

Chiswick Gardens Plan of Management



Version: *Final*
Adoption date: *12 July 2010*

Woollahra Municipal Council

Chiswick Gardens

Executive Summary

Introduction

This Plan of Management has been prepared to guide Woollahra Council, as land owner of Chiswick Gardens, in the future planning, use and management of the Gardens.

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

This is the first Plan of Management prepared specifically for Chiswick Gardens.

Preparation of this Plan of Management involved consultation with stakeholders (local resident and community groups). The Draft Plan of Management was placed on public exhibition for community comment on 31 March 2010.

This Plan of Management recommends minor changes in permitted uses and management direction for Chiswick Gardens, particularly in relation to the use of the restaurant building. It recommends management actions aimed at meeting current demands of park users, and highlights the Gardens' significance in a local context.

History

Chiswick Gardens as it is known today was part of the 1,130 acre estate of Daniel Cooper in the early 1800s. The Reverend Dr James Fuller leased 12 acres of the estate which incorporated the land now known as Chiswick Gardens. Fullerton's 12 acres were variously under leased and assigned. The first reference of a building on the *Chiswick* site was in 1863, when Benjamin Cocks was believed to be the first occupant of a house on the site. The land was subsequently leased and let to a series of people which included doctors and a businessman in the late 19th century.

Frederick William Stoddart acquired the freehold of the property from the Cooper Estate in 1909. Stoddart's garden, which was well known locally, was his hobby. After Stoddart's death his wife's estate sold the property to Mrs Lilian Florence Holmes who demolished the old two-storey house but the stables remained. Two years later in 1938 Woollahra Council purchased the *Chiswick* site for a public park, which was officially opened in 1939. Since that time local residents have enjoyed the parkland (once a children's playground). Since the late 1930s the former stables building has been used as a Scout Hall, and it was remodelled prior to being licensed several times for operation of a kiosk serving light refreshments. Most recently the building was leased to operate Prunier's restaurant until the lease was terminated in August 2009.

Current status

Site Name	Chiswick Gardens
Address	Ocean Street and Wellington Street, Woollahra
Adjacent landuses	Residential
Land parcels	Lot 1 PT:PRT DP 83028
Area (ha)	3000m ²
Ownership	Woollahra Council
Manager	Woollahra Council
Community land categorisation	Park, General Community Use
Zoning	6 – Open Space
Catchment	Local
Physical characteristics	Restaurant building, public toilets, garden beds, park furniture, manicured lawn, paths

Flora and fauna	Variety of palms (including Queen, Chinese Fan, Wine, Cocos, Jelly, Kentia, Cabbage, Washingtonia), several rainforest species (Firewheel Tree, Illawarra Flame Tree, Port Jackson Fig), and other largely introduced species including Camphor Laurel and Liquidambar Urban fauna (native and introduced species)
Visual elements	Garden beds, prominent building on eastern boundary
Access	Pedestrian, bicycle, vehicle access but no on-site parking, public bus, access for people with disabilities.
Assets and condition	Building: <input type="checkbox"/> Essential services – good <input type="checkbox"/> Structure, doors and windows, lights/power outlets, plumbing – fair <input type="checkbox"/> Ceilings/walls – requires maintenance Public toilets – derelict Garden beds – good Park furniture – very good Paths – good Other structures in Chiswick Gardens are in good to serviceable condition.
Key recent improvements	Rebuilding of two brick walls.
Existing uses	Informal recreation (sitting, relaxing, picnics), organised social occasions (weddings etc.), community events (Christmas carols)
Leases/ licenses/ bookings	Lease for restaurant terminated in August 2009. Park hire agreements for organised groups, filming etc.
Maintenance	Turf, garden and tree maintenance, pest control, asset maintenance
Income and expenditure	Income = \$108,000 from restaurant, \$500 from park hire for 3 weddings and 1 community event (2008-09) Expenditure = \$24,500 on restaurant, \$11,875 on capital works and maintenance of gardens (2008-09)
Easements	- N/A

Basis for Management

Chiswick Gardens is community land owned by Woollahra Council, so the *Local Government Act 1993* applies to its management. Other key relevant legislation includes State 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 and Disability Discrimination Act apply to management of Chiswick Gardens.

The local planning framework is governed by the Woollahra Local Environmental Plan, and relevant Development Control Plans. Council's strategic plans such as its Management Plan, and operational plans such as the Plan of Management: Local Parks also influence planning and management of the Gardens.

Community values of Chiswick Gardens are related to social/community, recreation, horticulture, heritage, access, and open space.

The vision for Chiswick Gardens is:

Chiswick Gardens will continue to be a showpiece local park in Woollahra that caters for a range of social, community and recreational activities in an intimate and historical landscaped setting.

Key objectives for Chiswick Gardens include consistency with Council's vision for Woollahra, and for its parks and open spaces. Future roles of Chiswick Gardens relate to the values.

Key issues

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

Category	Issues
Park	Historical interpretation, park furniture, pergola, plantings, toilets, visitation
General Community Use	Building use and condition, exterior of building, functions

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 Chiswick Gardens are shown on the landscape concept plan.

Key proposed actions and changes to Chiswick Gardens are to:

- invite public tenders to enter into a lease arrangement to renovate (internally and externally) and operate the building as a restaurant;
- investigate the feasibility to reinstate the public toilets to a unisex accessible toilet or similar;
- rationalise plantings in terms of density and theme;
- increase visibility of the Dorothea Mackellar memorial;
- reconstruct the boundary wall of the Gardens;
- thin vegetation on the perimeter of the Gardens;
- investigate replacing large trees that were removed from the back yard;
- remove and replace trees that are past their Safe Useful Life Expectancy;
- investigate the removal or redesign/rebuilding of the pergola in its current location;
- upgrade park furniture and hardscape;
- provide additional lighting in the south-eastern corner of the Gardens; and
- interpret the Gardens' history to users.

Table of Contents

1	INTRODUCTION.....	5
1.1	WHAT IS A PLAN OF MANAGEMENT?	5
1.2	WHY PREPARE A PLAN OF MANAGEMENT FOR CHISWICK GARDENS?	5
1.3	LAND TO WHICH THIS PLAN OF MANAGEMENT APPLIES	5
1.4	OBJECTIVES OF THIS PLAN OF MANAGEMENT	6
1.5	PROCESS OF PREPARING THIS PLAN OF MANAGEMENT	7
1.5.1	LEGISLATIVE REQUIREMENTS.....	7
1.5.2	CONSULTATIONS	7
1.6	WHAT IS INCLUDED IN THIS PLAN OF MANAGEMENT?.....	9
2	DESCRIPTION OF CHISWICK GARDENS.....	11
2.1	LOCATION AND CONTEXT	11
2.2	SIGNIFICANCE OF CHISWICK GARDENS.....	12
2.3	LAND OWNERSHIP AND MANAGEMENT.....	12
2.3.1	INTRODUCTION.....	12
2.3.2	COMMUNITY LAND	13
2.3.3	LEASES AND LICENCES OVER CHISWICK GARDENS	13
2.3.4	KEY STAKEHOLDERS IN CHISWICK GARDENS	13
2.4	HISTORY AND CULTURAL HERITAGE.....	15
2.4.1	INDIGENOUS HISTORY	15
2.4.2	NON-INDIGENOUS HISTORY	15
2.5	PHYSICAL CHARACTERISTICS.....	16
2.5.1	GEOLOGY, LANDFORM AND SOILS	16
2.5.2	FLORA AND FAUNA.....	16
2.6	VISUAL ASSESSMENT	18
2.7	ACCESS AND CIRCULATION	18
2.7.1	ACCESS TO THE GARDENS	18
2.7.2	CIRCULATION WITHIN THE GARDENS	19
2.8	BUILT FACILITIES AND PARK FURNITURE.....	19
2.9	USE OF CHISWICK GARDENS	20
2.10	MAINTENANCE.....	20
2.11	FINANCIAL MANAGEMENT	21
3	PLANNING CONTEXT	22
3.1	INTRODUCTION	22
3.2	LEGISLATION APPLYING TO CHISWICK GARDENS.....	22
3.2.1	LOCAL GOVERNMENT ACT 1993.....	22
3.2.2	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	25
3.2.3	OTHER RELEVANT LEGISLATION	25
3.3	LOCAL PLANNING CONTEXT	25
3.3.1	PLANNING FRAMEWORK	25
3.3.2	ZONING AND PLANNING CONTROLS.....	25

