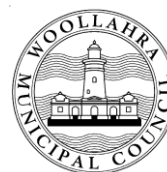


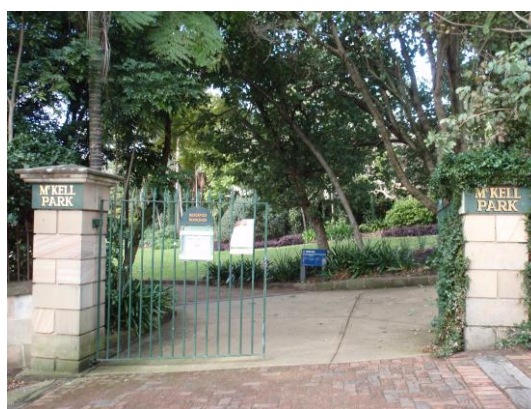
McKell Park and Darling Point Reserve



Department of
Primary Industries
Catchments & Lands



Plan of Management



McKell Park and Darling Point Reserve

Version: 1 August 2012
Adoption date:

Draft

Woollahra Municipal Council

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General Manager

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Gary James
General Manager

Executive Summary

Introduction

This Plan of Management has been prepared to guide Woollahra Council, as land owner of McKell Park and Darling Point Reserve, in the future planning, use and management of the parks.

This Plan of Management satisfies the requirements for content and process in preparing a Plan of Management under the *Crown Lands Act 1989* and the *Local Government Act 1993*.

A Plan of Management which did not comply with legislation was prepared for McKell Park in 1996. This is the first Plan of Management to include Darling Point Reserve. Preparation of this Plan of Management involved consultation with stakeholders (local residents and interested community groups), and with the general community during the public exhibition.

This Plan of Management recommends minor changes in permitted uses and management direction for McKell Park and Darling Point Reserve. It recommends management actions aimed at meeting the current needs of park users and residents, and highlights the parks' significance in a local context.

History

The traditional owners of the area now known as Darling Point were generations of the Birrabirragah people, who occupied the foreshores of the harbour. They lived from its yield, with their culture and way of life based on its physical proximity and spiritual influence. Their lifestyle was suddenly disrupted by the arrival of European settlers in 1778 with the introduction of disease and subsequent occupation and clearing of land through land grants and settlement. Land including the present McKell Park was sold to James Holt in 1833. The land was subsequently used as:

- ☐ a residence (*Lansdowne* 1841-1905, and *Canonbury* 1905-1919).
- ☐ a hospital (1920-1981), including a naval hospital during World War II.
- ☐ a public park from 1983 to the present.

The fence, gates and foundation remains of the former house *Canonbury* located within McKell Park are listed as heritage items in Schedule 3 of the Woollahra Local Environmental Plan. Darling Point Reserve was formed in 1938 as part of a drainage reserve from unmade roadway at the northern extremity of Darling Point Road. After the subdivision of Lady Darling's property in 1833-35 the road was progressively built up in 1867, 1870, 1885 and finally in 1938. The road reserve was landscaped into its present form in June 1984, and was upgraded during 1996.

Current status

Site Name	McKell Park and Darling Point Reserve
Address	Darling Point Road, Darling Point
Adjacent landuses	Residential, <i>Lindesay</i> historic house
Land parcels	McKell Park: Lot 7051 DP 93654, Lot 1553 DP 752011, Lot 1 DP 850200 Darling Point Reserve: Road reserve
Area (ha)	0.7 hectares

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Ownership	Crown (Lot 7051 DP 93654, Lot 1553 DP 752011) Woollahra Council (Lot 1 DP 850200)
Managers	Darling Point Public Recreation (R100101) Reserve Trust, Woollahra Council
Public purpose of Crown land	Public Recreation
Native title	Aboriginal land claim over Lot 7051 DP 93654 – incomplete status
Community land categorisation	Park
Zoning	6 – Open Space under Woollahra Local Environmental Plan 1994. RE1 Public Recreation is proposed under the new principal local environmental plan for Woollahra.
Catchment	Local, district, regional
Physical characteristics	McKell Park: Manicured gardens, grassed and landscaped sandstone terraces stepping down to the harbour foreshore and the public ferry wharf. Heritage-listed Canonbury Cottage is a centrepiece of the Park. Darling Point Reserve: sloping mulched and grassed area with seating and a large Hills Fig which extends to a sandstone seawall fronting Sydney Harbour. A sandstone wall with cast iron railing forms the boundary between McKell Park and Darling Point Reserve.
Flora and fauna	McKell Park: Native and introduced plantings comprising a full and varied tree canopy. Notable mature specimens include <i>Cedrus deodara</i> , <i>Dracena draco</i> , <i>Araucaria columnaris</i> and <i>A. cunninghamiana</i> . Significant trees include Kentia Palms and a Bangalow Palm. Other trees include pines. Formal plantings such as lavender and box hedges highlight the archaeological foundations. Curvilinear beds on the south-eastern boundary incorporate mixed trees, shrubs and ground covers. Indigenous vegetation fringes the turfed areas above the embankment. Trees in McKell Park are generally in healthy and good/fair condition. Darling Point Reserve: mature Hills Fig. Urban fauna (native and introduced species).
Visual elements	Views to and from Sydney Harbour. View to the Sydney Harbour Bridge from Darling Point Reserve. Internal views limited by vegetation on upper level of McKell Park. Preservation of building foundations within the landscape design is an exceptional visual component of McKell Park. Canonbury Cottage and sandstone staircase are dominant built features.
Access	Pedestrian, bicycle, vehicle access but no on-site parking, public bus, public ferry, private watercraft. Limited access for people with disabilities. Internal pathway and stair network.
Assets and condition	Canonbury Cottage, building foundations and gardens, staircase and sandstone sculptures, pond and sandstone sculptures, public wharf, sea wall, fences and gates, pathways, lighting, interpretive and advisory signs, seating, bins. Structures in McKell Park and Darling Point Reserve are generally in good to serviceable condition.
Recent improvements	Reconstruction of the eastern end of the sea wall.
Existing uses	Informal recreation (sitting, relaxing, reading, walking, eating, harbour viewing, fishing), walking through to ferry wharf, activities in Canonbury Cottage (fitness classes, community group meetings, workshops, private parties/gatherings), special events (e.g. New Years' Eve fireworks), organised social occasions (weddings, birthday parties).
Leases/ licenses/ bookings	Annual lease between NSW Maritime and Woollahra Council for use of a portion of McKell Park for a public wharf. Park hire agreements for use of McKell Park and/or Canonbury Cottage for organised group activities, functions, photography, filming etc.
Maintenance	Mowing, horticulture, cleaning the pond, building maintenance, waste management.

Income and expenditure	Income (2010-11): <input type="checkbox"/> approx. \$25,000 from park hire fees, \$17,877 from hire of Canonbury Cottage. Expenditure (2010-11): <input type="checkbox"/> \$11,984 on Canonbury Cottage, and \$800,000 on capital works
Easements	Drainage and stormwater pipe

Basis for Management

The *Crown Lands Act 1989* and the *Local Government Act 1993* govern management of McKell Park and Darling Point Reserve. Other key relevant legislation includes State and regional environmental planning policies and the Woollahra Local Environmental Plan under the *Environmental Planning and Assessment Act 1979*. Other legislation such as the *Companion Animals Act 1998* and *Disability Discrimination Act 1992* also apply to management of McKell Park and Darling Point Reserve.

The local planning framework is governed by the Woollahra Local Environmental Plan, and relevant Development Control Plans and Guidelines. Council's strategic plans such as its Community Strategic Plan 2010-2025, land use plans, open space/recreation and social/community plans, and operational plans such as capital works and maintenance programs also influence planning and management of the parks.

McKell Park and Darling Point Reserve have substantial significance because they are located on Sydney Harbour with extensive open and filtered views of the harbour; include the remains of early 20th century residential architecture which has local heritage significance; are much-loved and valued open spaces in a built-up urban area; and are attractive to the wider community in which to celebrate important events and social gatherings.

Community values of McKell Park and Darling Point Reserve are related to natural, social, historical, aesthetic, cultural, recreational, scientific/educational, and access.

The vision for McKell Park and Darling Point Reserve is:

McKell Park and Darling Point Reserve will continue to be showpiece local/district parks in Woollahra that cater for a range of social, community and recreational activities in an intimate and historically landscaped setting.

Key objectives for McKell Park and Darling Point Reserve include consistency with Council's vision for Woollahra, and for its parks and open spaces. Future roles of McKell Park and Darling Point Reserve relate to the values.

Key issues

A number of key issues were identified through preparation of this Plan of Management:

Values	Issues
Natural	Weeds, fauna habitat, tree maintenance, drainage, environmental / sustainability initiatives, soil erosion
Social / community	Park hire, community events, use of Canonbury Cottage

Values	Issues
Historical	Conservation Management Plan, historical fabric of the archaeological area, seawall maintenance and renewal
Aesthetic	Views, plantings, gardens, pond, waste disposal, wharf infrastructure
Cultural	Public art
Recreational	Water, seating, dog exercise, awareness of lower section of McKell Park
Scientific / educational	Historical interpretation, horticulture
Access	Public wharf, vehicle access, gates and fences, paths and steps, park opening hours, access at daylight/dusk, connection between McKell Park and Darling Point Reserve, water access point, bicycle access
Management	Aboriginal land claim, management of Canonbury Cottage, zoning, road reserve, park name

These issues are addressed in the Action Plan.

Actions

This Plan of Management has been prepared with a series of Action Plans linked to the values. Strategies, actions, priorities, responsibilities, costs, and performance measurement are outlined, which will be incorporated into budgets and work programs.

Key actions and changes to McKell Park and Darling Point Reserve are shown on the landscape masterplan.

Key proposed actions and changes to McKell Park and Darling Point Reserve are to:

- ☐ celebrate and interpret the history and significance of McKell Park and Darling Point Reserve.
- ☐ recategorise the community land to better reflect the existing uses and recreational opportunities for users of the parks.
- ☐ general improvements to the parks as a whole to increase usability, while keeping the significant heritage value.
- ☐ improvements to drainage, irrigation and stormwater capture.
- ☐ maintain connection with the harbour.
- ☐ Improve management of park usage including social gatherings and special events.
- ☐ incorporate the adjoining Darling Point Reserve into McKell Park.
- ☐ upgrade and manage Canonbury Cottage to cater for community needs.
- ☐ take account of and consider adjoining and neighbouring lands and residents, including Lindesay House.
- ☐ manage the tree canopy and ensure that pruning and replanting are continued over time.

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C	PLANNING CONTEXT

Acknowledgements

The consultants would like to thank the following people who assisted in preparing this Plan of Management.

Woollahra Council

Caitlin Moffat	Open Space Planning Project Officer, Project Manager
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Jeff Hill	Technical Officer Parks
Ayreen Irwin	Venue Coordinator
Llewallyn Jones	Co-ordinator Assets and Parks Maintenance
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Charlotte Feldman	Darling Point Society Inc.
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Peter Poland	Woollahra History and Heritage Society Inc.

Local residents

Thank you for the useful contribution of local residents who completed an on-line or questionnaire survey.

1 INTRODUCTION

1.1 What is a Plan of Management?

A Plan of Management is a document that identifies issues affecting public open space, and outlines how that open space is intended to be used, improved, maintained and managed in the future. A Plan of Management is typically accompanied by a landscape plan that shows proposed on-the-ground changes to that open space.

1.2 Why prepare a Plan of Management for McKell Park and Darling Point Reserve?

This Plan of Management is the second prepared specifically for McKell Park, and the first to include Darling Point Reserve.

A Plan of Management for McKell Park (Woollahra Municipal Council, 1996) was prepared as an interim plan to comply with the *Local Government Act 1993* until a generic Plan of Management for all foreshore parks in Woollahra was adopted by Council. However, preparation of the Plan of Management for McKell Park was not consented to by the Minister for Lands, and the plan was incorrectly prepared under the *Local Government Act 1993* because the *Crown Lands Act 1989* applies to the majority of McKell Park. With regard to the Crown land component of McKell Park the Plan of Management for McKell Park (Woollahra Municipal Council, 1996) has no statutory force, and its status is an unendorsed reserve strategy plan.

Darling Point Reserve is covered by the Natural Area (Foreshore) Plan of Management (Woollahra Municipal Council, 1996) until adoption of this Plan of Management.

Given the significance of McKell Park and several management issues which require resolution, Woollahra Council commissioned Parkland Environmental Planners to prepare this Plan of Management for McKell Park and Darling Point Reserve. The reasons for preparing the Plan of Management were to:

- ☐ prepare a specific Plan of Management for McKell Park and Darling Point Reserve which satisfies relevant legislation and which will be adopted by Woollahra Council and the Minister for Primary Industries.
- ☐ facilitate other proposed improvements to the parks as shown on the landscape masterplan and in the action plan in Section 5.

This Plan of Management sets out a management direction and permitted uses and improvements specifically for McKell Park and Darling Point Reserve. It also recommends management actions aimed at meeting current and future demands of users of the parks, and highlights their significance in a local context.

1.3 Land to which this Plan of Management applies

This Plan of Management applies to McKell Park and Darling Point Reserve in Darling Point (Figure 1.1).

McKell Park and Darling Point Reserve are both included in this plan because they adjoin each other and may be considered as a continuous open space, and because they include land managed by Woollahra Council.

Figure 1.1 Regional context of McKell Park and Darling Point Reserve



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McKell Park and Darling Point Reserve are approximately 0.7 hectares in area.

Land in McKell Park is owned by Woollahra Council and the Crown, so the *Local Government Act 1993* and the *Crown Lands Act 1989* applies to its management. Woollahra Council manages the road reserve comprising Darling Point Reserve.

1.4 Objectives of this Plan of Management

This Plan of Management aims to:

- ☐ set out an appropriate and integrated framework to guide decision making regarding the future sustainable use and management of McKell Park and Darling Point Reserve.
- ☐ comply with all relevant legislative requirements, particularly the *Local Government Act 1993*, *Crown Lands Act 1989*, the *Roads Act 1993* and the *Environmental Planning and Assessment Act 1979*.
- ☐ be consistent with Woollahra Council's Strategic Community Plan and its other strategies, plans and policies.
- ☐ represent the values and expectations of local residents and the broader community for use, enjoyment, management and development of the parks.
- ☐ recognise park-related issues and conflicts between existing and proposed uses, and address these in the context of community values and applicable legislation.
- ☐ present a landscape masterplan which illustrates the proposed initiatives and actions required to implement proposed physical changes and improvements to McKell Park and Darling Point Reserve.
- ☐ consider Council's existing and future financial obligations.

1.5 Process of preparing this Plan of Management

The process of preparing this Plan of Management, consultations with the community, stakeholders, and documents produced at each stage, are shown in Figure 1.2.

1.5.1 Legislative requirements

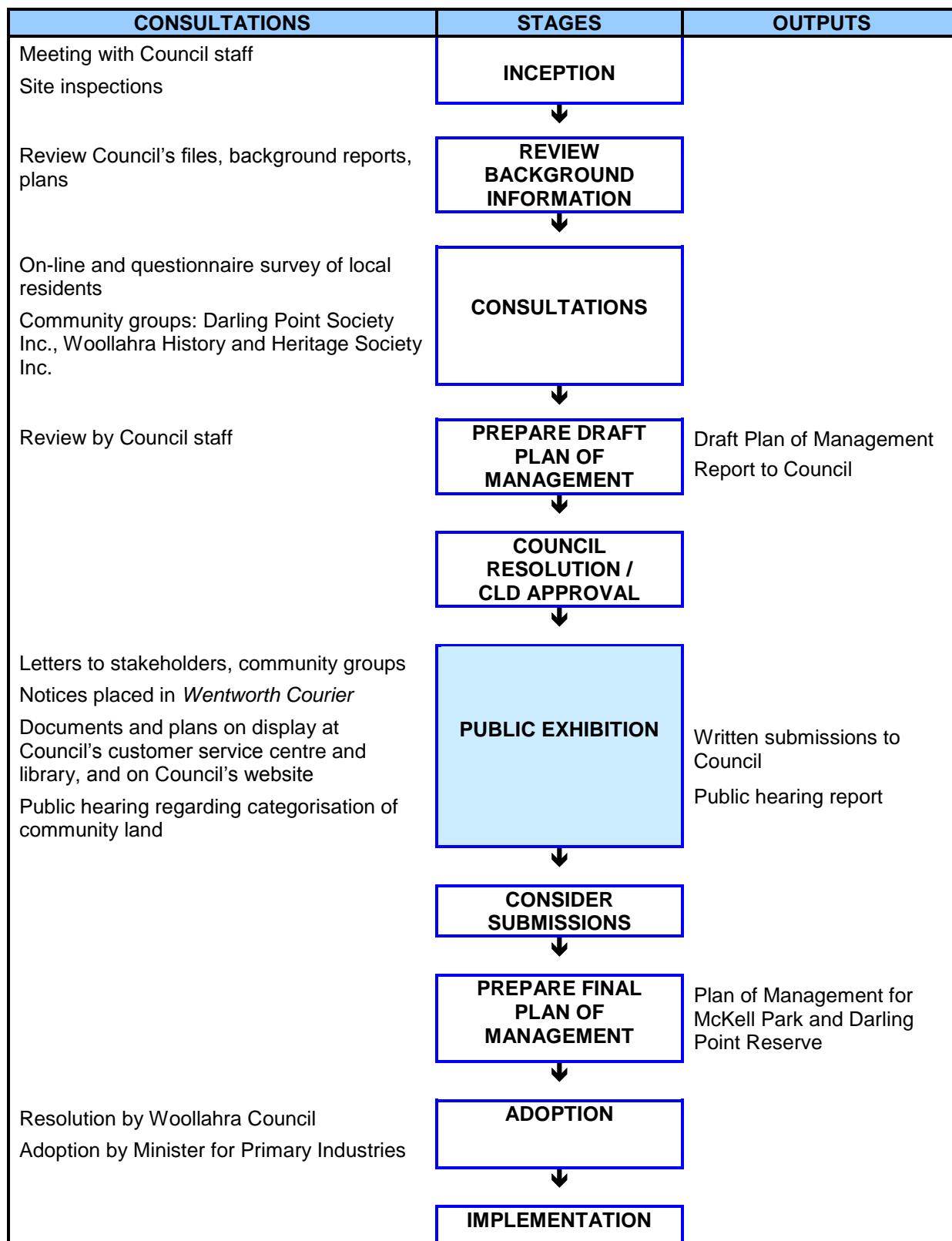
The *Crown Lands Act 1989* requires that draft Plans of Management are placed on public exhibition for a period of 28 days.

The *Local Government Act 1993* requires that draft Plans of Management are placed on public exhibition for a minimum of 28 days, with a further 14 days allowed for written comments.

1.5.2 Consultations

Various user groups and interested organisations were consulted during preparation of this Plan of Management, as follows:

Figure 1.2 Process of preparing this Plan of Management



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- ☐ local residents via a questionnaire and on-line survey (refer to Appendix A).
- ☐ interested groups: Darling Point Society Inc., and the Woollahra History and Heritage Society Inc.
- ☐ Government: Sydney Ferries and NSW Maritime.
- ☐ local residents and other interested people via a public hearing into the proposed categorisation of community land, and during the public exhibition of the draft Plan of Management.

1.6 What is included in this Plan of Management?

This Plan of Management is divided into the following sections, as outlined in Table 1.1.

Table 1.1 Structure of this Plan of Management

Section	What does it include?
1 Introduction	Background to the Plan of Management
2 Description of McKell Park and Darling Point Reserve	Ownership and management, history, physical description, buildings and facilities, uses, maintenance, income and expenditure
3 Planning context	State government planning legislation, local planning context
4 Basis for Management of McKell Park and Darling Point Reserve	Values of the community and users, vision, roles, management principles and objectives
5 Action Plan	Landscape masterplan, discussion of current issues and options, strategies and actions to resolve issues consistent with values.
6 Implementation and review	Permitted future uses and developments, leases and licences, implementation, reporting, review

Requirements of the Local Government Act for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 1.2.

Table 1.2 Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land.	Section 3
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Sections 3, 6
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Sections 3, 6
A description of the scale and intensity of any such permitted use or development.	Section 6

Requirement of the Local Government Act	How this plan satisfies the Act
Authorisation of leases, licences or other estates over community land.	Section 6
Performance targets.	Section 5
A means for assessing achievement of objectives and performance targets.	Section 5

The objectives of the Crown Lands Act in Section 10 and the principles of Crown land management in Section 11 of the Act ensure that Crown land is managed for the benefit of the people of NSW. This Plan of Management has been prepared according to the requirements of Part 5 Division 6 – Plans of Management of the *Crown Lands Act 1989*. A Plan of Management will satisfy the *Crown Lands Act 1989* if the points in Table 1.3 are addressed.

Table 1.3 Contents of a Plan of Management required under the Crown Lands Act

A Plan of Management satisfies the Crown Lands Act if:	How this plan satisfies the Act
The objects of the Act (Section 10) are included.	Section 3
The Plan of Management and its outcomes incorporate and satisfy the principles of Crown land management (Section 11).	Section 3
Any proposed uses, developments and management practices recommended in the Plan of Management must be ancillary to or supportive of the public purpose for the reserved or dedicated land, and with any policies of the Crown Lands Division applying to Crown reserves (Section 87).	Section 3
The role and functions of the Reserve Trust (Sections 92-95).	Section 3
Provisions of the Act for sale, lease, or mortgage of Crown land, or granting an easement or a licence are outlined (Section 102).	Section 3
Uses for which temporary licences may be granted (Section 108) are outlined.	Section 3
Requirements for referral of draft plans (Section 113) are met.	Section 1
The Plan of Management is prepared by the Reserve Trust under Section 112 of the Act.	The Plan of Management is prepared by Woollahra Council as Trust Manager of Crown Land in Crown reserves under Section 48 of the Crown Lands Act.
The Plan of Management must address any matters required by the Minister responsible for Crown lands (Section 112).	No such requirements have been received by the Minister.
If the Reserve Trust proposes that a reserve is to be used for an additional purpose (Section 112), the draft plan must specify or deal with these matters: <ul style="list-style-type: none"> <input type="checkbox"/> the condition of the reserve, and any buildings or other improvements on the reserve. <input type="checkbox"/> existing use of the reserve, and of any buildings or other improvements on the reserve. <input type="checkbox"/> the nature and scale of the proposed additional purpose. 	No additional purposes are proposed.

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A Plan of Management satisfies the Crown Lands Act if:	How this plan satisfies the Act
<input type="checkbox"/> the nature, scale and term of any lease, licence or other arrangement that is intended to be granted or entered into in relation to the additional purpose. <input type="checkbox"/> any submissions made in relation to the draft plan as a result of the consultation process and public exhibition requirements under Section 113.	
The requirements of reports by Reserve Trusts are outlined (Section 122, and Clause 32 of the Crown Lands Regulation 2006).	Section 3

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General Manager

2 DESCRIPTION OF McKELL PARK AND DARLING POINT RESERVE

2.1 Location and context

Figure 2.1 shows the location and context of McKell Park and Darling Point Reserve.

Figure 2.1 Locality of McKell Park and Darling Point Reserve



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McKell Park and Darling Point Reserve are located at the northern end of Darling Point Road at its intersection with Lindsay Avenue in the suburb of Darling Point within the Woollahra local government area.

The parks are adjoined by harbourfront houses to the east and west, and the historic house *Lindesay* and its gardens to the south. The mean high water mark / seawall adjoining Sydney Harbour forms the northern boundary of both parks.

2.2 Significance of McKell Park and Darling Point Reserve

Due to their location and characteristics, McKell Park and Darling Point Reserve have substantial significance because they:

- ☐ are located on Sydney Harbour with extensive open and filtered views of the harbour.
- ☐ include the remains of early 20th century residential architecture which has local heritage significance.
- ☐ are much-loved and valued open spaces in a built-up urban area.
- ☐ are attractive to the wider community in which to celebrate important events and social gatherings.

2.3 History and cultural heritage

2.3.1 Indigenous history

The traditional owners of the area now known as Darling Point were generations of the Birrabirragah people, who occupied the foreshores of the harbour. They lived from its yield, with their culture and way of life based on its physical proximity and spiritual influence.

Their lifestyle was suddenly disrupted by the arrival of European settlers in 1778. In 1789 approximately 50% of the known local Aboriginal population were killed by disease, most likely smallpox introduced by European settlers. Subsequent occupation and clearing of land through land grants and settlement reduced the population of the Aboriginal community within the Sydney area and hastened the process that led to the eventual demise of traditional Aboriginal land use within the Sydney area.

The Aboriginal association with Sydney Harbour waters for fishing and its foreshores for hunting and food gathering is well documented through the presence of rock engravings, shelters, middens, burials and art within Woollahra Municipality. However, there are a number of sacred/ burial sites within the eastern suburbs of Sydney, the exact location of which remains, for spiritual reasons, privileged information kept in trust by the La Perouse Land Council (pers. comm. Williamson 1995).

2.3.2 Non-indigenous history

Historical events

Introduction

The history of McKell Park and Darling Point Reserve and its context in Woollahra is well documented in various books and reports (refer to the reference list). McKell Park and Darling Point Reserve has a rich and varied history dating back to Sydney's early days, summarised below. A fuller description of the European history of McKell Park and Darling Point Reserve is set out in Appendix B.

McKell Park

Highlights of the history of McKell Park are:

- ☐ Darling Point was a desired location to establish a whaling establishment in 1828.
- ☐ land including the present McKell Park was first sold to James Holt in 1833. Holt sold the coveted site six weeks later for a profit to the Colonial Treasurer C.D. Riddell, who constructed *Lindesay*.
- ☐ The land was subdivided and sold between 1841 and 1846. *Lansdowne* was built in 1841.
- ☐ In 1904-5 *Lansdowne* was demolished, and a larger house *Canonbury* and the present Canonbury Cottage were built.
- ☐ *Canonbury* was sold to the Australian Jockey Club in 1919, and was used as a hospital from 1920 to 1981 when it fell into disrepair. *Canonbury* was commissioned as a naval hospital during World War II.
- ☐ The Minister for Health, the Hon. L.J. Brereton, announced in 1983 that the site of *Canonbury* would become a public park. Canonbury Park was renamed McKell Park in 1984.
- ☐ McKell Park was built in the mid-1980s around the historic ruined foundations of the residences of *Canonbury*, *Lansdowne* and an earlier cottage dating from the 1840s. McKell Park was formally opened on 17 February 1985 by the Hon. Laurie J. Brereton, Minister for Public Works, Ports and Roads.
- ☐ Canonbury Cottage was restored for community use in August 2004.

Darling Point Reserve

Darling Point and Darling Point Road are named after the wife of the early colonial governor General Darling.

Darling Point Road had been progressively developed from being a bush track in the 1830s to a major road in 1938. Darling Point Reserve was formed in 1938 as part of a drainage reserve from unmade roadway at the northern extremity of Darling Point Road. After the subdivision of Lady Darling's property in 1833-35 the road was progressively built up in 1867,

1870, 1885 and finally in 1938. The road reserve was landscaped into its present form in June 1984, and was upgraded during 1996.

Heritage items and significance

Indigenous

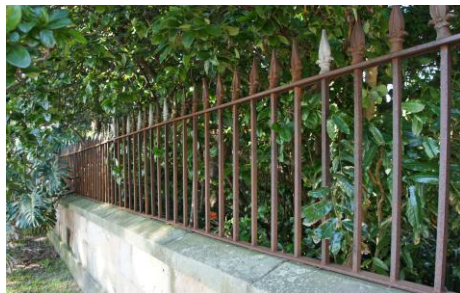
No physical evidence of the presence of indigenous people on the site remains due to its development beginning in 1841.

Non-indigenous

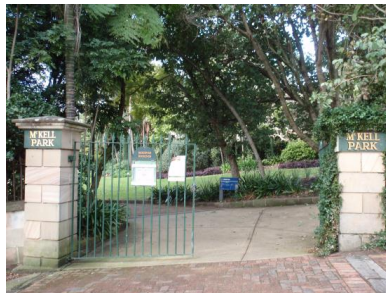
The remains of the bath house and the site of the jetty in McKell Park are heritage items listed in the Sydney Regional Environmental Plan (deemed SEPP) (Sydney Harbour Catchment).

The fence, gates and foundation remains of the former house *Canonbury* located within McKell Park are listed as heritage items in Schedule 3 of the Woollahra Local Environmental Plan.

Canonbury Cottage dates from the early 20th century.



Fence



Gates



Foundation remains

2.4 Land ownership and management

2.4.1 Introduction

McKell Park and Darling Point Reserve include Crown land, land owned freehold by Woollahra Council, and road reserve. Further details about ownership and management of McKell Park and Darling Point Reserve is in Table 2.1. Land parcels and ownership are shown in Figure 2.2.

