outdoor foreshore passive recreation. The Green provides opportunities for more active recreational activities including sport and because of its size is capable of addressing future recreational and community needs as the projected changes in local demographics towards a younger population comes into effect.

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.*

CURRENT RESERVE USERS

Table 19 list the current users of the reserve's sports facilities and their activities.

Table 19.

PRINCIPAL USER GROUPS OF THE GREEN, KYLE BAY		
Club / Organisation	Facility Used under Annual or Seasonal Licence	Activity
Blakehurst Junior Rugby Union Football Club	Sportsfield / Amenities Building	Rugby Union
La Vida Soccer Coaching Clinic	Sportsfield	Soccer coaching clinics
St George Futsal	Sportsfield	Futsal soccer
Connells Point Public School	Sportsfield	School sports / athletics carnival
Blakehurst High School	Sportsfield	School sports / athletics carnival

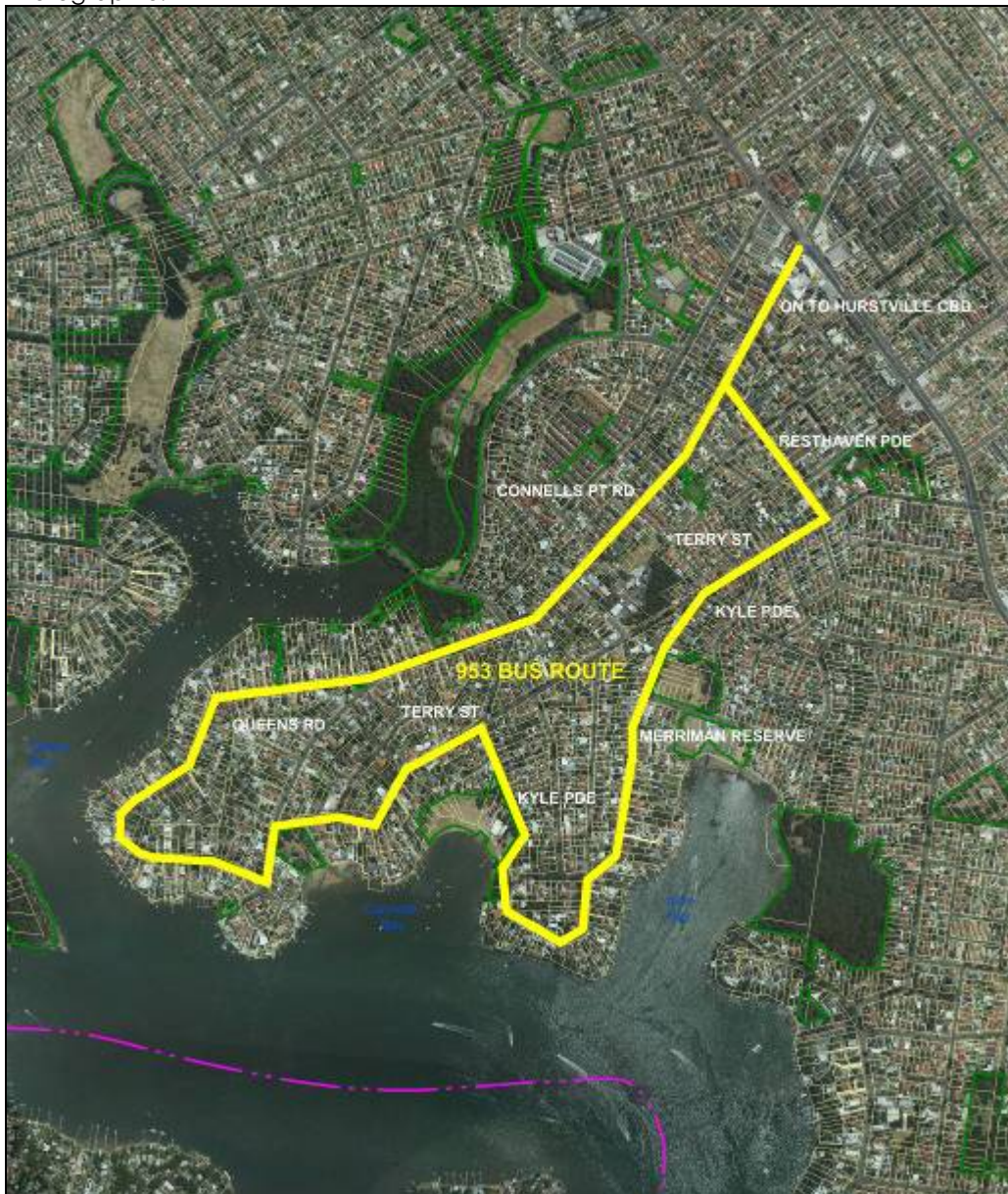
ACCESS TO THE GREEN

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 The Green for those without vehicles.

Photograph 5.



PUBLIC TRANSPORT ROUTE 953 AS OF 03-01-2012 TO THE GREEN

STREET PARKING

There is substantial available street parking along Merriman Street opposite The Green (Refer to Photograph 6) and also some limited parking in Inala Avenue. In winter The Green, is used for both training and competition soccer and rugby union. During these times parking can be an issue for residents and visitors to The Green.

Photograph 6.



MERRIMAN STREET - STREETSCAPE

Both Merriman Street at 10.5 metres wide and Inala Avenue with a width of approximately 7 metres wide are too small 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, provision is to be made for behind kerb parking in Inala Avenue.

Photograph 7.



KYLE PARADE – STREETSCAPE OPPOSITE THE GREEN

Kyle Parade has a 10 metre wide vehicle carriage way (Refer to Photograph 7). The western nature strip in Kyle Parade is adjacent to residential houses and is 6.42m wide and 3.3m wide on the eastern side of the Parade adjacent The Green.

PEDESTRIAN ACCESS

There is no formal pedestrian pathway on the northern side of Merriman Street. However, the southern side of the street does have a standard pedestrian pathway with disabled access laybacks built into the kerbs on the cross streets. Kyle Parade has a pedestrian pathway on the 3.3m wide eastern side of the Parade but only grassed nature strip on the 6.42m wide western side.

PARK VISITOR ACCESS

There is only one formalised pedestrian pathway within The Green. This pathway connects to Martin Street and traverses through the bushland into the lower landscapes section of the park (Refer to Photograph 8 & 9). The gravel and asphalt pathway and handrail is in poor condition and prone to the affects of erosion. It is not suitable for use by persons with a disability. The pathway requires reconstruction with a more durable material.

Photograph 8.



BUSHLAND PATHWAY FROM MARTIN STREET INTO THE GREEN

Photograph 9.



EROSION ON THE MARTIN STREET BUSH TRACK

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.107) to determine the community's preferences for the future use of The Green. 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.

On the 8 November 2011, 230 community surveys were randomly distributed to residential properties in the vicinity of The Green, Kyle Bay. Although advised in Council accompanying introductory letter that submissions would close on the 18 November 2011 actual submissions closed on Wednesday 21 December 2011 as per the notice on the actual survey. Completed surveys could be returned to Council by mail or facsimile or hand delivered to Council's customer service centre. Any inquiries were invited to contact Council's Sports and Recreation Officer.

The hardcopy survey form consisted of 14 questions. As an example, the Questions inquired into how people use the reserve, what they did or did not like about the reserve, how it could be improved etc. Relative to Question 14, this section required the respondent to identify their reasons for visiting The Green. Five concealed "Categories" consisting of a total of 16 sub-category 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

All surveys were registered in Council's records. The results of the survey were analysed using Microsoft Excel.

SUMMARY OF SURVEY FINDINGS - COMMENTS & RESPONSES

1. Use of the Reserve

Of the total number of respondents to the survey 98% indicated they use The Green for a large variety of passive and active recreational and sports related activities.

2. Visitation Rates

A total of 20% of the respondents indicated that they visited The Green on a weekly basis. While 19% indicated they visited several times a week and 14% on a daily basis.

Comment

Owing to the low survey return rate the responses could not be tested for statistical significance. However, the number of responses is encouraging enough to provide an insight into how at least some sections of the community may feel towards the park and its current and future potential to address their recreational and leisure needs.

3. Preferred Activities

Using The Green as a place to walk for exercise was the most common popular response with nearly half of the respondents (47%) indicating their preference for this type of activity. This was followed by exercise, physical activity, recreation (27%) and using the children's playground (17%). Physical activity and recreation were not defined enough by the respondent to provide more insight into what was actually meant by their responses.

Response

The plan makes a number of recommendations in the strategies and actions tables which accompany each Section of the plan to enhance the experience of the types of preferred activities cited in the community survey.