3.3.3	RECREATIONAL NEEDS ASSESSMENT AND STRATEGY	26
3.3.4	SOCIAL AND CULTURAL PLAN 2008 TO 2013	27
4	<u>BASIS FOR MANAGEMENT OF CHISWICK GARDENS.....</u>	28
4.1	INTRODUCTION	28
4.2	COMMUNITY VALUES	28
4.2.1	THE WOOLLAHRA COMMUNITY	28
4.2.2	VALUES OF PARKS IN WOOLLAHRA.....	28
4.2.3	COMMUNITY VALUES OF CHISWICK GARDENS	29
4.3	VISION FOR CHISWICK GARDENS	29
4.4	FUTURE ROLES OF CHISWICK GARDENS	30
4.5	OBJECTIVES AND PRINCIPLES FOR MANAGING CHISWICK GARDENS.....	30
4.5.1	STATE GOVERNMENT OBJECTIVES.....	30
4.5.2	LOCAL OBJECTIVES.....	31
4.6	MANAGEMENT PRINCIPLES AND OBJECTIVES.....	32
5	<u>ACTION PLAN.....</u>	34
5.1	LANDSCAPE CONCEPT PLAN	34
5.2	ACTION PLAN	34
5.2.1	INTRODUCTION.....	34
5.2.2	PARK	37
5.2.3	GENERAL COMMUNITY USE.....	40
6	<u>IMPLEMENTATION AND REVIEW</u>	42
6.1	PERMITTED FUTURE USES AND DEVELOPMENTS.....	42
6.1.1	INTRODUCTION.....	42
6.1.2	LEGISLATIVE REQUIREMENTS.....	42
6.1.3	USE OF LAND ZONED FOR OPEN SPACE.....	42
6.1.4	PERMITTED ACTIVITIES AND DEVELOPMENTS.....	42
6.1.5	SCALE AND INTENSITY OF FUTURE USES AND DEVELOPMENT	44
6.2	LEASES AND LICENCES.....	45
6.2.1	WHAT ARE LEASES AND LICENCES?.....	45
6.2.2	EXISTING LEASES AND LICENCES.....	45
6.2.3	AUTHORISATION OF FUTURE LEASES AND LICENCES.....	46
6.2.4	GUIDELINES FOR ASSESSING PROPOSED USES UNDER LEASE OR LICENCE	48
6.2.5	REVIEW AND RENEWAL OF LEASES, LICENCES AND OTHER ESTATES	49
6.3	FUNDING SOURCES	49
6.3.1	INTRODUCTION.....	49
6.3.2	COUNCIL FUNDING.....	49
6.3.3	GRANTS	50
6.4	IMPLEMENTATION OF THIS PLAN OF MANAGEMENT	51
6.5	REVIEW OF THIS PLAN OF MANAGEMENT	51
	<u>REFERENCES.....</u>	52

Tables

TABLE 1.1	STRUCTURE OF THIS PLAN OF MANAGEMENT	9
TABLE 1.2	CONTENTS OF A PLAN OF MANAGEMENT FOR COMMUNITY LAND	9
TABLE 2.1	OWNERSHIP AND MANAGEMENT OF CHISWICK GARDENS	13
TABLE 2.2	STAKEHOLDERS IN CHISWICK GARDENS	13
TABLE 2.3	USE AND CONDITION OF KEY BUILT ELEMENTS OF CHISWICK GARDENS.....	19
TABLE 3.1	REQUIREMENTS OF THE LOCAL GOVERNMENT ACT FOR COMMUNITY LAND MANAGEMENT.....	23
TABLE 3.2	DEFINITIONS OF AND CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND	24
TABLE 3.3	ZONING TABLE FOR 6 – OPEN SPACE ZONE	26
TABLE 4.1	VALUES OF CHISWICK GARDENS	29
TABLE 4.2	FUTURE ROLES OF CHISWICK GARDENS	30
TABLE 4.3	CORE OBJECTIVES OF CATEGORIES OF COMMUNITY LAND	31
TABLE 5.1	ACTIONS FOR PARK CATEGORY	37
TABLE 5.2	ACTIONS FOR GENERAL COMMUNITY USE CATEGORY	40
TABLE 6.1	EXAMPLES OF PERMISSIBLE FUTURE USES AND DEVELOPMENT OF CHISWICK GARDENS	43
TABLE 6.2	POSSIBLE SOURCES OF EXTERNAL FUNDING.....	51

Figures

FIGURE 1.1	REGIONAL CONTEXT OF CHISWICK GARDENS.....	6
FIGURE 1.2	PROCESS OF PREPARING THIS PLAN OF MANAGEMENT.....	8
FIGURE 2.1	LOCALITY OF CHISWICK GARDENS	11
FIGURE 3.1	CATEGORISATION OF CHISWICK GARDENS	24
FIGURE 5.1	LANDSCAPE CONCEPT PLAN	36

Appendices

- A History of Chiswick Gardens
- B Legislation applying to Chiswick Gardens

Acknowledgements

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

Woollahra Council

Paul Fraser	Team Leader, Open Space and Recreation Planning, Project Manager
Jane Britten	Local History Librarian
Paul Goyoaga	Asset Inspector (Arboriculture)
Catherine Heathcote	Recreational Bookings Officer
Phillip Jackson	Arboriculture Technical Officer
Llewallyn Jones	Co-ordinator Open Space Works
Zubin Marolia	Manager Property & Projects
Jake Matuzic	Manager Civil Works and Infrastructure
Caitlin Moffat	Open Space Planning Project Officer
Bruce Rann	Manager Parks and Street Trees
Libby Watters	Local History Librarian

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 Chiswick Gardens?

Woollahra Council commissioned Parkland Environmental Planners to prepare this Plan of Management for Chiswick Gardens. The reasons for preparing the Plan of Management were to:

- prepare a specific Plan of Management for Chiswick Gardens that will be adopted by Woollahra Council;
- authorise leasing and use of the building for commercial and community uses; and
- facilitate other proposed improvements to the Gardens as shown on the landscape concept plan (**Section 5**).

This Plan of Management is the first prepared specifically for Chiswick Gardens. Until now Chiswick Gardens has been included in the generic Plan of Management for Local Parks adopted by Council in 1995, which also included 40 other small local parks in the local government area.

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

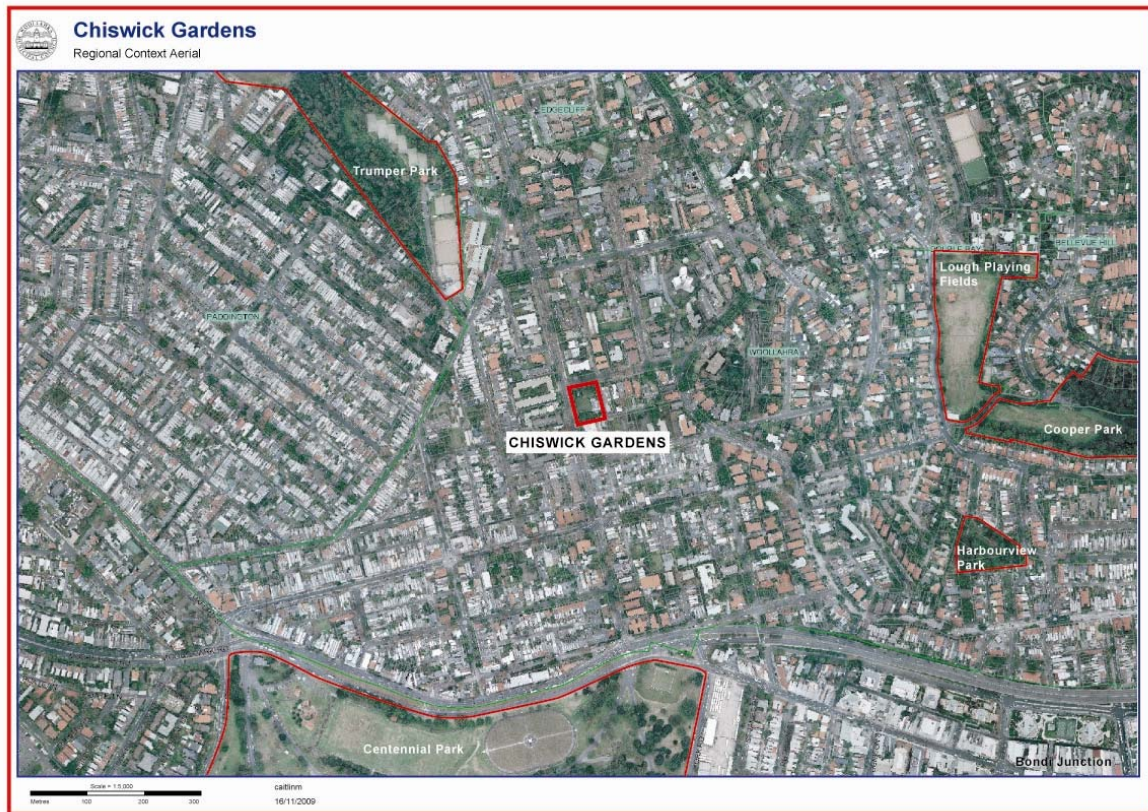
1.3 Land to which this Plan of Management applies

This Plan of Management applies to Chiswick Gardens in Woollahra (Figure 1.1).

Chiswick Gardens comprises formal gardens, manicured grass, and a building most recently used as a restaurant. The park is used mainly for passive recreational activities including sitting, relaxing, picnicking; for social activities such as functions and weddings; and for community events for example Christmas carols.

Chiswick Gardens is approximately 3000m² in area. Chiswick Gardens is owned by Woollahra Council, so the *Local Government Act 1993* applies to its management.