Table 2.1 Ownership and management of McKell Park and Darling Point Reserve

Item	Details			
Park/ reserve	McKell Park	McKell Park	McKell Park	Darling Point Reserve
Lot / DP No.	Lot 7051 DP 93654	Lot 1553 DP 752011	Lot 1 DP 850200	Road reserve
Features	Canonbury Cottage, foundation remains, gardens, grassed areas	Trees and grassed area, pond, sandstone wall and staircase, sea wall	Grassed area, seat, bollards, new sea wall	Landscaped area, seats
Ownership	Crown	Crown	Woollahra Council	-
Management	Darling Point Public Recreation (R100101) Reserve Trust. Woollahra Council is Trust Manager	Darling Point Public Recreation (R100101) Reserve Trust. Woollahra Council is Trust Manager	Woollahra Council	Woollahra Council
Area	5,513m ²	470m ²	461m ²	571m ²
Zoning	6 – Open Space (Woollahra Local Environmental Plan 1995)	6 – Open Space (Woollahra Local Environmental Plan 1995)	uncoloured (Woollahra Local Environmental Plan 1995)	6 – Open Space (Woollahra Local Environmental Plan 1995)
Classification	Crown land, so not required to be classified.	Crown land, so not required to be classified.	Community land	Road reserve, so not required to be classified. Council intends to close the road reserve and change it to open space.
Categorisation	Although Crown land, categorised in the Plan of Management for McKell Park (1996) as Natural Area - Foreshore	Although Crown land, categorised in the Plan of Management for McKell Park (1996) as Natural Area - Foreshore	Categorised in the Plan of Management for McKell Park (1996) as Natural Area – Foreshore. Proposed to be categorised as 'Park' - see Section 3	Categorised in the Plan of Management for Foreshore Parks (1996) as 'Natural Area-Foreshore'. Proposed to be categorised as 'Park' - see Section 3
Public Purpose	Public Recreation	Public Recreation	n/a	n/a
Leases, licences and other estates	Regular and casual hire agreements for use of Canonbury Cottage and the parkland for functions and community events.	Ferry wharf	n/a	n/a
Easements / encumbrances	Drainage easement and stormwater pipe	Drainage easement and stormwater pipe	n/a	Drainage easement and stormwater pipe

Figure 2.2 Ownership of McKell Park and Darling Point Reserve



2.4.2 Crown land

McKell Park is in the County of Cumberland, Parish of Alexandria.

The *Crown Lands Act 1989* applies to Lot 7051 DP 93654 and Lot 1553 DP 752011, which were reserved for public recreation on 26 June 1987. Woollahra Council, as trust manager of the Darling Point Public Recreation (R100101) Reserve Trust, manages the park.

An Aboriginal Land Claim was lodged by the New South Wales Aboriginal Land Council on 20 August 2010 over Lot 7051 DP 93654 in Crown Reserve R100101. The status of this claim is incomplete, which precludes issue of tenures such as term leases and licences, but does not affect day to day management by Woollahra Council.

Requirements of the *Crown Lands Act 1989* for management of Crown land are set out in Section 3.

2.4.3 Community land

As Lot 1 DP 850200 in McKell Park is land owned by Woollahra Council and is used by the community, it is classified as community land under the *Local Government Act 1993*. All land

classified as community land must be categorised and managed in accordance with the Act (refer to Section 3).

2.4.4 Road reserve

The land parcel comprising Darling Point Reserve is unmade roadway and as such does not have an identifying lot and deposited plan number.

The categorisation and inclusion of road reserves in a Plan of Management is not required under the *Local Government Act 1993*. However, as road reserves are managed and maintained in the same manner as though they are classified as community land they are included in this Plan.

In the interest of consistent management of McKell Park and Darling Point Reserve as adjoining open spaces, Woollahra Council resolved on 27 February 2012 “that the road reserve known as Darling Point Reserve be considered for consolidation with McKell Park when the draft Plan of Management for McKell Park is placed on public exhibition.”

2.4.5 Use agreements over McKell Park and Darling Point Reserve

A lease agreement between NSW Maritime (the lessor) and Woollahra Council (lessee) permits use of 100m² of land, including a portion of McKell Park, for the purpose of a public wharf. Woollahra Council is responsible for repairs and maintenance of the wharf. Conditions of the lease include that advertisement signs, hoardings or structures may not be erected except with the permission of NSW Maritime. The lease is renewed on a year-to-year basis.

Temporary hire agreements are issued to people who apply to Council to book any part of McKell Park and/or Canonbury Cottage. Such use is subject to conditions that are issued to the hirer for activities such as wedding and commitment ceremonies, social functions, in which numbers are limited to less than 120 people, and marquees and amplified sound are not permitted.

2.4.6 Key stakeholders in McKell Park and Darling Point Reserve

Stakeholders responsible for management of land and facilities in McKell Park and Darling Point Reserve are in **Table 2.2**.

Table 2.2 Stakeholders in McKell Park and Darling Point Reserve

Organisation	Responsibilities
Crown Lands Division	Land owner
Woollahra Council	Land owner Management Bookings Maintenance
Sydney Ferries	Operation of ferry wharf
NSW Maritime	Management of ferry wharf
Lessees / licensees / hirers	Meet requirements of leases, licences, and use/hire agreements as appropriate.

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2.5 Physical characteristics

2.5.1 Introduction

McKell Park comprises manicured gardens and grassed and landscaped terraces stepping down to the harbour foreshores and the public ferry wharf. The heritage-listed Canonbury Cottage is a centrepiece of the park.

Darling Point Reserve includes a sloping mulched and grassed area with seating and a large Hills Fig (*Ficus hillii*) providing both shade and shelter. The grassed area extends down to a sandstone seawall that fronts the harbour. A sandstone wall with cast iron railing forms the boundary between McKell Park and the Reserve. The Reserve serves as a quiet and secluded area with sweeping views of the harbour.

2.5.2 Geology, landform and soils

McKell Park and Darling Point Reserve are situated on Hawkesbury Sandstone, characterised by sandstone walls between the upper and lower sections of McKell Park. Natural soils associated with the Hawkesbury Sandstone are loose, coarse quartz sand and earthy, yellowish-brown sandy clay loam.



A narrow section of land on the landward side of the sea wall in McKell Park, and the northern end of Darling Point Reserve, is reclaimed land.

McKell Park comprises grassed landscape terraces stepping down to the harbour foreshore and the Darling Point ferry wharf. Darling Point Reserve slopes towards the harbour from the end of Darling Point Road.

2.5.3 Flora and fauna

Flora

McKell Park

McKell Park is characterised by a full and varied tree canopy with some notable mature specimens such as *Cedrus deodara*, *Dracena draco*, *Araucaria columnaris* and *Araucaria cunninghamiana*, as well as semi-mature *Livistona australis*, *Castanospermum austral* and *Flindersia australis*.

Formal plantings such as lavender and box hedges denote the archaeological footprint of the courtyard and turning circle area.

Along the south-eastern boundary are curvilinear beds with sandstone borders with mixed tree, shrub and ground cover plantings.

Native vegetation fringes the edge of the turfed areas above the embankment.

A series of lawns link Canonbury Cottage with the eastern boundary.



Woollahra Council's Register of Significant Trees (June 1991) lists several palms with historic and visual importance and in good condition and health in McKell Park as follows:

- ☐ one Bangalow Palm (*Archontophoenix cunninghamia*) 12 metres high, located adjacent to the Darling Point Road boundary.
- ☐ ten Kentia Palms (*Howea forsteriana*) in two main groups to the north-east and north-west of the original residence, with two individuals adjacent to the Darling Point Road boundary and the single Bangalow Palm. Heights vary between four and ten metres.

The Register recorded a Statement of Significance for the palms in McKell Park:

"All palms are remnants of the 'Canonbury' garden, dating possibly to the time of the annex of the Paddington Women's Hospital or Australian Jockey Club. The palms reflect a typical

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planting theme repeated throughout Darling Point. The two groups of Kentias, in particular, are located in most visually prominent positions on this point and for this reason they are considered significant.”

Other plant species in McKell Park not mentioned above include:

- ☐ Palms: Cabbage Tree Palm (*Livistona australis*), Curly Palm (*Howea belmoreana*), Dwarf Date Palm (*Phoenix robellini*).
- ☐ Pines: Cook Island Pine (*Araucaria columnaris*), Kauri Pine (*Agathis robusta*), Hoop Pine (*Araucaria cunninghamii*),
- ☐ Indigenous species: Kurrajong (*Brachychiton populneus*), Sydney Red Gum (*Angophora costata*), Weeping Bottlebrush (*Callistemon viminalis*), Crows Ash (*Flindersia australis*), Old Man Banksia (*Banksia serrata*), Coastal Banksia (*Banksia integrifolia*), Swamp Banksia (*Banksia robur*), Illawarra Flame Tree (*Brachychiton acerifolius*), Red Apple (*Acmena brachyandra*), Deodar Cedar (*Cedrus deodara*), Wattle (*Acacia* sp.), Turpentine (*Syncarpia glomulifera*), Tuckeroo (*Cupaniopsis anacardiodes*), Blueberry Ash (*Elaeocarpus reticulatus*), Small-leaved Lilly Pilly (*Syzygium leumannii*), Bracelet Honey Myrtle (*Melaleuca armillaris*), She-Oak (*Casuarina* sp.), Silky Oak (*Grevillea robusta*), Broad-leaved Paperbark (*Melaleuca quinquinervia*).
- ☐ Introduced species: Jacaranda (*Jacaranda mimosifolia*), Frangipani (*Plumeria acutifolia*), Magnolia (*Magnolia* sp.), Pride of Bolivia (*Tipuana tipu*), Chinese Pistachio (*Pistacia chinensis*), Bird of Paradise (*Strelitzia* sp.), Sweet Pittosporum (*Pittosporum undulatum*).

Trees in the park are in healthy and good/fair condition, except one Orchid Tree, one Curly Palm, two over-mature Wattles, one Blueberry Ash, Viburnum, one Jacaranda, one Sydney Red Gum, One Silky Oak

Trees in poor condition will be inspected annually, and detailed inspections will be undertaken where necessary.

Council will generally replace plantings with the same species, however in some instances there may be opportunities to improve the thematic unity and reduce the ad hoc appearance of plantings as trees reach the end of their safe useful life.

Darling Point Reserve

A mature Hills Fig (*Ficus hillii*) is a strong physical and aesthetic element in Darling Point Reserve.

Fauna

Fauna species consistent with those that live in and visit urban parks in Sydney are expected to inhabit McKell Park and Darling Point Reserve.

Fairy penguins live in the Darling Point area, so holes have been built into the McKell Park sea wall to provide habitat.

2.6 Visual assessment

Spectacular views of the harbour ranging from the Sydney CBD and Sydney Harbour Bridge in the west to Sydney Heads to the east are available from the elevated harbourside setting of McKell Park and Darling Point Reserve. Views of the harbour are restricted by vegetation from the upper levels of McKell Park.



Views of both parks are available from Sydney Harbour. Adjoining residences overlook the parks.

McKell Park is characterised by a partially secluded “walls and rooms” effect within McKell Park formed by the garden beds. The conscious decision to preserve remnants of the history of the site within the landscape design adds an exceptional visual component in McKell Park.



2.7 Access and circulation

2.7.1 Access to the parks

McKell Park and Darling Point Reserve are situated at the northern end of Darling Point Road at Darling Point. The parks can be easily accessed on foot, and by bicycle, bus, vehicle and ferry. The resident survey (Appendix A) showed that 75% of residents who visit McKell Park walked to the park, 13% by car/vehicle, 5% by ferry, 3% by bus/walking, and 2% by bicycle.

Limited street parking is available along Darling Point Road and Lindsay Avenue.

Access by public ferry from Circular Quay and by private boats is available from a timber wharf on the lower level of McKell Park. Inter-tidal or water access is available with some difficulty at Darling Point Reserve.

Bus route 327 which links Darling Point with Bondi Junction and the Sydney CBD serves the park.

Access to the parks by people with disabilities is available from Darling Point Road, however level access is not available throughout both parks.

The Lindsay Avenue entry to McKell Park is open 24 hours a day. The other two gates to McKell Park are locked between dusk and dawn.

McKell Park and Darling Point Reserve are part of the Harbour Walk between Rushcutters Bay and Rose Bay.





2.7.2 Circulation within the parks

A primary and secondary path system links the entry points to McKell Park with Canonbury Cottage, the foundation remains, and the staircase to the lower level. Informed paths extend through the garden beds. The wider paths in McKell Park reflect the carriage loop of former residences on the site.

2.8 Built facilities and park furniture

The key built structures in McKell Park and Darling Point Reserve, and their use and condition, are set out in Table 2.3.

Table 2.3 Use and condition of key built elements of McKell Park and Darling Point Reserve







Structure	Description	Use	Condition		
Canonbury Cottage	<p>Total floorspace approx. 130m². Interior: downstairs function room (9m x 4m includes stairwell), small kitchen, small upstairs meeting room, large upstairs meeting room, internal bathroom, storage room, laundry.</p> <p>Exterior: accessible male and female public toilets. Brick veneer/double brick rendering.</p> <p>Limitations of Canonbury Cottage for community use are that it is not close to frequent public transport, lack of parking, poor visibility, and is not multi-purpose. Building-specific limitations are the staircase, and that the front door and French doors/foyer area are too small.</p>	<p>Available for hire sunrise to sunset, seven days a week. May be hired in conjunction with McKell Park for social gatherings.</p> <p>On weekends Canonbury Cottage must be hired with McKell Park.</p> <p>Building capacity up to 30 people.</p> <p>Social events, recreational activities, community groups.</p> <p>Over 50s fitness group twice weekly.</p> <p>Probus Club meet fortnightly.</p> <p>Canonbury Cottage Book Club meets first Tuesday of each month at 2.30pm.</p> <p>Upstairs office space hired out as an office/ consultation room 7 days a week but not used this often.</p> <p>Occasional Darling Point Society meetings.</p>	<p>Good, taking into account the age of the building and damp conditions resulting from runoff from Lindesay Avenue.</p>	   	

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Structure	Description	Use	Condition		
Foundations and gardens	Remains of building foundations. Square parterre hedge. Historic water tank within the fenced area.	Landscape features	Fair		
Foundations and steps on foreshore	Brick / stone	Informal water access Historical interest	Poor		
Staircase and sandstone sculptures	Sandstone, extends between upper and lower levels	Pedestrian access. Public art.	Fair		

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Structure	Description	Use	Condition		
Pond and sandstone sculptures	Water retention pond and sandstone sculptures on the lower level of McKell Park.	Landscape feature	Good		
Ferry wharf	Timber wharf. Shelter structure. Information board and timetable on shore. Ad hoc structures.	Boarding and alighting from ferries and private boats.	Fair		
Sea wall	Sandstone	Separation of reclaimed land from Sydney Harbour	Excellent-good. Eroded seawall in McKell Park replaced in 2011. Sea wall at Darling Point Reserve partially repaired in January		


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Structure	Description	Use	Condition	
			2006. Remediation works required in next 5-10 years.	
Fence	Iron, sandstone, wooden (near Lindesay House)	Security, park boundary definition	Poor	
Paths	Paths in McKell Park constructed with a variety of materials such as concrete, bitumen, decomposed concrete. Concrete path and steps in Darling Point Reserve.	Pedestrian access and circulation	Fair	 

Structure	Description	Use	Condition		
Lighting	3 styles of lighting in McKell Park. Wharf lighting. Single light in Darling Point Reserve.	Illumination at night	Fair		
Interpretive signs	Metal sign showing former building floorplan. Two interpretive signs adjoining the parterre garden.	Historical interpretation	Fair		
Signs	Metal signs – park name	Advisory signage	Very good		

Structure	Description	Use	Condition	
Seating	Wooden and stone seating	Sitting, relaxation	Very good	 
Bins	Plastic waste bins	Waste disposal	Very good	

Electricity, telephone, sewage and drainage are connected to Canonbury Cottage.

An irrigation system is fitted for watering the lawns and gardens in McKell Park.

2.9 Use of McKell Park and Darling Point Reserve

2.9.1 Activities in McKell Park and Darling Point Reserve

McKell Park and Darling Point Reserve are used by local residents and wider community for a variety of activities.

Local residents visit McKell Park frequently, with 61% of local residents responding to the resident survey visiting the park at least once a week. Use is highest on weekends by local residents and visitors to the area for private gatherings and informal recreation, and by some visitors from boats on the harbour.

Users of McKell Park and Darling Point Reserve participate in a variety of informal and organised recreational and social activities. McKell Park in particular is a pleasant place to:

- ☐ enjoy informal activities: sitting, relaxing, reading, walking, eat lunch, have a picnic, view the harbour and its activities, and visiting heritage places.
- ☐ walk through to access the ferry wharf, and fish from the wharf or seawall.
- ☐ attend an activity in Canonbury Cottage: fitness classes, community group meetings, workshops and meetings, and weddings and private parties/gatherings.
- ☐ attend a special event such as viewing fireworks on New Years' Eve.
- ☐ attend a ceremony such as a wedding or birthday party.

Refer to Appendix A for the relative importance of these activities in McKell Park to local residents.

2.9.2 Use of Canonbury Cottage

Canonbury Cottage is available for public use while McKell Park is open to the public between dawn and dusk, so there is no evening use of the cottage.

Canonbury Cottage is regularly used for fitness classes, and for meetings of community and special interest groups (Probus, book club, Darling Point Society). The upstairs office is hired out as an office/consultation room seven days a week, but is not used that frequently. Potential regular hirers of the cottage are a playgroup and a language class. Casual hire of Canonbury Cottage is for private parties/gatherings (predominantly on weekends), and for workshops and group meetings (weekdays).

In 2010-11 Canonbury Cottage was hired for a total of 712 hours (average of two hours a day). This level of use represents 20% of the total time that Canonbury Cottage is available for use (assuming 10 hours per day). Most use occurred during the week (91%) compared with on weekends (9%). Regular use of Canonbury Cottage comprised 88% of total hours used, with casual use accounting for the remaining 12% of hours used.

Fees for use of Canonbury Cottage are reviewed and published yearly in Council's Operational Plan.

2.9.3 Hiring of McKell Park

McKell Park, including Canonbury Cottage, is one of Woollahra's most popular locations for weddings, wedding photography, and for other private ceremonies and social occasions, including weddings and photography. The park is often used for special occasions because it has superb harbour views and manicured gardens surrounded by magnificent mature trees. The harbour and well-maintained gardens provide a perfect backdrop for any special occasion. It is a popular vantage point to view Sydney Harbour activities.

The gates of McKell Park are open from dawn to dusk, except for New Years' Eve celebrations. Permissible times to hire the park are from sunrise to sunset seven days a week.

Of the 96 bookings for McKell Park in 2010-11 66 (69%) were for wedding ceremonies or bridal photography. An average of three weddings are held in the park on weekends in spring-autumn. The 30 other bookings of the park in 2010-11 were for social functions such as picnics, birthdays, and family reunions.

Weddings in McKell Park are restricted to a maximum of 120 people. Temporary structures, such as marquees and wedding arches, are not allowed to minimise damage to the gardens and lawns. Receptions and similar functions are not permitted in the park. Other conditions are placed on hirers for weddings as set out in the conditions of hire, including amplified music.

Both parks are used for community gatherings and events, such as viewing the fireworks on Sydney Harbour on New Years' Eve. A cap on the number of people, based on the capacity of the park, is applied for viewing of fireworks on New Year's Eve.

Low-impact filming and photography also occur in the parks from time to time, in accordance with the NSW filming legislation.

2.9.4 Prohibited activities

Prohibited activities in McKell Park and Darling Point Reserve that are advised to park users by prominent signage or in the conditions of hire of the parks include:

- ☐ depositing rubbish.

- ☐ breaking or leaving any bottle, glass, syringe or other object likely to endanger the safety of any person.
- ☐ taking motor vehicles and motorbikes on to the park.
- ☐ camping.
- ☐ playing golf.
- ☐ amplified sound.
- ☐ temporary structures.
- ☐ any activity that will cause damage to the reserve.
- ☐ any organised or commercial activity without prior Council approval.
- ☐ any game or activity that is likely to damage property, injure, endanger or cause nuisance to any other persons.

Dogs are prohibited at all times in McKell Park. Dogs are permitted in Darling Point Reserve if they are held on a leash at all times.

2.10 Maintenance

Four staff visit the Park every Friday to prepare the park for hired functions.

The weekly maintenance schedule for McKell Park and the Pond is 6 staff hours allocated for mowing, 9 staff hours for horticulture, and 3 staff hours for the Pond.

2.11 Financial management

Income to Council from use of McKell Park and Darling Point Reserve in 2010-11 was approximately \$43,000, which was derived from use of Canonbury Cottage (\$18,000) and park hire fees for weddings and other events (\$25,000). Fees for short term casual bookings are in accordance with the fees and charges as published in the Woollahra Council's current Community Strategic Plan.

Costs associated with management and maintenance of McKell Park and Darling Point Reserve in 2010-11 include expenditure on Canonbury Cottage (\$12,000) and capital works on the parks (\$800,000).

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Gary James
General Manager

3 PLANNING CONTEXT

3.1 Introduction

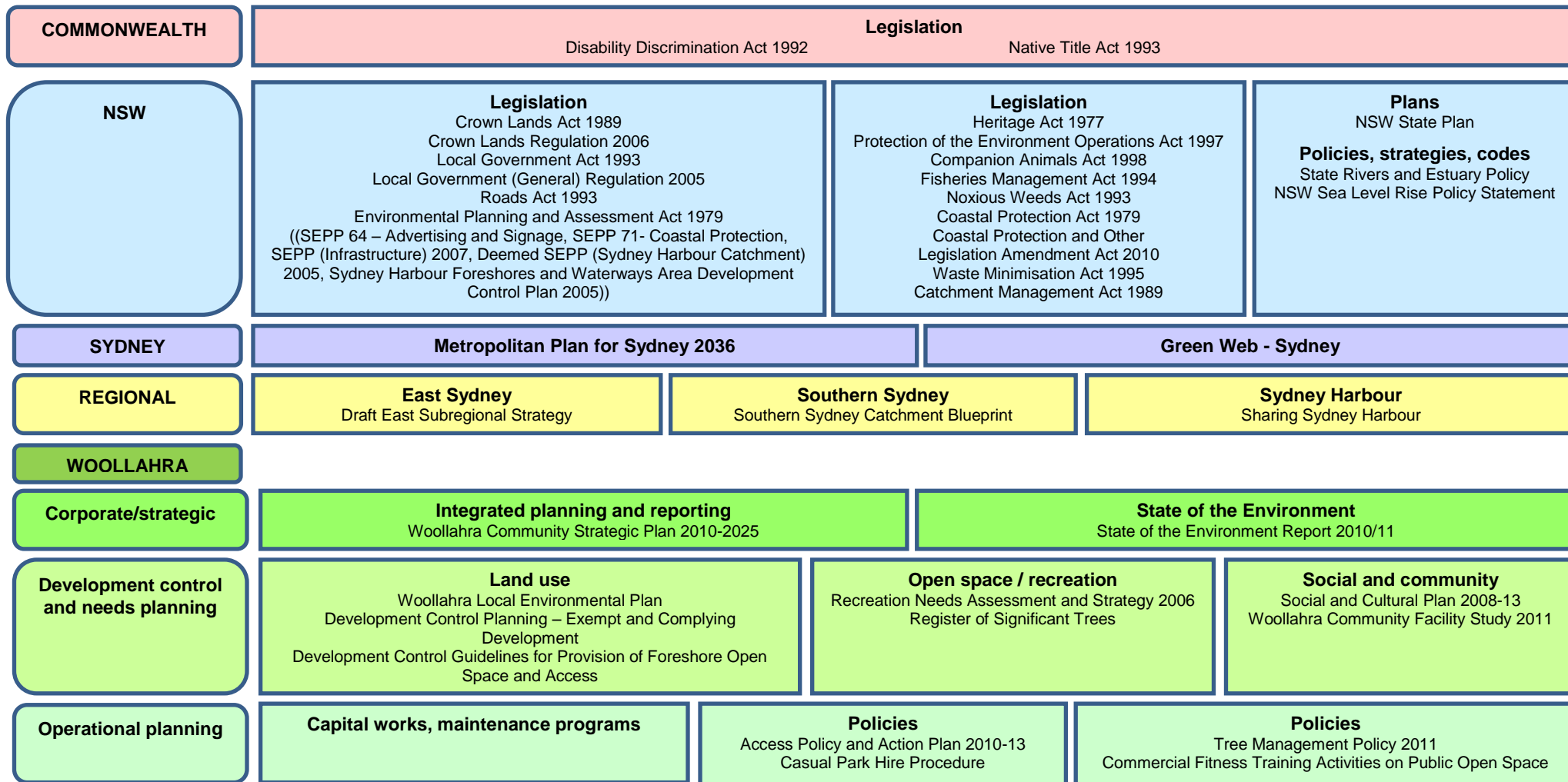
This section describes the legislative and policy framework applying to McKell Park and Darling Point Reserve. Full versions of the legislation referred to below is found on-line at www.legislation.nsw.gov.au and www.austlii.edu.au. Woollahra Council's website is www.woollahra.nsw.gov.au.

This section is the Basis for Management of McKell Park and Darling Point Reserve which describes the legislative and policy framework applying to this Plan of Management, and the community's aspirations and direction for McKell Park and Darling Point Reserve. These aspects are important to articulate in order to assess future activities, development and management of the parks.

3.2 Planning context

The legislation and plans, policies and other documents which apply to management of McKell Park and Darling Point Reserve is shown in Figure 3.1. The documents referred to are outlined in Appendix C.

Figure 3.1 Planning context of McKell Park and Darling Point Reserve



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General Manager

4 BASIS FOR MANAGEMENT OF MCKELL PARK AND DARLING POINT RESERVE

4.1 Introduction

The legislative and State, regional and local planning context applying to McKell Park and Darling Point Reserve was outlined in Section 3. This section defines the specific roles and objectives for McKell Park and Darling Point Reserve, based on community values and management direction of Woollahra Council.

The needs and requirements of the Crown (as land owner), Woollahra Council (as manager and land owner), residents (as neighbours and users), current and future visitors (as users), and leaseholders and other stakeholders, are reflected in management of McKell Park and Darling Point Reserve.

4.2 Community values

4.2.1 The Darling Point community

At the 2006 Census, the community within the suburb of Darling Point¹ had the following relevant key characteristics:

- ❑ total population of 3,850 people.
- ❑ an age structure dominated by older adults. People aged 70 years and over comprise 21% of the population, and adults 25 to 49 years make up 36% of the population. School-aged children 5 to 17 years comprise a relatively low 8% of the population, and pre-school aged children comprise about 3% of the population.
- ❑ small household size (less than two people per household), which are dominated by lone person households (approximately 37%), couples without children (30%), and couples with children (11%).
- ❑ born in Australia (56%). Residents born outside Australia were mainly from English-speaking countries of the United Kingdom, New Zealand, and South Africa.
- ❑ live in flats/units/apartments (64% of dwellings), followed by medium density townhouses and semi-detached houses (12%). Detached houses comprise 6% of dwellings in Darling Point.
- ❑ have educational qualifications (over 53% of residents).

¹ Australian Bureau of Statistics: 2006 Census of Population and Housing data used by i.d. (2011) as a suburb profile for Darling Point.

- ❑ work mainly as managers or professionals (64% of employed people) mainly in the fields of professional, scientific, and technical services (18%), financial and insurance services (13%), and health care and social assistance (10%).
- ❑ high household income, with 38% of households in Darling Point earning a weekly income \$2,500 and over, compared to 17% of households in the Sydney region.
- ❑ fully own or are purchasing their dwelling (55%), or renting their dwelling (29% of dwellings).

4.2.2 Values of parks in Woollahra

Introduction

Micromex Research (2004) undertook a study to assess community attitudes towards the current provision of Woollahra Council's services and facilities, needs of the community, and values placed on Council services and facilities.

Of the 34 Council services and facilities considered, parks and recreation received the second highest community satisfaction rating. The Woollahra community view parks and recreation areas as being of high importance, and residents are highly satisfied with them. Sporting fields and facilities were identified as being of relatively lower importance than parks and recreation areas, but they also received a high satisfaction rating.

Values of foreshore parks

Foreshore parks in Woollahra make an important contribution to Sydney Harbour being a place of extraordinary natural beauty and as the setting for Sydney as a global city.

The table below outlines the values of Sydney Harbour foreshore reserves and the objectives relating to each value.

Table 4.1 Values of and objectives for foreshore parks in Woollahra

Value	Description	Objectives
Natural	Represents significant examples of harbour foreshore geomorphology and ecology within an urban landscape setting. Significant areas of native remnant vegetation, combined with introduced plant species, to produce an attractive corridor of vegetation along the harbour foreshores and to provide habitat for local wildlife. Unique natural landforms, including prominent headlands, cliff sites, bays and sandy beaches. An active marine environment.	❑ Protect and preserve the distinctive natural values of the foreshore parks from the impacts of urban development and from recreational and commercial activity.

