

WICKS PARK, MARRICKVILLE

DRAFT PLAN OF MANAGEMENT

For: Inner West Council
Adopted: x x x x

DRAFT



Council acknowledges the Gadigal and Wangal peoples of the Eora Nation, who are the traditional custodians of the lands in which the Inner West Local Government Area is situated. We celebrate the survival of Aboriginal and Torres Strait Islander cultures, heritage, beliefs and their relationship with the land and water. We acknowledge the continuing importance of this relationship to Aboriginal and Torres Strait Islander peoples living today, despite the devastating impacts of European invasion. We express our sorrow for past injustices and support the rights of Aboriginal and Torres Strait Islanders to self-determination.

Foreword

This Plan of Management (PoM) has been prepared by Taylor Brammer Landscape Architects Pty Ltd in association with CGM Planning and Development Pty Ltd for Inner West Council and provides direction as to the use and management of Council-managed reserves and parks classified as 'community land' in the Inner West area. The PoM is required in accordance with Section 36 of the *Local Government Act 1993*.

This site-specific PoM addresses the management of Wicks Park, Marrickville. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

Document / Status Register

Issue	Date	Purpose	Approved
01	31.01.2025	INTERNAL DRAFT	AL
02	10.02.2025	CGM PLANNING & DEVELOPMENT	CGM
03	07.07.2025	CGM COMMENT AMENDMENT	AL

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Glossary of Terms

TERM	DEFINITION
LG Act	<i>Local Government Act 1993</i>
PoM	Plan of Management
LGA	Local Government Area
LEP	Local Environmental Plan

1.0 Introduction

1.1 What is a Plan of Management

A Plan of Management (PoM) provides the framework for managing public land. It sets out how public land is intended to be used, managed, maintained and enhanced in the future.

A PoM is required to be prepared for public land which is classified as community land under the *Local Government Act 1993* (LG Act). This PoM has been prepared in accordance with the requirements of the LG Act.

This PoM is to be read in conjunction with the proposed Masterplan prepared by Taylor Brammer Landscape Architects Pty Ltd which includes comprehensive site analysis along with illustrations of the proposed improvements to Wicks Park.

The adopted PoM authorises the implementation of any Council-approved site masterplan that is consistent with the adopted PoM, the category core objectives, and the PoM's authorised uses and development.

1.2 Why prepare a Plan of Management

Wicks Park is public land, classified as community land under the LG Act. The LG Act requires that a PoM be prepared for all public land that is classified as 'community land' under that Act.

This PoM provides the basis for long-term management of Wicks Park in a manner that respects the values and significance of the parkland. It also sets out directions and provides a framework for the strategic and operational use of the parkland.

A previous PoM for Wicks Park was prepared in 2003. New future directions and management strategies have been developed following amalgamation for Council and its community. As a result, an updated document is required that outlines the framework for managing the parkland and identifying appropriate uses for the parkland in a contemporary setting.

Community Land must not be sold and cannot be leased or licensed for more than twenty-one years except with Local Government Minister approval for up to 30 years. Any lease or license must be authorised by this PoM. In addition, it may only be leased or licensed for more than five years subject to public notification.

As the population and housing demands of the Inner West increases so will the pressure on existing open space and the ability for parklands and reserves to cater for a range of growing user demands and needs. A PoM therefore provides guidance as to how to best manage Wicks Park in the long term and promote equitable and fair use of the parkland to meet community needs.

Factors influencing the need to prepare a PoM include:

1. Increasing population and the need to balance expectations and fair use of open space.
2. Ageing population will impact the need to provide accessible and equitable open space for elderly.
3. Changes to local demographics and increases in medium-high residential will influence access to open space and facilities.
4. Expectations of quality recreational experiences.
5. Ageing infrastructure and the need to provide a safe and high-quality environment.

1.3 Relationship to Community Strategic Plan

This PoM reinforces the vision, issues and recommendations stipulated in The Inner West Community Strategic Plan - Our Inner West 2036. The Community Strategic Plan outlines five strategic directions for future growth, development and sustainability for the Inner West community. All five of the strategic directions are pertinent in the development of this PoM, and are as follows:

1. An ecologically sustainable Inner West.
2. Liveable, connected neighbourhoods and transport.
3. Creative communities and a strong economy.
4. Healthy, resilient and caring communities.
5. Progressive, responsive and effective civic leadership.

1.4 Purpose of this Plan

The purpose of the Plan is to provide an integrated approach to the management of Wicks Park to ensure its place as a valued recreational space within the Inner West LGA.

The Plan seeks to recognise the significance of the parkland, particularly its passive recreational significance in the local setting. Community consultation has indicated strong interest in the parkland and how it is used and managed in the long-term.

The Plan aims to set out a way to appropriately manage the parkland and improve recreational facilities to meet these demands over the next 10 years.

The purpose of this PoM is to:

1. Contribute to Council's broader strategic goals and vision as set out in The Inner West Community Strategic Plan.
2. Ensure compliance with the LG Act.
3. Provide clarity in the future development, use and management of the community land.
4. Ensure consistent management that supports a unified approach to meeting the varied needs of the community.

1.5 Life of the Plan

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM will be reviewed on a needs basis to ensure that the parkland is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

The community will have an opportunity to participate in reviews of this PoM via community consultation.

1.6 Exhibition and adoption of this plan

This PoM was placed on public exhibition from *[insert dates]* in accordance with the requirements of section 38 of the LG Act. A total of *[xx]* submissions were received. Inner West Council considered these submissions before approval by Council to adopt the PoM on *[insert date and Council meeting details]*.

1.7 Public Hearing for categorisation of the land

The LG Act section 40A Public hearing in relation to proposed plans of management requires Council to hold an independently chaired public hearing for Council owned or managed community land, or parts of community land where categories are assigned for the first time or amended from a previous PoM.

Land in Wicks Park is comprised of two lots (Lot 1 DP 802618 and Lot 2 DP 802618) which is stated to be owned by Inner West Council. The previous PoM prepared in 2003 maps the land as Sportsground and Park, following the existing lot boundaries. These boundaries are valid today and if they are maintained a Public Hearing is not required.