Figure 1.1 Regional context of Chiswick Gardens



1.4 Objectives of this Plan of Management

This Plan of Management aims to:

- set out an appropriate framework to guide decision making regarding the future use and sustainable management of Chiswick Gardens and associated building;
- provide an integrated approach to and direction for the planning, management and development of Chiswick Gardens;
- establish a sound and balanced approach to the management of Chiswick Gardens, while providing a flexible framework within which Council can respond to current needs and opportunities, as well as to future directions and pressures as demands on Chiswick Gardens change;
- comply with relevant legislation, particularly the *Local Government Act 1993*, and relevant State and local legislation, plans and policies;
- represent the values and expectations of locals and the broader community for use, enjoyment, management and development of the Gardens and building;
- be consistent with Council's Management Plan and its other strategies, plans and policies;
- 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 concept plan that illustrates the proposed initiatives and actions required to implement proposed physical changes and improvements to Chiswick Gardens; and
- 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

Local Government Act

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

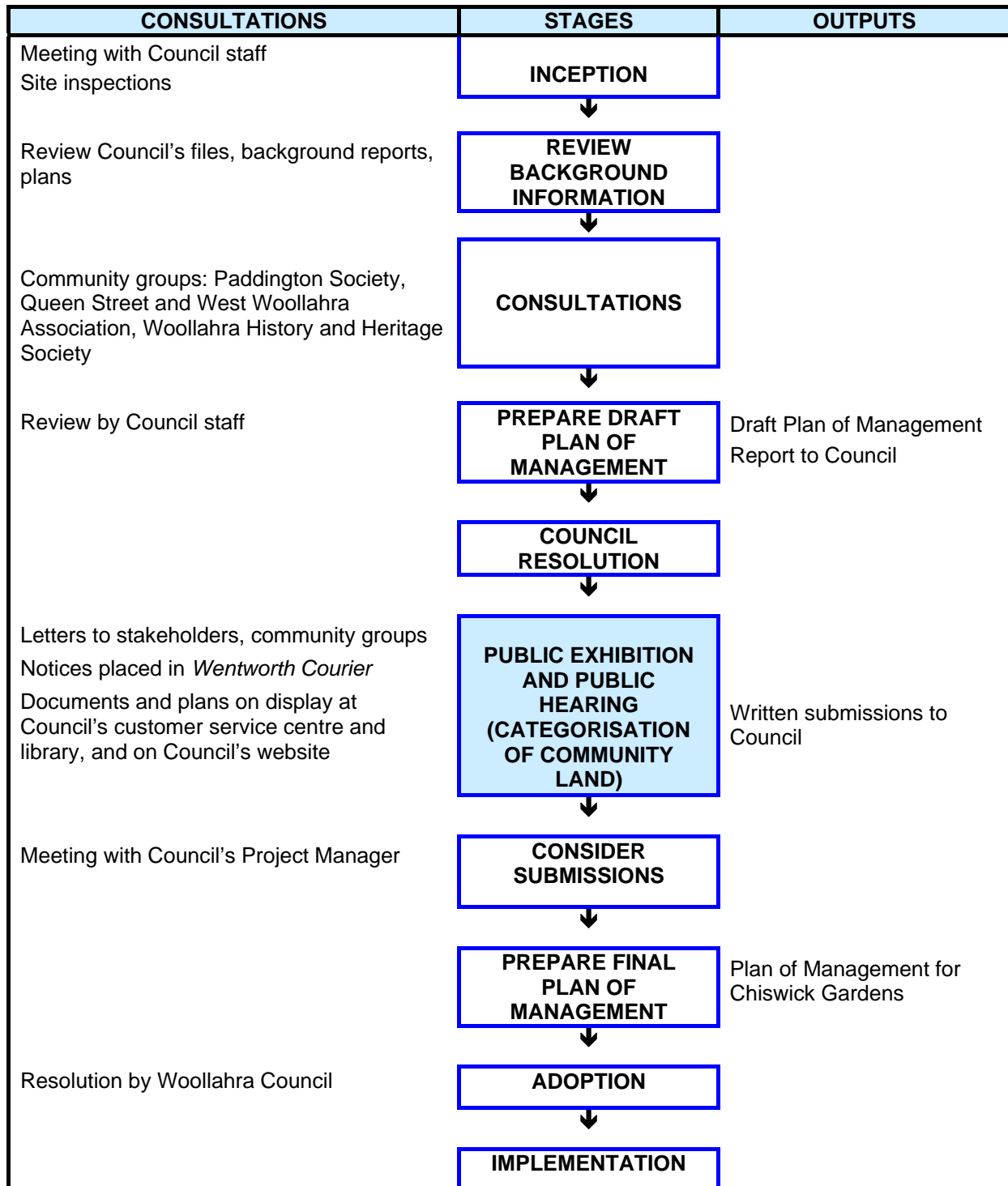
Various user groups and interested organisations were consulted during preparation of this Plan of Management, as follows:

- interested groups: Paddington Society, Queen Street and West Woollahra Association, and the Woollahra History and Heritage Society.
- local residents and other interested people during the public exhibition of the draft Plan of Management.

The draft Plan of Management was exhibited for public comment on 31 March 2010.

29 submissions resulting from the public exhibition of the Draft Plan of Management were received. Key points raised in the submissions were Categorisation of Community Land, previous Development Applications, Possible Intensification of Building Use, Public Toilet re-opening, Vegetation Management, Park Infrastructure and support for the re-opening of the restaurant. Comments were considered, presented to Council, and incorporated into the final Plan of Management as appropriate.

Figure 1.2 Process of preparing this 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 Chiswick Gardens	History, physical description, facilities, uses, maintenance
3 Planning context	State government planning legislation, local planning context
4 Basis for Management of Chiswick Gardens	Values of the community and users, vision, roles, management principles and objectives
5 Action Plan	Landscape concept plan, discussion of current issues and options, strategies and actions to resolve issues consistent with values.
6 Implementation and review	Leases and licences, permitted future uses and developments, implementation, 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

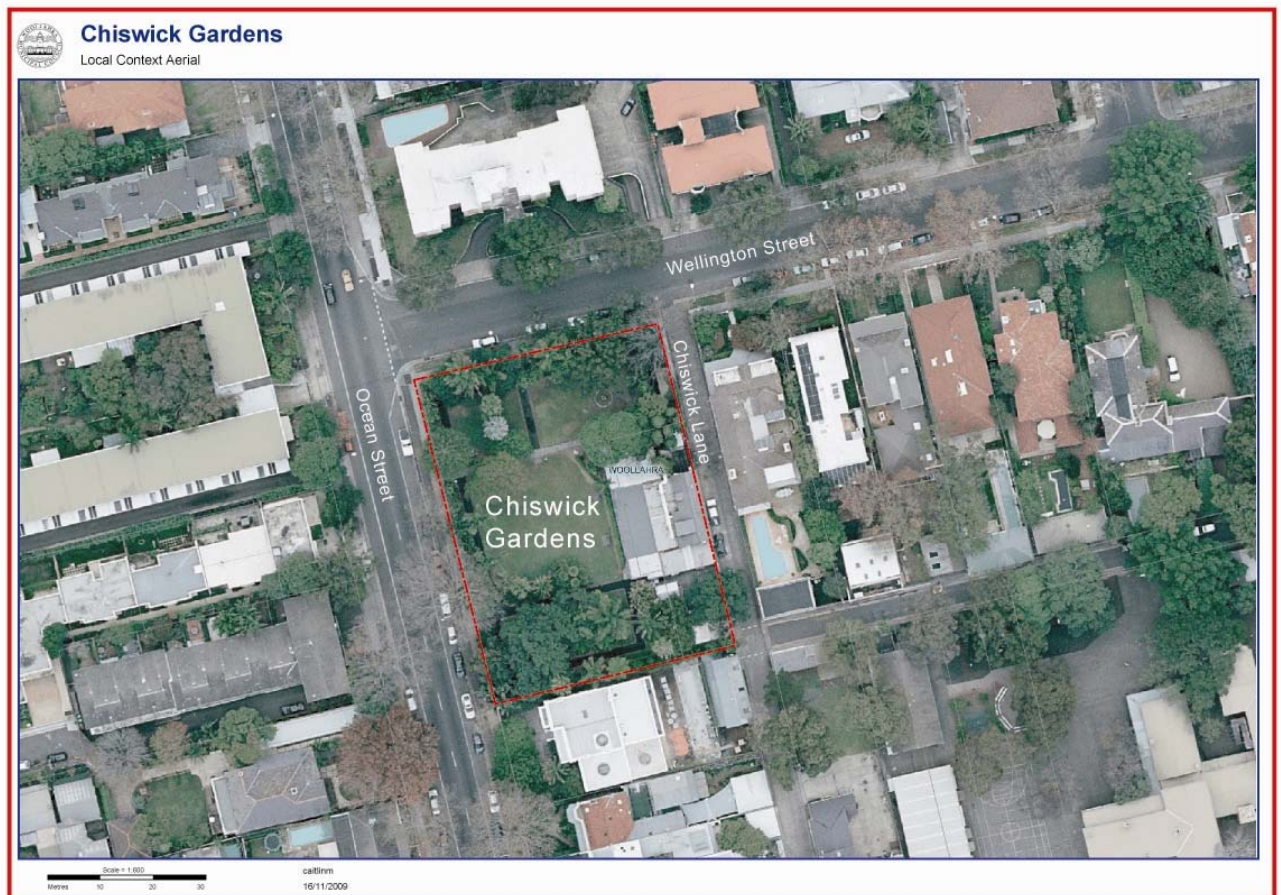
Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
A description of the use of the land and any such buildings or improvements 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
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

2 DESCRIPTION OF CHISWICK GARDENS

2.1 Location and context

Figure 2.1 shows the location and context of Chiswick Gardens.