Value	Description	Objectives
Social	A setting for a variety of social interactions with family, friends and the community.	<input type="checkbox"/> Provide settings and facilities to facilitate social interactions in foreshore parks.
Historical	<p>Sydney Harbour, as the earliest location of European settlement in Australia, features evidence of the nation's defence, maritime and commercial history. A reminder of the area's Aboriginal life and the early period of European colonisation. History is represented by historic structures and sites.</p>	<input type="checkbox"/> Recognise and protect Sydney Harbour foreshores as places of outstanding heritage significance and as an educational resource <input type="checkbox"/> Encourage awareness and appreciation of Aboriginal, colonial, military, maritime and natural history. <input type="checkbox"/> Conserve, protect and enhance heritage sites and objects located along the harbour foreshore.
Aesthetic	<p>Based on the naturalistic beauty of the harbour foreshore setting.</p> <p>All foreshore parks offer views of the harbour.</p> <p>Several parks are vantage points for fireworks on the Harbour bridge during Sydney Harbour fireworks events.</p> <p>Distinctive natural features.</p> <p>Yachting and boating events.</p>	<input type="checkbox"/> Provide a combination of natural settings and landscaped open space to enhance visual amenity and environmental quality of foreshore reserves. <input type="checkbox"/> Conserve existing environmental, scenic and natural qualities of the foreshore area.
Cultural	<p>Ability to impart a sense of cultural relatedness stemming from the propensity of Australians to value the coastal and foreshore experience as part of the national psyche.</p> <p>The integral association of the harbour foreshores with Aboriginal life in the past and presently.</p> <p>Several sites of Aboriginal rock carvings.</p>	<input type="checkbox"/> Recognise and respect cultural values and heritage represented by foreshore parks.
Recreational	<p>The harbour and foreshore parks are major tourist destinations in Sydney.</p> <p>An array of foreshore areas providing a range of passive recreation settings and as staging points for more active water-based recreation from swimming to boating.</p>	<input type="checkbox"/> Provide safe, convenient, attractive public open spaces that meet the passive and active recreational and leisure needs of the community <input type="checkbox"/> Encourage diversity of recreation opportunity and equity in accessing and enjoying those opportunities <input type="checkbox"/> Provide public foreshore areas that are accessible to all members of the community to allow access to and interaction with Sydney Harbour. <input type="checkbox"/> Increase opportunities for community based harbour recreation by maintaining and improving public access to existing foreshore areas, or by acquiring additional areas for community use. <input type="checkbox"/> Strengthen public awareness of foreshore areas through promotion, interpretation and education.

Value	Description	Objectives
		<input type="checkbox"/> Promote and establish links between local parks, beaches and other foreshore areas in the eastern suburbs.
Scientific	Sites for studying the ecology of marine and terrestrial flora and fauna within a harbour setting.	<input type="checkbox"/> Permit and facilitate scientific investigations of and from foreshore parks.
Educational	Sites for environmental and cultural studies by primary, secondary and tertiary students related to natural, cultural and maritime history.	<input type="checkbox"/> Recognise and protect Sydney Harbour foreshores as an educational resource.

4.2.3 Community values of McKell Park and Darling Point Reserve

By understanding the reasons why the community and users value McKell Park and Darling Point Reserve, the role that the community expects these parks to play in the future may be determined. Also, as the Plan of Management is based on protecting and enhancing the community's values, management actions and outcomes that are based on these values are recommended.

Using values as the basis of the Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issue-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues. Values may remain constant for up to a generation, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

Woollahra Council and the community has expressed how McKell Park and Darling Point Reserve are important or special to them when the 1996 Plan of Management for McKell Park was prepared, and at various times during consultation undertaken for this Plan of Management, particularly through the local resident survey (Appendix A). Drawing these consultations together, the community values various general aspects of McKell Park and Darling Point Reserve for the reasons outlined below.

Table 4.2 Values of McKell Park and Darling Point Reserve

Value	Description
Natural	Natural elements in McKell Park include a sandstone escarpment, native flora and fauna, and proximity to Sydney Harbour.
Social	McKell Park is a setting for a variety of social interactions with family, friends and the community. Sydney Harbour and well maintained gardens in McKell Park provide a perfect backdrop for special occasions. McKell Park is a venue for memorable private and public social events and ceremonies such as New Year's Eve celebrations and weddings. Canonbury Cottage is an important community facility used for a range of activities such as fitness classes, book clubs and community group meetings.
Historical	The rich history of McKell Park is represented by historic structures and sites, such as the stone wall, gates, and house foundations.

Value	Description
	<p>The remains of the bath house and the site of the jetty in McKell Park are heritage items listed in the Sydney Regional Environmental Plan (deemed SEPP) (Sydney Harbour Catchment).</p> <p>The fence, entry gates, and foundation remains of Canonbury are listed as heritage items in the Woollahra Local Environmental Plan.</p>
Aesthetic	<p>Aesthetic aspects of McKell Park (and where relevant to Darling Point Reserve) which are valued by local residents include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the open grassed areas <input type="checkbox"/> minimal overlooking from surrounding homes <input type="checkbox"/> views to and from the harbour and through the park <input type="checkbox"/> garden beds <input type="checkbox"/> the pond <input type="checkbox"/> trees and shrubs <input type="checkbox"/> clean, tidy and well maintained parkland.
Cultural	<p>McKell Park has cultural value reflected in the park form, such as the sandstone structures and pond.</p>
Recreational	<p>McKell Park is valued for passive recreation as it has superb harbour views and manicured gardens surrounded by magnificent mature trees. It is a grassed and planted park with settings and spaces available for contemplation, solitude, and 'getting away from it all'. Visitor facilities and furniture such as public toilets and lighting support informal uses. Darling Point Reserve has seats for panoramic views of the harbour.</p> <p>Both parks allow enjoyment of peace and quiet in a busy and built-up environment.</p>
Scientific/ Educational	<p>Historical information and signage provides information to park visitors.</p> <p>McKell Park is an example of period planting with significant palm trees and a palm grove with a variety of species in an 'outdoor classroom' of great interest to botanists and horticulturalists.</p>
Access	<p>The public wharf in McKell Park is a public and private transport node. Footpaths and steps through both parks assist access.</p>

The management objectives, issues and actions outlined in the following sections will be presented according to these community values of McKell Park and Darling Point Reserve.

4.3 Vision for McKell Park and Darling Point Reserve

The management of McKell Park and Darling Point Reserve is based on a vision statement that is shared by Council and the community. The vision for McKell Park and Darling Point Reserve is intended to inspire Council to provide a long-term ideal and focus for all future decisions affecting the parks.

The overall management objective for McKell Park and Darling Point Reserve is to preserve the parks as a local community resource. This can be achieved by maintaining and strengthening their significant features and facilities to maximise opportunities for a wide range of social/community, recreational and other appropriate uses.

Council's corporate goals, community and user values, and the desired outcomes of the community culminate in a vision for the future direction of McKell Park and Darling Point Reserve as:

McKell Park and Darling Point Reserve will continue to be showpiece local/district foreshore parks in Woollahra that cater for a range of social, community and recreational activities in an intimate and historically landscaped setting.

4.4 Future roles of McKell Park and Darling Point Reserve

Following on from the values and vision defined above, the future roles of McKell Park and Darling Point Reserve are defined below.

Table 4.3 Future roles of McKell Park and Darling Point Reserve

Value	Roles
Natural	Foreshore park incorporating examples of sandstone geology, and indigenous flora. Green refuge in a high density urban area.
Social	Venue for private ceremonies. Venue for outdoor and indoor social and community gatherings.
Historical	Reminder of local history, especially in terms of early land grants and building forms. Traditional park in an ornamental gardenesque style.
Aesthetic	Vantage point to view Sydney Harbour, activities on the harbour, and the Sydney Harbour Bridge/ CBD.
Cultural	Venue for community cultural activities. Location for public art.
Recreational	Venue for informal, passive recreation. Local/district landscaped park for residents and workers in Darling Point and Woollahra.
Scientific/ Educational	Arboretum for unusual varieties of palms and period plantings. Outdoor 'classroom' for educational and historical interpretation purposes.
Access	Accessible to all members of the community. Accessible by local residents and by visitors from outside Woollahra. Free public access during daylight only. Access for people with disabilities. Public ferry wharf.

4.5 Objectives and principles for managing McKell Park and Darling Point Reserve

4.5.1 State government objectives

Crown land

The objectives of the Crown Lands Division regarding land management directly relate to the principles of Crown land management listed in Section 11 of the *Crown Lands Act 1989*. These principles, and how this Plan is consistent with those principles, are outlined below.

Table 4.4 Principles of Crown land management

Principle of Crown land management	How this Plan is consistent with the principles
Observe environmental protection principles in relation to the management and administration of Crown land.	This plan is supportive of protecting the natural setting and scenic quality, landforms, flora and fauna of McKell Park.
Conserve the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) wherever possible.	As above
Encourage public use and enjoyment of appropriate Crown land.	Recommendations in the Plan encourage public use and enjoyment of the park for a wide range of recreational, social and cultural activities, while recognising there may be conflicts between activities which will be managed appropriately.
Encourage multiple use of Crown land, where appropriate.	Recommendations in the Plan would continue multiple uses of McKell Park.
Use and manage Crown land in such a way that both the land and its resources are sustained in perpetuity, where appropriate	The Plan contains proposed actions which would help sustain the land and resources, such as managing the type and extent of activities and developments within the park; and employing ecologically sustainable development (ESD) measures such as water sensitive urban design (WSUD).
Occupy, use, sell, lease, license, or otherwise deal with Crown land in the best interests of the State, consistent with the above principles.	This Plan contains prescriptions that would ensure that land owners, managers, lessees and licensees deal with the park in the best interests of the State.

Community land

Community land must be managed in accordance with the core objectives for the relevant category. The core objectives for the Park category of community land under the *Local Government Act 1993* are to:

- ☐ encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.

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

4.5.2 Local objectives

Management Plan

This Plan of Management is consistent with the vision formulated by Woollahra Council in 'Woollahra 2025 ...our community ... our place ... our plan':

"Woollahra will be a great place to live, work, and visit where places and spaces are safe, clean and well maintained.

Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.

We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city."

The Woollahra community value and want to see the following in the future:

- ☐ village atmosphere
- ☐ improved infrastructure
- ☐ well maintained environment
- ☐ well planned neighbourhoods
- ☐ location
- ☐ open space, local parks and leafy green streetscapes
- ☐ community activities and facilities
- ☐ community safety
- ☐ environmental sustainability
- ☐ traffic and transport
- ☐ Council leadership.

Table 4.5 Relevant goals of the Woollahra Community Strategic Plan

	Goal	Goal for 2025	Key challenges
Community well being	A connected and harmonious community	Woollahra will be a community where people care for each other, have a sense of belonging and can contribute meaningfully to their local community and neighbourhood through participation in community life.	Diverse community
	A supported community	Woollahra will be a place where people have access to a range of effective and diverse social services and programs that meet the changing needs of our community.	Sport and recreation: meeting increased demand for sport and recreation programs and social activities. Community safety.
	A creative and vibrant community	Woollahra will be a place where people of all ages and backgrounds have access to lifelong learning opportunities, cultural and community activities. We will support local creativity, cultural pursuits and creative talents.	Cultural activities. Local history and heritage.
Quality places and spaces	Liveable places	Woollahra will be a community with accessible, integrated and well maintained public places and open spaces. We will have clean and well maintained infrastructure and community facilities. It will be a safe and attractive place with high quality public and private facilities and amenities.	Community and recreation facilities. Aging infrastructure. Natural areas and vegetation.
	Getting around	Woollahra will be a place where it is easy to get around, easy to access our foreshore, our recreation facilities, our green open space and our public and private institutions. We will also have easy access to the city and its wide range of services and facilities, and be able to access public transport, walking and cycling routes within our area.	Parking. Roads and footpaths.
A healthy environment	Protecting our environment	Woollahra will be a place where the natural environment will be protected and conserved from adverse impacts, to preserve our vegetation and wildlife habitats.	Environmental impacts. Biodiversity. Bushland. Pollution.
	Sustainable use of resources	Woollahra will reduce energy and water use, reduce emissions and develop adaptation actions that will reduce the impacts of climate change. We will minimise waste generation and encourage resource recycling.	Climate change, including sea level rise. Waste disposal. Water.

Woollahra Local Environmental Plan

One key aim of the *Woollahra Local Environmental Plan 1995* is to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, entertainment and community facilities.

The LEP sets out a series of objectives, of which a number directly relate to the management of McKell Park and Darling Point Reserve as follows:

Public and private open space, recreation and tourism

- ☐ provide for open space which will meet the requirements of the population and which will be developed in sympathy with the existing natural environment of the area of Woollahra.
- ☐ allow for contributions towards the provision and embellishment of public open space and recreation facilities.
- ☐ provide for a diversity of open space types and recreation opportunities.

Landscape

- ☐ promote the retention of trees and the planting of suitable new trees in appropriate locations.
- ☐ protect and enhance the environmental quality of the area of Woollahra through the appropriate management and conservation of the existing pattern of vegetation.

Local infrastructure

- ☐ encourage the optimum use of existing infrastructure.

Where possible, the intent of these objectives as set out in the Woollahra Local Environmental Plan will be translated into the new principal local environmental plan.

This Plan of Management addresses each of these objectives through setting specific objectives within the Action Plans in Section 5.

4.6 Management principles and objectives

Following on from the values and desired roles, it is important to establish some management principles against which recommendations for uses and development of McKell Park and Darling Point Reserve will also be made.

Table 4.6 Management principles and objectives

Value	Principles and objectives
General	<p>Provide quality open space and settings that meet the needs of the community.</p> <p>Keep major changes to McKell Park and Darling Point Reserve to a minimum.</p> <p>Limit additional developments and structures that do not relate to the roles of McKell Park and Darling Point Reserve.</p> <p>Minimise intensification of uses that have adverse impacts on users of McKell Park and Darling Point Reserve and local residents.</p> <p>Ensure future uses are compatible with the existing range of activities, the Gardens' character, and the carrying capacity of its facilities and settings.</p> <p>Limit commercial activities to those that are related to community/social and recreation activities.</p> <p>Recognise McKell Park and Darling Point Reserve attracts a local as well as a wider catchment of users.</p> <p>Encourage involvement of the community in planning, management and maintenance of McKell Park and Darling Point Reserve.</p>
Natural	<p>Preserve the natural physical setting.</p> <p>Protect vegetation and fauna habitat.</p>
Social	<p>Encourage use of the park for social and community activities.</p> <p>Minimise impacts of social and community activities in the parks on local residents.</p> <p>Maximise appropriate uses of Canonbury Cottage.</p>
Historical	<p>Recognise the rich history of the parks.</p> <p>Preserve items of heritage significance and remaining historical structures.</p>
Aesthetic	<p>Facilitate access to and enjoyment of views from the parks to Sydney Harbour.</p> <p>Maintain the natural visual character of the parks from Sydney Harbour.</p> <p>Maintain the privacy of surrounding residences from the parks.</p>
Cultural	<p>Recognise and promote the cultural value of the parks.</p>
Recreational	<p>Encourage use of the parks for a range of appropriate recreational activities.</p> <p>Minimise conflicts between recreational and other uses of the parks.</p>
Scientific/ Educational	<p>Celebrate the history of McKell Park in particular through interpretive and other effective means.</p>
Access	<p>Ensure access to the parks for everyone wherever possible.</p>

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5 ACTION PLAN

5.1 Landscape masterplan

The landscape masterplan for McKell Park and Darling Point Reserve is in Figure 5.1. The concept plan illustrates the works and actions in the following Action Plan that are proposed to be implemented to achieve the objectives and desired outcomes for McKell Park and Darling Point Reserve. A more detailed Landscape Master Plan may be prepared if necessary after further consultation and this Plan of Management is completed.

Key proposed actions and changes to McKell Park and Darling Point Reserve include to:

- ☐ celebrate and interpret the history and significance of McKell Park and Darling Point Reserve.
- ☐ recategorise the community land to better reflect the existing uses and recreational opportunities for users of the parks.
- ☐ general improvements to the parks as a whole to increase usability, while keeping the significant heritage value.
- ☐ improvements to drainage, irrigation and stormwater capture.
- ☐ maintain connection with the harbour.
- ☐ Improve management of park usage including social gatherings and special events.
- ☐ incorporate the adjoining Darling Point Reserve into McKell Park.
- ☐ upgrade and manage Canonbury Cottage to cater for community needs.
- ☐ take account of and consider adjoining and neighbouring lands and residents, including Lindesay House.
- ☐ manage the tree canopy and ensure that pruning and replanting are continued over time.

5.2 Action Plan

5.2.1 Introduction

The management actions to resolve the management issues (consistent with the community's values of the Gardens) from Section 4 and to implement the landscape masterplan over the next 10 years are presented in the following tables. The actions are grouped according to the values of McKell Park and Darling Point Reserve.

Table headings are explained as follows:

Background – background information to the particular issue.

Strategy – objective to be achieved through the action(s).

Action – specific task required to resolve the issue.

Priority – importance or urgency of the action, rated as:

Short term Completed by years 1-2	<input type="checkbox"/> Safety issues in which there is a high probability of serious injury occurring. <input type="checkbox"/> Work needed to ensure the essential function of the parks is not compromised. <input type="checkbox"/> Work needed to eliminate or reduce severe environmental problems, such as erosion or water pollution.
Medium term Completed by Years 3-4	<input type="checkbox"/> Ongoing preventative and remedial maintenance of existing park assets. <input type="checkbox"/> Work required to resolve a conflict between user groups. <input type="checkbox"/> Work needed to ameliorate adverse environmental conditions such as noise, or poor circulation and access. <input type="checkbox"/> Works aimed at enhancing public enjoyment of the parks.
Long term Completed by Year 5	<input type="checkbox"/> Works aimed at improving the general quality of the parks. <input type="checkbox"/> Works aimed at reducing overall maintenance costs.
Ongoing	<input type="checkbox"/> Action to be carried out on a regular basis for the life of this Plan of Management.

Responsibility – section within Council, or another organisation responsible for implementing the action.

Responsibilities within Council for implementing actions are:

TS	Technical Services Division
CS	Community Services Division
PD	Planning and Development Division

Cost – capital costs of each action where appropriate.

Performance target – the desired outcome in implementing and achieving the action.

Means of assessment – how the achievement of the performance target can be measured and assessed.

Figure 5.1 Landscape masterplan



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5.2.2 Natural

Table 5.1 Actions for Natural value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Weeds							
There is an infestation of weeds on the sandstone escarpment.	Discourage weeds from flourishing in the parks.	Remove weeds and regenerate bushland on the escarpment.	Ongoing	TS	-	Reduction in occurrence of weeds.	Flora survey
Fauna habitat							
Bees are excluding possums from using the possum box in McKell Park.	Provide supplementary habitat for native wildlife if necessary.	Remove the possum box and beehive.	Short	TS	-	Possum box and beehive removed.	Observations
Tree maintenance							
A tree assessment concluded that the majority of trees in McKell Park are healthy, but some trees require management action.	Improve the health and vigour of trees.	Carefully prune and maintain trees and palms in McKell Park according to AS 4373.	Ongoing	TS	-	Compliance with AS 4373.	Inspections
	Ensure that trees and vegetation do not pose a risk to public safety.	Implement the recommendations of the tree assessment.	Ongoing	TS	-	Trees in McKell Park are healthy and safe.	Arboricultural report. Inspections
		Remove trees only if they pose a safety risk.	Ongoing	TS	-	Trees removed if unsafe.	Arboricultural report
The mature <i>Ficus hillii</i> is a strong physical and aesthetic element in Darling Point Reserve.	Maintain the mature <i>Ficus hillii</i> in Darling Point Reserve as a landmark tree.	Prune and mulch the <i>Ficus hillii</i> as required.	Ongoing	TS	\$5,000	The <i>Ficus hillii</i> is in good health.	Arboricultural report. Park maintenance records.

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Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Drainage							
Drainage in McKell Park is sometimes ineffective because water flows over the pathways and stairs, and impacts on the archaeological sites. Water accumulates on the stairwell in McKell Park so the stairs often become slippery and unsafe.	Improve park drainage and irrigation.	Investigate the current drainage situation.	Medium	TS	-	Reduction in water covering pathways and stairs.	Inspections after rain.
		Program works to address drainage, including drainage of the main steps in McKell Park.	Short	TS	\$25,000	Reduction in volume of runoff on to the main steps after rain.	Observations
Environmental / sustainability initiatives							
There is an opportunity to capture rainwater from the roof of Canonbury Cottage to irrigate McKell Park.	Capture rainwater from the roof of Canonbury Cottage.	Install a water tank in a suitable place near Canonbury Cottage.	Medium	TS	\$5,000	Water tank installed.	Observations
		Use the captured water to flush toilets in Canonbury Cottage.	Medium	TS	\$7,500	Connection between the water tank and toilets in the cottage.	Plumbers report
Stormwater flows into the parks from Darling Point Road, which causes damp problems in Canonbury Cottage.	Capture stormwater flowing into the park from Darling Point Road.	Install a stormwater tank in Darling Point Reserve.	Low	TS	\$5,000	Water tank installed.	Observations
		Use the captured water to irrigate McKell Park.	Low	TS	\$7,500	Connection between stormwater tank and McKell Park.	Plumbers report
There are opportunities to use solar energy in the parks.	Encourage sustainable use of natural resources.	Consider solar panels on the roof of Canonbury Cottage. Consider solar lighting in the parks.	Medium	TS	\$50,000	Decision made about solar panels on roof of Canonbury Cottage.	Report

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Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
						Solar panels installed if approved.	
Soil erosion							
Soil erosion and turf failure occurs due to a poor turf cover in some places in McKell Park.	Minimise soil erosion.	Improve drainage and erosion management to turfed areas.	Ongoing	TS	\$25,000	Improved health of turf.	Observations
	Ensure a continuous turf cover.	Improve / replace turf in some areas and cover bare areas with new turf.	Ongoing	TS	\$10,000	Continuous turf cover	Observations

5.2.3 Social / community

Table 5.2 Actions for social / community value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Park hire							
Organised events such as weddings at McKell Park result in traffic and parking impacts on Darling Point Road and in surrounding streets. These impacts are exacerbated when events are held at the same time at <i>Lindesay</i> and at Swifts.	Minimise the occurrence of events at McKell Park and at <i>Lindesay</i> at the same time.	Liaise with the National Trust to co-ordinate bookings of McKell Park and <i>Lindesay</i> for functions.	Short, ongoing	TS	-	Minimal conflicts in bookings between McKell Park and <i>Lindesay</i> .	Complaints from local residents
	Reduce impacts of traffic and parking associated with functions in McKell Park on local residents.	Prepare a Traffic and Parking Management Plan (TPMP) for functions and special events at McKell Park/ Darling Point Reserve in consultation with local residents. TPMP to include a contact telephone number for residents to call if there are any issues during a function or special event.	Short	TS	-	Traffic and Parking Management prepared.	Report to Council.
		Enforce the Traffic and Parking Management Plan.	Ongoing	PD Compliance	-	Minimal conflicts between events in McKell Park and traffic and parking in surrounding streets.	Inspections. Complaints from local residents.
Local residents are affected by noise from some social bookings held at McKell Park.	Minimise impacts of noise from bookings and special events on local residents.	Implement a bond system for hirers of McKell Park. Refund bonds only if all park hire conditions are adhered to.	Short, ongoing	TS	-	Fees and charges implemented.	Record of bonds collected and repaid.

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	Enforce conditions of park hire.	Randomly patrol McKell Park before, during and after hire events.	Ongoing	TS	-	Random patrols undertaken.	Inspection reports
Community events							
Large crowds attend McKell Park for a New Year's Eve vantage point.	Safely manage crowds attending New Years' Eve celebrations in McKell Park.	In consultation with the Police determine an upper limit of the number of people that can be safely accommodated in McKell Park during special events.	Ongoing	TS	-	Upper limit of people attending events determined according to a safe carrying capacity.	Written agreement between Council and Police
McKell Park is a popular venue for other community events.	Manage use of McKell Park for other community events.	Assess requests for other community events via Council's booking procedure.	Ongoing	TS	-	Appropriate community events held in McKell Park.	Booking records
Use of Canonbury Cottage							
Canonbury Cottage is used for community uses and events. Council wishes to increase the utilisation of Canonbury Cottage for appropriate activities. However its internal capacity is limited.	Increase the capacity of Canonbury Cottage for community use. Encourage appropriate community and commercial use of Canonbury Cottage. Expand the external area of Canonbury Cottage. Improve the internal facilities of Canonbury Cottage.	Prepare a building fabric analysis and assessment of Canonbury Cottage.	Short	TS	-	Building fabric analysis completed.	Report
		Erect a temporary shelter structure to create an outdoor covered area extending from Canonbury Cottage on the western side.	Short	TS	\$51,000	Temporary shelter erected.	Positive feedback from park hirers
		Implement internal fitouts and improvements to Canonbury Cottage.	Short	TS	\$25,000	Internal fitouts and improvements completed.	Condition reports.

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5.2.4 Historical

Table 5.3 Actions for historical value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Conservation Management Plan							
A Conservation Manage- ment Plan (CMP) for McKell Park has not yet been prepared. A CMP is required to address issues such as the significance of and conservation of building fabric, and the possibility of extensions to and renovation of Canon- bury Cottage. Suggested changes to Canonbury Cottage include an external staircase and upstairs balcony, a retractable awning over the courtyard, and French doors on the ground floor.	Ensure appropriate conservation and sympathetic changes to McKell Park in keeping with its heritage significance.	Prepare a Conservation Management Plan (CMP) for McKell Park, Canonbury Cottage and plantings in McKell Park.	Short	TS	\$10,000	Conservation Management Plan completed.	Report to Council
		Subject to the CMP, investigate the feasibility of possible extensions to Canonbury Cottage.	Medium	TS	-	Decision about possible extensions to Canonbury Cottage made.	Options and feasibility report.
Historical fabric of the archaeological area							
Archaeological footings of the former site of Canonbury and Lansdowne are visible on the upper level of McKell Park. The former court- yard area with sandstone retaining walls remains on	Consider conservation and maintenance of archaeological elements in any future upgrades to McKell Park.	Prepare a detailed landscape design for the archaeological area which incorporates the remaining archaeological elements and expands the area of visible footprints.	Medium	TS	-	Detailed landscape design completed.	Council records

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the lower level.	Ensure that site interpretation effectively communicates significance.	<p>In the archaeological zone:</p> <ul style="list-style-type: none"> <input type="checkbox"/> reinstate step access to enhance understanding of the original entry. <input type="checkbox"/> remove stone edging, realign and narrow the path, and regrade adjacent turf. <input type="checkbox"/> remove gravel and returf, to decrease the area of the gravel circle and improve the edge to the lawn area. <input type="checkbox"/> add a stair structure to improve access. <input type="checkbox"/> retain palms and remove/ thin the middle storey shrub planting for improved views across the site. <input type="checkbox"/> extend the placement of stone footings to reinstate the archaeological footprint in lawn areas. 	Medium	TS	<p>\$10,000</p> <p>\$7,500</p> <p>\$2,500</p> <p>\$10,000</p> <p>\$2,500</p> <p>\$10,000</p>	Actions in the archaeological zone are implemented if desirable.	Archaeologist report
Remnant sandstone blocks are visible at low tide off Darling Point Reserve, which are understood to be possible footings for a former wharf	Highlight the remnant sandstone blocks off Darling Point Reserve.	Retain and conserve the remnant sandstone wharf structure.	Low	TS	\$25,000	Remnant sandstone wharf structure is in good condition.	Archaeologist report

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structure.	Consider the opportunities for access into the harbour off Darling Point Reserve.	Rebuild the timber wharf off Darling Point Reserve.	Low	TS	\$100,000	Access to the harbour from Darling Point Reserve if desirable.	Options for harbour access
The sandstone boundary walls in McKell Park require repair.	Conserve archaeological remains and other heritage items in McKell Park.	Remove the Boston Ivy from the sandstone walls to make the walls more visible.	Short	TS	-	Boston Ivy removed from walls.	Observations
		Repair/maintain the stairwell, including repointing and replacement of stone over time.	Medium	TS	\$75,000	Stairwell in good condition.	Inspections
Seawall maintenance and renewal							
Sixty metres of the sea walls bounding McKell Park and Darling Point Reserve have recently been repaired, but they require further repair.	Ensure the function and effectiveness of the sea walls.	Repair areas of render along the sea wall in McKell Park, using recent conservation of stonework on the north-eastern seawall as a sound benchmark.	Medium	TS	\$75,000	Repairs and remediation undertaken.	Condition report
		Remediate the remainder of the sea wall to include underpinning.					
		Remove graffiti from the sea walls.	Ongoing	TS	-	No graffiti on sea walls.	Observations

5.2.5 Aesthetic

Table 5.4 Actions for aesthetic value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Views							
Spectacular views of Sydney Harbour and the Sydney Harbour Bridge are available from McKell Park and Darling Point Reserve.	Improve views and visual connections between McKell and Park and Sydney Harbour.	Address the vegetation barrier which blocks the view of Sydney Harbour from the main grassed open space.	Short	TS	-	Improved sight lines from the upper level of McKell Park to the harbour.	Positive feedback from park users.
	Improve views of the harbour through McKell Park from <i>Lindesay</i> .	Thin some mid-storey vegetation to retain view corridors through the parkland.	Medium	TS	-	Improved sight lines from Lindesay through the upper level of McKell Park to the harbour.	Positive feedback from park users.
Plantings							
Trees, shrubs and other plantings in McKell Park add to the visual character of the Park.	Retain the full and varied tree canopy in McKell Park over time.	Prepare a long term replacement strategy for trees in McKell Park.	Short	TS	-	Tree replacement strategy prepared.	Report to Council
		Plant trees and shrubs for shade.	Ongoing	TS	\$5,000	Increase in shade cover provided by trees.	Inspections.
		Continue indigenous planting on the slopes above the sandstone overhang, with appropriate weed management and replanting as required.	Ongoing	TS	\$15,000	Increase in indigenous planting. Reduction in weed cover.	Flora surveys.