2.0 Background

2.1 Location and Description

Wicks Park is a Local Park between the suburbs of Marrickville and Sydenham. The Park is bounded by Sydenham Road to the south and Victoria Road to the west. The area of the park is approximately 8,902 m².

The Park provides a range of public amenities and multiple uses including tennis courts, a playground, an amenities block, a BBQ and picnic areas. There is a straight pathway that cuts diagonally through the park from the north-west corner to the south east corner.

The parkland is an important destination for local residents and also attracts a number of residents from adjoining suburbs in the inner west due to its much-loved tennis courts. As the population of Marrickville and the surrounding areas densifies, Wicks Park will become increasingly important as public space for local residents.

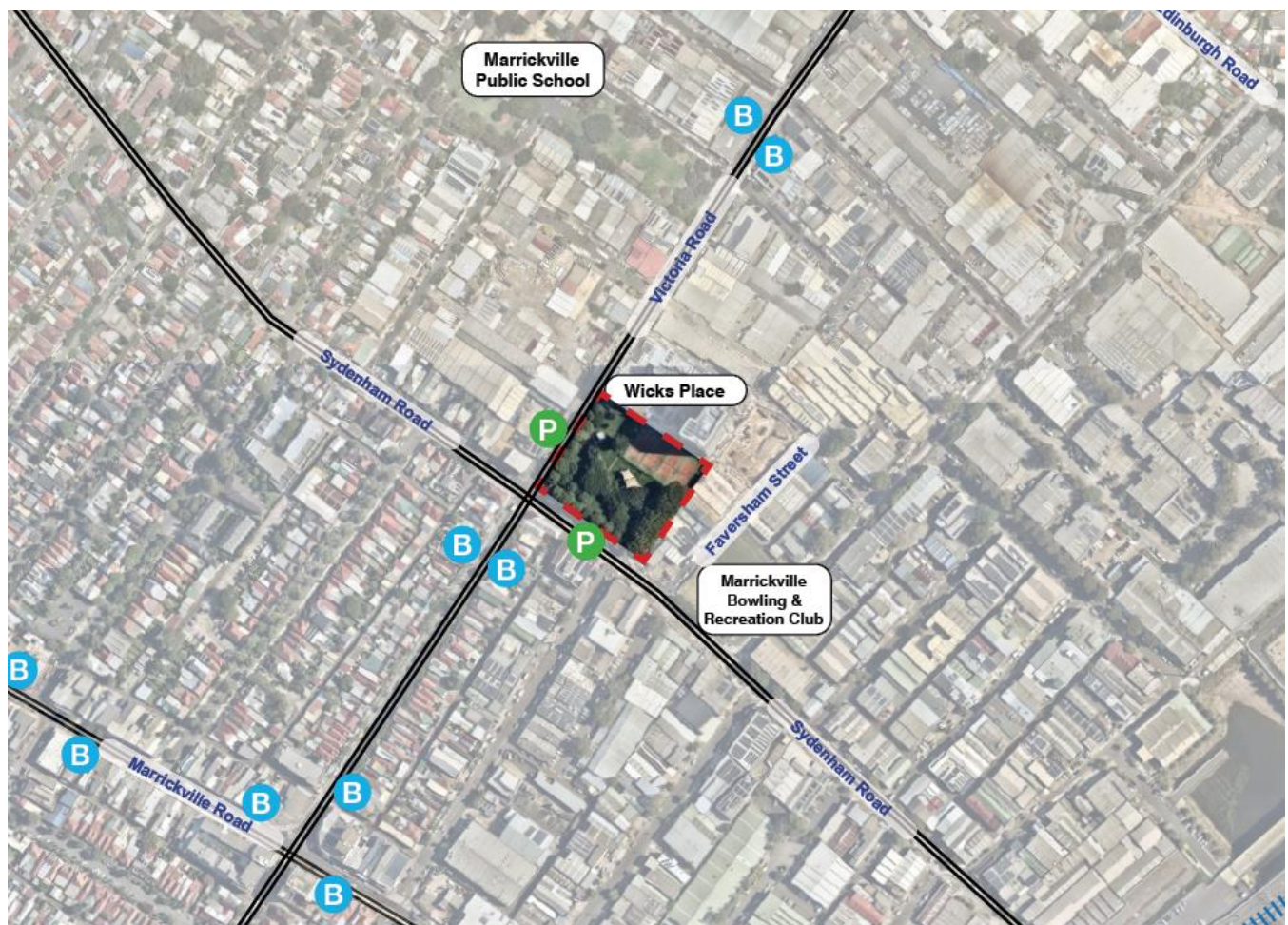


Figure 1. Aerial image of parkland and context - Source: Nearmaps

2.2 Demographic Analysis

2.2.1 Inner West Council

The Inner West Council Local Government Area (LGA) is located 5km west of the Sydney Central Business District (CBD)

The council area was established when the former councils of Ashfield, Leichhardt and Marrickville amalgamated

in May 2016. Inner West Council has five wards: Ashfield, Balmain, Leichhardt, Marrickville, and Stanmore.

The Inner West Council has a resident population of 192,000 people, and spans 36km² from the banks of Parramatta River at Birchgrove in the north east, to the Cooks River at Dulwich Hill in the south west.

2.2.2 Open Space Users

The Inner West's open spaces are frequented sites for recreation and exercise. The most common types of open spaces in the Inner West are:

- Parks (80% of people using them at least weekly)
- Footpaths, streets and town centres (75% at least weekly)
- Sporting fields/courts (38% at least weekly)
- Aquatic centres/baths (37% at least weekly)
- Children's playgrounds (36% at least weekly)

2.3 Facilities and Assets

2.3.1 Facility Inventory

- Tennis courts: 4
- Tennis building: 1
- Children's playground: 1
- BBQs: 1
- Amenities building: 1
- Bench Seating: 8
- Picnic Table: 1
- Car parking: On-street only

A condition description of the facilities and land can be found at PoM Section 5.6.

2.4 Site Analysis

This PoM is to be read in conjunction with the Draft Masterplan by Taylor Brammer Landscape Architects Pty Ltd (*June, 2025*) which includes detailed Site Analysis of the site and the area.