Figure 2.1 Locality of Chiswick Gardens



Chiswick Gardens is located on the corner of Ocean and Wellington Streets in the suburb of Woollahra within the Woollahra local government area. Chiswick Lane forms the eastern boundary.

The Gardens are adjoined by high-rise residential development to the east and south. Across Ocean Street and Wellington Street residential apartments face the Gardens.



Apartments on the corner of Ocean and Wellington Streets in the background

2.2 Significance of Chiswick Gardens

Due to its location and characteristics, Chiswick Gardens has substantial local significance because it is:

- one of several small parks in Woollahra that serve the open space needs of residents in a high-density area;
- the location of the former high-profile Prunier's restaurant surrounded by attractive parkland; and
- part of the original Cooper Estate dating back to the early nineteenth century.

2.3 Land ownership and management

2.3.1 Introduction

Chiswick Gardens is owned freehold by Woollahra Council. Further details about ownership and management of Chiswick Gardens is in Table 2.1.

Table 2.1 Ownership and management of Chiswick Gardens

Item	Details
Ownership	Woollahra Council
Management	Woollahra Council The lessee of the building will manage the building
Lot / DP No.	Lot 1 PT:PRT DP 83028
Area	3000m ²
Zoning	6 – Open Space (Woollahra Local Environmental Plan 1995)
Classification	Community land
Categorisation	Categorised in the Plan of Management for Local Parks (1996) as ‘Park-Local’ which is not a category under the Local Government Act 1993. Proposed to be categorised as ‘Park’ and ‘General Community Use’ – see Section 3
Leases, licences and other estates	10-year lease for Prunier’s Restaurant due to expire in 2013 was terminated in August 2009 Hire agreements for use of the parkland for functions and community events
Easements	N/A
Visitation	Generally low, consistent with a local park. Relatively high visitation for functions and community events.

2.3.2 Community land

As Chiswick Gardens is land owned freehold by Woollahra Council and used by the community, it is classified as community land under the *Local Government Act 1993*. All land classified as community land must be managed in accordance with the Act.

2.3.3 Leases and licences over Chiswick Gardens

The building in Chiswick Gardens was leased to a lessee to operate Prunier’s Restaurant until 2013. Permissible uses were as a public restaurant with liquor licence; and for private functions, wedding breakfasts, dinner dances and parties, all with music. However the lease was terminated on 30 August 2009. Council is seeking to invite tenders to enter into a seven year lease term with an additional seven year option.

The operation of the restaurant will be managed in accordance with the current DA consents being DA 366/2000 and DA 726/2007. Any change to these consents including operating hours of the restaurant will require a new or amended DA, which would be determined by full Council following a public consultation process.

Temporary hire agreements are issued to people who apply to Council to book any part of the Gardens. Such use is subject to conditions that are issued to the hirer for activities such as weddings and social functions, in which numbers are limited to less than 120 people and marquees are not permitted.

2.3.4 Key stakeholders in Chiswick Gardens

Stakeholders responsible for management of land and facilities in Chiswick Gardens are in **Table 2.2**.

Table 2.2 Stakeholders in Chiswick Gardens

Organisation	Responsibilities
Woollahra Council	Land owner Management

	Bookings Maintenance
Lessees / licensees / hirers	Meet requirements of leases, licences, and use/hire agreements as appropriate.

2.4 History and cultural heritage

2.4.1 Indigenous history

The indigenous inhabitants of what is now the Woollahra local government area comprised members of at least two Aboriginal clans – the Cadigal on the southern shore of Sydney Harbour and the Birrabirragah of South Head and nearby coastal areas. 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.

The Aboriginal association with Sydney Harbour 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. The Aboriginal association with the land away from the harbour foreshores is less clear. However, there are several confirmed indications of Aboriginal occupation in the nearby Chiswick Gardens area, and there are a number of sacred/burial sites that exist 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).

2.4.2 Non-indigenous history

Historical events

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

Chiswick Gardens as it is known today was part of the 1,130 acre estate of Daniel Cooper in the early 1800s. The Reverend Dr James Fuller leased 12 acres of the estate which incorporated the land now known as Chiswick Gardens. Fullerton's 12 acres were variously underleased and assigned. The first reference of a building on the *Chiswick* site was in 1863, when Benjamin Cocks was believed to be the first occupant of a house on the site. The land was subsequently leased and let to a series of people which included doctors and a businessman in the late 19th century.

Frederick William Stoddart acquired the freehold of the property from the Cooper Estate in 1909. Stoddart's garden, which was well known locally, was his hobby. After Stoddart's death his wife's estate sold the property to Mrs Lilian Florence Holmes who demolished the old two-storey house but the stables remained. Two years later in 1938 Woollahra Council purchased the *Chiswick* site for a public park, which was officially opened in 1939. Since that time local residents have enjoyed the parkland (once a children's playground). Since the late 1930s the former stables building has been used as a Scout Hall, and it was remodelled prior to being licensed several times for operation of a kiosk serving light refreshments. Most recently the building was leased to operate Prunier's restaurant until August 2009.

Heritage items and significance

Indigenous

No physical evidence of the presence of indigenous people on the site remains due to its development beginning in the mid-1800s.

Non-indigenous

No aspect of Chiswick Gardens is listed as a heritage item in the Woollahra Local Environmental Plan.

Of historical interest is the former stables building, which dates from the late 1800s.

A plaque and stone memorial to the poet Dorothea Mackellar, who lived nearby in Ocean Street, is situated in a garden bed within Chiswick Gardens.

2.5 Physical characteristics

2.5.1 Geology, landform and soils

Chiswick Gardens is situated on Hawkesbury Sandstone. Soils on the site are sufficiently fertile and well drained to support a variety of palms and other species. The site is level.

2.5.2 Flora and fauna

Flora

Council's Register of Significant Trees (June 1991) recorded a Statement of Significance for the plantings in Chiswick Gardens:

“Chiswick Gardens are a magnificent assemblage of palms and Australian rain forest species reminiscent, albeit on a smaller scale, of the Sydney Botanic Gardens palm arboretum. The gardens are laid out in a formal rectilinear format, crossed by a network of pathways in the gardenesque style common in the earlier part of this century. Most of the larger palms and trees are located within the boundary garden beds, with considerable infill on lawns of selected specimen plantings. No single tree or palm is considered significant, however as a collection, the group is botanically, culturally and visually of great significance to this Municipality.

*The Norfolk Island Pine is the most dominate visual vertical element in these gardens and furthermore is an integral component of the early cultural planting of Woollahra and indeed the whole of Sydney, since the early 19th century, and as such forms part of the larger visual and historic character of this suburb. Rain forest species including the Firewheel Tree (*Stenocarpus sinuatus*), Illawarra Flame Tree (*Brachychiton acerifolium*) and Port Jackson Fig (*Ficus rubiginosa*) are important in forming a closed canopy and a more intimate sense of space to these gardens.”*



The Register of Significant Trees listed several species of palms in the Gardens, including Queen Palms, Chinese Fan Palms, Wine Palms, Washingtonia Palms (*Washingtonia robusta*), and single specimens of Bangalow Palm, Canary Island Date Palm, and European Fan Palm.

A single Norfolk Island Pine (*Araucaria heterophylla*) in the Gardens in 1991 was described in the Register as having historic, visual dominance (district/local) and ornamental/cultivation attributes. This pine was over 100 years old, had reached a height of 23 metres, and was in good condition and health.



Other plant species in the Gardens not mentioned above include:

- Palms: Cocos Palm (*Syagrus romanzoffianum*), Kentia Palm (*Howea belmoreana*), Jelly Palm (*Butia capitata*), Cabbage Palm (*Livistona australis*).
- Conifers: Norfolk Island Pine (*Araucaria heterophylla*), Cypress Pine (*Cupressus sp.*).
- Indigenous species: Lilly Pilly (*Syzygium leumannii*), Brush Cherry (*Syzygium australe*), Brush Box (*Lophostemon confertus*).
- Introduced species: Liquidambar (*Liquidambar styraciflua*), Camphor Laurel (*Cinnamomum camphora*), Jacaranda (*Jacaranda mimosifolia*).

Trees in the Gardens are in healthy and good condition, except the Camphor Laurel (large hollows), Liquidambar (fungus fruiting bodies attached), and a *Ficus* tree in the southern garden bed (in decline with some decay around unstable footing at ground level).

Fauna

Fauna species consistent with those that live in and visit urban parks in Sydney are expected to inhabit Chiswick Gardens.

2.6 Visual assessment

The Gardens comprise garden beds bordered by grass and the restaurant building, which becomes apparent when entering the gardens from Ocean Street and Wellington Street. There is a sense of enclosure due to thick planting along the Ocean Street boundary, and a partially secluded “walls and rooms” effect within the Gardens formed by the garden beds and pergola.



Views into the Gardens from street level are restricted by palms and other trees on the perimeter, and by the building from the eastern side. However the tall Norfolk Island Pine and Cocos Palms on the Ocean Street side are visible from surrounding streets. Views out of the Gardens are predominantly of the apartment building across Wellington Street. Residents of surrounding apartment buildings look down on the gardens.

2.7 Access and circulation

2.7.1 Access to the Gardens

Chiswick Gardens is accessible by pedestrians, people with disabilities, cyclists, and public transport (buses on Ocean Street and Edgecliff railway station within 700 metres).