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	Ensure that shrubs and groundcovers enhance the archaeology and do not cause long term damage to walls.	Remove the climbers and other plant material fixed to the walls in the archaeological area.	Short	TS	\$2,500	Climbers removed from walls.	Inspections
	Improve maintenance of trees and shrubs in McKell Park.	Consider irrigation and opportunities for capture of rainwater for the ornamental garden beds.	Medium	TS	\$15,000	Improved health of ornamental garden beds.	Inspections
Gardens							
Garden beds in McKell Park and Darling Point Reserve require maintenance.	Increase planting and garden beds in Darling Point Reserve. Improve maintenance of gardens.	Prune/thin overgrown mixed planting bed on the eastern boundary of McKell Park.	Medium	TS	-	Planting bed on eastern boundary is thinned.	Observations
		Repair garden edges.	Ongoing	TS	-	Garden edges safe and in good condition.	Inspections
Large box hedges in the courtyard area of McKell Park are tall and spreading, making it difficult to appreciate the full space of the courtyard.	Improve view lines within McKell Park. Improve amenity for park users. Improve understanding of the original archaeology.	Remove the box hedges and re-design the lower courtyard spaces.	Medium	TS	\$15,000	Box hedges removed. Lower courtyard redesigned.	Observations
Pond							
Accumulated runoff has created a permanent pond at the base of the rock overhang, which is surrounded by artworks	Improve the appearance and use of the pond area.	Retain and protect the pond area, seats and artworks.	Ongoing	TS	-	Pond and surrounds is an attractive feature of the park.	Use of lower level by park users.

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and seats. Weeds are flourishing in the pond.		Remove weeds and rubbish from the pond.	Ongoing	TS	-	No weeds and rubbish in the pond.	Observations
		Include weed removal around the pond in the park maintenance schedule.	Ongoing	TS	-	Reduction in weeds around the pond.	Maintenance schedule
Waste disposal							
The bin storage area at the main entrance to McKell Park is visually prominent. Litter from fishermen and users of the public wharf is a particular problem on the lower level of McKell Park. No garbage bin is provided near the ferry wharf or on the lower level.	Provide opportunities for waste disposal in McKell Park.	Relocate the bin storage area to a less prominent location in the park, or screen the bins in their current location.	Short	TS	-	Bin storage area is less visible.	Positive feedback from park users.
	Minimise the visual impact of waste receptacles.	Provide bins for recyclable material in McKell Park.	Short	TS	-	Bins for recyclable materials in place.	Observations
		Educate park users about reducing litter through regulatory signage.	Medium	TS	\$3,000	Signage in place. Reduction of litter on the ground.	Observations
		Investigate the location of a garbage bin near the ferry wharf, and install the bin.	Medium	TS	\$1,000	Bin installed.	Reduction in litter near the ferry wharf.
		Empty bins in McKell Park more frequently.	Ongoing	TS	-	Reduction in occasions when bins are overfull.	Waste collection reports
Wharf infrastructure							
Infrastructure associated with the public wharf is physically and visually cluttered.	Rationalise fixtures on lower level related to the wharf.	Liaise with Sydney Ferries to relocate the shelter/ information structure and signage from the lower section of McKell Park on to the wharf, as part of the wharf upgrade.	Short	Sydney Ferries	-	Agreement reached with Sydney Ferries	Written advice from Sydney Ferries

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5.2.6 Cultural

Table 5.5 Actions for Cultural value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Public art							
The sandstone sculptures in McKell Park are a unique feature of the park.	Encourage public art in McKell Park. Increase the visibility and awareness of the sandstone sculptures.	Investigate public art that is sympathetic to the area and its history.	Low	TS	-	Public art opportunities explored.	Proposals to Council

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5.2.7 Recreational

Table 5.6 Actions for recreational value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Water							
Drinking water is not available in McKell Park and Darling Point Reserve.	Provide drinking water in McKell Park.	Provide water bubblers in McKell Park.	Short	TS	\$5,000	Drinking water available in McKell Park.	Positive feedback from park users.
Seating							
Various types of seating are provided in McKell Park and Darling Point Reserve.	Improve opportunities to view scenery and for other informal recreation in the parks.	Provide additional formal seating in McKell Park, especially along the waterfront reserve.	Medium	TS	\$10,000	Additional seating in McKell Park.	Observations. Positive feedback from park users.
		Provide new accessible seating in Darling Point Reserve.	Medium	TS	\$10,000	Accessible seating in Darling Point Reserve.	Positive feedback from park users.
		Remove litter from around the seat in Darling Point Reserve.	Ongoing	TS	-	No litter near the seat in Darling Point Reserve.	Observations
		Provide, maintain, upgrade park furniture according to the Parks Asset Management Inventory.	Ongoing	TS	\$20,000	Park furniture in good condition.	Inspections
Dog exercise							
Dogs are not permitted in McKell Park, and are permitted only on a lead in Darling Point Reserve.	Maintain restrictions on dog access to McKell Park and Darling Point Reserve.	Enforce dog access restrictions.	Ongoing	PD Compliance	-	Animal Control Officer report	No complaints about dogs from park users

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Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Awareness of lower eastern section of McKell Park							
The lower eastern section of McKell Park is around a corner and is not visible from the upper level or from the public wharf.	Increase community awareness that the lower section of McKell Park extends to the east.	Erect signs advising park users of eastern park extension.	Medium	TS	\$1,000	Signage in place.	Observations
		Install seating and shade vegetation on lower eastern section of McKell Park.	Medium	TS	\$5,000	Increased use of the eastern section of McKell Park.	Observations

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5.2.8 Scientific / Educational

Table 5.7 Actions for scientific / educational value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Historical interpretation							
Archaeological structures of the former site of Canonbury and Lansdowne in McKell Park are piecemeal, difficult to read, and incorporate more recent elements that are not part of the archaeological footprint. For example the former water storage tank, an important archaeological element, is surrounded by fencing.	Interpret the archaeology of Canonbury and Lansdowne.	Review interpretive signage in McKell Park to consider Aboriginal and European cultural heritage, natural history, and environmental issues.	Short	TS	-	Review of interpretive signage completed.	Report to Council
	Improve opportunities for interpretation of the history of McKell Park.	Consider the potential for steps into the water tank, a deck viewing platform, planting, and interpretation of the old spa feature.	Medium	TS	\$25,000	Feasibility established.	Report to Council.
		Provide interpretation in Darling Point Reserve through signage and public art.	Long	TS	\$10,000	Interpretation in place in Darling Point Reserve.	
Horticulture							
Plantings in McKell Park are of horticultural and historical interest.	Improve interpretation of plantings of historical and horticultural interest.	Replant species previously in McKell Park where appropriate.	Ongoing	TS	-	Historical plantings re-established.	Horticultural report
		Identify species of plantings in McKell Park of particular horticultural interest by signage in garden beds.	Short	TS	\$3,000	Plant identification signs in place.	Observations

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5.2.9 Access

Table 5.8 Actions for Access value

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Public wharf							
The public wharf is in poor condition.	Upgrade the public wharf.	Liaise with NSW Maritime about its Package 3 wharf upgrade program which includes the Darling Point commuter wharf.	Medium Program scheduled to begin in 2015-16	TS	-	Wharf upgrade complete.	Condition assessment
Vehicle access							
No unauthorised vehicle access or parking is available in McKell Park.	Ensure access by people with disabilities to McKell Park.	Ensure the signage for the parking bay for people with disabilities is maintained and enforced.	Ongoing	TS PD Compliance	-	Vehicle access only for people with disabilities to McKell Park.	Compliance reports
Gates and fences							
Perimeter fencing, planting and balustrades are inconsistent and are worn out in places. The metal post and chain fencing on the sea wall in McKell Park requires updating or a better fencing solution.	Define the boundaries of McKell Park.	Apply for grant funding to assist in funding replacement of fencing.	Short	TS	-	Grant funding received.	Written advice.
		Provide a new balustrade detail for the top of the sandstone cliff area and along the lower wharf seawall in McKell Park.	Short	TS	\$90,000	Safe barrier fencing	No reported accidents
		Maintain and repaint the timber fence on the sandstone retaining wall on Lindesay Avenue.	Medium	TS	\$15,000	The timber fence is in good condition.	Asset condition report

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		Maintain and replant the mixed planting bed with sandstone wall on the eastern private boundary of McKell Park.	Medium	TS	\$12,000	Garden bed on eastern boundary is more attractive, and ensures privacy of residence.	Observations
		Repair the painted steel metalwork and the sandstone wall on the boundary of McKell Park and Darling Point Reserve.	Medium	TS	\$90,000	Boundary fence between McKell Park and Darling Point Reserve is in good condition.	Asset condition report
		Retain and maintain the pedestrian gate on the Lindesay Avenue boundary.	Ongoing	TS	\$1,500	Pedestrian gate is functional for park users.	Observations. Positive feedback from park users.
Paths and steps							
Paths and steps in McKell Park are of different materials and condition. An asphalt path links Darling Point Reserve and Darling Point Road. Darling Point Reserve is a steeply sloping site with steps, and no access for people with disabilities. Leaves often cover the path in Darling Point	Ensure access paths are of a consistent finish and contrast with gathering spaces and the archaeological area. Improve the safety of paths and steps in McKell Park and Darling Point Reserve. Ensure that path connections to Darling Point	Rationalise the mixed palette of path materials in McKell Park using textured finishes such as sandstone flagging and brick edging. For the archaeological and gathering areas, consider a washed concrete finish for the remainder of the paths. Install a hand rail on the steps between the upper and lower levels of McKell Park.	Medium Short	TS TS	\$50,000 \$15,000	Path finishes in McKell Park are rationalised and consistent. Footpaths in McKell Park are safe and in good condition. Handrail installed. No reports of accidents on the main steps.	Observations Access audit Observations. Accident reports to Council

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Reserve, making the footpath slippery.	Reserve are maintained, and that no conflict is created between pedestrian and vehicles. Provide and incorporate universal access principles in Darling Point Reserve.	Construct an access path between the public wharf and the steps in McKell Park.	Short	TS	\$7,500	Path constructed.	Use by park users.
		Upgrade and maintain the path in Darling Point Reserve, including removing leaves.	Ongoing	TS	\$15,000	No trips or falls on the path in Darling Point Reserve.	Accident reports to Council
		Modify the path in Darling Point Reserve to provide access to seating for people with disabilities.	Medium	TS	\$10,000	Path in Darling Point Reserve is at least partially accessible.	Access audit
Park opening hours							
The gate off Lindesay Avenue is not locked so people use the park at night, especially on Friday and Saturday nights.	Ensure the gates are closed and the park is secure consistent with approved hours.	Review the opening hours of McKell Park, and communicate to Council’s security company.	Short	TS	-	Decision about opening hours of McKell Park reached.	Report to Council
Access at daylight / dusk							
A range of pole lights and bollard lights are in use in McKell Park.	Provide lighting along the path from Darling Point Road through McKell Park to the ferry wharf.	Prepare a lighting plan to determine future lighting requirements and appropriate fittings.	Short	TS	-	Lighting plan complete.	Report to Council
Lighting is necessary for safe evening access between Darling Point Road and the public wharf. However lighting needs to be rationalised to discourage undesirable use at night.	Rationalise lighting styles while providing fit-for-purpose lighting.	Install suitable lighting through McKell Park between Darling Point Road and the ferry wharf.	Short	TS	\$50,000	Lighting installed. Safe use of the park after dark for ferry users.	Reports from security company

Background	Strategy	Action	Priority	Respons- -ibility	Capital cost \$	Performance target	Means of assessment
Connection between McKell Park and Darling Point Reserve							
The northern gates to McKell Park are locked. It is proposed to open these gates during park opening times to provide an alternative access point from Darling Point Reserve to McKell Park for functions.	Upgrade the northern gates.	Remove paintwork on the columns of the northern gates, and restore the gates.	Medium	TS	\$5,000	Restoration of northern gate complete.	Asset condition report
	Permit public access through the northern gates.	Open the northern gates.	Medium	TS	-	Northern gates opened for public access.	Observations
		Extend the 'dry dock' to Darling Point Reserve.	Low	TS	\$100,000	Dry dock extended to Darling Point Reserve.	Observations
There is an opportunity to connect Darling Point Reserve to the public wharf in Mckell Park with a crossing along the waterfront. If a pedestrian connection is to be made, this may involve bridging the archaeological stone surrounds and remnants of the boat house and swimming pool.	Link Darling Point Park and the lower level of McKell Park.	Investigate options for connecting Darling Point Reserve along the waterfront to the lower level of McKell Park.	Low	TS	-	Options considered. Preferred option identified.	Report to Council.
		Implement preferred option.	Low	TS	\$50,000 indicative cost of inclinator	Preferred option in place.	Reports to Council.
		If pedestrian connection is to be made, retain, conserve and interpret the stone remnants of the boathouse and swimming pool.	Low	TS	\$15,000	Conservation and interpretation of the archaeological stone structures.	Report by archaeologist
Water access point							
Easy access out of the water to McKell Park is required in the event that someone falls into the water from the lower level or from the wharf.	Provide a safe means of accessing McKell Park from the harbour in case of accident.	Excavate steps or install a ladder in the sea wall in the vicinity of the public wharf and the eastern lower section of McKell Park.	Short	TS	\$5,000 ladders \$25,000 steps	Easy access to McKell Park from the water in case of accident.	Emergency procedure drills

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Bicycle access							
Bicycle access is available to McKell Park but there are no bike parking or storage facilities.	Encourage park visitors and ferry passengers to ride a bike to the park.	Provide secure bike parking in a visible location in McKell Park.	Short	TS	\$3,000	Bike racks installed. Use of bike racks by cyclists.	Observations

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5.2.10 Management

Table 5.9 Management actions

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
Aboriginal land claim							
An Aboriginal Land Claim over Crown land in McKell Park has incomplete status, which precludes issuing tenures such as term leases and licences, but does not affect day to day management by Woollahra Council.	Resolve the status of the incomplete Aboriginal land claim and the implication on use and management of McKell Park.	Liaise with the Crown Lands Division about the implications of the Aboriginal land claim on McKell Park.	Medium	TS PD	-	Implications of land claim understood.	Written advice from CLD
Management of Canonbury Cottage							
There is additional capacity for Canonbury Cottage to cater for additional community and/or commercial uses.	Maximise use of Canonbury Cottage which also provides a financial return to the reserve trust.	Invite expressions of interest for an appropriate permanent hirer and / or commercial use of Canonbury Cottage.	Short	CS	-	Expressions of interest received. Appropriate use of Canonbury Cottage.	Expressions of interest. Use agreements
Zoning							
The Council-owned land parcel at the eastern side of McKell Park is uncoloured on the Woollahra Local Environmental Plan 1995 zoning map.	Ensure consistent zoning of McKell Park and Darling Point Reserve to reflect their open space / recreational functions.	Zone Lot 1 DP 850200 as Zone 6: Open Space (General Recreation) under the WLEP 1995 translated to Zone RE1: Public Recreation under the new principal LEP.	Short	TS PD	-	Lot 1 DP 850200 is zoned for open space / recreation.	Report to Council

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Background	Strategy	Action	Priority	Respons-ibility	Capital cost \$	Performance target	Means of assessment
The open space zone shown on Council’s Land Use Map is not consistent with the actual extent of Darling Point Reserve.	Ensure that reserve boundaries match those shown on the Land Use Map.	Align the open space zoning on the Land Use Map with the actual location of the reserve.	Medium	PD	-	The boundary of Darling Point Reserve matches the reserve boundary shown on the Land Use Map.	Gazettal of new principal LEP and zoning maps.
Road reserve							
Darling Point Reserve is a road reserve. Council desires to change its status to open space.	Consolidate Darling Point Reserve with McKell Park. Change the status of Darling Point Reserve from road reserve to community land.	Formally close the road reserve.	Medium	TS PD	-	Darling Point Reserve is community land in Council ownership.	Land title documents.
		Transfer Darling Point Reserve into Council ownership, or gift the land to Council.					Council's Land Register
		Classify Darling Point Reserve as community land.					
		Categorise Darling Point Reserve as Park.					
Park name							
There is evidence of local community support to revert the name of McKell Park back to Canonbury Park to reflect the park’s history.	Consider renaming McKell Park to Canonbury Park.	Consult with the community and the Geographical Names Board about renaming McKell Park to Canonbury Park.	Medium	TS	-	Decision made about the renaming of McKell Park.	Written advice from Geographical Names Board

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6 IMPLEMENTATION AND REVIEW

6.1 Permitted future uses and developments

6.1.1 Introduction

It is not possible to forecast every activity, development or structure that may occur at McKell Park and Darling Point Reserve in the future. New activities, developments and structures may be proposed in response to an application for use of McKell Park and Darling Point Reserve, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

Once this Plan of Management is adopted Council may not undertake or approve any activities, uses or developments that are not provided for or consistent with this Plan. Any significant changes in the plan must be exhibited publicly.

There are no current proposals for significant development within, or to significantly alter the current use of, McKell Park and Darling Point Reserve.

Guidelines for assessing the appropriateness of new activities, developments and structures in McKell Park and Darling Point Reserve are outlined below.

6.1.2 Legislative requirements

Refer to Appendix C for more detail on the legislation set out below.

Crown Lands Act 1989

The use and management of Crown land is determined or influenced by:

- ☐ the objects of the Crown Lands Act (Section 10), particularly that Crown lands are managed for the benefit of the people of NSW.
- ☐ the principles of Crown land management (Section 11 of the Act).
- ☐ the public purpose(s) of the land (Sections 80 and 87). Crown land is reserved or dedicated for a public purpose(s), which means the reserve must provide a public benefit. Uses, activities, developments and agreements in a Crown reserve are defined by the public purpose(s) of the reserve. All uses of Crown reserves must be acceptable according to their public purpose(s). An additional purpose may be proposed in a draft Plan of Management under Section 112 of the Act.

- ☐ Crown Lands Division policies, such as the Food and Beverage Outlets on Crown Reserves Policy Position 2004.
- ☐ native title legislation.
- ☐ rental from leases or licences. A percentage of the rental received from new leases and/or licences of Crown land (rental over \$2,000) is placed in the Public Reserve Management Fund. This fund is a State government initiative that raises funds to assist Reserve Trusts in NSW.
- ☐ case law judgements, which influence the policy and practice of the CLD and Trust managers.
- ☐ any conditions and provisions within the zoning in the Council's Local Environmental Plan. However, the applicable Public Purposes defined by State government legislation overrides the local zoning.
- ☐ an adopted Plan of Management, a contractual agreement (lease or licence), or a combination of both to more specifically define the permitted uses.

Local Government Act 1993

Under the *Local Government Act 1993*, uses and developments within land categorised as community land must be consistent with the guidelines for categorisation and the core objectives of the relevant category.

Leases and licences over community land must follow the requirements of the *Local Government Act 1993* for leases, licences and other estates.

6.1.3 Use of land zoned for open space

The *Woollahra Local Environmental Plan 1995* allows various activities to occur without development consent in the 6 - Open Space zone. Development consent may be granted for some other activities, and all other developments are prohibited (Appendix C).

All proposed uses, development and building works in this Plan of Management need to be permissible under the Local Environmental Plan, and assessed if required through a Development and Building Application process consistent with the *Environmental Planning and Assessment Act 1979*. This Plan of Management would be an important supporting document for the required development and building applications for the proposed works.

Any Development Applications, proposed works and major management issues will be advertised to residents for information and to invite comment.

6.1.4 Permitted activities and developments

Activities and developments that are permitted within McKell Park and Darling Point Reserve should be consistent with:

- ☐ The objectives for this Plan of Management (Section 1).

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- ☐ The objectives for management of the parks (Section 3).
- ☐ Relevant legislation and statutory instruments (Section 3 and Appendix C).
- ☐ The zoning under the Woollahra Local Environmental Plan (Section 3, Appendix C).
- ☐ Community values of the parks (Section 4).
- ☐ Community objectives for the parks (Section 4).
- ☐ The public purpose of Crown land (Section 2 and Appendix C).
- ☐ The core objectives for the community land category of Park (Section 4).
- ☐ The future roles of the parks (Section 4).
- ☐ Proposed future uses of the parks (Section 6).
- ☐ Additional guidelines for assessing future uses and developments (Section 6).

Examples of such activities and developments are outlined below.

Table 6.1 Examples of permissible future uses and development of McKell Park and Darling Point Reserve

Examples of purposes for which the land and any such buildings or improvements will be permitted to be used	Examples of purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
Access for people with disabilities Ceremonies (private and public) Children's play – informal Commercial activities Community use Community events Corporate promotions Education (horticulture, history) Emergency purposes Functions Gardening Historical appreciation and interpretation Informal ball games (soft balls) Passive recreation including picnics Public performances – theatre, music Photography / filming Revegetation Sightseeing Vehicle access (authorised vehicles only) Walking	Access for people with disabilities Advertising (temporary) Amenities / change facilities (temporary, permanent) Bicycle storage Decking Dinghy storage Drainage Earthworks Environmental protection works Exempt and complying development Food and beverage outlet (café, kiosk) – permanent, temporary or mobile Irrigation systems Landscaping / gardening Lighting Park furniture – seating etc. Park materials storage – temporary Paving Pathways, stairs Pergolas, fountains etc. Planting Public art (permanent, temporary, ephemeral) Public utilities Recreation areas

	Recreation facilities (outdoors) Sea wall Shelter Signage (directional, regulatory, interpretive) Solar panels and the like Temporary structures such as marquees (associated with the cottage) Water harvesting / storage structures Wharf
--	--

6.1.5 Scale and intensity of future uses and development

Introduction

McKell Park and Darling Point Reserve are generally intended to be used for informal and passive recreation, access to the public wharf, social gatherings and ceremonies, and community activities and events.

The scale and intensity of future uses and development is dependent on:

- ☐ the nature of the approved future uses.
- ☐ the landscape masterplan for McKell Park and Darling Point Reserve (Section 5.1).
- ☐ the carrying capacity of the parkland and its facilities.
- ☐ approved Development Applications.

Purposes for which any further development of McKell Park and Darling Point Reserve will be permitted (under lease, licence or otherwise) are outlined in this Plan of Management, consistent with the public purpose of Crown land, categorisation of community land, any approved Development Application, and any provision of an applicable development control plan for exempt and complying development.

In general, permissible activities in McKell Park and Darling Point Reserve will not:

- ☐ unreasonably impact on local residents in terms of noise and demand for on-street parking.
- ☐ unreasonably interfere with the use and enjoyment of the parkland by other park users.
- ☐ result in physical damage to the parks.
- ☐ unreasonably exclude any section of the community.

Any use or development that would further encroach on McKell Park and Darling Point Reserve' passive open space should be prevented.

Woollahra Council will continue to close McKell Park at dusk until sunrise to discourage use at night.

Council will monitor physical impacts on McKell Park and Darling Point Reserve, and impacts of use of the parks on the surrounding area.

Certain uses and developments

Temporary park hire

All applications for use of McKell Park and Darling Point Reserve for temporary organised activities such as weddings, photography, film shoots and social gatherings, would be subject to Council's standard conditions (and site specific conditions where applicable), approval processes, and booking fees. A temporary licence in the form of a Park Hire Approval would be issued by Council as part of the approval process prior to the parks being used for these activities. Fees are listed in Council's annual Management Plan.

Measures to mitigate the impacts of temporary park hire, particularly functions, on local residents include:

- ☐ limiting hired activities to 120 people.
- ☐ requiring payment of a bond before the function which is refundable after the function only if all conditions of hire are adhered to.
- ☐ enforcing traffic and parking restrictions, noise levels, and disposal of rubbish.

Community events

Woollahra Council sees activities which use open space as community-building initiatives to further foster a strong, vibrant community. Such activities attract favourable attendance and enjoyment in other open spaces. The space in McKell Park is seen as suitable for a range of activities such as events which are ancillary to and supportive of the public purpose of Public Recreation.

There is an opportunity to increase the range of suitable activities in McKell Park, such as small theatrical performances, subject to the issues of general event, traffic and parking management being addressed to ensure a co-operative relationship with local residents and the recognition of equitable use of public open space.

Woollahra Council and the Police will determine the maximum number of people admitted to McKell Park for New Years' Eve to ensure public safety and to minimise damage to the park.

Canonbury Cottage

Woollahra Council wishes to encourage increased use of Canonbury Cottage by the community for a range of uses. Such uses would be:

- ☐ consistent with and sympathetic to the building's heritage fabric and character.
- ☐ able to utilise the current building envelope and floorspace.

The footprint of the building will not be extended. However the paved outdoor area may be extended and sheltered.

Authorised changes to Canonbury Cottage are erecting a shade/shelter awning to the exterior of the building, internal fitouts, and internal and external repairs and maintenance.

Due to space restrictions, the maximum number of people to use the Cottage at any one time is 30 people, but a maximum of 15 people is more realistic in terms of user comfort.

A liquor licence associated with the use of Canonbury Cottage as a food and beverage outlet will be permitted.

Commercial activities

Commercial activities will be approved in McKell Park provided they:

- ☐ enhance social and recreational opportunities.
- ☐ do not unduly impact on other park users.
- ☐ do not unduly impact on the values of the park.
- ☐ complement other permissible uses.
- ☐ pose no threat to public safety.

Proposals for commercial activities should be considered on their specific merits. Conditions should apply in each case to ensure the above requirements are met.

Monitoring of use and development

Impacts of future uses and developments on McKell Park and Darling Point Reserve and their users and neighbours should be monitored, and appropriately managed. The scale and intensity of use and development of the parks will be regularly monitored in terms of physical impacts of activities and uses, wear and tear caused to the parks, and conflicts between user groups and residents. Corrective management action should be taken if any activities or developments impact on the parks, or cause conflicts between users, or between users and local residents.

Facilities and structures require regular inspections and maintenance to keep them in a functional condition and to protect the safety of users.

6.2 Leases, licences and other estates

6.2.1 What are leases, licences and other estates?

Leases, licences and other estates are use agreements which formalise the use of Crown and community land by individuals, groups and organisations.

A lease will be typically required where exclusive use or control of all or part of McKell Park and Darling Point Reserve is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in McKell Park and Darling Point Reserve justify such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of McKell Park and Darling Point Reserve is proposed. A number of licences for different users can apply to the same area or building at the same time, provided there is no conflict of interest.

Leases and licences can be established for public or private purposes, providing they are consistent with the objectives of this Plan of Management, and that the residential and environmental amenity of surrounding areas is maintained.

Licences and leases for the use of the subject land for activities need to be permissible under the *Crown lands Act 1989*, *Local Government Act 1993*, the Woollahra Local Environmental Plan, this Plan of Management, and pursuant to Development Consent if required.

The *Local Government Act 1993* requires that any lease or licence of community land be authorised by a Plan of Management. Under Section 46 of the Local Government Act, Council may lease or licence community land in a Plan of Management for purposes consistent with the categorisation and zoning of the land. Such purposes must also provide benefits, services, or facilities for users of the land.

6.2.2 Existing leases and licences

Use of the public wharf partially in McKell Park is subject to a lease agreement between NSW Maritime and Woollahra Council which is renewed annually. This Plan authorises continuation of this lease while public ferry services operate from McKell Park.