The key findings contained in the Masterplan document relevant to the PoM include the following;

Aboriginal History

The area of land now known as Marrickville is home to the Gadigal and Wangal people of the Eora Nation, part of the Darug language group.

A tributary to the Cooks River, the Gumbramorra Creek fed into the Gumbramorra Swamp, which is now hidden under the concrete of Sydenham, St Peters, Marrickville and Tempe. The Gadigal and Wangal peoples of the area tapped into this large wetland as a rich source of wildlife, vegetation and shellfish.

Colonial History

Post European colonisation, in the late 1800s, the local context of the area was dominated by industry which was built upon the Gumbramorra Swamp. The lowest point of the swamp is on the corner of Sydenham Road and Victoria Road, of which Wicks park is now situated.

Draining of the swamp commenced in the 1890s to combat continual flooding of the area, culminating with The Sydenham Pit & Drainage Pumping Station built in the early 1930's. The pumping station aided with flooding but unfortunately did not fix the issue. The Gumbamorra swamp was subsequently entirely drained.

As Sydney expanded westwards the drained swamp became an important source of building materials such as timber for construction, shell deposits to make mortar and especially clay for brickmaking.

Today, most of the heavy industry of Marrickville has been replaced by hundreds of light industries and homes.

Zoning

The entire site of Wicks Park is zoned RE1 Public Recreation under Inner West LEP (2022).

Future Development

Wicks Park is located along Victoria Road which was adopted by Council for urban renewal in the 2011 Marrickville Development Control Plan (DCP).

This has since been integrated into the Inner West LEP (2022), with an increase in the allowable development height and a push for multi-storey mixed-use development along the Victoria Road corridor solidifying this area as a high growth zone.

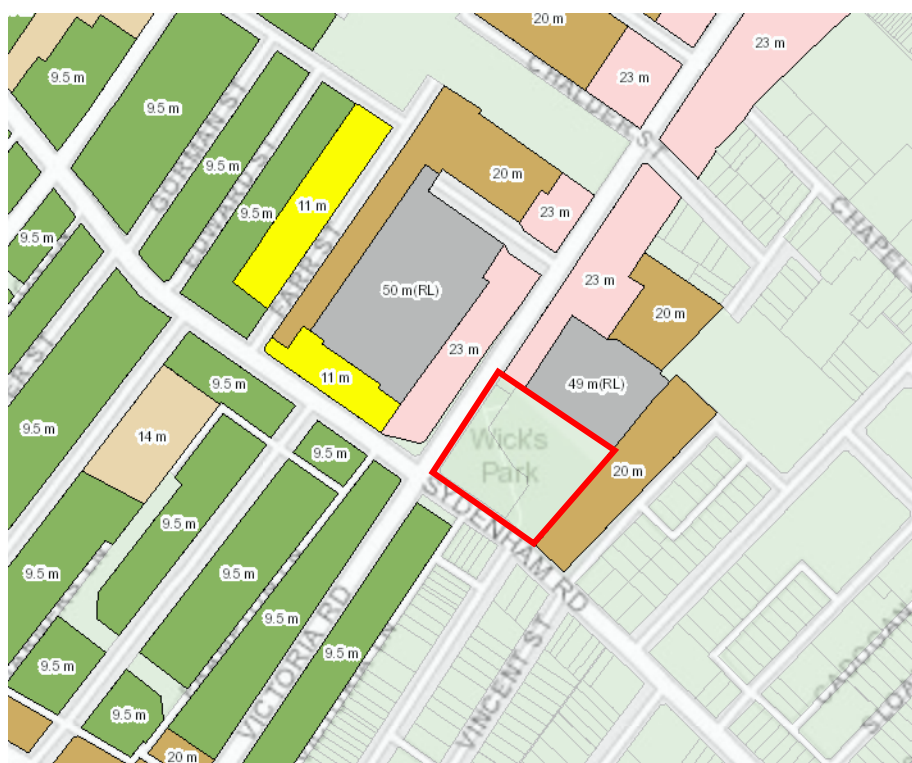


Figure 2. Inner West LEP Building Heights Map, excerpt. Site outlined in red. - Source: planningportal.gov.au

Heritage

The site is not listed as a heritage item.

Landform and Topography

The site is relatively level, with minimal to no elevation gain across the park.

Existing vegetation

The site has significant existing tree canopy coverage, in an arbocultural report prepared by Bluegum Tree Care and Consultancy (March 2024), all trees were of good to fair health. The avenue of Ornamental Pear (*Pyrus calleryana*) is valued by the community and is an identifying landscape element of the parkland.

The existing trees are crowded in places, affecting their growth and creating dense shade, making the existing

turf patchy and suffering dieback. Trees to the South-Eastern corner of tennis court 4 are impacting the tennis surface. The large Hoop Pine (*Araucaria cunninghamiana*) is impacting the Tennis Club shed however is a significant landscape feature of the parkland.

There are small areas garden and biodiverse shrub planting within the parkland, mainly at the front of the amenities building.

2.5 Ownership and Management

Table 1	
Ownership Detail	Description
Address	Sydenham Rd, Marrickville NSW 2204
Ownership	Inner West Council
Management	Inner West Council
Area	8,902 m ²
Lot	Lot 1 DP 802618, Lot 2 DP 802618
Land Category	Park and Sportsground
Zoning	RE1 Public Recreation
Leases	None
Council Park Hierarchy	Local Park

2.6 Local Government Act 1993

The LG Act identifies that Council's must prepare and adopt Plans of Management for all community land.

The Act states that the Plan must identify the following:

1. Category of land.
2. Objectives and performance targets of the Plan with respect to land.
3. Means by which Council proposes to achieve the Plan's objectives and performance targets.
4. Manner in which Council proposes to assess its performance with respect to the Plan's objective and performance targets.

2.6.1 Community Land Categories

All community land is required to be categorised as one or more of the following categories.

The assignment of categories to the land is guided by the Local Government (General) Regulation 2021 Division 1 Guidelines for the categorisation of community land.

The LG Act defines five categories of community land:

- Park for areas primarily used for passive recreation.
- Sportsground for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- General community use for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- Cultural significance for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

There are two community land categories applied to the land in this PoM for Wicks Park:

- **Park; and**
- **Sportsground**

Wicks Park is classified as community land and categorised as Park and Sportsground. The areas of these categorisations can be found in Appendix 7.3. The purpose of categorising land is to ensure the essential nature of the land is recognised and how that may best be managed. It also enables community land to be managed to achieve a responsible balance between protection of relevant values and use of the land by the community.