4. Valuing the Reserve

Twenty-two percent (22%) of the respondents to the survey valued The Green as a place of public open space citing their preference for its uncluttered and clean appearance, its tranquillity, and as a *unique open space available to all ages in a peaceful setting*.

Response

The values cited in Item 4 above, together with the Objectives of each land category should form the guiding principles for the preparation of any

landscape plan, policy, strategy or action for the park's management and development.

5. **Permitted Activities**

When inquiring as to what activities should be permitted at The Green 44% identified sports as a central part of the use of the reserve. In total 19% indicated picnics and BBQs should also be part of the reserve as they facilitate social and family activities. In all, 12% of the respondents were satisfied with the reserve's current range of activities available at The Green.

6. **Restricted Activities**

Seventeen percent (17%) of survey respondents identified a concern with dog behaviour in particular dogs being permitted to run off the leash. Compounding the issue of dogs in the park was owners of dogs failing to remove dog faeces and disposing of their waste in a correct manner. There was also an issue of a homeless person residing in the park (Refer to Paragraph 7, entitled *Issues with Current Use*).

Response

Reference should be made to p.23 of the Plan part entitled *Companion Animals Act, 1998*. The plan recommends that Council initiate appropriate Ranger patrols to police the activities of dog owners who visit the park. It is Council's preference to encourage people to remove their dog faeces and properly dispose of it at their place of residence. Dog waste that is disposed in public litter bins and alike creates breeding grounds for flies, parasites, and also creates offensive odour impacting on visitor's enjoyment of the park. Consequently, the plan recommends improved signage advising dog owners of their responsibilities and the penalties.

7. **Issues with Current Use**

The issue of a homeless person residing in the park was the most referred to issue being cited by 24% of the respondents to the survey. Of the total responses to this inquiry 5% were dissatisfied with the condition of the toilets / public amenities building. A total of 44% had no issues to report.

Response

The *Law and Justice Foundation* provides three definitions of homelessness but only the following applies to the situation at The Green:

Primary homelessness is defined as people without conventional accommodation, such as those living on the streets, sleeping in parks, sheds or humpies, squatting in derelict buildings, or using cars or railway carriages for temporary shelter
www.lawfoundation.net.au/report/homeless.

The NSW Department of Community Services *Protocol for Homeless People in Public Places, Guidelines for Implementation, June 2002* states as the Protocol's underlying principles:

- All people have a right to be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment,
- All people have a right to participate in public activities or events,

People will not be harassed or moved on from public places unless there is a threat to general security, their personal safety or they are causing a disturbance that constitutes a breach of the peace,

- People who work in areas [e.g. *Department of Community Services, Department of Housing, NSW Health*] where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information to enable them to assist homeless people if required, or help homeless people make contact with appropriate services if needed,
- Compliance with these principles will be monitored by individual agencies and complaints addressed through agencies' existing complaints mechanisms.

In summary, the legislative framework that Local Councils administer has no provision for a Council to take any action against a homeless person. This is a matter for State Government authorities. If indeed a Council did take such an action it would be held liable as it would be acting outside its legal jurisdiction. As the homeless person at The Green presents no security risk then unless they breach that condition then the appropriate State Government agency that deals with homelessness would intervene. As it stands the homeless person occupying The Green has a legal right to remain at the reserve.

8. **Improving Sustainability**

With regards to a proposal to install a stormwater recycling tank and unit at The Green (Refer to Diagram 1, p.9) to irrigate the sports field 48% agreed with the proposal with 11% of these conditionally agreeing. The main issue was the potential impact the proposed storage tank would have on the visual amenity of the park and on the on users of the park. The remainder either disagreed (5%) citing it would be an eyesore.

Response

The response to this question was considered to be of a satisfactory level that Council should initiate a public consultative program in accordance with Level 3 of Council's *Public Consultation Policy* (Refer to p.21 and Section entitled Economics, p.65 of this plan) as part of the preparation of a feasibility study and concept design. The studies finding should then be placed on public exhibition and the public invited to make written submissions on the proposal. Subject to the findings of the feasibility study and an acceptable level of community acceptance Council should then proceed to prepare a detailed design for the stormwater harvesting scheme at the park.

9. Suggested Landscape Improvements

In response to this question 26% indicated they were satisfied with the current landscaping in the park. The remainder made a number of suggestions that were principally focused on provision of park furniture, the planting of more trees, shrubs and gardens.

Response

The plan makes provisions for the upgrading of the park furniture and adopting a single design criteria rather than the mixed furniture types that currently exists in the park. Future seating should be designed to be more suitable for aged persons. Seating with backrests and arm rests are more suited to aged persons and for persons with varying degrees of physical mobility problems. The existing aluminium bench seating in the park is generally not suitable for these people as this type of design lacks the appropriate supports. Photograph 10 is an example only of the type of seat features that would be more suitable for The Green.

Photograph 10.

http://www.furphyfoundry.com.au/products.html?page=shop.product_details&flypage=flypage.tpl&product_id=56&category_id=1



Photograph 10. www.furphyfoundry.com.au

There are a number of opportunities to improve the landscape appearance of the park and increase its biodiversity and habitat value especially on the corner of Merriman Street and Kyle Parade should the existing amenities building be demolished and relocated to a position northward of the existing location. Other opportunities exist by incorporating native garden features around a new playground and improving the quality of the bushland.

Any new landscape master plan for the park, however, should not result in excessive new plantings in the landscaped area of the park but should concentrate on the strategic replacement of the mature or aged native plants. Any exotic plants should be removed from the park. At the time of preparing a landscape master plan for the park further public consultation should be undertaken at Level 3 of Council's *Public Consultation Policy* (Refer to p.21 of the plan).

10. Years a Resident in the Area

Table 19 list the responses to this question.

Table 19.

TIME IN RESIDENCE		
Local Resident in Years	Response Rate	Percentage %
0 to 5 years	14	24%
6 to 10 years	12	20%
11 to 15 years	7	12%
16 to 20 years	12	20%
21 to 30 years	3	6%
31 to 40 years	5	9%
41 plus years	5	9%
	58	100%

Comment

Of the total number of respondents 24% have lived at their address for 5 years. This was closely followed by 6-10 years and 16-20 years both equally at 20%. A further 24% have lived at their address for over 20 years.

The results indicate that just under a quarter of the respondents to the survey have lived at their current address for five years or less. In addition, 44% of the residents who returned surveys have lived in the area for over 15 years and 18% over 30 years.

These findings together with those of the previous demographic analysis outlined in that Section of the plan entitled *Population & Age Structure*, p.33 support the existence of an established, settled and older population. The ABS Census 2006 statistics provide evidence of an aging population in the Kyle Bay area. However, when reviewing the projected trends there is an assumption that from 2006 to 2036 the greatest increase in age groups for the Kogarah LGA will occur in the 65+ age group with a projected increase from 7,900 in 2006 to 11,100 in 2036.

11. Respondents Location

The response to the survey resulted in representation from all of the streets nearby The Green where the survey was distributed. The following lists both the street and the number of surveys returned:

- Merriman Street 17 responses
- Waratah Street 10 responses
- Kyle Parade 15 responses
- Martin Street 7 responses
- Inala Avenue 5 responses
- Amy Street 2 responses
- Othello Street 2 responses

12. What facilities do you Use or would like to Use?

With reference to Table 20, the most used recreation facility that is or would be used at The Green is the park seating with a *Likely to Highly Likely* total rating of 52, this was seconded by sportsfield use at 43 and picnic and BBQ facilities with a total score from *Likely to Highly Likely* resulting in a score of 41. There was only a marginal difference between either using a playground for 0-6 years of age and a playground designed for children 7-11 years of age with scores of 36 and 38 respectively.

Table 20

EXISTING & POTENTIAL FACILITY USE

Facility	EXISTING & POTENTIAL FACILITY USE			
	Not Likely	Likely	Very Likely	Highly Likely
Sportsfield	12	18	10	15
Picnic BBQ area	14	14	9	18
Playground for 0-6 years of age	18	6	13	17
Playground for 7-11 years of age	16	10	10	18
Martin Street Pedestrian Access	17	14	8	17
Park Seating	4	9	15	28

The playground at The Green is 15 years old and needs to be replaced with a more modern design such as the type installed at Sans Souci Park, Sans Souci. The playground at The Green is a static design offering limited challenges to children's motor physiological abilities while the example at Sans Souci Park has a number of dynamic moving parts that test and challenge children's physiological and psychological skills.

Photograph 11.



MODERN DYNAMIC PLAYGROUND EQUIPMENT AT SANS SOUCI PARK, SANS SOUCI

13. Reason for Visitation

Question 13 inquired as to the respondent reasons for visiting The Green. Sixteen variables were presented in the survey. Three were grouped as reasons associated with a person visiting the reserve for *Nature Appreciation*, three with *Novelty*, two with *Social Familiar*, four with *Personal Development*, four with *Introspection* as dominant reasons for visiting the Reserve. Respondents could provide more than one reason for visiting The Green. *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.