6.2.3 Authorisation of future leases and licences

Introduction

This Plan of Management supports granting and renewal of leases and licences from time to time in accordance with the *Crown Lands Act 1989* and the *Local Government Act 1993* as applicable, and which are consistent with the values of and objectives for McKell Park and

Darling Point Reserve in this Plan. Both Acts aim to prevent the alienation of public land within the leasing and licensing process, ensuring protection of identified community values and overall access. Any lease or licence applications seeking to unduly change the general public purpose and character of the parks would be rejected.

To comply with the *Crown Lands Act 1989* and the *Local Government Act 1993*, this Plan of Management must clearly specify what leases, licences and other estates are authorised within McKell Park and Darling Point Reserve. Terms and conditions of such agreements should reflect the interest of Woollahra Council, protect the public, and ensure proper management and maintenance.

Leasing and licensing of the parkland in McKell Park and Darling Point Reserve will be in accordance with the objectives and principles of the Crown Lands Act and Local Government Act, and with Council's leasing and licensing policy and procedures.

Section 46 of the *Local Government Act 1993* generally prevents Councils from granting leases, licences or other estates over community land for private purposes. However, the Act does enable short-term casual licences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, licence or other estate must still be consistent with the core objectives for the relevant category of community land.

Express authorisations

This Plan of Management expressly authorises the granting of a lease, licence or other estate over McKell Park and Darling Point Reserve for recreational, social, educational, community and associated purposes. This authorisation includes, but is not limited to, proposed leases and licences and short term casual purposes prescribed under the Local Government (General) Regulation.

Crown Lands Act 1989

Any lease or licence granted over Crown land must comply with the reserve purpose, and the objects and principles of Crown land management under Sections 10 and 11 of the *Crown Lands Act 1989*.

Reserve trust managers may issue licences under Section 102 of the *Crown Lands Act 1989*, and temporary licences under Section 108 of the *Crown Lands Act 1989*. A Reserve Trust is required to obtain consent in writing from the Minister for Primary Industries for leases and licences, however not for temporary licences.

Local Government Act 1993

Lease and licence periods

The maximum period for leases and licences on community land allowable under the Local Government Act is 21 years for purposes consistent with the categorisation and core objectives of the particular area of community land. This period of time includes any period for which the lease or licence could be renewed by the exercise of an option.

Authorised uses

A lease, licence or estate may be granted, in accordance with an express authorisation by this Plan of Management, providing the lease, license or estate is for a purpose prescribed in Section 46 of the *Local Government Act 1993* and is consistent with the core objectives for the community land category.

In accordance with the requirements of the Local Government Act and the Local Government (General) Regulation the following uses are authorised by this Plan of Management, as they are generally consistent with the management objectives developed for the parks:

- ☐ wedding ceremonies and functions.
- ☐ playing of a musical instrument or singing for fee or reward.
- ☐ delivering a public address or speech
- ☐ commercial filming and photography.
- ☐ corporate functions.
- ☐ birthday parties and family gatherings.
- ☐ other special events/ promotions provided they are on a scale appropriate to the use of a local park, or to the benefit and enjoyment of the local community.
- ☐ emergency purposes, including training, when the need arises.

This Plan of Management also allows Council to grant “an estate” over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act.

Public notice of leases and licences

Community land may only be leased or licensed if public notice is given according to the requirements of the Local Government Act.

Under Section 47 of the Act, Council may grant a lease, licence or other estate exceeding 5 years if it gives public notice of the proposal to the owner, the public and all stakeholders, and invites and considers public submissions before the lease or licence is issued and formalised. If an objection to the proposal is made, Council may not grant a lease, licence or other estate without consent of the Minister for Local Government.

For proposed leases, licences and other estates of 5 years or less, Council must publicly advertise the proposal in the same way as for leases, licences and other estates over 5 years. Final approval of the lease rests with Council, but the Minister for Local Government has the discretion to call in a proposed lease and determine the matter in place of Council. Short-term and other types of leases, licences and other estates, such as providing underground pipes and connections, also need to be advertised.

Short-term casual hire

All short-term casual hire will be in accordance with the *Local Government (General) Regulation 2005*. To be considered as casual hire, activities must not:

- ☐ involve the erection of any building or structure of a permanent nature.
- ☐ continue for more than three consecutive days.
- ☐ continue to recur for a period of more than 12 months in the case of uses occurring more than once.

Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.

Granting of leases, licences and other estates by tender

Section 46A of the Act requires that Plans of Management must specify purposes for which a lease, licence or other estate may be granted only by tender. A lease or licence for a term exceeding 5 years may be granted only by tender, unless it is granted to a non-profit organisation. However, Council may apply a tender process in respect to granting any particular lease, licence or estate.

Leases and licences applying to community land in McKell Park and Darling Point Reserve for which tenders must be called are for:

- ☐ commercial activities.
- ☐ a period of five years or more.
- ☐ advertising.

Sub-lease of community land

Under Section 47C, land within community land that is subject to a lease cannot be sub-let for a purpose other than:

- ☐ the purpose for which the land was to be used under the lease.
- ☐ refreshment kiosks, dances and private parties in the case where land is leased to a sporting club.

Occupation of community land other than by lease or licence

The exclusive occupation or use of McKell Park and Darling Point Reserve is only permitted for the purposes of:

- ☐ a lease, licence or other estate to which Sections 47 and 47A of the Act applies.
- ☐ a sub-lease or other title derived from the holder of such a lease, licence or other estate.

However, exclusive occupation or use is permitted for a senior citizens centre or home, or community care facility; or if the exclusive occupation or use was lawfully in existence or lawfully undertaken immediately before 8 December 1998.

6.2.4 Guidelines for assessing proposed uses under lease or licence

In considering whether to grant any lease or licence, Council should take into account the consistency of the proposal with the values and objectives of this Plan of Management, particularly regarding:

- ☐ whether the use/activity is in the public interest.
- ☐ whether the use / activity is consistent with the categorisation of community land.
- ☐ whether the use/activity would not cause any significant detrimental impact on the parks or on the local community.
- ☐ the impact of the lease/licence on the public/private space of the parks.
- ☐ the impact on maintaining the parks as a cohesive open space.
- ☐ compatibility with zoning and other Council requirements.
- ☐ provision of benefits and services or facilities for the users of the land.
- ☐ responsibility of the lessee/licensee for ensuring the area is maintained to a standard which is acceptable to Council.
- ☐ the need to define the times the land or facility will be available for use by the lessee/licensee.
- ☐ any fixed or temporary outdoor lighting of areas to be allowed only between the hours identified in the lease/licence.

Further considerations that may affect leases and licences are:

- ☐ fees can be charged as part of a lease or licence and can be commercially based.
- ☐ the lessee or licensee should take out public risk insurance and produce notices of the policy as required on renewal.
- ☐ use of the premises by the lessee or licensee is restricted to only those activities authorised in the lease or licence.
- ☐ any alteration, transfer or sub-letting etc. should not be permitted without Council's consent.
- ☐ ownership of improvements should be dealt with in the lease or licence.
- ☐ a lease (5 years or more) should be registered on the land title.
- ☐ a licence can be terminated by either party.

6.2.5 Review and renewal of leases, licences and other estates

Existing leases and licences should be reviewed before their expiry date in terms of the desirability of renewing the lease or licence. If the lease or licence is intended to be renewed, the terms of the lease or licence should be renegotiated.

6.3 Funding sources

6.3.1 Introduction

There are a number of approaches that Woollahra Council can take in funding the implementation of this Plan of Management. Council, as Trust Manager and part land owner, is likely to fund most of the proposed improvements to McKell Park and Darling Point Reserve with assistance from other organisations.

6.3.2 Council funding

General

The implementation of this Plan of Management is achieved through its linkage with Council's Management Plan, Operational Budget, and Capital Works Program. Funding is integral to implementing the Plan.

Funding arrangements for the parks need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and Section 94 funding for capital and non-recurrent works.

Funding for construction of new facilities is generally through the annual budgeting process, but special projects may be partly funded through State government grant allocations, which may involve matching funding from Council.

Staging of works will need to occur because Council cannot meet the cost of every single item of work proposed at one time, due to other financial commitments throughout the municipality. Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works in the parks.

Section 94A contributions

Council currently enters into planning agreements, or levies contributions or works in kind from developers towards the cost of upgrading facilities, including parks, to meet the needs of new development.

Environmental levy

An Environmental Levy is used to fund works to protect Woollahra's natural environment and the quality of water entering Sydney Harbour. The levy funds a specific range of improvement projects under Council's Environmental and Infrastructure Works Program.

Partnerships

There is an opportunity to develop further partnerships with residents and interested people in relation to improvements and ongoing management of the parks.

Rental income

Income from the parks is generated by lease and licence fees, and from applicants for approved functions and events.

6.3.3 Grants

Several Commonwealth and State government grants are available to assist with capital works in the Park. While not exhaustive, the following list gives an indication of the range of available grant programs through which improvements to McKell Park and Darling Point Reserve consistent with its size, catchment and intended uses could be funded.

Table 6.2 Possible sources of external funding

Grant	Organisation	Purpose
Commonwealth		
Community Infrastructure Program – Strategic Projects	Department of Infrastructure, Transport, Regional Development and Local Government	Funding for local government to build and renew local infrastructure, such as sporting facilities and parks.
Natural Heritage Trust	Department of Environment and Heritage	Bushcare Program: conserving and restoring habitat for native flora and fauna.
Public Art Program	Ministry for the Arts	Grants of up to \$4,000 are available to assist in the commissioning of concept proposals by artists. Matching grants of up to \$20,000 are available for commissioning public art.
Australia Council for the Arts	Australia Council	Community cultural development, visual arts / crafts, theatre, dance, music
Community Water Grants	Department of Environment and Heritage	Offers grants to help local community organisations to save, recycle or improve the health of their local water resources. Grants are available for projects related to water saving and efficiency, water recycling, and water treatment to improve surface and groundwater health.
State		
Public Reserve Management Fund	Department of Primary Industries	Assists Crown Reserve Trusts in the management, planning and development of Crown reserves.
Metropolitan Greenspace Program	Department of Planning	Planning and improvement of regionally significant open space in Sydney.
Environmental Trust: Integrated	Department of Environment and	Environmental restoration and rehabilitation to prevent or reduce pollution, waste or other

Grant	Organisation	Purpose
Environmental Program	Conservation	environmental degradation.
Regional Cycleway Network	Roads and Traffic Authority	The RTA matches Council funding for regional cycleway routes.
Heritage Incentives Program	NSW Heritage Office	Conservation works to items on the State Heritage Register.
Heritage Study and Promotion Projects	NSW Heritage Office	Studies, promotion, interpretation and presentation, histories and other projects for heritage items in NSW.
Sharing Sydney Harbour Access Program	Department of Planning and Infrastructure	Improve public access to and enhance the recreational enjoyment of Sydney Harbour and its tributaries for the people of Sydney and visitors to the city. Funding for specific capital works projects such as walking tracks, cycle paths, new public waterfront parks, jetties, pontoons and boat launching facilities.
Community Development and Support Expenditure Scheme	NSW Office of Liquor, Gaming and Racing	Encourages larger registered clubs in NSW to contribute to the provision of front-line services and community projects.

6.4 Implementation of this Plan of Management

Once the Department of Primary Industries and Woollahra Council adopt this Plan of Management it is incumbent on them to implement the Plan. Council must only allow operations or development that is in accordance with the Plan of Management.

Implementation of the Plan will be monitored annually with the preparation of annual performance standards and capital works programs. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Management Plan.

Funding for improvement to and management of the parks will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.5 Reporting

Under Section 122 of the *Crown Lands Act 1989*, a Reserve Trust must furnish a report on its activities for the previous financial year. Contents of the report are listed in Clause 32(2) of the *Crown Lands Regulation 2006*.

6.6 Review of this Plan of Management

This Plan of Management is intended to be reviewed and updated within five years, ie. by 2017, with a major review by 2022. It should be updated to reflect changing community and Council priorities and issues, to take into account changes in legislation or Ministerial

directions, and to recognise completed actions. Review of this Plan of Management should also take into account the outcomes of periodic reviews of Council's strategic and operational plans.

The Action Plan tables have a shorter life and therefore require more frequent reviews and updating. The Action Plan tables should be reviewed and revised yearly in accordance with Council's budgets, Capital Works Program and changing priorities.

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- Woollahra Municipal Council (2011) *Annual Report 2010/11: State of the Environment Report*.
- Woollahra Municipal Council (2010) *Woollahra 2025: Community Strategic Plan 2010 to 2025*.
- Woollahra Municipal Council (2010) *Delivery Program 2009 to 2013 and Operational Plan 2010/2011*.

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Gary James
General Manager

APPENDIX A

Resident survey results

Woollahra Municipal Council

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Gary James
General Manager

MCKELL PARK AND DARLING POINT RESERVE PLAN OF MANAGEMENT

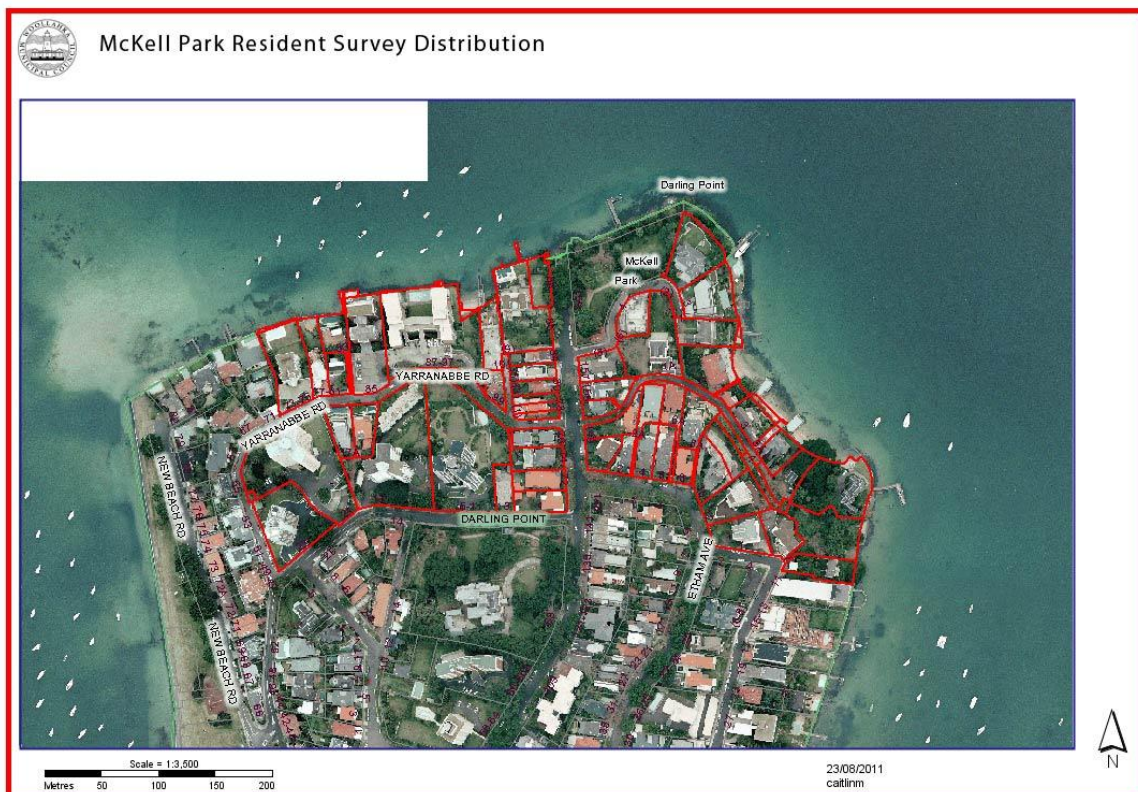
Local resident survey results

1 INTRODUCTION

A survey of households in the vicinity of McKell Park at Darling Point was undertaken in August-September 2011 to obtain local residents' views about the park and possible improvements to the park.

The survey does not cover the adjoining Darling Point Reserve, because Council decided after the survey was completed to add Darling Point Reserve to the Plan of Management for McKell Park.

A questionnaire (refer to Appendix A) was distributed to 700 letterboxes of residences within several blocks of the park on 25 August 2011. The distribution area is shown below.



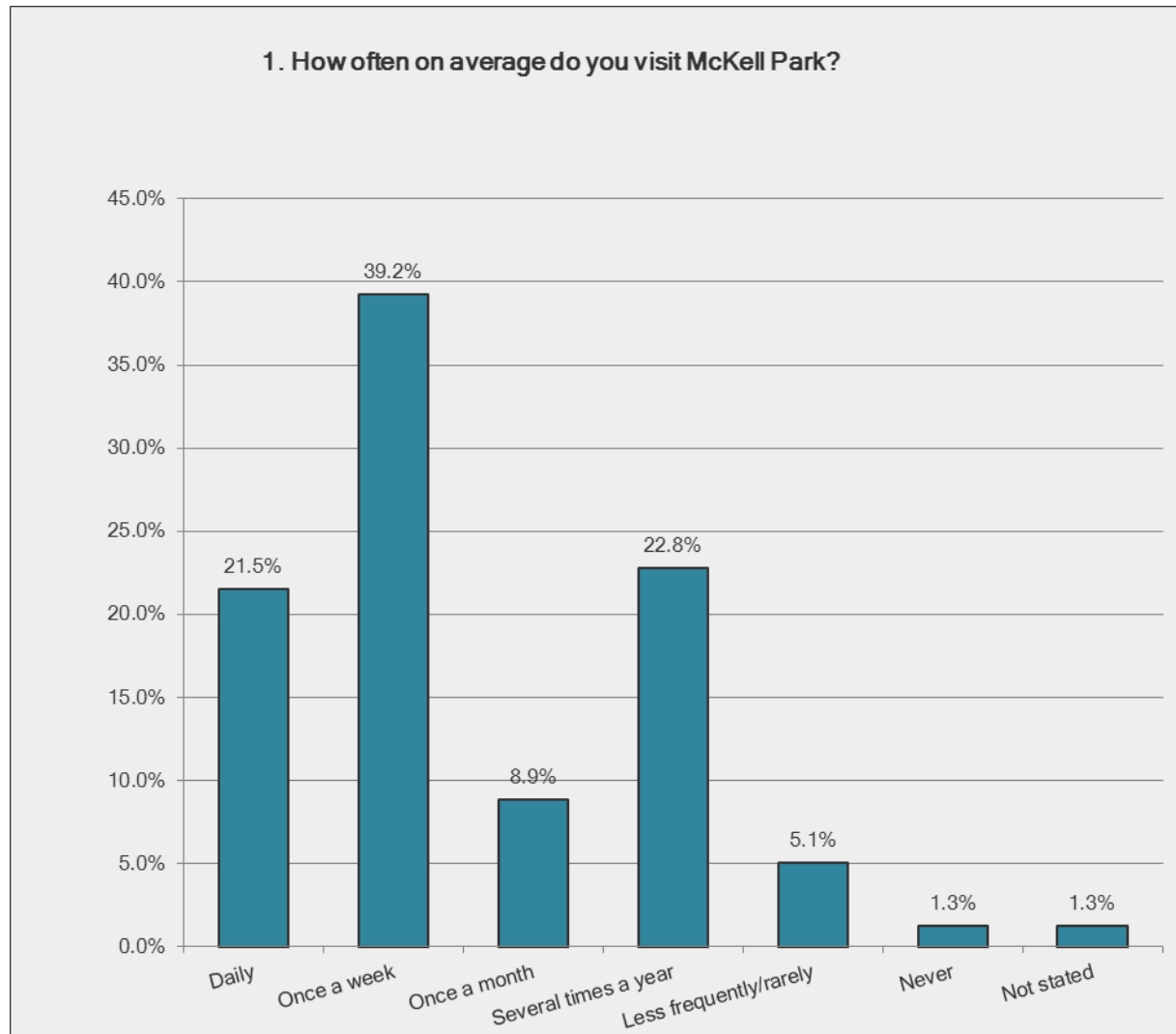
Residents were given three weeks to complete the form before the closing date of 16 September 2011. A notice in the Wentworth Courier advertised the survey, and additional notices were located at entrances to the Park and at the ferry wharf.

Residents could complete the survey on-line on Woollahra Council's website, or return the survey by post, fax or email. 65% of the 79 completed surveys were returned by post, fax or email, and 35% of the surveys were completed online.

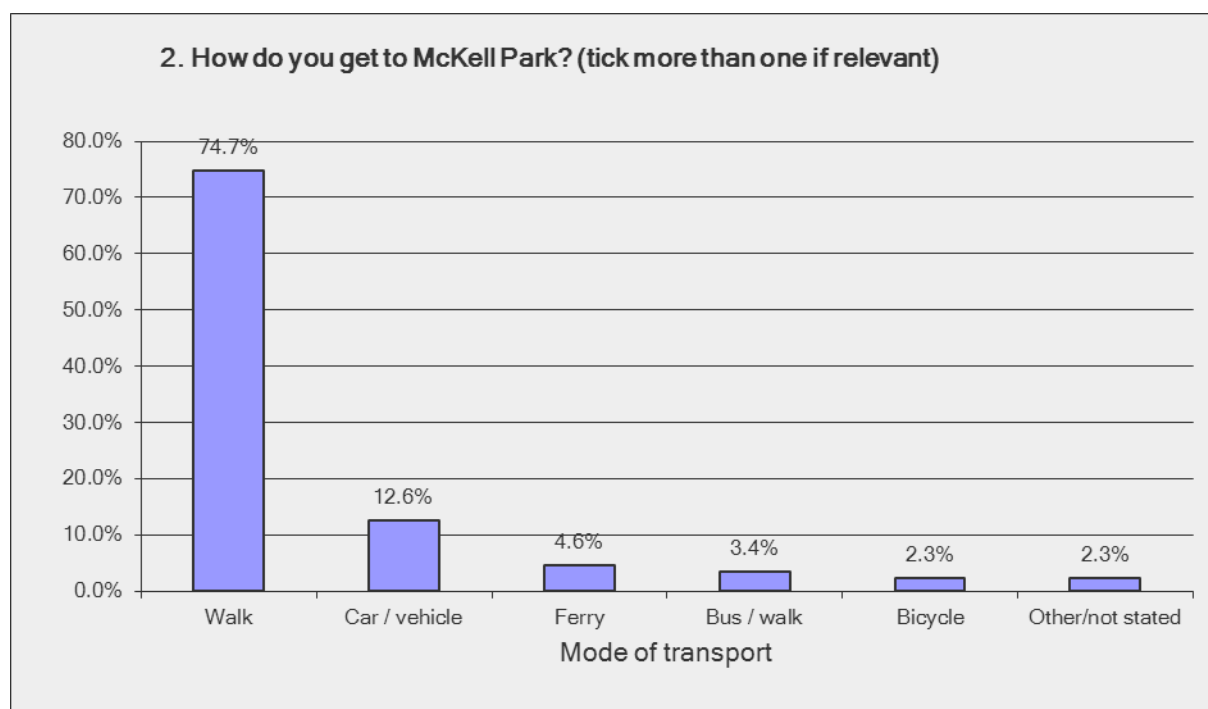
2 SURVEY RESULTS

The results of the survey are outlined below.

Frequency of visits to McKell Park



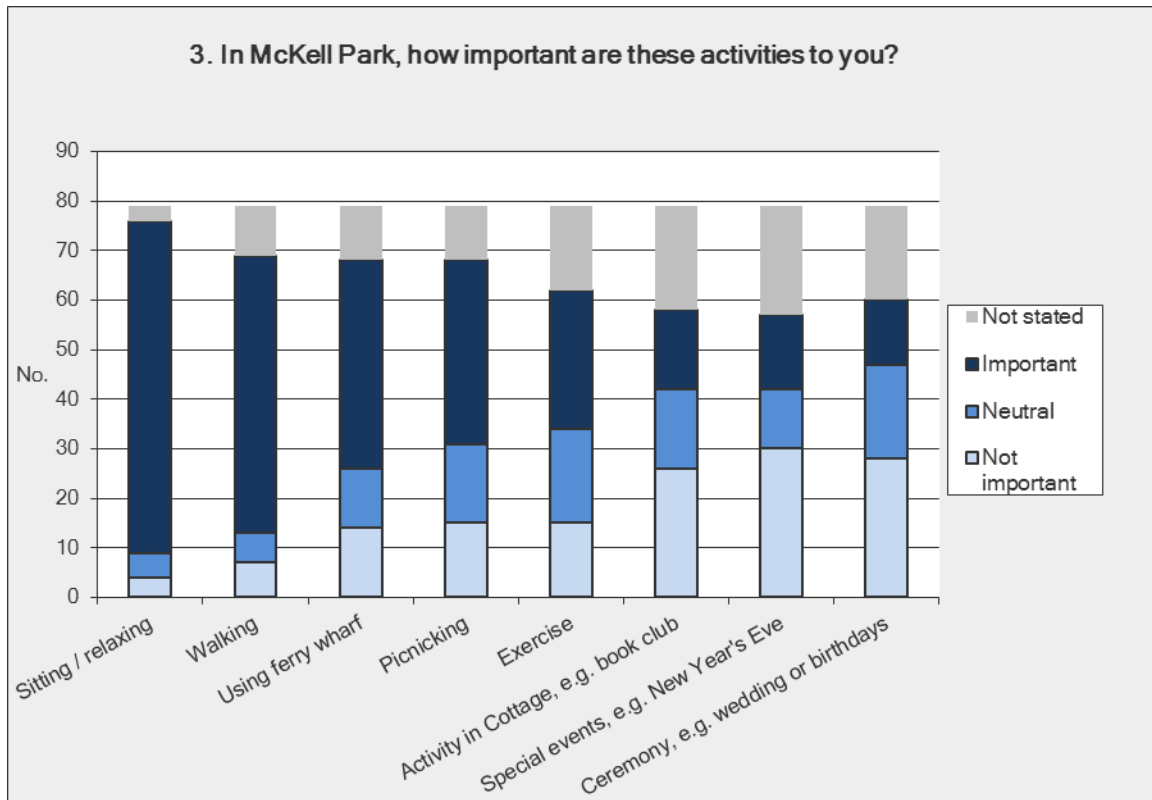
Mode of transport to McKell Park



Additional comments:

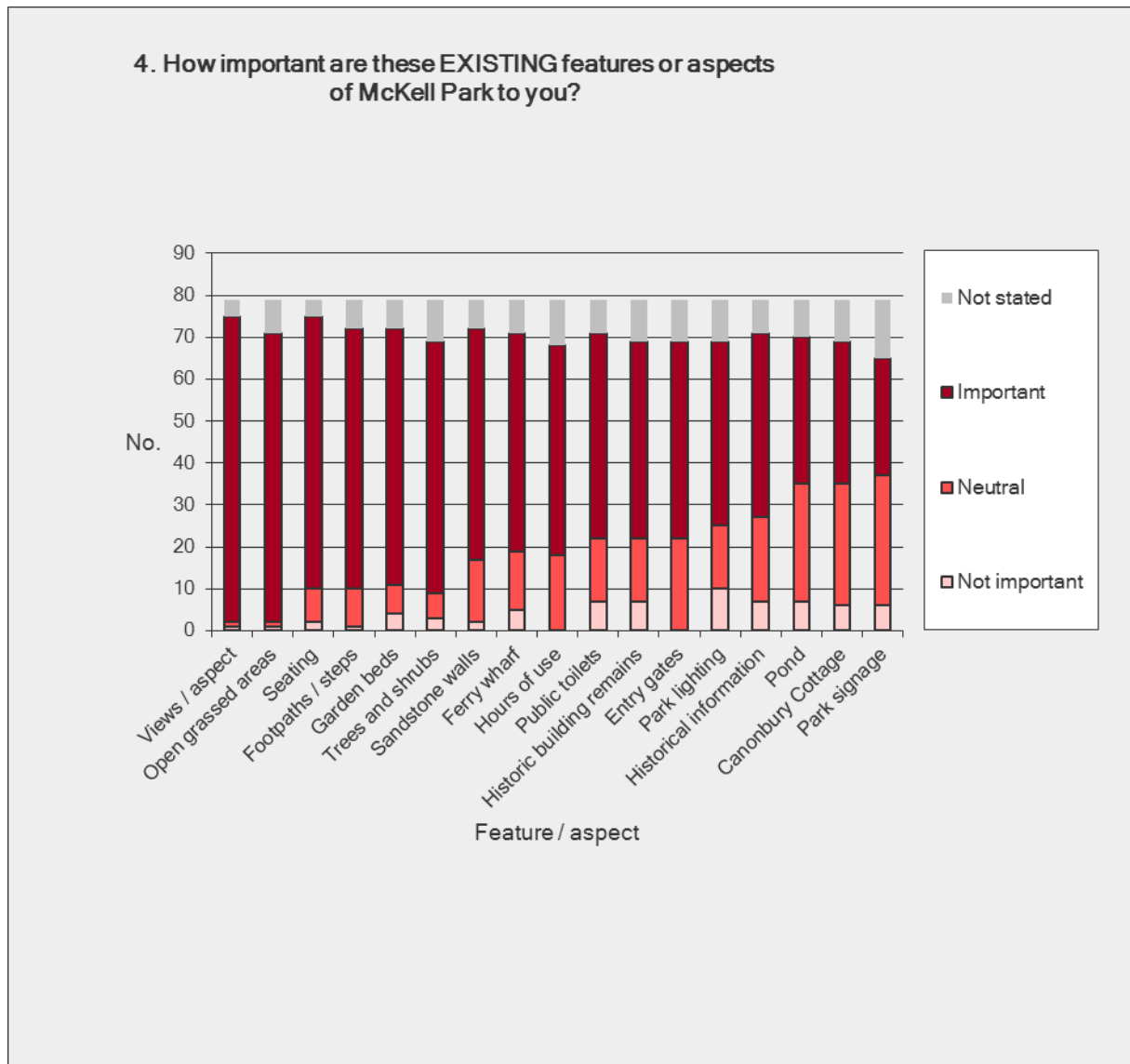
- ☐ We love walking down to it each day and going down to the wharf.
- ☐ It is an important facility for locals who do not or cannot drive.