2.7.2 Objectives of Park

The core objectives for management of community land categorised as Park under the LG Act are:

1. To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.
2. To provide for passive recreational activities or pastimes and for the casual playing of games.
3. To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

2.7.3 Objectives of Sportsground

The core objectives for management of community land categorised as Sportsground under the LG Act are:

1. To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.
2. To ensure that such activities are managed having regard to any adverse impact on nearby residences.

2.7.4 Category Map

Please refer to appendix 7.4 for land categorisation map.

2.7.5 Guidelines for categorising

Additionally to the LG Act, the Local Government (General) Regulation 2021, Part 4 Division 1 provides clear guidance to the assignment of categories on community land.

Guidelines for Categorisation:

- **Park:** A Park is an open space used for non-organised recreational, social, educational and cultural pursuits.
- **Sportsground:** A Sportsground is an open space used or proposed to be used primarily for active

recreation involving organised sports or the playing of outdoor games.

Note: Categorisation plan to be resolved following the selection of an agreed masterplan design

2.8 State Environmental Planning Policy

Division 12 of Transport and Infrastructure SEPP (2021) identifies that certain works are permitted without consent where it is carried out by or on behalf of a council on a public parkland under the control of or vested in the Council.

Division 12 of Transport and Infrastructure SEPP (2021) is provided in Section 7.3 of the Appendix.

2.9 Inner West Local Environmental Plan

Inner West Local Environmental Plan 2022 (LEP) is the principal document that guides planning, development and sets the framework and land use structure for the Inner West. It ensures that land is appropriately used to meet the needs of the community through land zoning, development standards and heritage protection.

Some of the LEP's main aims and objectives are:

1. To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.
2. To conserve and maintain the natural, built and cultural heritage of Inner West.
3. To reduce community risk from and improve resilience to urban and natural hazards.
4. To encourage walking, cycling and use of public transport through appropriate intensification of development densities surrounding transport nodes.
5. To create a high quality urban place through the application of design excellence in all elements of the built environment and public domain.
6. To prevent adverse social, economic and environmental impacts on the local character of Inner West.
7. To prevent adverse social, economic and environmental impacts, including cumulative impacts.

2.9.1 Zoning

Clause 2.2 of the LEP outlines the zoning requirements for land within the Inner West. Wicks Park is zoned as RE1 Public Recreation.

Below describes the objectives and development permitted with and without consent for *RE1 Public Recreation* Zone:

1. Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To conserve, maintain and enhance biodiversity and the natural environment, including terrestrial, aquatic and riparian habitats and natural land forms.

2. Permitted without consent

Environmental protection works.

3. Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Centre-based child care facilities; Community facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);

Research stations; Respite day care centres; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities.

4. Prohibited

Pubs; Any development not specified in item 2 or 3.

3.0 Basis for Management

3.1 Basis for Management

Inner West Council intends to manage its community land to meet:

- The assigned categorisation of community land.
- The LG Act guidelines and core objectives for community land.
- Council's strategic objectives and priorities.
- Development and use of the land outlined in Section 6 of the LG Act.

3.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose (if Crown land), and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for land categorised as Park and Sportsground are set out in this PoM at Sections 2 and 5.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Inner West Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Inner West Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, and recreational and sporting facilities in particular, Inner West Council intends to permit and encourage a broad range of appropriate activities.

3.3 Council's Strategic objectives and policies

The Recreation Needs Study - A Healthier Inner West (the study) was commissioned by Inner West Council in 2021. This report provided an analysis of the existing parkland within the LGA, including their current and predicted usage.

The community is expected to grow with an additional 35,000 residents projected by the year 2036. If new open space is not provided the amount of open space per person will decline from 13.3m² to 10.6m² per person within this timeframe.

Population growth will also result in additional pressure on current sporting and recreational facilities, and it is anticipated that additional facilities will be needed, and that current facilities will be required to intensify their usage to meet demand.

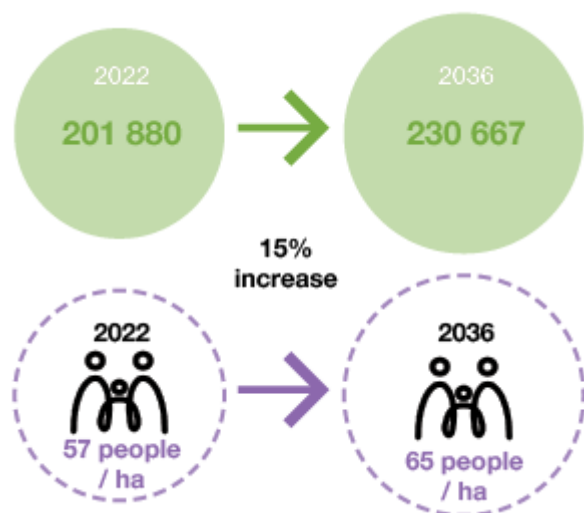
Based on industry benchmarks, by 2036 there will be a total gap of:

- 6 summer sporting grounds
- 9 winter sporting grounds
- 16 outdoor (multipurpose) courts
- 7 indoor (multipurpose) courts
- 1 indoor leisure centre (dry)

- 1 indoor leisure centre (aquatic)
- 1 skate park/facility.

As a result of this, it is of vital importance that parklands are planned with future challenges and gaps in mind, and ensure existing open space is utilised at full capacity to overcome these gaps.

Population and Projected Growth



Recreational Needs and Gaps

Key challenges and consequent opportunities that relate to Wicks Park include:.

- Increase staffing resources to support improved waste management and cleanliness in open space.
- Review tennis location, surface, and potential for multipurpose conversion.
- Improved lighting along paths.
- Improvements to playground.
- More diversity in activity in the parkland.
- Too much traffic in the area.
- Additional picnic and seating areas.

3.4 Community Consultation

Between 29th of July and 25th of August 2024, the community was invited to provide feedback in relation to the masterplan and PoM for Wicks Park through an online survey, and interactive digital map, email, phone and letters.