Vehicle access to the Gardens is via Ocean Street and Wellington Street, however there is no on-site parking and limited parking in surrounding streets.

Access to the Gardens by people with disabilities is available from Ocean Street.

2.7.2 Circulation within the Gardens

A path system linking the park entrances to the garden beds and the building allows level pedestrian access and access for people with disabilities throughout the Gardens and to the existing building.

2.8 Built facilities and park furniture

The key built structures in Chiswick Gardens, and their use and condition, are set out in Table 2.3.

Table 2.3 Use and condition of key built elements of Chiswick Gardens

Structure	Description	Use	Condition
Building	Former stables building that has been renovated.	Now unused. Used most recently as a restaurant and function centre.	Facility Inspection Report May 2008: Good: Essential services (up to date). Fair: Structure (no structural faults of any significance, requires maintenance on rendered surfaces, shingle roof to be replaced with a new roof that has a profile that is consistent with the heritage amenity of the area), doors and windows (general minor maintenance required throughout building), lights/power outlets (all working), plumbing (no leaking taps or cisterns). Requires maintenance: ceilings/walls, tiled areas in kitchen
Toilet block	Brick building.	Now unused. Formerly a public toilet block.	Derelict
Pergola	Stone columns	Decorative	Adequate
Fountain	Stone	Decorative	Adequate
Memorial	Stone memorial to poet Dorothea Mackellar with plaque	Historical interest	Good
Signs	Metal signs	Advisory signage	Very good
Park furniture	Wooden seating Metal waste bins	Sitting Waste disposal	Very good Very good



Pergola



Building and seats



Fountain



Signage

All utility connections (electricity, gas, telephone, sewage, drainage) are available to the building in Chiswick Gardens.

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

2.9 Use of Chiswick Gardens

Users of Chiswick Gardens participate in a variety of informal and organised recreational and social activities.

The Gardens are a pleasant and quiet place to sit, read, relax, eat lunch, have a picnic, and enjoy other informal activities.

Chiswick Gardens are a popular location for weddings and other private ceremonies and social occasions. Weddings are restricted to a maximum of 120 people. To minimise damage to the gardens and lawns, marquees and wedding arches are not permitted.

Community gatherings and events (such as Christmas carols) and low-impact filming and photography are also held in the Gardens from time to time.

Prohibited activities in Chiswick Gardens that are advised to gardens users by prominent signage include depositing rubbish, taking motor vehicles and motorbikes on to the park, camping, playing golf, any activity that will cause damage to the reserve, any organised or commercial activity without Council approval, and any game or activity likely to cause damage to property or will injure or annoy other users. Dogs are prohibited in the Gardens at all times.

2.10 Maintenance

Maintenance activities undertaken by Council staff in the Gardens include 'duty of care' tasks involving checking for hazards and picking up litter and rubbish removal (0.5 hours a week), lawn mowing (4.0 hours a week), and horticulture (6.75 hours per week). Other tasks such as path clearing and blowing, perimeter herbicide spraying, pest treatment and building maintenance are carried out regularly as required.

2.11 Financial management

Income from use of Chiswick Gardens exceeded capital and recurrent expenditure in 2008-09.

Income to Council from use of Chiswick Gardens in 2008-09 was \$108,500, which was derived from return from the restaurant (\$108,000) and park hire fees for three weddings and a community event (\$500). Fees for short term casual bookings are in accordance with the fees and charges as published in the Woollahra Council's current Management Plan.

Costs associated with management and maintenance of Chiswick Gardens in 2008-09 include the restaurant (\$24,500), and capital works / maintenance on the Gardens (\$11,875).

3 PLANNING CONTEXT

3.1 Introduction

This section describes the legislative and policy framework applying to Chiswick Gardens. 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 Chiswick Gardens which describes the legislative and policy framework applying to this Plan of Management, and the community's aspirations and direction for the Gardens. These aspects are important to articulate in order to assess future activities, development and management of the Gardens. They are therefore long-term management tools for which only infrequent revision is expected during the life of the adopted Plan of Management.

3.2 Legislation applying to Chiswick Gardens

3.2.1 Local Government Act 1993

Requirements of a Plan of Management

Chiswick Gardens 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*. Council-owned land can be classified as 'community land' under the Act. Community land is defined as land that must be kept for the use of the general community, and must not be sold.

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



Table 3.1 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 *Local Government Act 1993* establishes core objectives for all categories of community land. Council must manage the community land according to these core objectives. Any additional Council objectives must comply with the core objectives established within the Act. The significance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

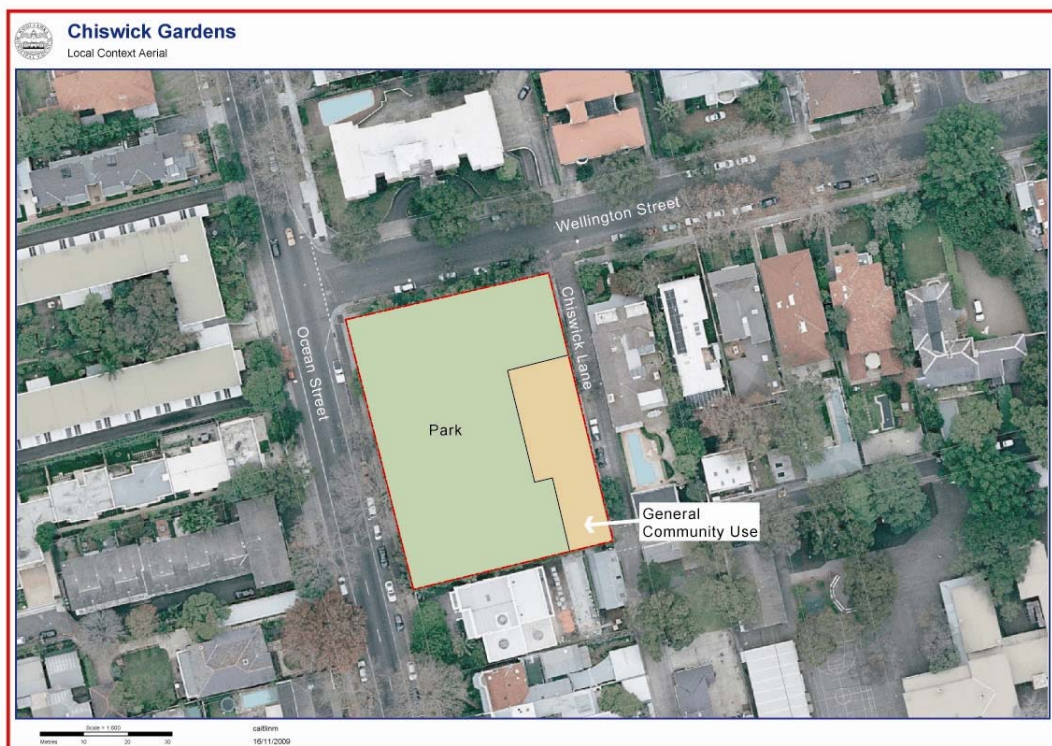
The generic 'Plan of Management: Local Parks' that includes small local parks in Woollahra categorises Chiswick Gardens and other small parks and playgrounds with a neighbourhood catchment as 'Park - Local', which is not a defined category under the Local Government Act. Chiswick Gardens is proposed to be categorised as 'Park' and 'General Community Use' according to the Act, as these categories are appropriate for the desired future roles and uses of different areas of the Gardens as shown in Figure 3.1.

Definitions and core objectives for the Park and General Community Use categories that are intended to apply to community land in Chiswick Gardens are in Table 3.2.

Table 3.2 Definitions of and core objectives for categories of community land

Category	Definition	Area applies to	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.	Garden beds, lawns, paths, toilets	<ul style="list-style-type: none"> <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.
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	Building and curtilage	<ul style="list-style-type: none"> <input type="checkbox"/> promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Figure 3.1 Categorisation of Chiswick Gardens



3.2.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and landuse planning in NSW through State Environmental Planning Policies (SEPPs), deemed SEPPs (formerly Regional Environmental Plans) and Local Environmental Plans (LEPs). The EPA Act also sets out processes for approving development applications for structures and works on public and private land as set out in the Woollahra Council LEP.

Relevant legislation under the EPA Act is set out in Appendix B, including State Environmental Planning Policies: 64 Advertising and Signage, Infrastructure 2007, Temporary Structures and Places of Public Entertainment 2007.

3.2.3 Other relevant legislation

Refer to Appendix B for more detail about other applicable legislation applying to Chiswick Gardens:

- Companion Animals Act 1998
- Disability Discrimination Act 1992
- Protection of the Environment Operations Act 1997
- Waste Minimisation Act 1995.

3.3 Local planning context

3.3.1 Planning framework

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

- Council's Management Plan, which sets overall objectives and performance targets for activities, budgets and other issues relating to open space and recreation management.
- The Woollahra Local Environmental Plan and various Development Control Plans govern uses of and development of structures and facilities in Chiswick Gardens.
- Policies and plans including the Recreational Needs Assessment and Strategy (2006), social and cultural plans, and the Register of Significant Trees.

3.3.2 Zoning and planning controls

Local Environmental Plan

Under the Woollahra Local Environmental Plan (LEP), Chiswick Gardens is zoned 6 – Open Space. This zone applies to public or private land used or intended to be used for recreational purposes. Land within this zone may also be used for community facilities.