Importance of activities in McKell Park



Playing (2 people) and visiting heritage places (1) were other important activities in McKell Park which were mentioned.

Importance of features and aspects of McKell Park

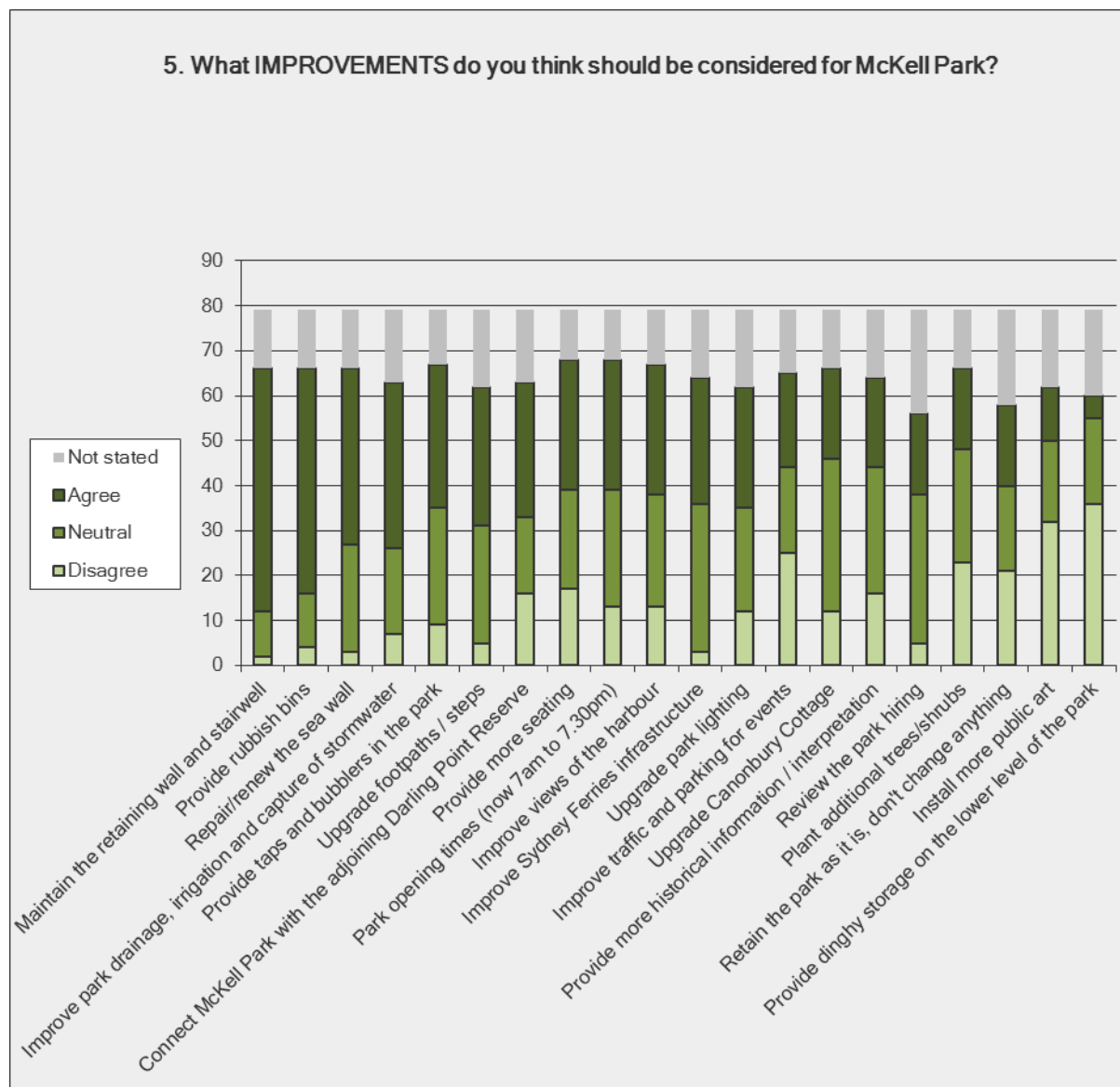


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Gary James
General Manager

Improvements to be considered in McKell Park



Suggested improvements	Comment
Rubbish bins	Rubbish bins are really important being so close to the water.
	The litter at the lower level has greatly increased with the fishermen. There is no garbage bin near the ferry
	There is often rubbish left in the park, particularly on the foreshore area as people come to fish and picnic and there are no rubbish bins to cater.
	Improve garbage.
Litter	Council should clean on Monday and Darling Point Reserve ??
	Litter should be cleaned up more often, especially after weekends.
	The park needs more general tidiness of rubbish.
	Collect garbage in Lindesay Avenue.

Suggested improvements	Comment
Sea wall	The repairs to the sea wall are first class.
	Remove graffiti from the sea walls facing the harbour.
Footpaths/steps	A hand rail for the steps going down to the ferry would be good for older people as the steps are sometimes slippery.
	Footpath terrible and needs redesign and resurfacing.
	The park requires an improved main pathway.
Park opening hours / security at night	The park should open earlier than it does and close later.
	Better security at night as there is a bad element using the park after hours as the gate in Lindesay Avenue is not locked.
	At night the park is accessed by drug addicts and drunks. Entry at night should be prevented.
	Park opening times are too late. The side gate is open anyway. Young kids drink and fishing occurs every day.
	This is a gem of a park in daytime, but at night an unsavoury element uses it especially Friday and Saturday nights.
	Lock both gates as per signs.
Views of the harbour	Improve views of the harbour for the residents - no more view blocking.
	Harbour views from the park need to be restored, with existing trees either removed or pruned and replaced with suitable shade shrubs providing more open space.
	Prune and maintain existing trees to improve harbour views from the park.
	The park is one of the finest vantage points for viewing the harbour. Nothing should be done to restrict this amenity.
	Restore harbour views.
	Make the park more open to the wonderful harbour so people can enjoy the waterfront.
Views from the harbour	Don't cut down trees and spoil the view from the harbour.
	Woollahra Council never considers the preservation of views from Sydney Harbour.
Sydney Ferries infrastructure	The ferry wharf looks like it's going to fall in, it needs upgrading badly.
	Recommend improved co-ordination of Council, Sydney Ferries, Sydney Maritime in location, design of randomly installed fixtures on wharf and adjacent park level to deliver quality aesthetic result and practical layouts.
	Remove the hideous structure and ugly lights on the wharf. Replace with something beautiful and in keeping with the park.
Ferry service	More ferries - the service is pathetic.
	The ferry service is not very good and would be better served if it was more frequent to and from the city.
	We also love catching the ferry from the wharf to the city but wish that more ferries called in there.
Heritage information	Council could do more to increase and improve its level and type of heritage information - information on your website, site signage/public art, landscaping modifications to better link with and relate to adjacent Lindesay (former estate), greater extent of former Canonbury's former estate. Some editing of planting and replanting of lost species, also active management of harbour views/vistas could take place regularly - i.e. pruning to restore/maintain key harbour views, open up views to/from Lindesay above the park, etc. A plan of management for the park needs to be revised to incorporate these as strategies/conservation policies.

Suggested improvements	Comment
Review park hiring	As this is a premium location, more should be charged for special events (e.g. weddings and NYE), nil for public access, plus a charge for WMC costs.
	We realise that it might be necessary for Council to rent parts of the Park out for weddings etc to assist with maintenance costs but would be very opposed to anything which meant that others couldn't use the Park when a wedding or other event was going on in the Park.
	Do not increase weddings and functions because already the streets can't handle it.
	Please review park hiring for weddings on days that Lindesay have their main functions. The traffic and parking is diabolical on these days when both occur.
	Co-ordinate the use of McKell Park and Lindesay House – the parking facilities are inadequate when both venues are used the same day.
	There is a conflict of interests when functions are held at Lindesay and McKell Park at the same time.
	Please co-ordinate wedding times with functions at Lindesay so that we don't have traffic jam at the end of Darling Point Road. This matter has been told to Council many times in submissions or development applications by the National Trust or 'Lindesay'.
	Traffic is a big problem when weddings and Lindesay events coincide.
	Please make sure that weddings at McKell Park are not on the same days as functions at Lindesay.
	Events at Lindesay and McKell Park should not coincide. Traffic and noise is intolerable when this occurs.
Plantings	Provide shade shrubs.
	Plant additional trees and shrubs which can survive with north-easterly winds.
	More floral plants would make it more attractive.
Dogs	You should allow dogs on leads – for many they are an important part of family life
	Allow dogs in the park
	Allow dogs on leash
	Allow dogs off-lead at adjoining Darling Point Road Reserve.
	Huge attraction is the dog-friendly aspect as the community has a large dog population.
Connect McKell Park and Darling Point Reserve	If you joined McKell Park and Darling Point Reserve and fenced them both to stop drunks and drugs it would be great.
Darling Point Reserve	The seat right on the water at the bottom of Darling Point Road is dangerous - frequently littered with used condoms and needles. This area needs improved lighting and explicit patrolling. The path down to this seat is also unsafe with irregular pathway and frequently covered with vegetation / leaf litter becoming slippery when wet (though recent efforts at tidying have helped).
Traffic and parking	Enforce the 'no stopping' signs at the bottom of Darling Point Road, particularly for wedding vehicles that feel they are exempt from complying. Gates outside 86 Darling Point Road are in constant use and at times access is impossible.
	Parking and taking the ferry should be encouraged. Therefore parking should not be restricted to 2 hours.
	Opposed to improving parking in the area as this would impact on the amenity of the area for locals such as ourselves.
Playground	Love a playground!
	We would enjoy the park much more often if the small children had a playground. Now we all meet in Rushcutters Bay Park.

Suggested improvements	Comment
Heritage landscaping	Do more to adjust landscaping to interpret subdivision history. Make links with extent of Lindesay, Canonbury's former grounds.
Addition of land to park	Would be nice to incorporate the derelict area between the park and the old US consulate.
Park name	It would be wonderful if it reverted to its original name of 'Canonbury Park'. Why is the park called after a politician rather than the house which stood there?
Pond	Lili's pond has deteriorated with weeds. Maybe a voluntary group could help keep it cleaner.
Special events	We were not allowed entry into the park on New Years Eve and that was upsetting. The park was closed off. Residents have to suffer because of drunks from other suburbs coming around. If it is going to be closed off, then please allow the residents to come in at least.
Tree management	Trees in McKell Park need to be drastically cut back to return the area to a park.
	Trim trees and remove unattractive trees.
	Prune shrubs.
	Improve maintenance such as remove dead trees, branches and weeds.
	Clean and maintain the shrubs, dead trees and foliage at the harbour's edge.
	Maintain trees and shrubs.
	Improve maintenance of trees and shrubs.
Garden maintenance	The park needs more regular garden maintenance.
	Existing gardens could be maintained better.
	The park requires mulch and landscaping.
General maintenance	Better maintenance of what is already there
	Maintain the park better.

Additional comment:

- ☐ Please do not introduce any changes/'improvements' that will spoil this much-loved little park, which is greatly appreciated in its present state.

Additional comments

Beautiful as it is.

This park is an important part of the cultural, environmental and historic fabric of Sydney. It needs to remain uncomplicated and as perfect as it is (of course well-maintained). Keep it small and private and do not encourage thousands to visit otherwise its charm will be lost.

Do not modernise. Keep the historic reference.

Don't spoil it by over designing it.

We love it! It's a treasure.

Congratulations to Council for saving the park from being sold off when Canonbury was demolished.

Let's keep it as a secret asset for Darling Point. Just maintaining it would be fine.

It is a lovely, precious, peaceful, beautiful, unique, little park and shall keep its character. It is like a gem at the end of Darling Point.

A beautiful, quiet space in a big noisy city - this aspect must be maintained.

It is the most beautifully positioned park in Sydney. I'm very proud to have it in my area to show visitors.

McKell Park is a great public area. All in all a great little park and part of Darling Point.

McKell Park is an important remnant of Darling Point's history. As a long-term resident of Darling Point, I was delighted when the site was saved from the developers.

It is a beautiful, quiet space where local residents and visitors can relax and enjoy the magnificent views of Sydney Harbour.

My husband and I live in Darling Point and McKell Park was part of the attraction of moving into the area four years ago.

McKell Park became my elderly mother's most significant pleasure after a debilitating stroke. It affected her vision badly so we would walk (slowly!) for exercise and sit in the park and listen to the sound of sails as the sailing boats when about on sailing evenings. Getting her to the Park from her apartment close by was strenuous and difficult, but enormously rewarding for her. Prior to that my parents gained so much from the exercise classes held for the elderly at the Park.

The views are lovely as is the water feature near the wharf and generally the grassy areas.

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Gary James
General Manager

Appendix B

Survey questionnaire

Woollahra Municipal Council

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General Manager



'Have your say'

McKELL PARK, DARLING POINT PLAN OF MANAGEMENT and MASTER PLAN

Woollahra Council has engaged Parkland Environmental Planners and Phillips Marler Landscape Architects to prepare a Plan of Management and Master Plan for McKell Park at Darling Point. The Plan of Management and Master Plan will assist Council in meeting the changing needs of the community and enhancing the existing facilities of McKell Park over the next 10 years and beyond.

As part of the process, interested members of the community are being invited to contribute. This consultation process will help guide the preparation of the Plan of Management and Master Plan. Please tick or fill in the box next to the items that most closely reflect your opinion.



**Please return this questionnaire to Council
by Friday 9 September 2011**

Post: Open Space and Trees Department
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Fax: (02) 9391 7044

Email: records@woollahra.nsw.gov.au
(Subject: McKell Park)

Further information:
Caitlin Moffat
Open Space Planning Projects Officer
Woollahra Municipal Council
ph. (02) 9391 7142

How often on average do you visit McKell Park?		How do you get to McKell Park? (tick more than one if relevant)	
Frequency	Please tick	Travel by	Please tick
Daily	<input type="checkbox"/>	Walk	<input type="checkbox"/>
Once a week	<input type="checkbox"/>	Bicycle	<input type="checkbox"/>
Once a month	<input type="checkbox"/>	Bus / walk	<input type="checkbox"/>
Several times a year	<input type="checkbox"/>	Ferry	<input type="checkbox"/>
Less frequently / rarely	<input type="checkbox"/>	Car / vehicle	<input type="checkbox"/>
Never	<input type="checkbox"/>	Other, please specify:	

In McKell Park, how important are these activities to you?							
Activity	Important	Neutral	Not important	Activity	Important	Neutral	Not important
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Picnicking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exercise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Activity in Cottage eg. book club	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sitting/relaxing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Using ferry wharf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special events e.g. New Years Eve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ceremony e.g. wedding or birthdays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify:							

PARKLAND ENVIRONMENTAL PLANNERS | PHILLIPS MARLER

Woollahra Municipal Council

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How important are these EXISTING features or aspects of McKell Park to you?							
Feature / Aspect	Important	Neutral	Not important	Feature / Aspect	Important	Neutral	Not important
Open grassed areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Canonbury Cottage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Footpaths / steps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public toilets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Garden beds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trees and shrubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hours of use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Park lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entry gates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ferry wharf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Views / aspect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Park signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historical information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sandstone walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic building remains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other, please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What IMPROVEMENTS do you think should be considered in the future master plan for McKell Park?			
Improvements	Agree	Neutral	Disagree
Upgrade footpaths/steps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide more seating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Park opening times (now 7am to 7.30pm)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Review the park hiring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Repair/renew the sea wall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve park drainage, irrigation and capture of stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide dinghy storage on the lower level of the park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Upgrade Canonbury Cottage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide taps and bubblers in the park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the retaining wall and stairwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide rubbish bins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve views of the harbour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Install more public art	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide more historical information / interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plant additional trees/shrubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve traffic and parking for events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Upgrade park lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve Sydney Ferries infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connect McKell Park with the adjoining Darling Point Reserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retain the park as it is, don't change anything	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify:			

Do you have any additional comments about McKell Park?

Optional: Please provide your contact details if you would like to be contacted about further opportunities to comment on the plans for McKell Park.

Name	Address	Phone	Email

PRIVACY NOTIFICATION

The supply of personal information is voluntary. If personal information is not provided Council may be limited in dealing with a submission. Submissions, summaries of submissions, and/or names and addresses of people making submissions may be included in publicly available reports to Council or Committee Meetings.

Please note that, in accordance with section 18(1)(b) of the Privacy and Personal Information Protection Act 1998 (NSW), you are advised that all submissions received by Council in relation to any matter will be placed on the appropriate Council file and may be disclosed to Councillors, Council Officers, consultants to Council or members of the public. Pursuant to the Government Information (Public Access) Act 2009 (NSW) the Council may be obliged to allow inspection of its documents, including any submissions you may make.

Thank you for your comments and your time
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ies
General Manager

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General Manager

APPENDIX B

History of McKell Park and Darling Point Reserve

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Year	Event
1828	Arthur Kemmis applied for a grant of land on the projecting point between Rushcutters Bay and Double Bay, where he intended to install a whaling establishment. His Excellency Governor Darling refused the grant to Kemmis on the grounds that the area was specifically reserved for public purposes, and Kemmis was forced to seek land elsewhere.
1832	Governor Bourke justified his predecessor's decision in a letter to Under Secretary Hay, noting: 'The point of Double Bay [Darling Point] and the whole ridge is beautifully situated and adjacent to Woolloomooloo and Rushcutters Bay, where handsome villas are built and building, and it is proposed to sell this land in small allotments.'
1831	Despite Darling's earlier decision some 16 acres of land at Darling Point was reserved in November for the Colonial Treasurer, The Hon. Campbell Drummond Riddell, by the Acting Governor Colonel Lindesay. This move prompted an exchange of letters between the rebuffed applicant Kemmis, Under Secretary Hay, and the new Governor of the Colony, Richard Bourke.
1833	Despite the protest, and other bureaucratic obstacles placed in his way, Riddell eventually secured ownership of the land, but not by direct grant. The successful applicant for the 16 acres was instead James Holt, cousin of Daniel Cooper and a clerk in the firm Cooper & Levey, who paid £527 for the grant in November.
1834-6	Holt sold the coveted site in January for £797 to Riddell, who built the fine mansion 'Lindesay' which is now owned by the National Trust. Lindesay, named by Riddell after the friend who had tried to reserve the land for him years earlier, was the earliest house built on Darling Point Road. The present McKell Park was part of the grounds of Lindesay.
1837	The Lindesay Estate and house was sold to Thomas Mitchell (later Sir Thomas Mitchell, who was knighted for his achievements as an explorer and Surveyor General).
1839	Mitchell re-sold the Lindesay Estate and house to the pastoralist Thomas Icely.
1841-1846	Icely subdivided the site with a plan of allotments drawn up by Surveyor Edward Knapp. Portions of the land were sold to various people. Lots 4, 5 and 6 of the subdivision were sold. One portion was sold to Charles and Mary Bones (later Mary Brackensberg – various spellings) who built a single-storey house <i>Lansdowne</i> in 1841. The footings of this house are preserved today in the landscaping scheme of the park.
1850	<i>Lansdowne</i> was sold for £8,000 to Mr. Arthur Dight, who subsequently converted the original house to a much larger two-storey villa. The site of the present McKell Park was formed when Part of Lot 3 of the Lindesay allotments was added to the site after this sale. This occurred before 1888 because it is shown as part of the Lansdowne property in an 1888 City of Sydney survey plan.
1879	The new residence had assumed the title of 'Lansdowne' and was listed in the Sydney Directories in company with Lindesay and Carthona at Darling Point. A seawall and terrace, bathing house, sea balcony, water storage tank, iron palisade, wall and gates were also added during the Lansdowne period.
1904	Mr Harry Rickards, a wealthy and well-known vaudeville entertainer and producer, purchased Lansdowne for £5,000. He apparently gave orders for the immediate demolition of the existing house, which made way for a grander residence. In the same year Rickards began construction of the large Gothic-style Federation dwelling 'Canonbury' designed by Clarence Backhouse, and probably named after the London suburb in which Rickards was born. The house was a large, gothic style built brick and cement render home with a gabled slate roof, which consisted of two storeys set above extensive cellars. Its foundations incorporated those of the earlier 'Lansdowne' which still exist today. From all accounts Canonbury dominated the tip of Darling Point.

Year	Event
1905	There is evidence that a small cottage – the present Canonbury Cottage – was standing on the site.
1911	Rickards lived at Canonbury with his wife and daughter until his sudden death in 1911. After Rickards' death Canonbury remained the private residence of Edward Maas.
1919	After World War I Canonbury's use as a private residence ended. Canonbury was sold to the Australian Jockey Club, with a note on the deeds indicating it was to be leased as a convalescent hospital for returned servicemen, and subsequently for their children.
1920	Recreation House, a long timber building, was constructed on the eastern terrace.
1936	Plans for a new sunbath and massage bath were approved.
1942-6	Canonbury was commissioned as a naval hospital on 1 October to provide medical support for the fleet because it had its own jetty, and was close to Garden Island Dockyard and the fleet anchorages. Canonbury also served as the base for the Principal Medical Officer, HMA Ships and Establishments and his staff, who were responsible for the organisation of all medical services for the Navy in Sydney. The naval hospital closed on 20 July 1946 after treating 4,050 patients from the Australian, British, United States, French and Dutch Navies. Out-patient facilities were also provided for specialist consultations, physiotherapy, X-ray and pathology.
1953	Canonbury was leased and then sold to the NSW State Government and functioned as a hospital, becoming an annex to the Crown Street Womens' Hospital through the generosity of Stan and Millie Fox. During these years a number of new buildings were added to the site, and extensions made to the main building.
1969	The possibility of Woollahra Council buying the site on a dollar-for-dollar basis with the State government was first raised in 1969, when the property was worth about \$500,000. The Council opened a purchase fund which grew to \$160,000.
Late 1970s	Canonbury was becoming surplus to the Hospital's requirements. The decision was made to rezone and sell the site for redevelopment. This plan was opposed by the National Trust because views to and from Lindesay would be lost, and by the general public. Canonbury Estate was offered to Woollahra Council for use as a recreation area. The Planning and Environment Commission would not share the cost of purchasing the site. The former Minister for Planning and Environment, Mr. Landa, said that government funds should go to more needy areas such as Leichhardt or Marrickville ² . As land values were increasing Council decided that acquisition of such an area for recreational purposes wasn't warranted. The Crown Street Hospital then went ahead with plans for sub-division into residential blocks.
1980	Woollahra Council approved plans for demolition of Canonbury and redevelopment of Canonbury Estate for townhouses and private residences. The Hospital had agreed that the public would have access to a nine-metre strip of land around the foreshore which would be developed for public recreational purposes.
1981	Canonbury ceased functioning as a hospital as part of the closure of its Crown Street headquarters, after which it became vacant and disused.
1983	A study of the site by Howard Tanner and Associates (architects and conservation planners) concluded that many of the building extensions were unsympathetic and worthy of removal. The consultants recommended the demolition of the main house in its entirety, and most of the outbuildings, as a first step towards landscaping. The Minister for Health, the Hon. L.J. Brereton, announced that the site of Canonbury would become a public park. The NSW Government transferred the site to the Crown and Woollahra Municipal Council for use as a public harbourside park in 1983. The design and construction of this new public space was to be a joint effort between the State government and Woollahra Council, with funding contributed by both parties. The preservation of elements of the former buildings on the site, such as the footings of Lansdowne, became a key feature of the landscape design, as well as a monument to the

² Joseph Glascott, 'Housing development likely for choice Harbour site', Sydney Morning Herald, 4 July 1980.

Year	Event
	site's history. The early footings of Lansdowne were preserved, as well as a restored sandstone water storage tank dating from 1864 before piped town water is of particular interest. The tank had been converted into a therapeutic spa bath during the 1930s. Work began almost immediately in August to demolish Rickard's house. In October the design concept plan for Canonbury Park, led by Council's landscape architect Noel Ruting, was exhibited for public comment for a month ³ . Stage 1 of the works was expected to be completed by December. Stage 1 involved removal and stockpiling of old brick retaining walls and paving, reconstruction of the main stormwater line through the site, removal and retrieval of stone from foundations, levelling and contouring, provision of steps, a retaining wall along the embankment, turfing 1700m ² , and temporary fencing.
1984	Canonbury Park was renamed McKell Park after Sir William McKell, a former Premier and Treasurer of New South Wales and Governor-General of Australia.
1984-85	McKell Park was designed by Woollahra Council, and extensive landscaping works occurred. McKell Park was formally opened on 17 February 1985 by the Minister for Public Works, Ports and Roads the Hon. Laurie J. Brereton. At the opening ceremony the Mayor of Woollahra, Alderman J.M. MacCallum, unveiled a plaque to dedicate the park, and invited residents to take time to wander through the area, remarking, "I believe it will soon be accepted as one of the most magnificent harbour locations in Sydney." In the same year as its opening Woollahra Council received an award for landscaping excellence from the Landscaping Contractors Association of New South Wales.
1987	A plaque commissioned by the Naval Sickbaymen's Association setting out the role of Canonbury during World War II was unveiled by former members of the hospital staff on 25 October. Lot 7051 DP 93654 and Lot 1553 DP 752011 was reserved for Public Recreation.
2004	A small cottage in the grounds was restored for community use, and named Canonbury Cottage to commemorate Rickard's house.
2006	The pond was refurbished in August.
2011	The eastern portion of the McKell Park sea wall was restored.

Sources: Woollahra Municipal Council (1996); Woollahra Library Local History Centre (2005); Naval Sickbaymen's Association; Sydney Morning Herald; Wentworth Courier; Howard Tanner and Associates 1983

³ Wentworth Courier, 5 October 1983.

APPENDIX C

Planning context

Woollahra Municipal Council

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Gary James
General Manager

C.1 Legislation applying to McKell Park and Darling Point Reserve

C.1.1 Commonwealth legislation

Native Title Act 1993

Native title may exist in places where native and indigenous people continue to follow their traditional laws and customs and have maintained a link to their country, and where it has not been extinguished or refused recognition because of acts done or allowed by government. Native title may exist on vacant Crown land, or beaches, oceans, seas, reefs, rivers, creeks, swamps and other waters that are not privately owned.

This Act provides for the recognition and protection of native title, and establishes a mechanism for determining claims for native title.

An Aboriginal Land Claim was lodged by the New South Wales Aboriginal Land Council on 20 August 2010 over Lot 7051 DP 93654 in Crown Reserve R100101 in McKell Park. The status of this claim is incomplete, which precludes issue of tenures such as term leases and licences, but does not affect day to day management by Woollahra Council.

Where a development is proposed native title should be investigated before the proposal proceeds.

Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. The Act also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The Act covers a range of areas including sport and recreation, and access to premises. The Act requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

The NSW *Anti-Discrimination Act 1997* also makes it unlawful to discriminate on the ground of disability.

C.1.2 State government legislation

Crown Lands Act

Introduction

As McKell Park incorporates two Crown reserves, the *Crown Lands Act 1989* applies to its management.

The *Crown Lands Act 1989* governs the planning, management and use of Crown land, including reservation or dedication for a range of public purposes, and leasing and licensing. The Crown Lands Division (CLD) of the NSW Department of Primary Industries (DPI) together with Reserve Trusts appointed by the Minister for Primary Industries, are responsible for management of the Crown reserve system throughout New South Wales. Under Section 10 of the Act, they are to ensure Crown land is managed for the benefit of the people of New South Wales, and are not set aside for local use. Management must have particular regard for the principles of Crown land management.