A total of 40 surveys were completed, 8 emails were received, and 69 pins were received on the digital map (52 highlighted things that were not liked and 17 were liked).

Inner West Council and Taylor Brammer attended an on-site engagement day at Wicks Park on the 17th of August 2024.

Key outcomes from community consultation for Wicks Park:

1. **Enhance safety and security** through upgraded lighting and improved buffer to road.
2. **Upgrade playground** and install soft-fall to minimise mud.
3. **Improve pathways and connection** by increasing paved areas and links to surrounding development.
4. **Enhance cleanliness and maintenance** such as frequency of rubbish bin collection and amenities building cleaning.

5. **Expand social amenities** through additional BBQ's and picnic pavilions for the community to gather.
6. **Introduce multi-use recreational spaces** such as fitness areas.
7. **Enhance environmental features** through additional gardens and biodiversity planting.
8. **Engage the community** with potential for community notice boards and community events within the parkland.
9. **Tennis court improvements** through resurfacing, new building and re-orientating lighting to reduce glare.
10. **Increase natural light** through tree pruning and maintenance.

These ten identified engagement outcomes acted to form the foundation for preparing this draft Plan of Management and accompanying draft Masterplan.

Refer Wicks Park Draft Masterplan (2025), prepared by Taylor Brammer Landscape Architects (available on Council's website) for additional detail.

4.0 Development and Use

4.1 Current and future use of the land

Activities and uses on the land must be first and foremost, permissible within the RE1 Public Recreation Zone in accordance with Inner West LEP 2022 and consistent with the core objectives of Park and Sportsground categories under the LG Act.

The Park category land will be used in future for general community recreation, small personal and community events, with public right of access to all outdoor areas. Council will permit the erection of buildings and facilities such as amenities block(s), playgrounds, pathways and infrastructure and utilities as required for use and events including kiosks, café and refreshment purposes and associated outdoor dining, or uses suitable to the environment, e.g. hire of bicycles or scooters.

The Sportsground category land will be used in future for sporting training, competition, and other sports-related activities and community events. Council will permit the erection of sports fields and training facilities, storage buildings and areas, seating and spectator facilities, pathways and infrastructure and utilities as required for use and events, including lighting.

The intensity of future uses for the Park and Sportsground category land will be determined by Council's regular review of the capacity of the land and facilities using observation, visitor/user and neighborhood community feedback.

The anticipated uses and associated development identified in the subsequent tables are intended to provide a general guide. It is anticipated that new sports, recreation or community activities and services may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of 'active recreation' enjoyed by the community. References such as 'field', or 'court', are not intended to exclude other sporting surfaces.

Current use / Activity

1. Active court based recreation (tennis)
2. Active non-court recreation (Running and personal training)
3. Children's playground
4. BBQ and picnic
5. On leash dog walking
6. Parties, celebrations and congregations.

Potential use / Activity

1. Additional active non-court recreation (such as outdoor gym)
2. Cafe or other recreation or sporting retail offering in existing or new buildings
3. Biodiversity planting areas and upkeep.

4.2 Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the assigned categorisation and zoning of the land, be in

the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

4.3 Leases and licences authorised by the plan of management

This PoM expressly authorises the issue of leases, licences and other estates over the land covered by the PoM, provided that:

- The lease, licence or other estate is for a permitted purpose listed in the LG Act or the Local Government (General) Regulation 2021.
- The permitted purpose is consistent with the core objectives for the category of the land.
- The lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the Local Government (General) Regulation 2021.

Table/s in the relevant sections of this PoM further identify the purposes for which leases and licences may be issued over the Reserves identified in this PoM, and the maximum duration of leases, licences and other estates.

4.4 Short term licences

Short-term licences and bookings may be used to allow Council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with Council's adopted fees and charges at the time.

Short-term licences issued under Section 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a. the playing of a musical instrument, or singing, for fee or reward
- b. the playing of a lawful game or sport
- c. the delivery of a public address
- d. commercial photographic sessions
- e. picnics and private celebrations such as weddings and family gatherings
- f. filming sessions

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the

4.5 Easements

This PoM 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 LG Act.

Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of Council or other public utility provider that is situated on community land.

4.6 Current Leases and Licences

There are no leases or other estates granted or issued by Council over the land in the parkland.

Licenses currently active are contained in the table below.

Table 2 – Current Licenses							
Category	Property Type	Property Building Name	Primary Property Address	Debtor Account Name	Permitted Use As Per Agreement	Term Start Date	Term Expiry Date
Recreation club	Tennis Clubs Association Coaching	Wicks Park Tennis Courts	Sydenham Road Marrickville, NSW, 2204	International College of Sports Education Ltd	Tennis Coaching and Related Activities	01/03/2011	28/02/2016

4.7 Lease or licence time periods

The maximum period for any lease or licence is 30 years (including any option) and Minister's consent is required if the lease/licence exceeds 21 years (Sect 47(5)(b)). Unless exempt by the regulations, all such leases, licences or grant of other estate must be advertised and the community notified in accordance with the provisions of sections 47 and 47A of the LG Act.

The grant of any tenures, e.g: tenure terms and limits, tendering, and notification and approvals, will be subject to the provisions of Part 2, Division 2 of the LG Act.

Council must call tenders for leases or licences over 5 years, unless the lease or licences is to be granted to a non-profit organisation, (s.46A).

Subleases are only allowable for the same purpose as the original lease, except for limited exceptions listed in cl. 110, LG Regulation.

Council may only grant exclusive occupation of community land through a lease, licence or other estate.

For leases between 5 and 21 years Council must:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land "is the primary focus of the person's enjoyment of community land"
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if Council has received an objection to the proposal.

If an objection has been received, the council cannot grant the lease etc. but must refer the proposal to the Minister for approval.

5.0 Management of Land

5.1 Guidelines and core objectives for Park and Sportsground

Land categorised as Park is defined in clause 104 of the LG (General) Regulation 2021 as land which is 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 do not intrude on the peaceful enjoyment of the land by others.

The core objectives for land categorised as Park in section 36G of the LG Act 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.