The relevant objectives of the 6 – Open Space zone are to:

- identify existing publicly and privately owned land used or capable of being used for recreational purposes; and

- increase the provision of public open space within the Council’s area to meet the needs of the population.

The LEP identifies development in the 6 – Open Space zone that requires Council consent. Developments which may be carried out in the Gardens under the zoning are listed below.

Table 3.3 Zoning table for 6 – Open Space zone

Without development consent	With development consent	Prohibited
Bushfire hazard control Drainage Maintenance of gardens and structures Development pursuant to, or approved in accordance with, an adopted Plan of Management under the <i>Local Government Act 1993</i> applicable to the subject land.	Development for the purpose of: <ul style="list-style-type: none"> <input type="checkbox"/> Community facilities <input type="checkbox"/> Recreation areas¹ <input type="checkbox"/> Recreation facilities <input type="checkbox"/> Roads <input type="checkbox"/> Uses or buildings associated with development in the zone without development consent <input type="checkbox"/> Utility installations (other than gas holders or generating works) 	Any other development.

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

Development control plans

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; and
- street and park furniture, including lighting.

3.3.3 Recreational needs assessment and strategy

The Recreational Needs Assessment and Strategy (2006) did not make any specific recommendations for Chiswick Gardens.

However, Chiswick Gardens offers 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, located close to home, accessibility, grassed areas, peace and quiet, bins, areas for informal activities, and safe. Such features particularly appealed to older people in the local government area.

Woollahra residents indicated their top three priorities for sport, recreation or open space funding over the next 10 years, which included ‘new/upgraded community centres’ (ranked 4, 25% of

¹ 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.

respondents). The building in Chiswick Gardens may accommodate a community / senior citizens centre in the long term.

3.3.4 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; and
- provide and promote subsidised access to facilities and venues for community activities.

4 BASIS FOR MANAGEMENT OF CHISWICK GARDENS

4.1 Introduction

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

The needs and requirements of 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 Chiswick Gardens.

4.2 Community values

4.2.1 The Woollahra community

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

- ❑ total population of 7,296 people;
- ❑ an age structure dominated by older adults, with the median age 41 years, compared to 37 years for Australia. People aged 65 years and over comprise 19% of the population, and adults 25 to 54 years make up 44% of the population. School-aged children 5 to 17 years comprised 8% of the population, and pre-school aged children comprised about 6% of the population;
- ❑ dominated by family households (47% of households), lone persons (32%) and group households (6%);
- ❑ were born in Australia (57%). Residents born outside Australia were mainly from English-speaking countries of the United Kingdom, New Zealand, South Africa and the United States;
- ❑ live in flats/units/apartments (50% of dwellings), followed by separate dwellings (27%), and medium density townhouses and semi-detached houses (22%);
- ❑ have educational qualifications (over 50% of residents);
- ❑ work mainly in the legal, accounting, finance, building and medical fields;
- ❑ high income, with the median household weekly income being \$1,787 compared with \$1,027 for Australian households; and
- ❑ fully own or are purchasing their dwelling (52%), or privately renting their dwelling (29% of dwellings).

4.2.2 Values of parks in Woollahra

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.

4.2.3 Community values of Chiswick Gardens

By understanding the reasons why the community and users value Chiswick Gardens, the role that the community expects the Gardens 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. Issues-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.

Council and the community has expressed how the Gardens is important or special to them when the 2001 Plan of Management was prepared, and at various times during consultation undertaken for this Plan of Management. Drawing these consultations together, the community values various general aspects of Chiswick Gardens for different reasons, as outlined below.

Table 4.1 Values of Chiswick Gardens

Value	Explanation
Social / community	Chiswick Gardens is a venue for memorable private and public social events and ceremonies such as weddings and Christmas carols.
Recreational	The Gardens is a local park with furniture for informal and unstructured recreation activities.
Horticultural	Chiswick Gardens 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.
Heritage	The history of the site being a former house and stables in the late 19 th century is of historical value and interest.
Access	Chiswick Gardens is accessible to all members of the public. Its proximity to public transport on Ocean Street and access for people with disabilities throughout the Gardens enhance its accessibility.
Open space	Chiswick Gardens is a local park serving the open space needs of people living in a high density area of Woollahra local government area.

The management objectives, issues and actions outlined in the following sections will be presented according to these community values.

4.3 Vision for Chiswick Gardens

The management of Chiswick Gardens is based on a vision statement that is shared by Council and the community. The vision for the Gardens is intended to inspire Council to provide a long-term ideal and focus for all future decisions affecting Chiswick Gardens.

The overall management objective for Chiswick Gardens is to preserve it as a local community resource. This can be achieved by maintaining and strengthening Chiswick Gardens' 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 Chiswick Gardens as:

Chiswick Gardens will continue to be a showpiece local park in Woollahra that caters for a range of social, community and recreational activities in an intimate and historical landscaped setting.

4.4 Future roles of Chiswick Gardens

Following on from the values and vision defined above, the future roles of Chiswick Gardens are defined below.

Table 4.2 Future roles of Chiswick Gardens

Value	Roles of Chiswick Gardens
Social / community	Venue for private ceremonies Venue for social and community gatherings
Recreational	Venue for informal recreation
Horticultural	Arboretum for varieties of palms and period plantings Outdoor classroom for educational purposes
Heritage	Reminder of local history, especially in terms of early land grants and building forms
Access	Accessible to all members of the community Accessible by local residents and by visitors from outside Woollahra Free public access
Open space	Local park for residents and workers in Woollahra Traditional park in the ornamental gardenesque style Green refuge in a high density area Grassed and planted park with settings and spaces available for contemplation, solitude, and 'getting away from it all' Clean, tidy and well maintained parkland

4.5 Objectives and principles for managing Chiswick Gardens

4.5.1 State government objectives

Community land must be managed in accordance with the core objectives for the relevant category. The core objectives for categories of community land under the *Local Government Act 1993* are in **Table 4.3**.

Table 4.3 Core objectives of categories of community land

Category	Core objectives
Park	<ul style="list-style-type: none"> <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.
General Community Use	<ul style="list-style-type: none"> <input type="checkbox"/> Promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

4.5.2 Local objectives

Management Plan

This Plan of Management is consistent with the vision formulated by Woollahra Council in its current Management Plan for the whole of the Municipality:

“We will work together to enhance our harbourside location and achieve an outstanding environment which is characterised by its natural beauty and distinctive and diverse residential, heritage and commercial areas.

The Council will support and promote active community participation to achieve a healthy social environment, appropriate cultural services and an efficient infrastructure.

We will continue to promote the unique and enviable richness and diversity of the Municipality and the Council’s commitment to high standards and quality service for the benefit of the community.”

Council’s key objectives for parks and open space in Woollahra are to:

- provide safe, convenient, attractive public open spaces which meet the recreation and leisure needs of the community;
- to maintain cultural and natural heritage items; and
- enhance the visual amenity of the municipality.

Key outcomes for parks and open space that Council wishes to achieve are:

- a variety of public open spaces provided for different recreation and leisure needs;
- parks and public spaces are progressively upgraded; and
- a high standard of maintenance is provided to public open spaces.

Council has also defined objectives and performance measures for its parks and public space.

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 Chiswick Gardens Plan of Management 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.

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 Chiswick Gardens will also be made. Woollahra Council intends to manage Chiswick Gardens to:

- ensure that the Park is available to all members of the public;
- preserve the aspects of the Gardens that are particularly valued;
- provide quality open space and settings that meet the needs of the community;
- keep major changes to Chiswick Gardens to a minimum;
- limit additional developments and structures that do not relate to the roles of Chiswick Gardens;
- minimise intensification of uses that have adverse impacts on users of Chiswick Gardens and local residents;
- ensure future uses are compatible with the existing range of activities, the Gardens' character, and the carrying capacity of its facilities and settings;

- limit commercial activities to those that are related to community/social and recreation activities;
- recognise Chiswick Gardens attracts a local as well as a wider catchment of users; and
- encourage involvement of the community in planning, management and maintenance of Chiswick Gardens.

Standard Instrument - Woollahra Principal Local Environmental Plan

This plan is consistent with the objectives in the NSW Standard Instrument, which becomes relevant when Council adopts the Woollahra Principal Local Environment Plan.

5 ACTION PLAN

5.1 Landscape concept plan

The landscape concept plan for Chiswick Gardens is attached 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 Chiswick Gardens. 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 Chiswick Gardens include to:

- invite public tenders to enter into a lease arrangement to renovate (internally and externally) and operate the building as a restaurant;
- investigate the feasibility to renovate the public toilets to a unisex accessible toilet or similar;
- rationalise plantings in terms of density and theme;
- increase visibility of the Dorothea Mackellar memorial;
- reconstruct the boundary wall of the Gardens;
- thin vegetation on the perimeter of the Gardens;
- investigate replacing large trees that were removed from the back yard;
- remove trees that are past their Safe Useful Life Expectancy;
- investigate the removal or redesign/rebuilding of the pergola in its current location;
- upgrade park furniture and hardscape;
- provide additional lighting in the south-eastern corner of the Gardens; and
- interpret the Gardens' history to users.

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 concept plan over the next 10 years are presented in the following tables. The actions are grouped according to the two categories of community land represented in Chiswick Gardens ie. Park and General Community Use.