The category *Novelty* proposes that urban parks provide an alternative setting to experience variety in terms of social contact, outdoor activities that may not have previously been engaged in and an alternative physical environment to structured urban areas. The category *Novelty* consisted of three variables which were:

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

The category *Social Familiar* proposes that urban parks provide ideal venues to engage in either active or passive social interaction. Parks provide the opportunity to socialise with family, friends and acquaintances. They also provide places for people to indirectly interact with others, by watching the activities of other park visitors and passersby and in this way feel part of the activity and local community. The category in this study consisted of two variables relative to seeking social interaction:

1. Doing something with friends
2. Be near people who enjoy the same things

The category *Personal Development* identifies personal preferences for particular activities both existing and desired. This information provides input into what types of existing and desirable, infrastructure or recreational activities and / or equipment that can or could best enhance the visitor's experience and enjoyment of the park. *Personal Development* consisted of four variables:

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

The category *Introspection* focuses on the importance of urban parks as more natural settings and as an alternative place to the surrounding and dominate urban structured environment. It provides information relative to the importance that is given to providing places within the parkland for solitude, places that can be claimed by people as their own without conflict or intrusion by others. *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

Summary

Table 21, is a summary of frequency rates in each category in order of priority for reasons to visit the Reserve:

Table 21.

PRINCIPAL REASONS FOR VISITING THE GREEN		
Priority	Reason	Score
1	Nature Appreciation	94
2	Introspection	94
3	Personal Development	70
4	Social Familiar	55
5	Novelty	15

The top three individual sub-category reasons for visiting the Reserve were:

1. Introspection (94 responses) – Category *Rest physically and relax* (45 responses).
2. Nature Appreciation (94 responses) – Category *View the scenery* (42 responses).
3. Social Familiar (55 responses) – Category *Doing something with friends* (42 responses).

The findings of the survey should be utilised to provide direction in selecting the type of facilities, infrastructure, and provision of complementary recreational opportunities that will enhance the dominant visitor experiences being sought from visitors to The Green.

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.

Access to both the male and female public toilets at The Green for persons who are wheelchair bound or require assistance such as walking frames is onerous. The men's toilet has an entrance width of only 900mm and a 150mm high step for these persons to contend with. The women's toilet has a narrow 1000mm width pathway at the back of the building between the rear wall of the building and an 800mm high retaining wall. Neither of these facilities meets AS 1428 standards.

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 way finding.

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).

Council has commitment to valuing its history and heritage, the natural environment and the diversity and creativity of its people. Its Cultural Sustainability Principles are:

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 22 lists appropriate policies, strategies and actions for all Parks.

Table 22.

SOCIAL, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
With further public consultation and with regards to the findings of this plan of management prepare a detailed Landscape Master Plan and Design Guidelines for park furniture, fixtures and fittings for The Green (For additional details refer to <i>Environmental Policies, Strategies & Actions</i> , p.75).	To ensure the design of the park fulfils the objectives and directions of this plan of management (For additional objectives refer to <i>Environmental Policies, Strategies & Actions</i> , p.75).	Landscape Master Plan & Design Guidelines for park, furniture, fixtures and fittings prepared in line with the objectives and directions of the adopted plan of management for The Green (For additional details refer to <i>Environmental Policies, Strategies & Actions</i> , p.75).
Remove the floodlights fixed to the roof of the amenities building.	To remove redundant floodlights and support pole which impact on the amenity of the building.	Amenity building floodlights and support pole removed from the amenities building.
Relocate and install a new children's playground with shade cover and looped tricycle track.	To provide modern safe play equipment for children 0-11 years of age.	Installation of a new children's playground.
Provide facilities and amenities that are accessible for persons with a disability such as toilet facilities, access pathways and seating, picnic facilities at The Green. Demolish the existing amenities building. Construct a new amenities building to the north of the existing location. The building to be suitable to user groups and for use by persons with a disability (Refer to Section entitled Economics, p.	Comply with the requirement of the Disability Discrimination Act, 1992. Comply with Australian Standard 1428 Design access and mobility. Comply with appropriate building codes and conditions of Development consent. Comply with this plan of management.	Compliance with the requirement of the Disability Discrimination Act, 1992. Compliance with Australian Standard 1428 Design access and mobility. Compliance with appropriate building codes and conditions of Development consent. Compliance with this plan of management.
The design for The Green is to provide for the needs for aged persons and those with a disability by addressing the following factors: <ul style="list-style-type: none"> ▪ Ease of orientation and way finding. ▪ Environmental predictability. ▪ Opportunities for socialising, mastering the environment and the ability to claim space. ▪ Infusing a sense of safety and security in the design. ▪ Providing ease of access and transition. 	To provide the following: <ul style="list-style-type: none"> ▪ Ease of orientation and way finding. ▪ Environmental predictability. ▪ Opportunities for socialising, mastering the environment and the ability to claim space. ▪ Infusing a sense of safety and security in the design. ▪ Providing ease of access and transition. Meet the requirements of Standard Australia AS 1428 entitled <i>Design for access and mobility</i> .	Installation of facilities and amenities, furniture, fixtures and fittings that provide: <ul style="list-style-type: none"> ▪ Ease of orientation and way finding. ▪ Environmental predictability. ▪ Opportunities for socialising, mastering the environment and the ability to claim space. ▪ Infusing a sense of safety and security in the design. ▪ Providing ease of access and transition. Compliance with the requirements of Standard Australia AS 1428 entitled <i>Design</i>

SOCIAL, POLICIES, STRATEGIES & ACTIONS

Policies, Strategies & Actions	Objectives	Performance Measures
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>	<p><i>for access and mobility.</i></p> <p>Completion of the required works identified in the Disability Discrimination Plan Access Audit 2009.</p>
In the design of the park or its upgrading ensure provisions are made to support identified local culturally specific recreational and leisure needs by consulting with diverse cultural, socio-economic and aged groups.	<p>To consult with various relevant cultural, socio-economic and age groups to identify and address their specific recreational needs.</p> <p>To include cultural elements and opportunities for cultural expression in the Reserve.</p>	<p>Cultural orientated recreational opportunities provided in the Reserve.</p> <p>Address the identified needs of various aged and socio-economic community groups</p>
Reconstruct the bush track through the bushland from Martin Street into The Green. Extend the track to the children's playground to join Merriman Street.	Improve the pedestrian thoroughfare into and across the parkland from and to Martin Street and Merriman Street.	Construction of a pedestrian pathway linking Martin Street to Merriman Street.
Undertake a tri-annual community survey to monitor any changes in the communities preferred use of The Green, assess their assessment of the quality of the management and maintenance of the Reserve.	<p>To monitor changes in recreational trends overtime to assess the relevance and benefits of the existing recreational opportunities at the Reserve and to determine if they match the current or changing needs of the local community.</p> <p>To monitor demographic changes within the local community and their impact on the use of the Reserve, its amenities and facilities.</p>	<p>Completion of Tri-annual Community Survey.</p> <p>Complete a formal review of the policies, strategies and actions in the current Plan of Management and complete an assessment to determine if they are relevant to any identified changes in recreational trends.</p> <p>Amend the Plan of Management or prepare a new plan.</p>

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 The Green.

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.

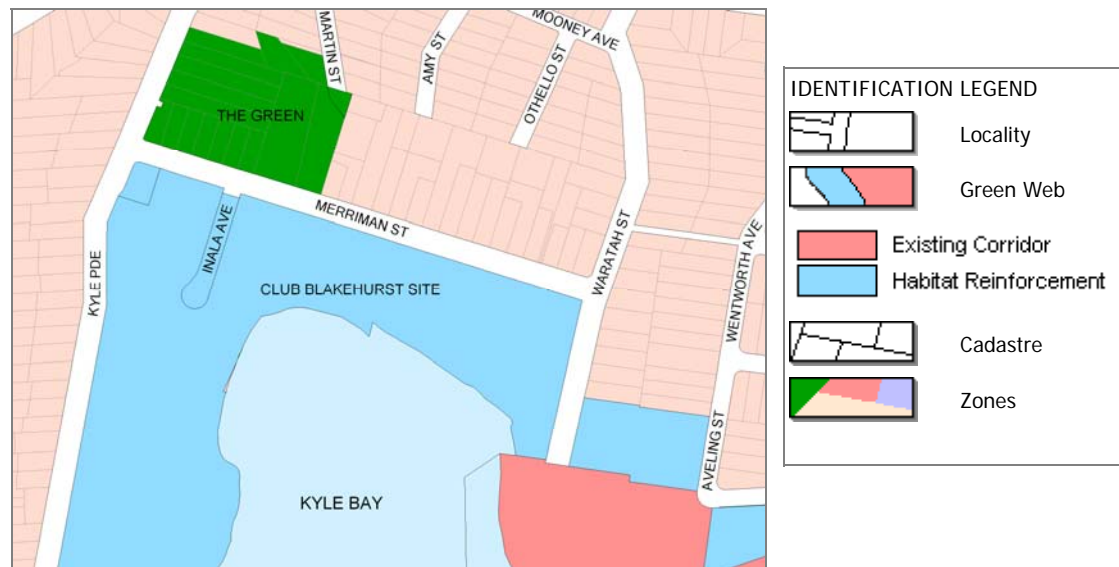
Briefly, the following short list highlights some of the principal guidelines and planning controls applied by Council in conserving the City's biodiversity. Further reference to Federal and State Government legislation including those listed in the plan can be accessed via the internet at www.austlii.edu.au.