Land categorised as Sportsground is defined in section 103 of the LG (General) Regulation 2021 as land being used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

The core objectives for community land categorised as Sportsground, in Section 36F of the LG Act are to:

- Encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.
- Ensure that such activities are managed having regard to any adverse impact on nearby residences.

This chapter applies to land categorised as both Park and Sportsground due to the entwined nature of Wicks Park's uses.

5.2 Key Issues

The main issues in relation to the management of both Park and Sportsground categorised land at Wicks Park and their future planning are:

1. Improving health and amenity of soft-landscaping elements such as grass, gardens and trees.
2. Integrating modern recreational requirements as density of surrounding population increases.
3. Maintaining accessibility and amenity for the whole community.
4. Minimising disturbance to neighbouring residential properties.
5. Increasing the diversity of activity and agility of spaces within the parkland.
6. Streamline waste management and parkland maintenance.
7. Consider the recommendations and strategic objects outlined in the Inner West Council documents listed in Chapter 1.2 of the accompanying draft masterplan prepared by Taylor Brammer Landscape Architects.

5.3 Management Framework for Wicks Park

The Park and Sportsground land, facilities and infrastructure are managed and maintained by Council with no current use agreements such as leases to obligate the occupant to construct and/or maintain buildings, facilities or land.

Council maintenance of landscape, buildings, facilities and infrastructure is undertaken by Council's Facilities Management team with any leasing, licensing and hiring, and customer liaison managed by Council's Parks Planning and Engagement and Strategic Investments and Properties teams.

The use of the courts, facilities and infrastructure is either hired or licensed to user groups by Council for fixed and negotiated term periods or made available on a seasonal or casual booking.

Council's fees and charges for hiring and use of the Park and Sportsground land are approved and published annually and available on Council's website.

Maintenance for the Park is undertaken by a variety of teams at Council including Facilities Management for the buildings and Parks Operations for the Park and Sportsground land maintenance.

Associated bookings for the Park and Sportsground land are taken by the Parks Planning Engagement Team.

Council's Parks Planning and Engagement team are responsible for the community consultation and development of this Plan of Management. The delivery of the accompanying masterplan (Wicks Park Draft Masterplan, prepared by Taylor Brammer Landscape Architects) is undertaken by the Parks Projects team and the Park's assets are managed by the Park Assets team.

5.4 Values

Following community consultation, a detailed review of prior documentation and assessment of current and projected needs, the principal values of Wicks Park are:

- The parkland's location and convenient location close to its users.
- The parkland's free tennis courts.
- The parkland's facilities, including public toilets, playground and BBQ area.
- The parkland's lush trees and shaded areas.
- The parkland's dog friendly environment with designated on-leash areas.
- The parkland as an active community space, acting as a meeting place for residents.

5.5 Development and Use

Council has currently permitted the following development and activities within the parkland:

- Infrastructure and public amenities
- Structured and unstructured play events
- Public lighting
- Public art and heritage / interpretation
- Special events or uses subject to Council approval
- Signage
- Dog on leash access
- Parking

The range of permitted uses and purposes for the categorised land and associated development to enable or support the uses/purposes is set out in Tables 4 and 5.

5.6 Current use of the land

Wicks Park provides a range of amenity and multiple uses including tennis courts, children's playground and BBQ and picnic facilities.

The site is generally well maintained across all aspects, with potential improvements to waste and amenity cleanliness. Despite being well maintained, elements within the parkland are nearing the end of their lifespan and require replacement or upgrade soon. Most notably in need of an upgrade are the tennis courts, the tennis building, and the children's playground.

A description of condition of key items is outlined as follows:

Amenities Building

Description: Wooden slat cladding with lightweight corrugated veil and roof

Condition: Excellent



Tennis Building

Description: Brick with asphalt forecourt and chain-wire fence

Condition: Poor



Tennis Courts + Lighting

Description: 4x Tennis courts with associated nets and chain-link fencing. 4x large flood lights.

Condition: Poor



Playground

Description: Playground on mulch with equipment as follows:

- Double metal swing
- Monkey Bars
- Noughts and crosses
- Spring Rocker
- Plastic Slide

Condition: Poor



BBQ Area

Description: Metal BBQ with metal picnic bench on concrete platforms.

Condition: Poor



Pathways

Description: Mostly concrete, a few desire lines forming in grassed areas.

Condition: Fair



Lawn Areas

Description: Some areas in good vigour, most lawn suffering die-back under trees exposing soil

Condition: Poor



Perimeter Fence

Description: Treated pine fence to road

Condition: Poor



Tennis Spectator Seating

Description: 4x wooden park benches on concrete platforms.

Condition: Fair



Park Benches

Description: 4x metal park benches throughout parkland on concrete platforms.

Condition: Fair



5.7 Permissible and future uses

There are no existing leases or licences to external parties on the site. However opportunity exists for the creation of leases to facilitate tenancies that will positively support the casual park like character of Wicks Park. Potential locations include within a re-located and upgraded tennis building.

The general types of uses which may occur on community land categorised as Park and Sportsground and the forms of development generally associated with those uses, are set out in detail in Tables 4 and 5 below. The facilities on community land may change over time, reflecting the needs of the community and the direction in which Council wishes to take.

Table 3		
Uses/Purposes	Park Category	Sportsground Category
Active and passive recreation including children's play	✓	
Group recreational use, such as picnics and private celebrations	✓	
Eating and drinking in a relaxed setting	✓	
Publicly accessible ancillary areas, such as toilets	✓	✓
Festivals (including music) , parades, markets, fairs, exhibitions and similar events and gatherings	✓	
Low-intensity commercial activities (for example recreational equipment hire, mobile vendors)	✓	✓
Filming and photographic projects	✓	✓

Busking	✓	
Public address (speeches)	✓	
Community gardening	✓	
Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities	✓	✓
Organised and unstructured recreation activities (Subject to licensing by Council)	✓	✓
Community events and gatherings	✓	✓
Commercial uses associated with sports facilities (Subject to licensing by Council)		✓
Leashed dog activities	✓	
Compatible, small scale commercial uses, e.g. sports tuition		✓
Note: Some of the uses listed above require a permit from Council.		