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:

<p>Short term Completed by years 1-2</p>	<ul style="list-style-type: none"> <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 Gardens is not compromised. <input type="checkbox"/> Work needed to eliminate or reduce severe environmental problems, such as erosion or water pollution.
<p>Medium term Completed by Years 3-4</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Ongoing preventative and remedial maintenance of existing Gardens 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 Gardens.
<p>Long term Completed by Year 5</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Works aimed at improving the general quality of the Gardens. <input type="checkbox"/> Works aimed at reducing overall maintenance costs.
<p>Ongoing</p>	<ul style="list-style-type: none"> <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:

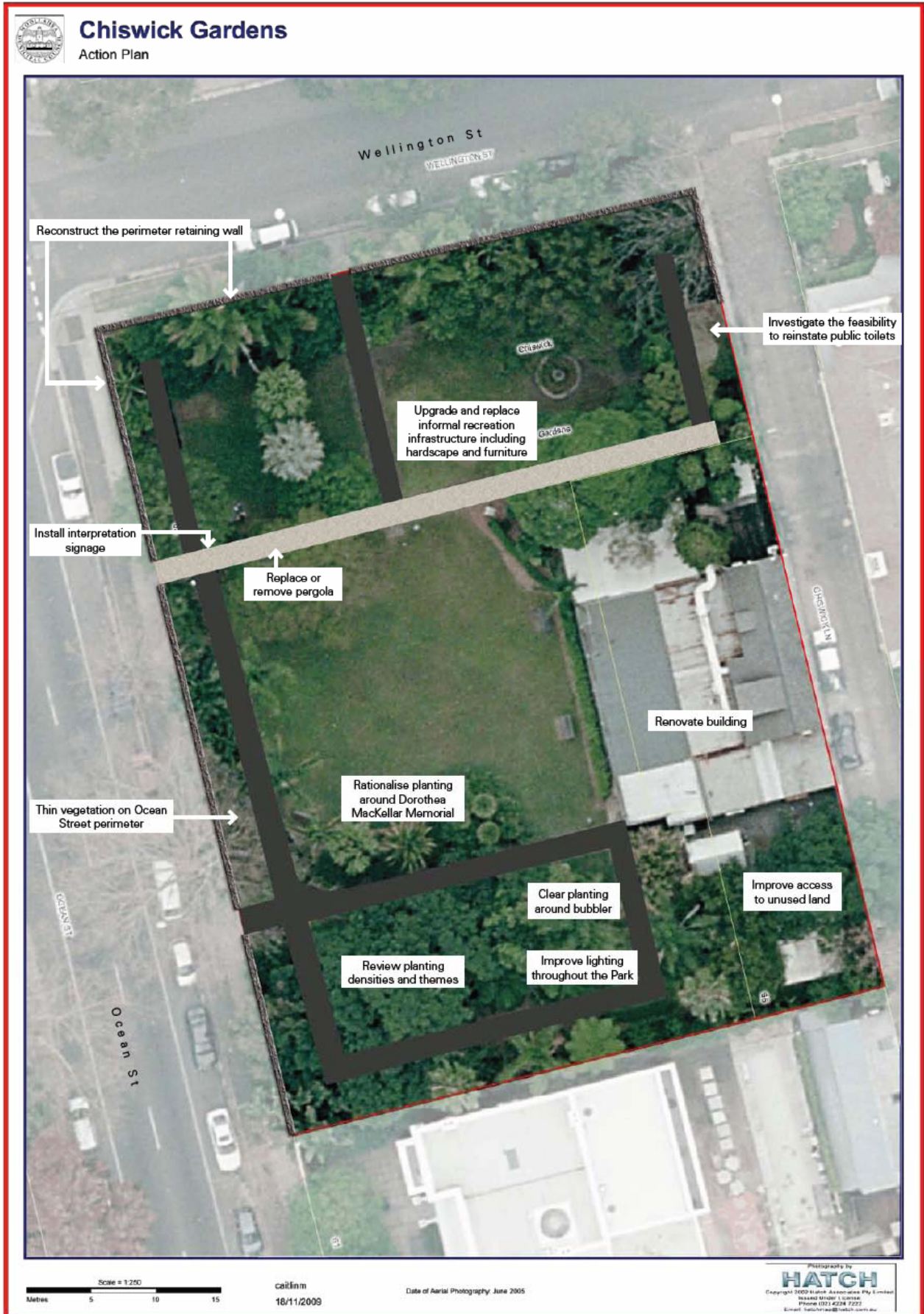
- TS Technical Services Division
- CS Community Services Division
- PD Planning and Development Division

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 concept plan



5.2.2 Park

Table 5.1 Actions for Park category

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
Historical interpretation							
The interesting history of the Chiswick Gardens site dates back to the early 1800s. There is an opportunity to communicate the site's story to visitors.	Interpret the history of the Chiswick gardens site to visitors.	Design and erect signs or other appropriate means in the Gardens that interprets the history of the site to visitors.	Long	TS	\$5,000	Signs or means of interpretation are installed	Positive comments from users
Park furniture							
Informal recreation infrastructure, including park furniture and hardscape, is outdated.	Provide appropriate infrastructure for informal recreation.	Upgrade or replace informal recreation infrastructure as appropriate, particularly comfortable seating.	Short	TS	\$38,000	Informal recreation infrastructure is upgraded or replaced as appropriate.	Observations Increased visitation
Pergola							
The pergola is an attractive entrance to the Gardens from Ocean Street. However the growth and weight of <i>Wisteria</i> on the pergola is causing its columns to shift.	Ensure the safety of Gardens users and assets.	Investigate removing or redesigning and rebuilding the pergola in its current location.	Medium	TS	\$10,000	Decision made about location of pergola.	Positive feedback about location of pergola

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
Plantings							
Plantings in the Gardens are ad-hoc, untidy and dense. Garden beds contain a variety of plants that have no consistent theme.	Rationalise plantings in the Gardens.	Review planting densities and themes.	Short	TS	-	Review completed	Landscape / planting assessment
	Improve the appearance of the Gardens from inside the park.	Clear planting around the bubbler in the central garden bed.	Short	TS	-	Planting cleared. Increased visibility of bubbler.	Observations
Native plants around the Dorothea Mackellar memorial are out of place, and the memorial is hidden by overgrown and untidy planting.	Rationalise planting around the Dorothea Mackellar memorial.	Remove native plants and overgrown, untidy planting from around the memorial.	Short	TS	-	Vegetation cleared from around the memorial.	Observations
Tree roots have damaged the wall on the perimeter of the Gardens.	Reinstate the perimeter fence.	Reconstruct the wall on the perimeter of the Gardens.	Medium	TS	\$100,000	Wall replaced.	Building report
Overgrown and dense vegetation around the perimeter of the Gardens limits casual surveillance within and into the Gardens.	Improve visibility of the Gardens from adjoining streets.	Thin trees and plantings on the Ocean Street perimeter.	Short	TS	-	Increased visibility into the Gardens from Ocean Street.	Observations
	Improve the safety and security of Gardens users and park assets.	Install bollard lighting along pathways for night-time access.	Short	TS	\$5,000	Bollard lighting installed. Increased perception of safety at night.	Observations Feedback from building users at night
		Install additional lighting in the south-eastern corner of the Gardens.	Short	TS	\$10,000	Lighting installed.	Observations
Some trees in the Gardens are either approaching or beyond their Safe Useful Life Expectancy.	Ensure trees and plantings in the Gardens are healthy and safe.	Perform ultrasound tests on the Camphor Laurel and Liquidambar.	Short	TS	-	Ultrasound tests carried out.	Arborists' report
		Consider removing the declining <i>Ficus</i> tree in the southern garden bed.	Short	TS	-	Unhealthy trees removed.	Arborists' report

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
(cont.) The Camphor Laurel has large hollows, and the Liquidambar has fungus fruiting bodies attached. A <i>Ficus</i> in the southern garden bed is in decline and has some decay around an unstable footing at ground level.	Ensure trees and plantings in the Gardens are healthy and safe.	Remove and replace any other unhealthy trees past their Safe Useful Life Expectancy.	Ongoing	TS	-	Unhealthy trees removed and replaced.	Arborists' report
Some trees have been planted inappropriately in the Gardens.	Maintain appropriate plantings in the Gardens.	Remove the Cypress Pines in the Gardens.	Low	TS	-	Cypress pines removed.	Observations
Toilets							
The existing toilet block is in a derelict condition and has not been used in some time. There is a lack of public toilets in public spaces in Woollahra. Users of the Gardens who are not restaurant patrons may require toilet facilities.	Investigate the feasibility to renovate the public toilets to a unisex accessible toilet or similar	Investigate plumbing to the toilet block and carry out necessary works.	Short	TS	-	Plumbing to the toilet block is functional	Plumbing report
		Install a unisex accessible toilet.	Short	TS	\$80,000 including plumbing	Toilet installed.	Observations
Visitation							
A common perception is that the parkland is part of Prunier's restaurant. Since Prunier's restaurant closed a year ago the number of people visiting the Gardens for special occasions and recreation has declined. No bookings for weddings have been made since the closure.	Encourage people to visit the Gardens. Increase public awareness of the Gardens.	Plan and implement a publicity campaign highlighting the Gardens as a venue for ceremonies and social occasions.	Medium	TS CS	-	Increased bookings to use the Gardens	Booking records