- **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.

THE GREEN, 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 The Green 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 The Green'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.

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 ecosystems 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 Niño – 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.

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 The Green 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 The Green.

SEA LEVEL RISE

Records indicate that sea levels have risen 17cm since the start of the 20th 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 depicts the impact on both The Green and nearby Merriman Reserve if the tidal levels increase at Kyle Bay.

Photograph 12.



PHOTOGRAPH 12 INDICATES THE IMPACT OF SEA LEVEL ENCROACHMENT INTO THE GREEN RESERVE, KYLE BAY IF THE GEORGES RIVER WERE TO RISE 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.

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.

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 20th 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.

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 respondent 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.

FLORA

There is over 2,200m² of highly disturbed open woodland native vegetation which represents the Sydney Gully Forest community (Refer to Table 23). The vegetation is

dominated by the canopy trees which appear to be remnant. There is limited mid-storey canopy throughout the area which is mostly comprised of *Breynia oblongifolia*, *Dodonaea triquetra* and *Westringia fruticosa*.

Table 23.

BUSHLAND VEGETATION SPECIES AT THE GREEN, KYLE BAY		
Common Name	Scientific Name	Form
Angophora	<i>Angophora costata</i>	Tree
Blackbutt	<i>Eucalyptus pilularis</i>	Tree
Bracken Fern	<i>Pteridium esculentum</i>	Fern
Cheese Tree	<i>Glochidion ferdinandi</i>	Tree
Coastal Banksia	<i>Banksia integrifolia</i>	Tree
Coastal Rosemary	<i>Westringia fruticosa</i>	Shrub
Coffee Bush	<i>Breynia oblongifolia</i>	Shrub – Small Tree
Dianella	<i>Dianella caerulea</i>	Ground Cover
Hop Bush	<i>Dodonaea triquetra</i>	Shrub – Small Tree
Lomandra	<i>Lomandra longifolia</i>	Large Tufted Herb
Pittosporum	<i>Pittosporum undulatum</i>	Tree
Port Jackson Fig	<i>Ficus rubiginosa</i>	Tree
Spotted Gum	<i>Eucalyptus maculata</i>	Tree
Tender Brake	<i>Pteris temula</i>	Fern
Turpentine	<i>Syncarpia glomulifera</i>	Tree

A limited and sparse ground story (Refer to photograph x) is present which is dominated by *Dianella caerulea*, *Lomandra longifolia* and *Pteridium esculentum*. The limited mid and lower storey vegetation is thought to be due to the large amount of pedestrian traffic which is evident throughout the bushland area. This disturbance inhibits regeneration of new plants and damages and restricts the growth of those that are already established. Area's where access is naturally restricted has a good representation of mid and lower storey vegetation. Therefore, if the disturbance can be limited it would increase both the health of and conservation of the present bushland.

Due to the disturbed nature of the site there are several environmental weeds present within The Green Reserve, Kyle Bay. Dominant species include Asparagus fern (*Asparagus aethiopicus*), Bidens (*Bidens pilosa*), Coastal Morning Glory (*Ipomoea cairica*) and Trad (*Tradescantia fluminensis*). None of these species are currently listed under the provisions of the Noxious Weeds Act, 1993. Although, they are restricting the environmental benefits of the bushland area within The Green and, therefore, should be eradicated from the reserve.

Climate change may have a significant impact on the reserves flora and subsequently its visiting fauna. There has been no detailed study of fauna in the park and it is unlikely in its present state to offer secure habitat for most species other than smaller lizards and alike.

Photograph 13.



PARK ENTRY INTO THE BUSHLAND AT THE GREEN

COUNCIL'S RESPONSE TO CLIMATE CHANGE

In a report to the Council meeting of 22nd 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 SULPHATE SOILS

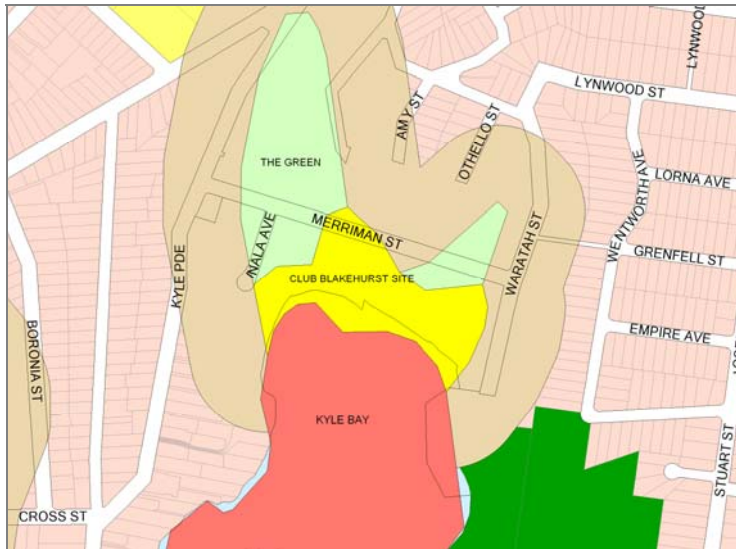
Acid sulphate soils (ASS) are soils containing iron sulphides. When exposed to air, these iron sulphides oxidise and produce sulphuric acid. They are found in layers of waterlogged soil which can be comprised of clay or sand and are usually dark grey with a soft texture. The acid is a toxic mix that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

Class 3 and Class 5 ASS are believed to be present at The Green (Refer to Map 4). Classes 1-4 indicate a high probability of acid sulphate soils being present based on geomorphology while Class 5 may restrict an activity if it is within 500 metres of an

adjacent Class 1-4 land and involving an activity likely to affect groundwater of adjacent Class 1-4. Class 2 ASS is believed to be present at boundary of The Green on Merriman Street (Refer to Map 4).

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*.

Map 4.
THE GREEN, KYLE BAY – ACID SULFATE SOILS



IDENTIFICATION	LEGEND
	Locality
	Acid Sulphate Soils
	Class 1 Acid Sulfate Soils
	Class 2 Acid Sulfate Soils
	Class 3 Acid Sulfate Soils
	Class 4 Acid Sulfate Soils
	Class 5 Acid Sulfate Soils
	Cadastre
	Zones

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 24 lists appropriate policies, strategies and actions for The Green, Kyle Bay.

Table 24

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. Increase the density and area of native bushland within The Green	To comply with the Charter of the Local Government Act, 1993 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 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 park's biodiversity.	To comply with the provisions of Australia's Biodiversity Conservation Strategy 2010-2020. To gather knowledge and understanding of the role and function of The Green 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 The Green 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.	The Green biodiversity issues addressed in significant biodiversity planning.
CROWN RESERVE LAND		
CLIMATE CHANGE – MITIGATION & ADAPTATION		
To monitor Federal and State	To responses to Federal and State	Initiation of Federal and State

Environmental, Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
<p>policies, guidelines and legislative responses to Climate Change.</p>	<p>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>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 The Green.</p>
LANDSCAPE MASTER PLANS & LANDSCAPE CONCEPT PLANS		
<p>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 The Green.</p> <p>Prepare design guidelines for park furniture, fixtures and fittings.</p>	<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 venue and environment 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 The Green 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, form, structures and artworks.</p>
<p>Where reasonable address private resident's requests to maintain views.</p>	<p>To find a compromise in the perception of a "right to a view" from private property.</p>	<p>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.</p>

Economics

ESTIMATED LAND VALUE OF THE GREEN, KYLE BAY

There is need as part of the preparation of this plan of management to establish the economic value of the land that comprises The Green 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. The Green was not included in the valuation process. However, for example, nearby Donnelly Reserve with an area of 2.4 hectares (24,000m²) 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 2010 the NSW Valuer General notified Council that the total value of The Green with an area of 1.6 hectares (16,772m²) was \$350,000. As with the Donnelly Reserve discrepancy this is considered well below the market value for this amount of quality land in this location.