Reserve Trusts

A Reserve Trust is a corporation established and appointed to manage a Crown reserve. Trusts are nominated by the Minister for Primary Industries under Section 92 of the Act. A Trust Board has functions conferred on it, including being responsible, under the oversight of the Minister for Primary Industries, for the care, control and management of a specific reserve consistent with the public purpose of its reservation or dedication. Woollahra Council manages the affairs of the Darling Point Public Recreation (R100101) Reserve Trust which applies to McKell Park under Sections 92-95 of the Act. The Minister cannot direct the Trust as to how it manages the reserve, unless the Trust exceeds its powers. The Minister can only suggest or make representations to the Trust regarding management. The Crown Lands Division encourages the community to be either directly involved in, or contribute to, the planning and management of the Crown lands system as trustees of reserved and dedicated land.

Dealings in Crown land

Under Section 87 of the *Crown Lands Act 1989* the Minister may, by notification in the Gazette, reserve any Crown land from sale, lease or licence or for future public requirements or other public purpose. The reservation takes effect on publication of the notification and defines what a reserve may be used for, for example, public recreation.

A reserve trust may not sell, lease or mortgage land, or grant an easement or a licence (except a temporary licence) unless the Minister has consented in writing to the proposal (Section 102). If a reserve trust is managed by a council appointed under Section 95, however, the Minister's consent is not required for certain leases, licences or easements as per Section 102A.

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General Manager

Use and management of Crown land

Introduction

The use and management of Crown land is determined or influenced by:

- ☐ the objects of the Crown Lands Act (Section 10), particularly that Crown lands are managed for the benefit of the people of NSW.
- ☐ the principles of Crown land management (Section 11 of the Act).
- ☐ the public purpose(s) of the land (Sections 80 and 87). Crown land is reserved or dedicated for a public purpose(s), which means the reserve must provide a public benefit. Uses, activities, developments and agreements in a Crown reserve are defined by the public purpose(s) of the reserve. All uses of Crown reserves must be acceptable according to their public purpose(s). An additional purpose may be proposed in a draft Plan of Management under Section 112 of the Act.
- ☐ Crown Lands Division policies, such as the Food and Beverage Outlets on Crown Reserves Policy Position 2004.
- ☐ native title legislation.
- ☐ rental from leases or licences. A percentage of the rental received from new leases and/or licences of Crown land (rental over \$2,000) is placed in the Public Reserve Management Fund. This fund is a State government initiative that raises funds to assist Reserve Trusts in NSW.
- ☐ case law judgements, which influence the policy and practice of the CLD and Trust managers.
- ☐ any conditions and provisions within the zoning in the Council's Local Environmental Plan. However, the applicable Public Purposes defined by State government legislation overrides the local zoning.
- ☐ an adopted Plan of Management, a contractual agreement (lease or licence), or a combination of both to more specifically define the permitted uses.

The Reserve Trust must consider certain issues when deciding whether a particular land use or development on Crown land is appropriate, including the:

- ☐ compatibility of the proposal with the notified purpose of the reserve.
- ☐ impact on the existing use of the reserve.
- ☐ compatibility with the vision and management objectives established for the reserve.
- ☐ need for the proposal and whether it will promote and be ancillary to the use and enjoyment of the reserve, as distinct from satisfying a requirement generated by an adjoining property or by an independent or collateral community need.
- ☐ advantage and benefit that the development would bring to the normal reserve user.
- ☐ management responsibility and public availability of the development to reserve users.
- ☐ need for a lease and its draft terms, conditions and rental that would apply.

Any proposed use or development of McKell Park must be in the first instance ancillary to and supportive of the public purpose. Proposed uses or developments must also accord with the principles of Crown land management, case law (for the public purpose of Public Recreation), policies, and requirements for leasing and licensing outlined below.

The Reserve Trust will have the ongoing responsibility to provide care, control and management of Crown Land in this reserve in accordance with the *Crown Lands Act 1989*. It is important that all parcels of Crown Reserve are managed according to the *Crown Lands Act 1989*, as well as within the broader context of all land under Council's control.

Objects of the Crown Lands Act

The objects of the *Crown Lands Act 1989* (Section 10) are to ensure that Crown land is managed for the benefit of the people of New South Wales, and in particular to provide for:

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

Principles of Crown land management

The objectives of the Crown Lands Division regarding land management directly relate to the principles of Crown land management listed in Section 11 of the *Crown Lands Act 1989*. These principles are to:

- ☐ observe environmental protection principles in relation to the management and administration of Crown land.
- ☐ conserve the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) wherever possible.
- ☐ encourage public use and enjoyment of appropriate Crown land.
- ☐ encourage multiple use of Crown land, where appropriate.
- ☐ use and manage Crown land in such a way that both the land and its resources are sustained in perpetuity, where appropriate
- ☐ occupy, use, sell, lease, license, or otherwise deal with Crown land in the best interests of the State, consistent with the above principles.

Public purpose

Any proposed use, developments and management practices on Crown land must conform to the public purpose for the reserve or dedicated land. The uses, activities, developments and agreements for its use are determined by what is “acceptable” under the public purpose. The public purpose overrides the permissible uses under the zoning and other provisions in the Woollahra Local Environmental Plan. The permitted land uses are then more specifically identified by either a statutory mechanism (Plan of Management), contractual agreement (lease or licence), or a combination of both. Planning controls in the Woollahra Local Environmental Plan provide a mechanism to consider the appropriateness of the use or development.

The Crown Lands Division has stated that the definition of a public purpose is to be determined in a Plan of Management. Public Recreation is thus defined as ‘informal or organised, passive recreational, social, community and cultural activities’.

Case law

Case law judgements influence the policy and practice of the CLD, and Woollahra Council as the manager of the Reserve Trust, to assist in defining acceptable uses and activities on Crown reserves.

Principles established by case law are:

- ☐ use of the reserve must be consistent with the public purpose for which the land is dedicated or reserved. This includes uses ancillary to or supportive of the reserve purpose.
- ☐ improvements and developments to land which is reserved or dedicated are confined to those which support, or are ancillary to, the public purpose of the reservation. Such improvements and developments would include a kiosk on a reserve for Public Recreation.
- ☐ a reserve cannot be used for a purpose relating to an activity that is occurring off the reserve and that is not consistent with the reserve purpose. For example, car parking on a Crown reserve for Public Recreation that serves an adjoining land use would not be acceptable.
- ☐ land reserved or dedicated for public recreation must be open to the public generally as a right. Exclusive use of the reserve should be minimised to avoid sections of the community becoming alienated from using the reserve. The public may only be restricted from access to parts of the reserve and buildings if it is necessary for the public's enjoyment of the reserve or for health and safety reasons to be excluded, for example from a workshop, equipment storage or operational facilities.
- ☐ access as of right does not mean entirely free access. Reasonable entry fees and charges may be imposed, as well as other legal constraints to entry such as those relating to health and safety for example.
- ☐ a lease or licence must be consistent with the reason or purpose of the land's reservation or dedication.

Policies

Uses of Crown land must also be consistent with any relevant policies relating to Crown lands, such as the Food and Beverage Policy that is applicable to restaurants, kiosks and the like.

Development application requirements

Reserve Trusts are “public authorities” as defined in the *Environmental Planning and Assessment Act 1979*. Under Clause 49 of the *Environmental Planning and Assessment Regulation 2000*, consent in writing of the owner of the land for a development application is not required when a public authority, before making the application, serves a copy of the application on the owner.

Leases and licences

All tenures over part or all of a Crown reserve are subject to the relevant provisions in Sections 102 and 108 of the *Crown Lands Act 1989*. All leases and licences made between the Reserve Trust and the lessee / licensee are subject to the provisions of the *Crown Lands Act 1989*. Lease agreements are modelled on the standard Crown lease conditions applying to the leasing of Crown land under Section 34 of the *Crown Lands Act 1989*.

A lease or licence over a Crown public reserve should only be used where there is a genuine and identified benefit to the community, for example where an organisation has installed infrastructure and it is maintained by the club or association for the benefit of the community.

Leases and licences over Crown land must be consistent with the purpose of the land's reservation or dedication. As such, any lease or licence granted over Crown land must be consistent with the definition of Public Recreation, and guidelines for use of Crown reserves. Otherwise, the Minister cannot approve any leases or licences granted by the reserve trust. Recent amendments to the *Crown Lands Act 1989* allows reserve trusts some flexibility in approving leases and licences for uses not acceptable under the declared public purpose.

Under any lease, the construction of facilities on Crown land will be permitted, provided the lessee obtains the consent of both the Minister and the Reserve Trust for any development applications or proposals for activity to enable construction of the premises. Development by Council requires the development application to be served on the owner pursuant to Clause 49(2) of the *Environmental Planning and Assessment Regulation 2000*.

Under Section 108 a reserve trust may, in respect of the whole or part of the reserve, grant temporary licences for grazing or any other prescribed purpose. Clause 31 of the *Crown Lands Regulation 2006* identifies these purposes and includes, but is not limited to, access through a reserve, catering, entertainments, exhibitions, filming, functions, hiring of equipment, storage, and sporting and organised recreational activities. A temporary licence does not require the Minister's consent, but can only be granted for a maximum period of one year.

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The Reserve Trust has the power to lease or license uses within a reserve. Leases and licenses can be established by the Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management, and that the residential and environmental amenity of these areas is maintained. Any lease or licence must be in accordance with the reserve purpose and the lessee must not provide any facilities that create any barriers to entry or other facilities within the reserve.

The Trust Manager has a responsibility to notify the Crown Lands Division of any leases. Consent must be obtained from the Minister for Primary Industries before any long term licence on Crown land is granted. Leases greater than 5 years are required to be advertised under Clause 34 of the *Crown Lands Act 1989*. Licence agreements of less than 1 year (temporary licences) do not require the consent of the Minister and may be approved and issued by the Trust.

Other leases and licences may be considered during the life of this Plan and will be assessed against the reserve purpose, other legislation and planning documents, and this Plan. Any proposed use of the foreshore parks that requires consent from Council will be subject to a Development Application or Activity Approval with appropriate conditions imposed.

Section 102 of the Act states in part that the Minister may not give consent under Part 2 for a lease for a term exceeding 5 years, or a lease for a term that, by the exercise of an option, could exceed 5 years.

Proceeds from Trust Lease or Licences

Proceeds from leases or licences, including temporary licences, made by a reserve trust are to be applied in accordance with any directions given by the Minister under Section 106. In the absence of a direction, the compensation or the proceeds shall be applied for the general purposes of the reserve trust and may be invested or applied by the trust accordingly, such as for the care, control and management of a reserve.

Proceeds generated by trust lease or licence must be spent within the reserve. The reserve trust manager must separately account for all proceeds from activities of the reserve. The Minister (and the community) may request such information at any time.

Under Section 106 of the *Crown Lands Act 1989*, net proceeds from a sale, lease, easement or licence (including a temporary licence) on the reserve shall be in accordance with directions (if any) given by the Minister for Primary Industries.

Accountability

The *Crown Lands Regulation 2006* specifies the accountability of reserve trusts in terms of the management of the reserve. Clause 33 directs that reserve trust reports must be prepared annually detailing the income, expenditure, assets, liabilities and improvements of the reserve as well as the details of any leases or licences granted by the Trust. Clause 34 directs that the Trust must keep the following records as detailed in Schedule 4 of the Regulation:

“Where a reserve trust is managed by a Council as defined in the *Local Government Act 1993*, the council is required to keep separate records to permit analysis of monetary details for each reserve, and list all leases and licences granted or in force.”

Under Section 122 of the *Crown Lands Act 1989* a reserve trust is required to furnish reports to the Minister concerning matters such as financial statements setting out details of income and expenditure. Such reports will be provided to the Minister.

Contribution to the Public Reserve Management Fund

The Crown Lands Division has informed Reserve Trusts that the NSW State Treasury has advised that it will no longer supplement the Public Reserve Management Fund (PRMF) and that this fund must now be self sustaining. The PRMF is a source of loan and grant funding available to the reserve trust. Although it is limited it does provide for the equitable distribution of funds within the Crown reserve system on a statewide basis. As a response to Treasury’s decision, a direction has been given by the Minister responsible for the *Crown Lands Act 1989* pursuant to Section 106, Part 2(c), which states:

“The directions which the Minister may give include the following:

- ... a direction that the proceeds [such as income from rents] be paid to the Consolidated Fund or to the Public Reserves Management Fund constituted under the *Public Reserves Management Fund Act 1989*.”

As a consequence, and subject to certain criteria, the Department has determined that an amount of 15% from any proceeds received from leases or licenses granted by Reserve Trusts are to be directed to the PRMF. This is in accord with a whole-of-Government initiative to address inequalities between coastal and regional centres and is seen as a step towards addressing the imbalance of opportunities between different centres.

Woollahra Council, as trust manager of the Darling Point Public Recreation (R100101) Reserve Trust has been advised that the Authority would seek an appropriate contribution from any rents derived from the leasing or licensing of the reserve land to third parties. This contribution would be put towards the PRMF program for Crown reserves.

Local Government Act 1993

Introduction

Part of McKell Park, Lot 1 DP 850200, is owned freehold by Woollahra Council. This land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

In accordance with the *Local Government Act 1993* all land vested in Council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either community or operational land. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Plans of Management must be prepared and adopted for all community land vested in or under the control of Council. Under Section 36 of the Act, the use and management of community land must be consistent with the guidelines for designated categories and their respective core objectives.

Requirements for management of community land

Requirements of the Local Government Act for a Plan of Management for and management of community land are as follows.

Table C.1 Requirements of the Local Government Act for community land management

Requirement of the Local Government Act	How this plan satisfies the Act
The Plan must describe the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
The Plan must describe use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
All community land must be categorised.	Section 3
The Plan must contain core objectives for management of the land.	Section 3
The Plan must specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 3, 6
The Plan must specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 6
The Plan must describe the scale and intensity of any such permitted use or development.	Section 6
The Plan must include performance targets.	Section 5
The Plan must contain means for assessing achievement of objectives and performance targets.	Section 5
Council must exhibit the draft Plan for 28 days and give at least 42 days for the making of submissions.	
Any amendments to a draft Plan must be publicly exhibited in the same way, until the Council can adopt the draft Plan without further amendment.	
A Council may only grant a lease, licence or other estate over community land if it is expressly authorised in a Plan of Management	Section 6

Categorisation

Background

The community land covered by this Plan of Management was categorised as “Natural Area – Foreshore” in the Natural Area (Foreshore) Plan of Management 1996. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* set out guidelines for categorisation and core objectives of the ‘Natural Area’ category and ‘Foreshore’ sub-category of community land below.

Table C.2 Guidelines and core objectives for Natural Area – Foreshore category of community land

Category	Guidelines	Core objectives
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.	<input type="checkbox"/> conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. <input type="checkbox"/> maintain the land, or that feature or habitat, in its natural state and setting. <input type="checkbox"/> provide for the restoration and regeneration of the land. <input type="checkbox"/> provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion. <input type="checkbox"/> assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i> .
Natural Area - Foreshore	Land that is categorised as a natural area should be further categorised as Foreshore if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<input type="checkbox"/> maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area. <input type="checkbox"/> facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

However, as the land is not situated on the water's edge and doesn't form a transition zone between the aquatic and terrestrial environment it is inappropriate for this land to be categorised as Natural Area-Foreshore. The community land category of Park is more appropriate for the future use and management of Lot 1 DP 850200 follows.

Table C.3 Definitions of and core objectives for the Park category of community land

Category	Definition	Core objectives
Park	Land which is, or proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.	<input type="checkbox"/> encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. <input type="checkbox"/> provide for passive recreational activities or pastimes and for the casual playing of games. <input type="checkbox"/> improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Figure C.1 Proposed categorisation of community land in McKell Park



Roads Act 1993

Land defined as unmade roadway is not subject to the requirements of the *Local Government Act 1993* or *Crown Lands Act 1989*, but is subject to the *Roads Act 1993*. This plan refers to the road reserve of Darling Point Reserve.

The *Roads Act 1993* sets out rights of members of the public to pass along public roads, establishes procedures for opening and closing a public road, and provides for classification of roads. It also provides for declaration of the Roads and Maritime Services (RMS) and other public authorities, such as Councils as roads authorities, for both classified and unclassified roads. The Act also confers certain functions (such as carrying out roadwork) on the RMS and other roads authorities.

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Environmental Planning and Assessment Act 1979

Introduction

The Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the statutory framework for environmental planning and assessment in NSW through State Environmental Planning Policies (SEPPs), deemed SEPPs (formerly Regional Environment Plans), and Local Environment Plans (LEPs). The EP&A Act sets out processes for approving development applications for structures and works as set out in the Woollahra LEP.

SEPP 64 – Advertising and Signage

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and is of high quality design and finish.

SEPP 64 applies to signage in Woollahra because advertising and signage are not exempt developments under the Woollahra LEP. Therefore, signs are permitted only with the consent of Council. Advertisements are prohibited in areas including environmentally sensitive, heritage, natural or other conservation areas, open space, waterways, residential, or scenic protection areas.

State Environmental Planning Policy (Infrastructure) 2007

Background

State Environmental Planning Policy (Infrastructure) 2007 facilitates delivery of infrastructure in NSW by improving regulatory certainty and efficiency, and provides greater flexibility in the location of infrastructure and services by identifying a broad range of zones where types of infrastructure (such as parks and other reserves) are permitted.

Under certain conditions the SEPP (Infrastructure) 2007 has precedence over any other environmental planning instrument.

The SEPP has significant implications for the management and development of Crown reserves. It provides for a range of development exemptions, including:

- ☐ additional uses to be undertaken on certain land where it would otherwise be prohibited under an LEP if those uses are compatible with surrounding land uses.
- ☐ prescribed low-impact development by the Crown Lands Division or any other authority.
- ☐ certain development on Crown reserves where Council is the manager.
- ☐ certain development for waterway or foreshore management activities by or on behalf of a public authority.
- ☐ for any purpose relating to implementing a Plan of Management adopted under the *Crown Lands Act 1989*.

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These provisions do not apply to State land reserved for conservation or other environmental protection purposes, or in Council areas where a new principal local environmental plan is in place.

Development consent

Clause 65(d) of the SEPP (Infrastructure) 2007 states that development for any purpose may be carried out without consent if the land is a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or by or on behalf of the Director-General of the Department of Lands and appointed trustee of a reserve under Section 92 of the *Crown Lands Act 1989*. The policy also states if the development is for a purpose of implementing a Plan of Management adopted for the land under the *Crown Lands Act 1989* then Clause 65(d) also applies.

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

- (a) Roads, cycleways, single storey car parks, ticketing facilities and viewing platforms.
- (b) Outdoor recreational facilities, including playing fields, but not including grandstands.
- (c) Information facilities such as visitors centres and information boards.
- (d) Lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZ 1158:2007 Lighting for Roads and Public Spaces.
- (e) Landscaping, including irrigation schemes (whether they use recycled or other water)
- (f) Amenity facilities.
- (g) Maintenance depots.
- (h) Environmental management works.

Consistent with Clause 65(2)(d) of the SEPP (Infrastructure) 2007 any proposed development without consent, by or on behalf of the Reserve Trust for the purpose of implementing the adopted Plan of Management under the *Crown Lands Act 1989* should be listed in the Plan of Management.

Exempt development

Clause 66 of the SEPP (Infrastructure) 2007 states that development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a public reserve or on land referred to in Clause 65(1) and if it complies with Clause 20(2):

- (1)
 - (a) Construction, maintenance and repair of:
 - walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures.
 - Viewing platforms with an area not exceeding 100m².

- Sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on the surrounding land uses is minimal.
 - Play equipment where adequate safety provisions (including soft landing surfaces are provided, but only if any structure is at least 1.2 metres away from any fence.
- (b) Routine maintenance (including earthworks associated with playing field regrading or landscaping and maintenance of existing access roads).
- (2) Development of a kind referred to in subclause (1) is exempt development if it is carried out on land referred to in Clause 65(2) by or on behalf of Council if the development:
- (a) complies with Clause 20(2) Exempt Development.
 - (b) involves no greater disturbance of native vegetation than necessary.
 - (c) does not result in an increase in stormwater runoff or erosion.
 - (d) for the purpose of implementing a plan of management adopted for the land under the *Crown Lands Act 1989*.

When considering specific development on Crown reserves where Council has been appointed trustee under Section 92 of the *Crown Lands Act 1989* and where a plan of management has been adopted under Section 143 of the Act then relative to SEPP (Infrastructure) 2007 such development may be permitted without development consent or may be exempt development.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Introduction

The deemed SEPP (Sydney Harbour Catchment) consolidates the provisions of the former SEPP 56 (Sydney Harbour Foreshores and Tributaries) and SREP 23 (Sydney and Middle Harbours). The Development Control Plan for Sydney Harbour Foreshores and Waterways accompanies the deemed SEPP (Sydney Harbour Catchment).

Although there is reference in the deemed SEPP (Sydney Harbour Catchment) to environmental planning instruments, environmental studies, and master plans for specific significant sites, there are no specific requirements for the preparation of Plans of Management.

The deemed SEPP (Sydney Harbour Catchment) 2005 aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It applies to land covered by this plan, as identified on the Foreshore and Waterways Area Map in deemed SEPP (Sydney Harbour Catchment) 2005.

The deemed SEPP (Sydney Harbour Catchment) 2005 establishes a set of planning principles that are to be taken into consideration by Councils in the preparation of environmental planning instruments, contains a set of matters for consideration for the Foreshores and Waterways Area and contains heritage provisions to conserve and protect those heritage items in the waterway and within the land-water interface that are not covered by Council's planning instruments. Sections specifically relevant to this plan are set out below.

Aims and objectives

The deemed SEPP (Sydney Harbour Catchment) 2005 controls planning and development in the Sydney Harbour catchment. With respect to the Sydney Harbour catchment, the deemed SEPP (Sydney Harbour Catchment) 2005 aims to:

- ☐ ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset and as a public asset of national and heritage significance for existing and future generations.
- ☐ ensure a healthy, sustainable environment on land and water.
- ☐ achieve a high quality and ecologically sustainable urban environment.
- ☐ ensure a prosperous working harbour and an effective transport corridor.
- ☐ encourage a culturally rich and vibrant place for people.
- ☐ ensure accessibility to and along Sydney Harbour and its foreshores.
- ☐ ensure the protection of, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

The objective of the deemed SEPP (Sydney Harbour Catchment) is to provide a clear set of planning principles to protect the natural assets of Sydney Harbour, ensure appropriate use of foreshore land, and encouraging public access to and along the foreshores. These principles need to be considered when preparing environmental planning instruments, development control plans, environmental studies and master plans under the *Environmental Planning and Assessment Act 1979*. The planning principles for the Sydney Harbour Catchment include to:

- ☐ protect and improve hydrological, ecological and geomorphological processes affecting catchment health.
- ☐ maintain and, where possible, restore the natural assets of the catchment for their scenic and cultural values and their biodiversity and geodiversity.
- ☐ consider the cumulative environmental impact of development within the catchment.
- ☐ achieve the targets of the Water Quality and River Flow Interim Environmental Objectives for Sydney Harbour and Parramatta River Catchments, while being consistent with the guidelines in Australian Water Quality Guidelines for Fresh and Marine Waters.
- ☐ protect the functioning of natural drainage systems on floodplains, and comply with guidelines in the Floodplain Development Manual 2005.
- ☐ protect and enhance the visual qualities of Sydney Harbour.
- ☐ increase the number of viewing points accessible to the public.
- ☐ improve the water quality of urban runoff, reduce the quantity and frequency of urban runoff, prevent the risk of flooding, and conserve water.
- ☐ achieve the objectives and targets in the Sydney Harbour Catchment Blueprint.
- ☐ protect and rehabilitate developed land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity.
- ☐ avoid or minimise disturbance of acid sulphate soils resulting from development.

Issues such as foreshore access, visual and natural environments, recreation and maritime industrial uses are subject to performance-based criteria and guidelines that aim to:

- ☐ protect ecological communities within the areas covered by the deemed SEPP (Sydney Harbour Catchment) 2005.
- ☐ ensure that the scenic quality of the area is protected and enhanced.
- ☐ provide site planning and design principles for new buildings and waterside structures within the area.
- ☐ identify potential foreshore access locations in the area.

The foreshore parks are within the Foreshores and Waterways Area designated in the deemed SEPP (Sydney Harbour Catchment). Matters applying to development decisions need to be considered by consent authorities when they assess development applications under Part 4 of the EPA Act, and by public authorities and others in carrying out proposed activities under Part 5 of the Act. The matters for consideration are aimed at ensuring better development decisions in the immediate harbour area, relating to ecological and scenic quality, built form and design, public access, and recreational and working waterfront uses.

The planning principles for land in the Foreshores and Waterways Area include to:

- ☐ protect, maintain and enhance the natural assets and unique environmental quality of Sydney Harbour, and its islands and foreshores.
- ☐ increase, maintain and improve public access along the foreshore, while minimising its impact on natural environments.
- ☐ increase, maintain and improve access to and from waterways for public recreational purposes.
- ☐ enhance the unique visual qualities of Sydney Harbour, its islands and foreshores.
- ☐ provide public access on foreshore land used for industrial or commercial maritime purposes where such access does not conflict with the use.
- ☐ use foreshore land so that it does not conflict with adjacent land used for commercial maritime purposes.
- ☐ encourage water-based public transport to link with land-based public transport at public spaces along the waterfront.
- ☐ encourage provision and use of public boating facilities along the waterfront.

The SREP defines a series of performance criteria that are aimed at conserving biological diversity within and around Sydney Harbour and its tributaries. Within this context, criteria have been devised to ensure that:

- ☐ ecological communities, particularly those which form wildlife habitats, are protected and where feasible, enhanced.
- ☐ development is sited to retain native vegetation, wetlands and natural foreshores.
- ☐ development is accompanied by revegetation and rehabilitation of degraded foreshores.

The deemed SEPP (Sydney Harbour Catchment) 2005 zones the entire waterways of the harbour and its tributaries. Waterway Zones adjacent to McKell Park and Darling Point Reserve are set out in Table C.4 below.

Table C.4 Objectives of foreshore reserve zones under deemed SEPP (Sydney Harbour Catchment) 2005

Zoning	Objectives of zone
W1 Maritime Waters	<ul style="list-style-type: none"> <input type="checkbox"/> give preference to and protect marine waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally. <input type="checkbox"/> allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of commercial shipping, public water transport and maritime industry operations. <input type="checkbox"/> promote equitable use of the waterway, including use by passive recreation craft.
W3 Naval Waters	<ul style="list-style-type: none"> <input type="checkbox"/> ensure effective implementation of the <i>Control of Naval Waters Act 1918</i> of the Commonwealth. <input type="checkbox"/> restrict development incompatible with naval interests. <input type="checkbox"/> allow development only where it is demonstrated that it is compatible with and will not adversely affect marine aviation activities.

Permissible uses

The deemed SEPP (Sydney Harbour Catchment 2005) uses a zoning system suiting the differing character of the waterways of the harbour and its tributaries to specify permissible activities and structures. The water immediately adjoining the foreshore parks is zoned as follows.

Table C.5 Permissible activities and structures under deemed SEPP (Sydney Harbour Catchment) 2005

Zone	Description	Permissible activities / structures without development consent	Permissible activities / structures only with development consent
W1 Maritime Waters	Covers main navigation channels, public transport, port and marine industry activities of the harbour.	<ul style="list-style-type: none"> Aids to navigation Demolition (not heritage items) General restoration works Maintenance dredging Naval activities Single mooring 	<ul style="list-style-type: none"> Aviation facilities Boat launching ramps (public) Boat lifts (not for storing vessels above water) Boat repair facilities Charter and tourism facilities Commercial marina Commercial port facilities Community facilities Dredging

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Zone	Description	Permissible activities / structures without development consent	Permissible activities / structures only with development consent
			Flora / fauna enclosures Private landing steps Public boardwalks Public water recreational facilities Public water transport facilities Recreational or club facilities Skids Telecommunications facilities
W3 Naval Waters	This zone restricts the use of waterway incompatible with naval interests. The zone applies to waters around Clark Island as well as several other harbour bays and islands.	Aids to navigation Demolition (not heritage items) Flora / fauna enclosures General restoration works Maintenance dredging Naval activities Single mooring	Aviation facilities Boat launching ramps (public) Boat lifts (not for storage of vessels above water) Boat repair facilities Charter and tourism facilities Commercial port facilities Community facilities Dredging Private landing steps Public boardwalks Public water recreational facilities Public water transport facilities Recreational or club facilities Swimming enclosures (private) Telecommunications facilities

The deemed SEPP requires that a consent authority must refer applications for certain types of development to the Foreshores and Waterways Planning and Development Advisory Committee. Schedule 2 of the REP identifies the type of development which must be referred. The consent authority must consider any submissions received by the Advisory Committee.