Table 4		
Development to facilitate use	Park Category	Sportsground Category
Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas	✓	
Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks	✓	
Development for the purpose of conducting and facilitating organised sport (both amateur and professional)		✓
Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas	✓	

Café or refreshment areas (kiosks/cafes) including external seating	✓	✓
Team-room/locker area, first-aid	✓	✓
Lighting, seating, paved areas hard and soft landscaped areas	✓	✓
Storage sheds, rooms for hire	✓	✓
Commercial development that is sympathetic to and supports use in the area, for example hire of recreation or sporting equipment	✓	✓
Heritage and cultural interpretation, for example signs	✓	
Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council 	✓	✓
Bio-banking and carbon sequestration initiatives	✓	
Water-saving initiatives such as stormwater harvesting, rain gardens and swales	✓	✓
Energy-saving initiatives such as solar lights and solar panels	✓	✓
Locational, directional and regulatory signage	✓	✓
Compatible, small scale commercial uses, e.g. sports tuition		✓

5.8 Express authorisation of leases, licences and other estates - Park and Sportsground

This PoM expressly authorises the issue of leases, licences and other estates over the land categorised as Park and Sportsground in Wicks Park. Leases, licences and other estates for which they may be granted for community land categorised as Park and Sportsground are listed below.

Table 5		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted

Lease	Up to 21 years	<p>Café/kiosk areas, including seating and tables</p> <p>Permanent management of court facilities</p> <p>Hire or sale of recreational or sporting equipment</p>
Licence	Up to 21 years	<p>Café/kiosk areas, including seating and tables</p> <p>Permanent management of court facilities</p> <p>Hire or sale of recreational or sporting equipment</p>
Short term licence	Consistent with (LG Act, S.46, LG (General) Regulation, Cl.117	<p>Community events and festivals</p> <p>Playing a musical instrument, or singing for fee or reward</p> <p>Picnics and private celebrations such as weddings and family gatherings</p> <p>Filming, including for cinema/television</p> <p>Conducting a commercial photography session</p> <p>Public performances</p> <p>Engaging in an appropriate trade or business</p> <p>Delivering a public address</p> <p>Community events</p> <p>Fairs, markets, auctions and similar activities</p>
Other estate	Reviewed upon application	<p>This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p>

6.0 Action Plan

6.1 Action Plan for Park and Sportsground at Wicks Park

Section 36 of the LG Act requires that a PoM for community land details:

- Objectives and performance targets for the land
- The means by which the council proposes to achieve these objectives and performance targets
- The manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The tables on the following pages set out the action plan for Wicks Park

Table 6			
Management issue	Objectives and Performance Targets	Means of achievement of objectives	Manner of assessment of performance
Improving health and amenity of soft-landscaping	Increase garden and bio-diversity planting areas.	<p>Incorporate urban biodiversity measures.</p> <p>Create new gardens and areas for planting.</p> <p>Install possum and bird boxes.</p>	<p>Implementation of Council approved landscape masterplan.</p> <p>Observation. Square meter rates of additional planting.</p> <p>Community survey to test satisfaction with upgrade.</p> <p>Increase in fauna sightings.</p>
	Promote grass growth to reduce exposed earth and mud.	<p>Address and improve parkland drainage after rain events.</p> <p>Under prune and maintain trees to increase sunlight to grassed areas. Work to strike a balance between valued shade and required sun for grass vigour.</p>	<p>Engagement of engineer/contractor to undertake drainage works.</p> <p>Engagement of arborist and contractor to undertake tree maintenance.</p> <p>Observation of increased turf vigour.</p>
Integrating modern recreational requirements as density of surrounding population increases	Create a centralized community hub within the parkland.	<p>Integrate new undercover picnic areas and BBQ's with additional park seating.</p> <p>Increase hardstand and paving to allow for increased use and pedestrian traffic.</p> <p>Create 'zones' for parkland bookings through Council channels, allowing multiple gatherings to occur concurrently.</p>	<p>Implementation of Council approved landscape masterplan.</p> <p>Higher percentage of visitors dwelling within the parkland and for longer.</p> <p>Increased bookings through Council channels.</p>
	Facilitate the organization of community events within	Install a community noticeboard and encourage parkland events and bookings.	<p>Observation of installed community noticeboard.</p> <p>Increased bookings through</p>

	the parkland.		Council channels.
	Upgrade and extend playground.	<p>Install new playground equipment and extend its general area.</p> <p>Include modern playground elements such as softfall to minimise mud and down time.</p> <p>Design to increase inclusivity of ages and abilities.</p>	<p>Implementation of Council approved landscape masterplan.</p> <p>Observation of increased use.</p> <p>Community satisfaction survey.</p>
	Upgrade tennis courts and associated building	<p>Resurface tennis courts and explore the use of multi-purpose line marking.</p> <p>Design and construct new tennis storage and team building.</p> <p>Consideration of reorientation of existing tennis courts.</p> <p>Retain tennis courts as a valued free community asset.</p>	<p>Engagement of contractor to resurface courts.</p> <p>Construction of new tennis building.</p> <p>Engagement outcomes report on feedback of the potential reorientation of courts</p>
Maintaining accessibility and amenity for all community	Create better connection between elements within the parkland and (also to the parklands neighbourhood.	<p>Resurface and widen existing pathways. Add additional pathways on desire lines and to neighbouring developments.</p> <p>Ensure all elements within the park have an accessible route.</p>	<p>Implementation of Council approved landscape masterplan.</p> <p>Observation of less worn grass on desire lines.</p>
	Continue to offer on-leash dog areas and walking	Retain and manage valued on-leash dog areas within the parkland.	<p>Community feedback surveys.</p> <p>Ranger compliance reports.</p> <p>Observation.</p>
	Improve parkland lighting.	<p>Install additional bollard style lighting to pathways to minimise interference from existing trees.</p> <p>Improve lighting to playground and BBQ areas.</p> <p>Mitigate safety concerns through sensor and dimmable lighting.</p>	<p>Implementation of Council approved landscape masterplan.</p> <p>Increased park use outside of daylight hours. Increased safety through less vandalism, less reports of anti-social behaviour and less complaints of feeling unsafe through surveys.</p>