The methodology for this study to establish an estimated market valuation of The Green 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 The Green with an area of 16,772m² was valued at the premium price of \$1,700 per m². Subsequently, the reserve has an estimated potential market value of \$28,512,400 but then applying the 50% discount equates to a value of \$14,256,200.

ECONOMIC BENEFITS OF PARKS

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 The Green 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 The Green have the potential to encourage visitation from both within the outside the St George Region.

Local shops in near The Green 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 The Green and why others are not used to their full potential or not at all by some members of a community.

ESTIMATED MAJOR ASSET VALUES & USE

Table 25 provides an overview of estimated value of various major assets within The Green, Kyle Bay. The major assets in the Reserve have an estimated total value of \$466,146.

Table 25.

THE GREEN, KYLE BAY – EXAMPLES OF ESTIMATED ASSET VALUES				
Facility	Purpose	Use	Approx Area	Estimated Value \$
Public Amenities Building Consisting of: Kiosk Storage Area Public Toilets	Club Storage & Kiosk & Public Amenities Building	Blakehurst Junior Rugby Union Football Club Public Use	124.01m ²	\$200,000
Playground	Children's Play Equipment	High	336m ²	\$70,000
Picnic Shelter	2 x Picnic Tables & Chairs	Low	21.6m ²	\$60,000
Bush Track	Pedestrian Access	High	110m Length	\$18,000
2 x 22m high Sports Floodlights	Sports Night Training	High	22m Height x 2 Floodlights / Tower	\$31,284
Recycled Plastic Boundary Fence	Contain play activities	N/A	242m Length	\$50,862
Rugby Goal Post	2 x Goal Post	High	15m Height	\$14,000
General Park Furniture	Seating	High	N/A	\$12,000
			Total \$	\$466,146

The Blakehurst Junior Rugby Union Football Club and Connells Point Rovers are the principal users of the sports field at The Green. They occupied the site from the 1st April 2011 to the 31st September of that year. Table 26 list their usage pattern.

Table 26.

LOCAL SPORTS CLUB USE OF THE GREEN SPORTSFIELD FOR THE 2012 WINTER SEASON		
BLAKEHURST JUNIOR RUGBY UNION FOOTBALL CLUB		
Day & Use	Start Time	End Time
Sunday – Competition Games	11:00 noon	4:00pm
Monday – Training	6:00pm	9:00pm
Tuesday - Training	6:00pm	9:00pm
Wednesday - Training	6:00pm	8:30pm
Thursday - Training	6:00pm	9:00pm
Friday - Training		
Saturday – Competition Games	10:00am	4:00pm
CONNELLS POINT ROVERS FOOTBALL CLUB		
Day & Use	Start Time	End Time
Monday - Training	4:00pm	5:30pm
Tuesday - Training	4:00pm	5:30pm
Wednesday – Training	4:00pm	5:00pm
Thursday - Training	4:00pm	5:00pm

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.

INCOME & SPORTS FIELD MAINTENANCE COST

In 2011-2012 the maintenance cost for the sports field was approximately \$12,000 and a further \$18,000 for the remainder of the parkland and its facilities. To recuperate some of these cost on a user pays basis Blakehurst Junior Rugby Union Football Club Inc paid a 2012 seasonal fee for the use of the grounds for the four week pre-season in March which also includes 20 weeks of winter competition. The club has no lease with Council for its use of the amenities building and kiosk. Connells Point Rovers Soccer Club Inc paid a fee for the use of the grounds for four days per week during the winter season. There is no cricket or other summer sports facilities at The Green so the field is available for alternative recreational uses.

The St George Futsal group use The Green generally over the summer period from September to February and the applicable seasonal fee applies. Schools, on the other hand have free access to the facilities as Council's policy is not to charge schools for the use of The Green but encourage and support physical education for all school children.

Council also charges \$20.80 per hour or \$141 per 8hrs for casual users and \$48 per day or part thereof for winter sports clubs if they wish to use the field during January and February. These fees also apply to groups such as soccer clinics who run short term skills training over one to two week periods.

Photograph 14.



THE GREEN RUGBY UNION FIELD

PROJECTED BUILDING MAINTENANCE COST

The existing brick and metal clad roof amenities building covers an area of approximately 124m². The building is valued at approximately \$250,000. An annual allocated budget of .05% of its value should be considered to cover the annual building maintenance and minor improvement cost. This would require the sum of \$1,250 to be set aside for this purpose. Active preventative maintenance schedules would be the most desirable course of action to preserve the building's longevity and its community use value until such time as a new building is constructed that meets the latest Australian Standards including provision for persons with a disability as well as hand basins in both the ladies and men's facilities.

Photograph 15.



PUBLIC AMENITIES BUILDING AT THE GREEN.

Currently, both the men's and women's toilet are not accessible to wheelchairs and is also difficult for aged persons to access. Photograph 15 depicts the narrow entrance at 1000mm and doorway at 900mm into the women's toilets. There is no formal constructed pathway link to the toilet block from the Kyle Parade pedestrian path and to and from the nearby bus stop. Access is difficult, inconvenient by being indirect and not accessible for persons with prams, or those using mobility assisted apparatuses etc.

COST OF NEW AMENITIES BUILDING

The existing park's amenity building is located right on the intersection of Kyle Parade and Merriman Street, Kyle Bay (Refer to Photograph 16). This position dominates the park and blocks views from the local shopping centre and streetscape across the parkland. The building is in a relatively poor state of repair having structural damage and although Council recently improved the appearance of the building by painting and upgrading the toilets at a cost of \$20,150 plus GST the building itself remains an architectural eyesore. The architecture of the building also detracts from and is unsympathetic to its setting. Also in question is the functionality of the building to successfully serve as an adequate local club sports amenities building. Its scale is uneconomical in terms of its layout and use.

The building's fixtures and fittings are antiquated and do not take advantages of new sustainable technology with no provision to recycle water, reusing rainwater or alternative or low energy components.

Photograph 16.



THE GREEN, KYLE BAY PUBLIC AMENITIES BUILDING

The building also does not meet the Australian Standards for public amenities both in terms of providing disabled persons access and provisions of hygienic facilities such as the inclusion of wash basins in the men's and women's toilets.

Council will need to consider replacing the building with a more functional facility that meets the appropriate Australian Standards and has more sustainable water and energy efficient features. The type of building could be similar to the one Council has constructed at Quarry Reserve, Hurstville Grove which could include provision for an additional changeroom (Refer to Photograph 17 & Diagram 3).

Photograph 17.



EXAMPLE OF AN ALTERNATIVE SPORTS AMENITIES BUILDING AT QUARRY RESERVE, HURSTVILLE GROVE.

Diagram 3.

Error! Objects cannot be created from editing field codes.

PLAN OF THE QUARRY RESERVE SPORTS AMENITIES BUILDING

Photograph 18.



EXAMPLE OF A RAINWATER TANK THAT COULD BE FITTED TO A NEW AMENITIES BUILDING AT THE GREEN

The cost for this structure was \$300,000. Additional cost would be incurred to provide adequate pedestrian and wheelchair accessible pathways to the public amenities from both Merriman Street and Kyle Parade and for the addition of another change room.

Any new building should be relocated northward opening up the south-west corner of park. This area could then be landscaped and present a formal gateway into the reserve (Refer to Diagram 1, p.9).

STORMWATER HARVESTING & REUSE

Excluding Antarctica, Australia's rainfall is the lowest of the five continents (North America, South America, Africa, Asia and Europe). Australia has high year to year rainfall variability caused by the Southern Oscillation which is driven by the tropical Pacific Ocean and regional atmosphere. The phenomenon known as the El Nino system makes a significant contribution to this variability. Frequencies of heat-waves, bushfires, frost and cyclones are also linked to the Southern Oscillation. Consequently, Australia has low and variable rain and there is environmental concern about the sustainability of surface water, its use, its quantity and even its very existence (Australian Bureau of Meteorology: 2012). The issue of climate change highlights the need to manager water resources in a more sustainable manner. Stormwater is now viewed as a valuable resource, rather than being waste and a nuisance to be disposed of quickly.

At The Green, owing to the presence of a major underground stormwater channel transecting the parkland (Refer to Photograph 19) and discharging into Kyle Bay, Council could consider installing a stormwater harvesting and reuse system to irrigate the playing fields and parkland. The potential benefits are reductions in:

- The demand for mains water and therefore lowering maintenance costs,
- Stormwater volumes, flow and frequency of run-off, and
- Stormwater pollution loads entering Kyle Bay.