Schedule 2 of the Harbour REP lists types of development to be referred to the Foreshores and Waterways Planning and Development Advisory Committee as follows:

- ☐ Advertisements
- ☐ Advertising structures
- ☐ Aviation facilities

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- ☐ Boat launching ramps
- ☐ Boat lifts
- ☐ Boat repair facilities
- ☐ Boat sheds
- ☐ Charter and tourism boating facilities
- ☐ Commercial marinas
- ☐ Commercial port facilities
- ☐ Commercial or retail use of land below or partly below mean high water mark
- ☐ Dredging
- ☐ Flora and fauna enclosures
- ☐ Houseboats
- ☐ Inclinator
- ☐ Private landing facilities (including jetties, wharves and pontoons)
- ☐ Private marinas
- ☐ Public boardwalks
- ☐ Public water recreational facilities
- ☐ Public water transport facilities
- ☐ Reclamation works
- ☐ Recreational or club facilities
- ☐ Residential use of land below or partly below mean high water mark
- ☐ Retaining walls
- ☐ Sea walls
- ☐ Skids
- ☐ Swimming enclosures
- ☐ Water-based restaurants and entertainment facilities
- ☐ Waterfront access stairs
- ☐ Demolition (including demolition, in its extended meaning, in relation to heritage items).

Heritage items

The deemed SEPP has heritage provisions to preserve and protect heritage items in the waterway and within the land-water interface that are not covered by Council's planning instruments.

The remains of the bath house and the site of the jetty in McKell Park are heritage items listed in the deemed SEPP.

Wetlands Protection Area

Waters adjoining McKell Park and Darling Point Reserve are designated Wetland Protection Area in the deemed SEPP. Wetlands Protection Areas comprise wetland habitats and a 40 metre buffer zone to address movement, growth and seasonal variation. The deemed SEPP requires consent for certain types of development on land within a wetlands protection area that may have a detrimental impact on a wetland. These provisions are aimed at preserving and protecting the harbour's wetland habitats.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) 2005 sets out the detailed design considerations for the use and development of land identified in the deemed SEPP (Sydney Harbour Catchment) 2005.

Objectives of the DCP include that all development in the harbour foreshores and waterways area should aim to:

- ☐ minimise any significant impact on views and vistas.
- ☐ ensure it complements the scenic character.
- ☐ provide a high quality of built and landscape design.
- ☐ contribute to the diverse character of the landscape.

McKell Park and Darling Point Reserve are located within the Landscape Character Type (LCT) 8 which is described below.

Table C.6 Landscape character type applying to McKell Park and Darling Point Reserve

Applies to	Performance criteria for development
8 Areas including Elizabeth Bay	<ul style="list-style-type: none"> <input type="checkbox"/> Vegetation is integrated with land-based development to minimise the contrast between natural and built elements; <input type="checkbox"/> Design and mitigation measures are provided to minimise noise and amenity impacts between incompatible land uses; <input type="checkbox"/> The maritime uses on the Harbour are preserved. Pressure for these uses to relocate is minimised. New developments adjoining maritime uses are designed and sited to maintain compatibility with existing maritime uses; and <input type="checkbox"/> Remaining natural features that are significant along the foreshore are preserved and views of these features are maintained.

The DCP also sets out design guidelines for land-based developments located wholly above the Mean High Water Mark. Such guidelines include for foreshore access, building setbacks, signage, sea walls, landscaping, maritime activities, and community boating and water-based recreation facilities.

Coastal Protection Act 1979

The *Coastal Protection Act 1979* has recently become relevant to the Sydney Harbour foreshores in Woollahra due to a change of definition of a 'Coastal Council' to include those Councils adjoining the tidal waters of Sydney Harbour, Hawkesbury River and Botany Bay and their tributaries.

The objects of the *Coastal Protection Act 1979* are to provide for the protection of the coastal environment of NSW for the benefit of both present and future generations, and in particular, to:

- ☐ protect, enhance, maintain and restore the environment of the coastal region, its associated ecosystems, ecological processes and biological diversity, and its water quality.
- ☐ encourage, promote and secure the orderly and balanced utilization and conservation of the coastal region and its natural and man-made resources, having regard to the principles of ecologically sustainable development.
- ☐ recognise and foster the significant social and economic benefits to the State that result from a sustainable coastal environment, including to the environment, urban communities, fisheries, industry, recreation, culture and heritage, and to Aboriginal people in relation to their spiritual, social, customary and economic use of land and water.
- ☐ promote public pedestrian access to the coastal region and recognise the public's right to access.
- ☐ provide for the acquisition of land in the coastal region to promote the protection of, enhancement, maintenance and restoration of the environment of the coastal region.
- ☐ recognise the role of the community, as a partner with government, in resolving issues relating to the protection of the coastal environment.
- ☐ ensure co-ordination of policies and activities of Government and public authorities relating to the coastal region, and to facilitate proper integration of their management activities.
- ☐ encourage and promote plans and strategies for adaptation in response to coastal climate change impacts.
- ☐ promote beach amenity.

The *Coastal Protection Act 1979* is primarily concerned with regulating use of the coastal zone, carrying out of works in the coastal zone, and the preparation of coastal zone management plans. The *Coastal Protection and Other Legislation Amendment Act 2010* amends the *Coastal Protection Act 1979* regarding emergency coastal protection works.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* applies to all waters within NSW. Objectives of this include to conserve, develop and share the fishery resources of NSW for the benefit of

present and future generations, conserve fish stocks and key fish habitats, conserve threatened fish and marine vegetation, promote ecologically sustainable development, promote quality recreational fishing opportunities, appropriately share fisheries resources between users, and provide social and economic benefits for NSW.

Recreational fishing is classed as a designated fishing activity under the Act, which requires NSW Fisheries to prepare fishing management strategies. Fishing management strategies for recreational fishing may influence the manner in which parks are used or managed because they are adjacent to the fisheries management area and because some recreational fishermen use the parks from which to cast lines.

Also, the entire foreshore of Sydney Harbour, including the Parramatta and Lane Cove rivers, has been established as an Intertidal Protected Area (IPA) in which the collection of intertidal animals is prohibited. Fishing is permitted in these areas, however bait collection is not allowed. All IPAs extend from the mean high water mark to 10 metres seaward from the mean low water mark.

Companion Animals Act 1998

The *Companion Animals Act 1998* aims to promote responsible animal ownership in NSW. Under the Act, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation / consumption areas, and recreation areas (such as organised games) where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle.

Heritage Act 1977

The *Heritage Act 1977* aims to conserve the environmental heritage of NSW. It requires the protection of non-Aboriginal heritage items. The disturbance of significant sites and the management of archaeological and maritime archaeological sites are covered by this Act.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* deals with environmental protection, and the minimisation of air, water and waste pollution. The Act provides for granting licences, and imposing penalties for environmental protection offences relating to air, noise and waste.

The Act is supported by the:

- ☐ Protection of the Environment Operations (Clean Air) Regulation 2010
- ☐ Protection of the Environment Operations (Noise Control) Regulation 2008
- ☐ Protection of the Environment Operations (Waste) Regulation 2005.

Other State government legislation and policies

Other State government legislation which applies to McKell Park and Darling Point Reserve include:

- ☐ Noxious Weeds Act 1993
- ☐ Waste Minimisation Act 1995
- ☐ Catchment Management Act 1989

C.2 State government plans and policies

In addition to the legislation covering the land tenures of McKell Park and Darling Point Reserve, this Plan of Management takes account of and ensures consistency with the goals and objectives of related legislation, plans, policies and strategies adopted variously by the NSW government.

NSW State Plan

A key priority (E8) of the NSW State Plan (2006) for 'Environment and Living' is: 'More people using parks, sporting and recreation facilities, and participating in the arts and cultural activity'.

The Department of Arts, Sport and Recreation is responsible for meeting targets for this priority, including to increase:

- ☐ the number of visits to State government parks and reserves by 20% by 2016.
- ☐ the number of people participating in sporting activities and physical exercise by 10% by 2016.

The NSW Government is committed to operating a sport development program and facilities to support sport and recreation organisations in NSW, and providing recreational boating infrastructure through the Maritime Infrastructure Program and Sharing Sydney Harbour Access Program.

New directions that the State Government will consider to achieve the above targets include promoting the Healthy Parks / Healthy People program, and developing a more strategic approach with local government to improve their sporting and recreational facilities.

State Rivers and Estuary Policy

The objective of this Policy is to manage the rivers, estuaries and adjacent wetlands of NSW in ways which:

- ☐ slow, halt or reverse the overall rate of degradation in these systems.
- ☐ ensure the long term sustainability of their essential biophysical functions.
- ☐ maintain the beneficial use of these resources.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (Department of Planning, 2010) recognises that Sydney has one of the most beautiful natural environments in the world, and that Sydney Harbour is one part of this 'tapestry'.

The Plan sets a Strategic Direction G 'Tackling Climate Change and Protecting Sydney's Natural Environment'. Following on, Objective G4 is to 'Improve the health of waterways, coasts and estuaries'. G.4.3 aims to promote coastal protection and foreshore access through the implementation of relevant policies and guidelines. Such policies and guidelines include the NSW Sea Level Rise Policy Statement (2009), which is supported by the NSW Coastal Planning Guidelines: Adapting to Sea Level Rise.

The NSW Sea Level Rise Policy Statement (2009) specifies planning benchmarks to allow for an increase in sea level above 1990 mean sea levels of 40cm by 2050 and 90cm by 2100. Foreshore parks in Woollahra will be affected by such rises. Responsibility for coastal protection works rests with both public and private landowners.

Subsequently the State government issued the NSW Coastal Planning Guideline: Adapting to Sea Level Rise in August 2010. This document sets out guidelines to identify current and future coastal risk areas in terms of sea level rise. Considerations for strategic, statutory and development control planning in coastal areas are outlined.

Southern Sydney Catchment Blueprint

The Southern Sydney Catchment Blueprint (2002) sets out an action plan to improve the catchments of southern Sydney, including the Georges River catchment. This Blueprint will be incorporated into the Catchment Action Plan being prepared by the Sydney Metropolitan Catchment Management Authority.

The vision for catchment management in the Blueprint is:

"A sustainable Southern Sydney Catchment which 133rioritize cultural and heritage values and is the responsibility of the whole community."

The objectives of the Blueprint are:

- ☐ 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 co-ordination of all spheres of government, business and the community to achieve a sustainable and productive Board area.

The Blueprint outlines a number of strategies to achieve a healthy, productive and diverse catchment, and measurable targets to be achieved by Councils, other government agencies and other groups.

The catchment targets are:

- ☐ Improve management of the natural environment in the catchment.
- ☐ Regional environmental plans and other plans for the Board area are consistent with the Blueprint.
- ☐ Catchment management plans and programs give consideration and support to the cultural values and needs of the indigenous and other cultural groups in the Board area.
- ☐ By 2012 achieving a co-ordinating, representative and participative integrated system, including the capacity to integrate research and information systems, and oversee the implementation of the provisions of the Blueprint.

Draft East Subregional Strategy

The Draft East Subregional Strategy (NSW Government, 2007) recognises that the East Subregion is known for its dramatic coastline, beaches and recreational reserves and facilities.

Table C.7 Objectives for the East Sub-region

Objectives		Actions			
Environment, Heritage and Resources					
E2	Protect Sydney's natural environment	E2.1	Improve health of waterways, coasts and estuaries	E.2.1.4	East Councils should continue to promote water-sensitive urban design.
		E2.2	Protect Sydney's unique diversity of plants and animals	-	-
E3	Achieve sustainable use of natural resources	E3.5	Manage the environmental impacts of tourism and visitors.	E3.5.2	Regionally significant open space will be conserved and managed to ensure continued contribution to biodiversity, recreational opportunity and the scenic amenity of the subregion.

Objectives		Actions			
E5	Adapting to climate change	E5.3	Councils to identify natural hazards and risk management measures in Principal LEPs related to climate change.	E5.3.2	Councils are to be guided by the NSW Coastal Policy and NSW Government Estuary and Coastline Management manuals when planning for coastal areas.
E6	Conserve Sydney's cultural heritage	E6.2	Recognise where Sydney's cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness.	-	-
		E6.3	Interpret and promote Sydney's cultural heritage.	E.6.3.1	The Heritage Office to work with local Councils to identify areas in the East Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.
				E6.3.4	Local plans will integrate heritage initiatives and programs, and identify opportunities to interpret and celebrate local heritage places.
Parks, Public Places and Culture					
F1	Increase access to quality parks and public places	F1.3	Improve access to waterways and links between bushland, parks and centres	F1.3.1	Council to work in partnership with the Office of Environment and Heritage, Department of Infrastructure and Planning and Roads and Traffic Authority to explore opportunities to improve access to waterways and links between bushland, parks and centres
F2	Provide a diverse mix of parks and public places	F2.1	Improve the quality of local open space	F2.1.2	Where there is local open space Councils should consider an open space embellishment program that improves facilities to encourage use.
				F2.1.4	State government and local Councils to develop links between smaller reserves to create diversity and broader use experience.

Sharing Sydney Harbour

Sharing Sydney Harbour is the NSW Government's vision for managing the future of Sydney Harbour. The vision is:

“to take wise and comprehensive care of the Harbour as a natural asset belonging to future generations, and sharing the Harbour with nature and for all human activities.”⁴

Four themes underpin this vision, giving Sydney its unique character among the great Harbour cities of the world:

- ☐ Natural harbour – a healthy sustainable environment on land and water.
- ☐ Urban harbour – a high quality urban environment.
- ☐ Working harbour – a prosperous, working waterfront and effective transport harbour.
- ☐ People’s harbour – a culturally rich, accessible, active place for people.

The NSW Government has indicated its desire to improve public access to, and enhance the recreational enjoyment of, Sydney Harbour and its tributaries for the people of Sydney and visitors to the city. The State government’s intention is to develop and maintain public access to the foreshore of Sydney Harbour and the Parramatta River through:

- ☐ The Sydney Harbour Catchment deemed SEPP 2005 and the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005.
- ☐ Boat Storage Policy, which aims to provide a more strategic and certain approach to regulating boat storage facilities such as marinas, single moorings, and dry boat storage.
- ☐ Sharing Sydney Harbour Access Plan (Department of Infrastructure, Planning and Natural Resources, 2003). The Access Plan identifies opportunities to improve access to the foreshores and waterways for a range of recreational users including pedestrians, cyclists and recreational boaters.
- ☐ Sharing Sydney Harbour Access Program, a capital works program launched in 2003 which funds projects including walking tracks, on-road and off-road cycleways, public domain improvements, wharves, jetties and pontoons, and ‘soft’ access for landing small boats such as pontoons, seawall steps and beaches. Harbour access projects funded through the program include provision of dinghy storage facilities and upgrading of wharves and jetties.
- ☐ Walking Sydney Harbour which is a partnership project between community walking volunteers, the Commonwealth Government, State agencies and local Councils, and other relevant authorities. McKell Park and Darling Point Reserve are located close to the Harbour Bridge to South Head and Clovelly walking route, and the Coastal Walk between South Head and Manly.

⁴ Sharing Sydney Harbour Regional Action Plan (2000).

C.3 Woollahra Council planning context

Planning framework

Woollahra Council's planning framework guides this Plan of Management as follows:

- ☐ **Strategic planning:** such as Council's Community Strategic Plan, which sets overall objectives and performance targets for activities, budgets and other issues relating to open space and recreation management.
- ☐ **Development control planning:** The Woollahra Local Environmental Plan and various Development Control Plans govern uses of and development of structures and facilities in McKell Park and Darling Point Reserve.
- ☐ **Needs planning:** particularly the Recreational Needs Assessment and Strategy (2006), and the Social and Cultural Plan 2008-13.
- ☐ **Operational planning:** policies and plans including the Register of Significant Trees.

Strategic planning

Vision

Woollahra Council's vision for Woollahra is:

Woollahra will be a great place to live, work and visit where places and spaces are safe, clean and well maintained.

Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.

We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city.

Woollahra Community Strategic Plan 2010 to 2025

Woollahra 2025 – our community ... our place ... our plan - together with the five-year Delivery Program and one-year Operational Plan outlines Woollahra Council's objectives, and strategies and actions to achieve those objectives.

The theme 'Quality Places and Spaces' include the low-lying harbour foreshore areas. The plan recognises that public places such as foreshores and harbourside parks are highly valued for recreation and their intrinsic natural qualities, their variety and the facilities on offer, as well as the water views from these parks.

Key challenges, strategies and actions regarding Goal 5: Liveable Places related to 'Quality Places and Spaces' are outlined below.

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General Manager

Table C.8 Council priorities relevant to foreshore parks in Woollahra

Key challenge		Strategy 2025	Delivery Program Priorities 2009-2013	Operational Plan Actions 2010-11
Quality Places and Spaces				
5 Liveable Places				
<i>Woollahra will be a community with accessible, integrated and well maintained public places and open spaces. We will have clean and well maintained infrastructure and community facilities. It will be a safe and attractive place with high quality public and private facilities and amenities.</i>				
	Providing accessible community and sporting facilities, public places and open spaces.	Enhance local community, cultural and recreation facilities to become more attractive, integrated and accessible.	Implement a prioritised program of improvements to community and recreation facilities.	-
			Implement major upgrades to recreation facilities.	-
5.2 5.7	Maintaining, renewing and upgrading aging infrastructure, including stormwater drainage and seawalls.	Provide and maintain safe, clean serviceable public infrastructure including roads, footpaths, parks, open space, stormwater drains and seawalls.	Implement the infrastructure maintenance programs for all classes of public infrastructure.	-
			Complete annual condition surveys and prepare 5 year and annual Capital Works Program for all classes of public infrastructure.	Implement the infrastructure maintenance programs including restoration following utility works.
		Renew and upgrade ageing public infrastructure including roads, footpaths, stormwater drains and seawalls.		Undertake scheduled maintenance and cleaning of stormwater pits and pipes, and stormwater quality improvement devices.
			Implement the Infrastructure Capital Works Programs for renewal for all classes of public infrastructure.	Implement the Infrastructure Renewal and Stormwater Capital Works Programs.
5.3	Preserving and improving access to natural areas.	Provide attractive, accessible, connected and safe parks, sportsgrounds, foreshore areas and other public spaces.	Ensure Plans of Management for public open spaces are updated periodically and reflect community needs and aspirations.	-
			Implement a prioritised program of improvements to public open spaces.	Implement staged actions arising from the Recreational Needs Assessment.
			Implement major upgrades to open spaces.	-

Development control planning

Woollahra Local Environmental Plan

Context of land in this Plan

Under the Woollahra Local Environment Plan 1995 (WLEP), McKell Park and Darling Point Reserve are zoned 6 Open Space (General Recreation).

At the time of preparing this Plan of Management, Woollahra Council is preparing a new principal local environmental plan based on the standard instrument developed by the NSW government. The new LEP is expected to be finalised in 2012.

Relevant objectives of the Woollahra LEP

Objectives of the Woollahra Local Environmental Plan 1995 for open space, recreation, tourism, landscape and harbour foreshores are set out below.

Table C.9 Relevant objectives of Woollahra Local Environmental Plan

Aspect of LEP	Objectives
Public and private open space, recreation and tourism	<ol style="list-style-type: none"> 1. provide for open space which will meet the requirements of the population and which will be developed in sympathy with the existing natural environment of the area of Woollahra, 2. protect and promote public access in the inter-tidal zone of the foreshore of Sydney Harbour, 3. provide for a diversity of open space types and recreation opportunities; and 4. allow for contributions towards the provision and embellishment of public open space.
Landscape	<ol style="list-style-type: none"> 1. protect and enhance the natural landscapes throughout the area of Woollahra, 2. promote the retention of trees and the planting of suitable new trees in appropriate locations, 3. control or minimise the impact of future development upon natural features such as significant trees or stands of trees, ridgelines or land within view of any waterway, 4. protect and enhance the environmental quality of the area of Woollahra through the appropriate management and conservation of the existing pattern of vegetation; and 5. protect the native flora and fauna.
Foreshores and the harbour foreshore scenic protection area	<ol style="list-style-type: none"> 1. seek the retention of public foreshore lands for public purposes, 2. encourage development which, through its form, scale, materials and design is compatible with the natural and built landform of the foreshore areas as viewed from the water, 3. recognise the residential, recreational, tourist and commercial characteristics of the foreshore area and to co-ordinate development in order to protect the area's scenic and natural attributes, 4. consider the impact of development on the views of Sydney Harbour enjoyed by existing residents and promote the practice of view sharing,

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General Manager

Aspect of LEP	Objectives
	5. protect and, where possible, improve the view of Sydney Harbour and its foreshore areas obtained from public land, 6. protect the natural, scenic and cultural attributes of the area's foreshores, including the visually and ecologically significant beaches, inter-tidal rock formations, vegetation, rock faces, shelves and outcrops, 7. preserve existing public open spaces along the foreshores and to promote the dedication, acquisition, lease or occupation of additional useable areas so as to provide further public pedestrian access to and along the foreshores in appropriate locations; and 8. protect the native flora and fauna.

Where possible, the intent of these objectives as set out in the Woollahra Local Environmental Plan will be translated into the new principal local environmental plan.

Development control table

Important provisions are contained within the Development Control Table for the 6 – Open Space zone under the Woollahra Local Environmental Plan 1995. Zone No. 6 – Open Space will be replaced by the RE1 Public Recreation zone when the new LEP is gazetted. These provisions for the open space zone are included in the table below.

Table C.10 Development Control Table for Open Space Zone

DEVELOPMENT CONTROL TABLE - ZONE No. 6 - (OPEN SPACE)	
Description of the zone	The Open Space Zone applies to public or private land used or intended to be used for recreational purposes. Land that is within this zone may also be used for community facilities.
Objectives of the zone	The objectives are: a) To identify existing publicly and privately owned land used or capable of being used for recreational purposes, b) To identify areas which are reserved for future public open space: <input type="checkbox"/> In the case of land edged red and marked with the letter 'L' in red, being local open space, and <input type="checkbox"/> In the case of land edged red and marked with the letter 'R' in red, being regional open space, c) To increase the provision of public open space within the Council's area to meet the needs of the population, d) to enable development for the purpose of public and private recreation and community facilities sympathetic to the environmental characteristics of the land and surrounding areas; and e) to protect the visual and environmental attributes of the foreshores.
Development which may be carried out without development consent	Development for the purpose of: <input type="checkbox"/> Bushfire hazard control; <input type="checkbox"/> Drainage; <input type="checkbox"/> Maintenance of gardens and structures. <input type="checkbox"/> Development pursuant to, or approved in accordance with, the plan of management adopted under Division 2 of Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> and for the time being applicable to the subject land.

DEVELOPMENT CONTROL TABLE - ZONE No. 6 - (OPEN SPACE)	
Development which may be carried out only with development consent	Development for the purpose of: <ul style="list-style-type: none"> <input type="checkbox"/> Child care centres; <input type="checkbox"/> clubs (other than clubs registered under the <i>Registered Clubs Act 1976</i>); <input type="checkbox"/> community facilities; <input type="checkbox"/> recreation areas⁵; <input type="checkbox"/> recreation facilities; <input type="checkbox"/> roads; <input type="checkbox"/> uses or buildings associated with development permitted in the zone without development consent; <input type="checkbox"/> utility installations (other than gasholders or generating works).
Development which is prohibited	Any other development not listed above.

In assessing such applications, Council will refer to this Plan of Management as well as the LEP and other relevant legislation.

Harbour foreshore scenic protection areas

Clause 19 of WLEP 1995 covers the harbour foreshore scenic protection areas. The open space areas contained within this plan are within an area designated as the Harbour Foreshore Scenic Protection Area, for which special provisions have been developed in the WLEP 1995. Within this area, Council is required, before granting consent to make an assessment of any proposed development's visual impact when viewed from the harbour and any proposed development's impact on the natural landform and topography.

Heritage conservation

The fence, gates and foundation remains of former house *Canonbury* located in McKell Park are listed in Schedule 3 Heritage Items of the Woollahra LEP.

Woollahra LEP contains objectives for heritage conservation, which include identifying heritage items and heritage conservation areas and to provide measures for their conservation, protection and enhancement.

Development Control Guidelines for the Provision of Foreshore Open Space and Access

Woollahra Council prepared Development Control Guidelines that apply to public and private land in Woollahra that has frontage to Sydney Harbour or the Tasman Sea. The guidelines

⁵ The definition of 'recreation area' in the LEP means a children's playground, or parks and gardens, or an area used for sporting activities or sporting facilities, or an area used to provide recreation facilities which promote the physical, cultural or intellectual welfare of persons within the community. Such facilities may be provided by Council or a body of persons associated for the purpose of physical, cultural or intellectual welfare of persons within the community. Recreation areas do not include marinas, racecourses and showgrounds.

set out actions to implement Council's objectives to facilitate public access to and to provide public places along the foreshores for the enjoyment of all residents.

Development Control Plan for Exempt and Complying Development

Woollahra Council's Development Control Plan (DCP) – Exempt and Complying Development established the development type, location and criteria for exempt and complying development within the meaning of the *Environmental Planning and Assessment Act 1979*.

Under this DCP, the following items are exempt from development approval (subject to exempt development criteria):

- ☐ landscape works on public land.
- ☐ filming and photographic shoots.
- ☐ events.
- ☐ street and park furniture, including lighting.

Needs planning

Recreational Needs Assessment and Strategy

The Recreational Needs Assessment and Strategy (Stratcorp, 2006) did not make any specific recommendations for McKell Park and Darling Point Reserve. However it identified that Canonbury Cottage specialises in recreation programs for older adults. Canonbury Cottage may also cater for demand for recreation programs and activities which allow group involvement and participation to promote social interaction for socially isolated people.

A survey of users of parks, reserves or foreshore areas in Woollahra undertaken for the Strategy revealed:

- ☐ 91% of respondents had visited a park, reserve or foreshore or foreshore area in the past year. 70% visit at least once a week.
- ☐ the main reasons for using parks, reserves and foreshore areas are walking / jogging for exercise (62%), a place to sit and relax (18%), barbecue/picnic (16%), family outing (14%), and walking the dog (13%).
- ☐ the quality and distribution of parks, reserves and foreshore areas were rated a 'good' or 'very good'.
- ☐ over three-quarters of people suggested that Woollahra's parks, reserves and foreshore areas met their needs.

McKell Park and Darling Point Reserve offer many features that Woollahra residents seek in using parks and reserves, such as a path system, good maintenance, shade, places to sit

and relax, good provision of trees and gardens, location close to home, accessibility, grassed areas, peace and quiet, bins, areas for informal activities, pleasant surroundings/views, and safety. Such features particularly appealed to older people in the local government area.

The Needs Assessment found that unmet recreation needs that could be satisfied in foreshore parks include fitness stations, storage for small watercraft, shared walking paths and trails, additional cycle tracks, and furniture to support informal recreation and passive enjoyment of parks and open space.

Woollahra residents indicated their top priority for funding of sport, recreation or open space projects over the next 10 years is parks maintenance (16% of people surveyed), followed by requests including planting shade trees (5%), improving foreshore areas (5%), and clean up rubbish / more bins around (3%).

Social and Cultural Plan 2008 to 2013

The Social and Cultural Plan contains information on the Woollahra community and its needs to enable Council to make decisions on the planning and provision of community and cultural services. The Social and Cultural Plan was prepared in consultation with the community, community service agencies, Councillors and Council staff. The Social and Cultural Plan is an important way in which Council will strive to achieve its vision to work towards a connected, liveable, vibrant and creative community for all.

Relevant strategies of the Social and Cultural Plan are to:

- ☐ upgrade open space facilities and create new facilities in response to changing community needs.
- ☐ promote the provision of local events and activities in public places and significant natural sites.
- ☐ provide multi-purpose and flexible meeting places within improved community facilities and libraries.
- ☐ provide and promote subsidised access to facilities and venues for community activities.

The Social and Cultural Plan also provides a delivery program for the facilitation and provision of sustainable social and cultural programs, services and facilities to the Woollahra community. A number of these activities seek open space for the staging of the activity.

Woollahra Community Facility Study 2011

The Draft Woollahra Community Facility Study 2011 makes recommendations for the long-term use and management of Council's community facilities which includes Canonbury Cottage.

Operational planning

Policies

Council's Commercial Fitness Training Activities on Public Open Space Policy encourages orderly use of parks for fitness training, and to minimise adverse impacts on park users and adjoining residents. Commercial fitness trainers granted permission to use Council's parks must adhere to conditions of use.

Other Council policies such as the Access Policy and Action Plan 2010-2013 and Park Hire Policy set out guidelines for park uses and improvements which apply to McKell Park and Darling Point Reserve.

The Woollahra Tree Management Policy 2011 sets out principles, guidelines, criteria and maintenance considerations for management of public trees. It also contains guidelines for selection of park trees.

State of the Environment Report 2009/2010

This report outlined Council's recent environmental initiatives.

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