Minimising disturbance to neighbouring residential properties	Improve lighting to tennis courts and position in a way that it does not glare into neighbouring properties.	Re-position tennis flood lighting to reduce glare to neighbouring properties.	Satisfaction survey with surrounding residents on light glare reduction.
Increasing the diversity of activity and agility of spaces within the parkland	Incorporate multi use recreational spaces such as outdoor gyms and bicycle learn to ride.	Install new exercise equipment areas. Line-mark bicycle learn to ride areas on pavement hardstand.	Implementation of Council approved landscape masterplan. Observation of use. User satisfaction survey.
	Facilitate improvements to open green space	Improve grass quality to allow for informal sport use, picnicking through increased drainage, more sunlight and more frequent maintenance.	Less areas of grass die-back. Observation of park feeling 'drier'. User satisfaction survey.
Streamlining waste management and parkland maintenance	Increase frequency of amenities building cleaning	Ensure amenities building is regularly cleaned.	Scheduled maintenance cleaning available online. Observation. User satisfaction surveys.
	Increase frequency of rubbish bin collection within the parkland	Ensure bins are emptied regularly to mitigate smells and vermin.	Schedule of regular bin collection is available online Observation. User satisfaction surveys.

7.0 Appendix

7.1 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance targets of the plan with respect to the land,
- c) the means by which the council proposes to achieve the plan's objectives and performance targets,
- d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park

- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown Reserves managed by council as Crown land manager have been classified as community land upon commencement of the Crown Land Management Act 2016 (CLM Act). Councils may manage these Crown Reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown Reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a LEP or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The Aboriginal Land Rights Act 1983 (ALR Act) is important legislation that recognises the rights of Aboriginal peoples in NSW. It recognises the need of Aboriginal peoples for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the

weeds. A weed may be declared noxious in part or all of the state.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations.

The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This policy deals with a range of environmental matters including the clearing of native vegetation in urban and village areas subject to particular zonings.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP specifies exempt and complying development which may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979* on certain public land. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Other relevant legislation, policies and plans

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Soil Conservation Act 1938

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

7.2 Transport and Infrastructure SEPP (2021)

Division 12 Parks and other public Reserves

2.72 Definitions

In this Division—

Crown land manager has the same meaning as in the *Crown Land Management Act 2016*.

Crown managed land has the same meaning as in the *Crown Land Management Act 2016*.

Ministerial Corporation has the same meaning as in the *Crown Land Management Act 2016*.

Public Reserve has the same meaning as it has in the *Local Government Act 1993*, but does not include a Crown Reserve that is dedicated or Reserved for a public cemetery.

Secretary has the same meaning as in the *Crown Land Management Act 2016*.

2.73 Development permitted without consent

(1) Development for any purpose may be carried out without consent—

- (a) on land Reserved under the *National Parks and Wildlife Act 1974*, or acquired under Part 11 of that Act, if the development is for a use authorised under that Act, or
- (b) on land declared under the *Marine Estate Management Act 2014* to be a marine park or an aquatic Reserve if the development is for a use authorised under that Act, or

(2) Development for any purpose may be carried out without consent—

- (a) on Trust lands within the meaning of the *Centennial Park and Moore Park Trust Act 1983*, by or on behalf of the Centennial Park and Moore Park Trust, or
- (b) on trust lands within the meaning of the *Parramatta Park Trust Act 2001*, by or on behalf of the Parramatta Park Trust, or
- (c) on Crown managed land, by or on behalf of—
 - (i) the Secretary, or
 - (ii) a Crown land manager of the land (or an administrator of the manager), or
 - (iii) the Ministerial Corporation, or
 - (iv) the Minister administering the *Crown Land Management Act 2016*,
if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land or in accordance with the *Local Government Act 1993* in relation to Crown managed land managed by a council.
- (3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—
 - (a) development for any of the following purposes—
 - (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
 - (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,
 - (iii) visitor information centres, information boards and other information facilities,
 - (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
 - (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
 - (vi) amenities for people using the Reserve, including toilets and change rooms,
 - (vii) food preparation and related facilities for people using the Reserve,
 - (viii) maintenance depots,
 - (ix) portable lifeguard towers,
 - (b) environmental management works,
 - (c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

Note—

The term building is defined in the *Environmental Planning and Assessment Amendment Act 2017* as including any structure.

2.74 Exempt development

- (1) Development for any of the following purposes that is carried out in the prescribed circumstances is exempt development—
 - (a) construction or maintenance of—
 - (i) walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates, or
 - (ii) bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths), or
 - (iii) handrail barriers or vehicle barriers, or
 - (iv) ticketing machines or park entry booths, or
 - (v) viewing platforms with an area not exceeding 100m², or
 - (vi) sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or

- (vii) play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or
- (viii) seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures, or
- (ix) portable lifeguard towers if the footprint of the tower covers an area no greater than 20 square metres, or
- (x) temporary structures,
- (b) routine maintenance of playing fields and other infrastructure, including landscaping,
- (c) routine maintenance of roads that provide access to or within those playing fields, including landscaping,
- (d) environmental management works.
- (2) Development is carried out in the prescribed circumstances if the development is carried out—
 - (a) on land referred to in section 2.73(1) by or on behalf of a public authority, or
 - (b) on land referred to in section 2.73(2)(a) or (b) by or on behalf of the Centennial Park and Moore Park Trust or the Parramatta Trust, as the case may be, or
 - (c) on land owned or controlled by a public authority by or on behalf of the public authority, or
 - (d) on Crown managed land, by or on behalf of—
 - (i) the Secretary, or
 - (ii) a Crown land manager of the land (or an administrator of the manager), or
 - (iii) the Ministerial Corporation, or
 - (iv) a council having control of the land under section 48 of the Local Government Act 1993, or
 - (v) the Minister administering the Crown Land Management Act 2016.
- (3) Development is exempt development under this section only if the development—
 - (a) complies with section 2.20, and
 - (b) involves no greater disturbance of native vegetation than necessary, and
 - (c) does not result in an increase in stormwater run-off or erosion.

Note: This is an extract from the SEPP at time of writing this PoM. Please refer to the NSW Government legislation website for the most up to date version.

7.3 Land Categorisation Map

Land categorisation map has not been included pending a masterplan option decided upon through community consultation.

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