The extent of benefits from the system will depend on a range of factors that will need to be determined as part of a feasibility study, these include an assessment of the:

- Local climate particularly rainfall,
- Catchment land use that influences run-off quality and quantity,
- Condition of the stormwater system,
- Cost-benefit,
- Demand for reuse water, in particular the flow rates and any seasonal variations, and
- Design of the system with regards to flow diversion to the system and storage volume required.

Other factors that need to be considered would be:

- The impact of variable rainfall patterns,
- The environmental impact of the proposed storage tank,
- The high relative unit costs of stormwater treatment,
- The outcome of public consultation and the community's acceptance or otherwise of a design.

The proposed feasibility study would require ongoing public consultation to determine the acceptance or otherwise of any proposal. Photograph 1, depicts the proposed location of the stormwater storage tank within the park being generally in Lot C DP 375988 which is in close proximity to the stormwater main (marked line in blue) and within existing surrounding vegetation. This area could be further landscaped to reduce the impact of the proposed storage tank located in this particular area if this proposal was to proceed.

Photograph 19.



THE GREEN, KYLE BAY PROPOSED LOCATION OF A PROPOSED STORMWATER HARVESTING AND REUSE TANK (Marked "White Circle")

PRINCIPAL ASSETS IMPROVEMENT PROGRAM

Table 27 provides an outline of the estimated total cost of \$711,800 for 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 27.

ESTIMATED MAJOR IMPROVEMENT COST – THE GREEN, KYLE BAY

Priority	Action	Estimated Cost \$
1	Engage a consultant to produce a Landscape Master Plan and Design Guidelines for the park's furniture, fixtures and fittings. The Master Plan to be based on the findings of this plan of management.	\$20,000
	Exhibit the plan for 28 days and invite written public submissions.	\$2,000
	Engage a structural engineer to prepare a structural report on the amenities and public toilets building.	\$15,000
	Conduct a feasibility study to determine the cost and benefits of installing a stormwater harvesting and reuse system in the park to irrigate the parkland.	\$20,000
	Upgrade the Martin Street access pathway in an environmentally sensitive manner. Link the pathway to Merriman Street.	\$25,000
	Enter into a licence agreement with the Blakehurst Junior Rugby Football Club for use of the clubhouse.	\$0
	Relocated a new children's playground with rubber sofffall and shadecover. Install a children's bicycle track using the pedestrian link to from Martin Street to Merriman Street. Provide shaded seating near the playground.	\$110,000
	Relocate and replace the existing public toilets, kiosk and change rooms building with an open architectural designed building. Relocate the new	\$300,000

	building to a position as approximately shown on p.9 Diagram 1 of this plan.	
	Install additional seating around sports fields and in the park general.	\$16,000
	Provide an annual building maintenance budget	\$1,250
	Fence off the boundary of the bushland area with temporary fencing. Engage bush regeneration contractors to regenerate the bushland native flora. Assess the need for a more permanent boundary fence around the bushland. Plant out additional mid and ground storey plants to provide habitat structure to increase habitat potential. Plant tall native canopy trees as required.	\$10,000 annually until native flora is self-regenerating then commit an annual maintenance budget.
	Provide and upgrade taps and bubblers at the playground area in the reserve.	\$2,000
	Install additional picnic gazebo. Upgrade the existing facility.	\$80,000
2	After the construction and relocation of a new amenities building on the corner of Merriman Street and Kyle Parade create a formal landscaped entry point into the reserve.	\$120,000
	Install dog waste dispensers and bin and regulatory signs for the control and management of dogs in the park.	\$1,800
TOTAL		\$723,050

*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 28, outlines possible external sources of funding to assist Council in its undertaking of capital works associated with the plan.

Table 28.

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 29 lists appropriate strategies and actions for The Green.

Table 29.

Economic Policies, Strategies & Actions

Policies, Strategies & Actions	Objectives	Performance Measures
Monitor and report Cost-Benefits.	To ensure accountability and transparency.	Annual cost per user – weighted benefits including income.
Monitor use, activity type and their impacts on the reserve and its bushland maintenance costs.	To assess changes and their actual, impending or likely cost to Council.	Report changes of use or demand for recreational activities and their actual, impending or likely cost to Council.
Annually review user fees and charges to recover part cost.	To provide a return to the community for the right of exclusive use of a public reserve by a licensee.	Establish priorities and costs. Annual fees to apply to licensee's, lessee's or permit holders.
Monitor changes in recreational trends, local demographics and impacts or impending impacts on the parkland, its maintenance, income and potential redevelopment cost.	To assess changes and their actual or impending cost to Council. To ensure that The Green remains relevant to meeting the local communities recreational and leisure needs.	Assessment of the relevance of existing activities at The Green. Assessment of actual user numbers and relevance to changing community needs especially by licensee's, lessee's and permit holders.
Allocate budgets to undertake the policies, strategies and actions outlined in this plan of management.	To ensure that The Green remains relevant to meeting the local communities recreational and leisure needs.	Budget allocations as per Council's priorities.
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.
Retain existing levels of park maintenance.	To retain the appearance of the reserve to complement it as a preferred destination for indoor our outdoor recreation. To provide an aesthetically pleasing environment that complement's a quality public venue for indoor and outdoor dining.	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: Emma Davis
Direct Phone: 9330 9419
Our Reference: 862672

8 November 2011

The Resident

Dear Sir/Madam,

The Green Reserve, Kyle Bay Community Survey for The Green, Kyle Bay Draft Plan of Management

Kogarah City Council wishes to advise you that it has made provision in its 2011-2012 Management Plan to complete a Plan of Management for The Green Reserve. The extent of the plan is indicated on the front page of the community survey. The purpose of the Plan is to provide an integrated approach to the planning, management and development of The Green Reserve.

Plans of Management have the purpose of documenting the current state of both the natural and man made features of the reserve while highlighting current concerns and impacts on these assets. Plans of Management produce action plans to manage and improve the natural, recreational and aesthetic values of the reserve in accordance with community needs.

Therefore, Council is currently collecting information in regards to the community's use of the reserve. As a selected household it would be appreciated if you could complete the survey and return it to Council in the enclosed prepaid envelope by the close of business on the 18th November 2011. Your participation would be appreciated.

Should you require any additional information please contact me on 9330 9419 on Mondays, Tuesdays and Wednesdays.

Kind regards,

Emma Davis
Sport & Recreation Officer
Recreation & Urban Landscapes

DRAFT PLAN OF MANAGEMENT FOR THE GREEN RESERVE, KYLE BAY


COMMUNITY SURVEY

Have your say about the future use, development and management of The Green, Kyle Bay



Kogarah City Council is preparing a draft Plan of Management for The Green Reserve at Kyle Bay. The reserve is located on the corner of Kyle Parade and Merriman Street. Council seeks your comments on issues or concerns which you believe should be addressed, and improvements which could be considered during the preparation of this draft Plan of Management.

QUESTIONS

1.	Do you use The Green Reserve?	<input type="checkbox"/> 1 Yes <input type="checkbox"/> 2 No
2.	If yes, how often?	
3.	What activities do you use it for?	
4.	What features do you value about the reserve or are important to you?	
5.	What uses and activities should be allowed in the reserve?	
6.	What uses and activities should NOT be allowed in the reserve? Why?	
7.	Are there any issues with the current use of the reserve that affect you as a resident or business?	
9.	<p>What are your thoughts on Council installing a stormwater recycling tank and unit (see picture inset) to irrigate the sportsground and gardens at location proposed on reserve map.</p> 	Agree / Disagree – why?
10.	What landscaping improvements do you suggest that will complement the reserve?	
11.	How long have you lived at this address?	
12.	Please enter the name of the street where you live.	

13.	Of the following facilities that exist and are proposed, which would you and members of your family most likely use? Please tick one or more of the following:	1 = Not likely 2 = Likely 3= Very Likely 4= Highly Likely
a)	Sportsfield	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
b)	Barbeques & picnic shelters	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
c)	Playground for 0-6 years of age	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
d)	Playground for 7-11 years of age	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
e)	Martin Street access pathway	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
f)	Park seating	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄
g)	Other, please enter:	
14.	Which of the following reasons would you most likely visit The Green Reserve? Please tick one or more of the following: View the scenery Meet new people Do something with friend's Keep physically fit Just do your own thing Release tension Experience new and different things Be near people who enjoy the same things	<input type="checkbox"/> ₁ <input type="checkbox"/> ₂ <input type="checkbox"/> ₃ <input type="checkbox"/> ₄ <input type="checkbox"/> ₅ <input type="checkbox"/> ₆ <input type="checkbox"/> ₇ <input type="checkbox"/> ₈

Do something creative	<input type="checkbox"/> 9
Be away from the family for a while	<input type="checkbox"/> 10
Be close to nature and enjoy the outdoors	<input type="checkbox"/> 11
Experience excitement	<input type="checkbox"/> 12
Develop new skills and abilities	<input type="checkbox"/> 13
Think about important issues or problems	<input type="checkbox"/> 14
Rest physically and relax	<input type="checkbox"/> 15
Play organised sport	<input type="checkbox"/> 16
Other, please enter	

<p>Council is also intending to conduct an information “drop-in” session early 2012 to advise residents of the outcome of the consultation and to provide further information about initiatives for the reserve. Would you like to be contacted about this event?</p>	Name:- _____
	Address: - _____
	Suburb/State/Postcode: - _____
	Contact Phone Details: _____

Privacy and Personal Information Protection Policy

In completing this form you will be prompted to supply information that is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The supply of this information is voluntary.

Council is required under the Act to inform you about how your personal information is being collected and used. Should you require this information or any other details please contact Council’s Customer Service Centre on 9330-9400.

Thank you for your comments.

Please return completed form or your comments on a separate page by Friday 18 November 2011 to:

The General Manager
Kogarah City Council
Locked Bag 8
Kogarah NSW 2217
Attention: Emma Davis

Fax:
(02) 9330 9561
Attention: Emma Davis

RESULTS OF COMMUNITY SURVEY

November 2011

In total 230 surveys were hand delivered on Tuesday 8 November 2011 to residents and local businesses in streets surrounding The Green Reserve, Kyle Bay.

A prepaid self addressed envelope was or facsimile number was provided as the method for returning the surveys.

The closing date for returning the surveys was Friday 18 November 2011.

Survey Information:

- No. distributed = 230
- No. returned = 59
- % response = 26%

Streets:

- Amy Street
- Inala Avenue
- Kyle Parade (part)
- Martin Street
- Merriman Street
- Othello Street
- Waratah Street

1. Do you use The Green Reserve?

Yes (58)
No (1)

2. If yes, how often?

Daily	(8)
More than 3 times a week	(3)
Several times a week	(11)
Once a week / weekly	(12)
Fortnightly / twice a month	(2)
Once a month / often	(5)
Occasionally	(1)
Infrequently / not often	(1)
Whenever we have grandchildren	(1)

Comment

In total 20% of respondents reported that they use The Green Reserve on a weekly basis. A further 19% use it several times per week. 14% use it daily.

3. What activities do you use it for?

Walking (21)
Walking the dog (6)
Walk through (1)
Using the children's playground (7)
Grandchildren using playground equipment (1)
Swings (1)
Recreation (3)
Exercise, physical activity (4)
Relaxation (4)
Sports (rugby, soccer, touch football) (4)
Jogging, Running (2)
Leisure (1)
Family leisure (1)
Watch sports (1)
Watching rugby (1)
Watch amusing young children (1)
Playing (1)
Playing with child (1)
Playing with friend's children (1)
Take my grandchildren to play (1)
Playing ball with kids (1)
Kid's entertainment
Kick a ball with the kids
Kicking footy (1)
Park outings (1)
Access to restaurant and shop (1)
Meeting friends (1)
Family outings
Social activities with my children
Socialising (1)
Kite flying (1)
Softball (1)
Picnics (2)
BBQ's (1)
Biking

Comment

Walking is a popular pursuit within the reserve with nearly half of respondents (47%) indicating as one of the activities they use it for. It was also identified that it was a popular activity for exercise, physical activity, recreation (27%) and using the children's playground (17%).

4. What features do you value about the Reserve or are important to you?

Open space (13)

Space (4)
Uncluttered open space
Tranquil open space
Unique open space available to all ages in a unique peaceful setting
Visual space, open parkland
Open space for sport
Plenty of room (1)
Flat, clean and open

Playground (11)

Swings (1)
Play equipment (1)
Safe play area for children (1)

Sport (11)

Football (1)
Good sporting facilities
Sporting field
Goals

BBQ (2)

Picnic shelter, gazebo, rotunda (2), pergola (4)

Nature, natural beauty, its natural features (3)

Natural bush and rock at back of park

Cleanliness (3)

Well kept

Grassed area to walk

Green (2)

Seating (2)

Close to home, Closeness (2)

Safe (1)

Blends in with the surrounds

Ambience, Silence, peaceful, Serenity

Pretty

Quiet and close to river

Wonderful area for children to play (1)

Play area

That kids and family use it

Bushland

School carnivals

Shelter

Size and setting

Picket fenced field

Well kept plants

Clubhouse

Bubbler

Peaceful

The cool nest when walking through the trees and silence – no traffic

Comment

*There is a high level (22%) of appreciation for the value of the reserve by the residents
Open space is a highly valued asset of the reserve.*

5. What uses and activities should be allowed in the reserve?**Sport (26)**

Recreation

Leisure

Picnic (15)

Family picnics

Family orientated gatherings

Family get together

Family activities

Current activities (7)

Present facilities are very good
Exactly as is
Same as present
Existing
As current
No change
Dogs (5)

Other

Children's play (2)
Play area for kids
Children's events
Social activities
BBQ Area
More chairs and a few tables for picnics

Comment

In total 44% of the respondents identified that sport should be part of the reserve, 19% felt that picnics and barbeques for social and family gatherings was important with additional facilities to accommodate this use and 12% were satisfied with the reserve's current uses.

6. What uses and activities should NOT be allowed in the reserve? Why?

Limited / no dog exercise (10)

Dogs roaming and dog waste
No dogs
Dogs off leash, danger to people using the park. Also poop.
No dogs unless controlled
Dogs – dog droppings
Dog exercise - messy
No dogs allowed
Dogs off leads, kids
Dogs
Dogs off leash

Homeless person (7)

A homeless person should not be able to live there
Unhappy we have a homeless man living in the park toilets for months. Will not let my children use these toilets or approach the man
Homeless people living in the toilet block!
No squatters allowed to live in the park.
Camping / squatting - creates additional rubbish and eyesore.
The guy who is living in the rugby shed shouldn't be allowed. He needs help. It is a drawing a bad element to the park. Families don't let their kids go on their own.
Homeless people

Golf (7)

Golf, model planes, mini bikes
Golf – damage to surface, dangerous
Ban its use as an occasional driving range
No golf balls because it is dangerous particularly at twilight.
Golf practice,
Golf, commercial

BBQ's (5)

More BBQ's
No BBQ's, picnic shelters
BBQ's / Picnics
BBQ's - too noisy for residents because of drinking that usually goes with it.
No BBQ areas or picnic shelters this would bring more rif-raf and much noise.
Mini bikes
Skateboarding - no activities involving 'wheels'.
No bikes and motorised carts.
Skate parks
Hard court games (basketball)
Heavy sports activities
Football (3)
Football - too loud
Sports - football, rugby
Cricket
Baseball
Less park
Anything involving large groups of people and alcohol!
Anything that encourages the congregating of people at night! Except organised sport.
Hooliganism
Drinking alcohol - bad for children to see.
No major sport, business activities, parties. Too much traffic, people and noise.
Commercial activity
Recreation for large clubs as there is not enough parking
No large parties or gatherings
Adult parties
Sporting club's social activities
Don't like too much noise.
Noise
Being sold to private individuals
Any further developments because noise and traffic will increase
Martin Street exit should be repaired.
Concerts
Markets or fairs resulting in damage and waste disposed to the grounds
General rubbish
Early morning fitness classes (boot camp)

Other

I think the reserve should be used for all suitable activity.
No change

Comment

A total of 17% of respondents identified that there is a concern with dog behaviour in particular dogs of leash and owner's not removing their waste.
The second item reported by 12% of respondents was the homeless person and the playing of golf.

7. **Are there any issues with the current use of the reserve that affect you as a resident or business?**

Yes (4)

No (26)

Homeless person (14)

The vagrant who lives there (1)

A derelict is living at the park (1)

The homeless man has furniture piled up and drinks alcohol. Not appropriate!

Homeless person is living in the toilet block - been there for the last 4 months! Council contractors have renovated the toilet block whilst the homeless person is still living there. This is unsafe. (1)

Currently there is someone camped outside the amenities block who gives alcohol to local kids.

People sleeping in sheds for protracted periods

The squatter (1)

No squatters allowed to live in the park (1)

The homeless man that's near the toilets worries me!

What's with the homeless person?

The toilets have become a homeless shelter

There is a homeless man living under the club house.

Ablution block should be lit at night

The toilet block is disgusting

Condition of the toilets

Lots of noise and parked cars when games are on. Difficult to move freely.

Large sporting activities taking up parking, leaving rubbish, noise

Parking

Football season - parking

Rif raf who lights fires with dead leaves

Dangerous footpath

Occasionally graffiti spoils the place.

Comment

In total 44% of respondents reported that they have no issues with the reserve. 24% were concerned with the homeless person residing in the reserve and 5% were dissatisfied with the public toilets/amenities building.

8. **What are your thoughts on Council installing a stormwater recycling tank and unit (see picture inset) to irrigate the sportsground and gardens at location proposed on reserve map. Agree / Disagree? Why?**

Agree (48)

This field has been separated into two categories:

- Agree no conditions and
- Conditionally agree according to specific conditions being met

Agree, no conditions (11)

To keep park green (3)
Necessary to keep the park green (1)
Good to have lush grass all year. (1)
To keep park green in times of water shortage. (1)

Environmentally friendly (3)

Looks ok and is "green" (1)

Reserve maintenance (3)

At present the ground has been down at certain times (1)
Sportsgrounds and gardens need to be kept properly (1)
So that Council can use stormwater to keep The Green well watered including the grass and more plants, shrubs (1)
All parts of Kogarah Council have good provision of park and reserve facilities. (1)
Reuse stormwater. We have 3 tanks 650L and 1 tank 130 litres so we make best use of rain water harvesting. (1)

Conditionally agree (14)

Stormwater recycling tank and unit blends/ concealed into reserve environment (8)

As long as it is camouflaged (1)
Merge it with existing trees. It will save water. (1)
Should be screened bush; planting (1)
Should be concealed and not located in green space (1)
Can it be covered in some way (1)
Provided it is not unsightly (1)
Environmentally friendly. Must be in line with looking/blending into park environment. (1)
If it is out of sight and works effectively so as not to affect rate payers. (1)

No impact on current reserve use and activities (3)

Provided it doesn't affect current sports ground or play area (1)
Proposed location does not interfere with use and does not visually detract (1)
Makes sense environmentally and practically. However, it should be built in an unused corner (1)

Proposed location not appropriate (3)

Agree with the inclusion but not the location in its current form. Too large and too close to residential homes. (1)
Location is suitable if underground. (1)
If installed to blend in with amenities block (1)

Disagree (5)

We thought there was one on the Kyle Parade perimeter already (1)
Because we already have a tank and to me the look is ugly in a pretty park. (1)
It is an eyesore which does not blend in with the landscape. Why should the Council spend additional funds on this when there is already an irrigation system installed at great expense on the western side of the park (1)
It looks awful; it will be an eyesore (1)
Already something in place, expense, disruption (1)

Not stated (5)

More information required. What is the footprint of the enclosure? How high is it? What contaminants are expected and how will they be dealt with? What are the acoustic impacts? (1)

9. What landscaping improvements do you suggest that will complement the reserve?

Seating/BBQ/Picnic Facilities (9)
Shaded areas near children's playground (5)
Plantings (12)
Martin Street access pathway improvements (3)
Toilet Block (3)

Comment

A total of 26% of the respondents listed no landscaping improvements or would like to see The Green Reserve remain as is. Of those improvements that were recorded the planting of trees, shrubs and gardens were the most preferred.

10. How long have you lived at this address?

0 – 5 years (14)
6 – 10 years (12)
11 – 15 years (7)
16 – 20 years (12)
21 – 30 years (3)
31 – 40 years (5)
40+ years (5)

Comment

Of the total number of respondents 23% have lived at their address for 5 years and under closely followed by 6-10 years and 16 to 20 years equally on 20%; A further 20% have lived at their address for over 20 years.

The results indicate that there is a just under a quarter of respondents who have lived at the current address for five years or less. 42% of residents who returned surveys have lived in the area for over 15 years with a significant portion over thirty years. To get a more complete picture of years lived at this address it should be viewed in conjunction with the facilities existing or proposed and the age structure from ABS Statistics 2006. This pattern in isolation would suggest an established, settled and older population, however given the high number of respondents under ten years there appears to be a shift occurring and the ABS Census 2006 statistics support an aging population in this area and it would be pertinent to not only recommend that new or upgraded assets such as the park furniture and the Martin Street access pathway cater to this demographic but also play equipment. Some respondents reported that the activity they use the reserve for is for their grandchildren to use the play area.

11. Please enter the name of the street where you live.

Kyle Parade (15)
Merriman Street (17)
Martin Street (7)
Inala Avenue (5)
Amy Street (2)
Othello Street (2)
Waratah Street (10)

Comment

Surveys were returned from all of the streets included in the collection area. Not surprising that Merriman Street and Kyle Parade respectively had the highest return rate given their close proximity to the reserve and also having the highest number of properties in those streets.

12. **Of the following facilities that exist and are proposed, which would you and members of your family most likely use? Please tick one or more of the following:**

FACILITY EXISTING OR PROPOSED	LIKELIHOOD OF USE			
	Not likely	Likely	Very likely	Highly likely
Sports field	12	18	10	15
Picnic & BBQ's	14	14	9	18
Playground for 0 – 6 years	18	6	13	17
Playground for 7 -11 years	16	10	10	18
Martin Street access pathway	17	14	8	17
Park seating	4	9	15	28

Other (8)

Car show for clubs
Extra play equipment for older children
Wash room facilities and tuck shop
Set up workout area for physical fitness
Walking track / bike track
Improvements in public amenities
Remove rubbish from outside clubhouse / amenities as this
Toilets

Comment

Park seating was rated by nearly half of the respondents as to a facility that people would most likely use in the reserve. 31% would use a 6-10 years playground and picnic and BBQ facilities.

13. **Which of the following reasons would you most likely visit The Green Reserve? Please tick one or more of the following:**

View the scenery (41)
Meet new people (9)
Do something with friends (42)
Keep physically fit (45)
Just do your own thing (32)
Release tension (22)
Experience new and different things (0)
Be near people who enjoy the same (13) things
Do something creative (1)
Be away from the family for a while (8)
Be close to nature and enjoy the outdoors (31)
Experience excitement (6)
Develop new skills and abilities (5)
Think about important issues or problems (9)
Rest physically and relax (45)
Play organised sport (19)

Comment

Question 13 of the survey inquired as to the respondent's reasons for visiting the reserve. This question reinforced people's values of the park and the highest recorded reason by more than 60% of respondents indicated that the reason that they are most likely to visit the reserve is to "view the scenery", "keep physically fit" and "do something with friends" and to "rest physically and relax".

Be close to nature and enjoy the outdoors was also listed by over half of respondents.

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Appendix 2

CATEGORISATION OF COMMUNITY LAND

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

THE GREEN, KYLE BAY

Contents:

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

1. Introduction

At the public hearing which took place at the Connells Point Sailing Club Hall in Donnelly Park, Connells Point on 28th May, 2013 a document titled Kogarah City Council Draft The Green, 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 The Green 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:

1. Kogarah City Council Draft The Green, Kyle Bay Plan of Management 2013 of 106 pages (attachment 1). This document is available on the Council's web site.
2. Oral participation at the Public Hearing by two 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 The Green, 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 visited the park and the surrounding area before the public hearing took place. He observed the proposed Sportsground element of The Green was floodlit at the time and there was active participation in a soccer game. A bistro/restaurant upstairs was in use that evening on the other side of Merriman Street and that was the subject of an earlier Plan of Management for Merriman Reserve.

5. The land that forms The Green that forms the basis of this report

Photograph 2 on page 24 of attachment 1 is an aerial photograph of the land and that shows the proposed land categories being:

1. General Community Use for the building on the corner of Merriman Street and Kyle Parade, being a Public Amenities Building shown in Photographs 15 and 16.

2. Park for the remaining land fronting Kyle Parade.
3. Park for land on the eastern side of the land proposed to be categorised as Sportsground.
4. Sportsground for the bulk of the land being the part that was floodlit when the soccer game was under way. It is shown as The Green Rugby Union Field in Photograph 14.
5. Natural area bushland for the part of The Green that has frontage to Martin Street.
6. General Community Use for the other corner of The Green which includes the Childrens Playground.

Photograph 4 on page 42 contains an outline of the various lots that make up Merriman Reserve and The Green.

6. Assignment of Land Category

I believe that there was general community support for the report and its recommendations on the proposed assignment of Land Categories because the two members of the public who attended the public hearing said they had spoken to other members of the community and those people had asked the two present to convey that feeling on their behalf. I was satisfied that there had been appropriate notification of the public hearing and the absence of objections enabled the same conclusion to be drawn. The Community Survey and the results of that survey (shown on pages 94 to 103) reveal that there was an opportunity to have an input into the future management of The Green.

7. General Comments

The Community Land Categorisation process is discussed on pages 22 to 26 and it seems that the proposed categorizations are consistent with the current use of The Green and as no radical changes are proposed and there were no public submissions suggesting such changes I am comfortable in recommending that the Draft Plan be adopted.

8. Summary

I find that the strategies in The Green, Kyle Bay Draft Plan of Management for the land identified in Table 1 on page 14 of Attachment 1 are generally suitable for adoption.


Michael McMahon

12th June, 2013