5.2.3 General Community Use

Table 5.2 Actions for General Community Use category

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
Building - use							
<p>The building in Chiswick Gardens has been unused since 2008.</p> <p>The building requires a major upgrade with faults including a leaking shingle roof, and the tiled areas in the kitchen and the air conditioning require replacement.</p>	Re-instate the building as a restaurant or similar commercial use in the short term.	Invite public tenders to enter into a lease agreement to renovate (internally and externally) and continue to operate the building and associated facilities as a restaurant or similar commercial use.	Short	PD	-	Expressions of Interest issued. Lease entered into with successful Tenderer.	Lease agreement
	Consider commercial and/or community uses of the building in the longer term.	Enter into a lease agreement with the successful operator.	Short	PD	-	Lease agreement executed.	Legal advice
		Renovate the interior and exterior of the building.	Short	Lessee	Over \$100,000	Building meets legislation and standards for its intended use.	Inspections
		Operate the building for the agreed use(s).	Ongoing	Lessee	-	Building used for agreed use(s)	Reports from lessee to Council
		Prepare a brief for a consultant to assess the feasibility of a multi-purpose community centre including a café.	Medium-long	TS	-	Brief prepared. Feasibility completed.	Consultants report

Background	Strategy	Action	Priority	Responsibility	Capital cost \$	Performance target	Means of assessment
Exterior of building							
The fence essentially cuts off the back yard of the building from the remainder of the Gardens. Plantings in the fenced area associated with the building are overgrown, adhoc and are not consistent with the plantings in the remainder of the Gardens.	Open up the exterior context of the building. Rationalise plantings within the 'back yard' of the building. Improve integration of the building and its environs with the remainder of the Gardens.	Remove the fence if desired.	Short	Council / lessee	-	Fence removed if desired.	Observations
		Remove conifers and the Jacaranda in the north-east corner of the building.	Short	TS	-	Trees removed	Observations
		Replace the large trees that were removed from the back yard of the building.	Short	TS	-	Large trees in backyard are replaced	Observations
Functions							
Adjoining residents were disturbed by noise from restaurant patrons at night.	Discourage use of the Wellington Street entrance at night.	Limit the closing time of the restaurant as per DA consent.	Ongoing	TS	-	Condition included in lease agreement.	Record of complaints to Council
		Direct restaurant patrons towards Ocean Street to leave the premises at night.	Ongoing	Lessee	-		Record of complaints to Council

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 Chiswick Gardens in the future. New activities, developments and structures may be proposed in response to an application for use of Chiswick Gardens, 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.

Guidelines for assessing the appropriateness of new activities, developments and structures in Chiswick Gardens are outlined below.

6.1.2 Legislative requirements

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 (Section 3).

The LEP sets out in general terms what types of developments are permissible with or without consent within the 6 - Open Space zone, and provisions for conservation of heritage items. All proposed uses, development and building works in this Plan of Management need to be permissible under the applicable 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 Chiswick Gardens should be consistent with:

- The objectives and management principles of this Plan of Management (Section 1).
- The objectives for management of the Gardens (Section 3)
- Relevant legislation and statutory instruments (Section 3).
- The zoning under the Woollahra Local Environmental Plan (Section 3)

- Community values of the Gardens (Section 4)
- Community objectives for the Gardens (Section 4)
- The core objectives for the community land categories (Section 4)
- The future roles of the Gardens (Section 4)
- Proposed future uses of the Gardens (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 Chiswick Gardens

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	Scale and intensity of any such permitted use or development
Access for people with disabilities Ceremonies (private and public) Children’s play Commercial activities Community use Community events Corporate promotions Education (horticulture, history) Emergency purposes Functions Gardening Informal ball games (soft balls) Passive recreation Picnics Photography / filming Revegetation Vehicle access (authorised vehicles only) Walking	Access for people with disabilities Amenities / change facilities Bicycle storage Decking Drainage Earthworks Environmental protection works Exempt and complying development Food and beverage outlet (restaurant, café, kiosk) Irrigation systems Landscaping / gardening Lighting Park furniture Park materials storage – temporary Paving Pathways Pergolas, fountains etc. Planting Public art (permanent, temporary, ephemeral) Public utilities Recreation areas Recreation facilities (outdoors) Signage (directional, regulatory, interpretive) Temporary advertising Temporary structures such as marquees (associated with the building, not in the Gardens) Water harvesting and storage structures	Refer to concept landscape concept plan. Monitor physical impacts on Chiswick Gardens.

6.1.5 Scale and intensity of future uses and development

Chiswick Gardens are generally intended to be used for informal and passive recreation, social gatherings and ceremonies, and community events. The building in the Gardens is intended for a commercial use such as a restaurant, and/or multi-purpose community. Use of the building as a restaurant should be consistent with the permissible uses in the previous lease as a public restaurant with liquor licence; and for private functions, wedding breakfasts, dinner dances and parties, all with music.

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

- the nature of the approved future uses;
- the landscape concept plan for Chiswick Gardens (Section 5.1);
- the carrying capacity of the parkland and its facilities; and
- approved Development Applications.

Purposes for which any further development of Chiswick Gardens will be permitted (under lease, licence or otherwise) are outlined in this Plan of Management, consistent with the 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 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 Gardens users;
- result in physical damage to the Gardens; and
- unreasonably exclude any section of the community.

Commercial activities will be approved provided they:

- enhance social and recreational opportunities;
- do not unduly impact on other Gardens users;
- do not unduly impact on the values of the Gardens;
- complement other permissible uses; and
- 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.

All applications for use of the Gardens for temporary organised activities such as weddings, photography, film shoots and social gatherings, would be subject to Council's standard conditions, 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 Gardens being used for these activities. Fees are listed in Council's annual Management Plan.

Any use or development that would further encroach on Chiswick Gardens' passive open space should be prevented.

The footprint of the building will not be extended.

Use of the building at night will be conditioned within any lease agreement and development consent to minimise disturbance to neighbours.

A liquor licence associated with the use of the building as a restaurant/café will be permitted.

Impacts of future uses and developments on the Gardens and its users and neighbours should be monitored, and appropriately managed. Physical impacts of activities and uses should be regularly monitored. Wear and tear caused to the Gardens by various activities, conflicts between users, and the impact of future developments should be regularly monitored. Corrective management action should be taken if any activities or developments impact on the Gardens, or cause conflicts between users, or between users and local residents.

Any proposed use of the Gardens that requires consent from Council will be subject to a Development Application or Activity Approval with appropriate conditions imposed.

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 and licences

6.2.1 What are leases and licences?

Leases and licences formalise the use of community land by individuals, groups and organisations.

A lease will be typically required where exclusive use or control of all or part of Chiswick Gardens 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 Chiswick Gardens 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 Chiswick Gardens is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

Leases and licences can be established by the Council 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 *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

There are no current leases or licences.

6.2.3 Authorisation of future leases and licences

Introduction

To comply with the Local Government Act, this Plan of Management must clearly specify what leases, licences and other estates are authorised within Chiswick Gardens. Terms and conditions of a lease should reflect the interest of Woollahra Council, protect the public, and ensure proper management and maintenance.

Leasing and licensing of the existing building in Chiswick Gardens will be in accordance with the objectives and principles of the 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 Chiswick Gardens 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.

This Plan of Management expressly authorises leasing of the building for commercial and/or community use.

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

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

- wedding ceremonies and functions;
- playing of a musical instrument or singing for fee or reward;
- delivering a public address or speech;
- markets and / or temporary stalls including food stalls;
- 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; and

- emergency purposes, including training, when the need arises.

Any future leases and licences for use of the Gardens are authorised by this Plan of Management, provided the proposed use is consistent with:

- the objectives of this Plan of Management (Section 1);
- relevant legislation (Section 3);
- the zoning under the Woollahra Local Environmental Plan (Section 3);
- the core objectives for the community land categories (Section 3);
- the objectives for management of the Gardens (Section 4);
- community values of the Gardens (Section 4);
- community objectives for the Gardens (Section 4);
- the future roles of the Gardens (Section 4);
- proposed future uses and development of the Gardens (Sections 4 and 6); and
- additional guidelines for assessing future uses and developments (Section 6).

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; and
- 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 Chiswick Gardens for which tenders must be called are for:

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

Sub-lease of land in parks

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; and
- 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 Chiswick Gardens is only permitted for the purposes of:

- a lease, licence or other estate to which Sections 47 and 47A of the Act applies; and
- 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; and
- 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 Gardens or on the local community;
- the impact of the lease/licence on the public/private space of the Gardens;
- the impact on maintaining the Gardens as one 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; and
- 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; and
- 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 with the applicant.

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 land owner, is likely to fund most of the proposed improvements to Chiswick Gardens with limited 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 Gardens 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 Gardens.

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 Gardens.

Rental income

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

Rationalisation and disposal

Revenue for projects and improvements may be raised from sales of assets, such as surplus or inappropriate land.

6.3.3 Grants

A number of 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 Chiswick Gardens consistent with its size, catchment and intended uses could be funded.

Table 6.2 Possible sources of external funding

Grant	Organisation	Purpose
Commonwealth		
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		
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.
Heritage Study and Promotion Projects	NSW Heritage Office	Studies, promotion, interpretation and presentation, histories and other projects for heritage items in NSW.

6.4 Implementation of this Plan of Management

Once Council adopts the Plan of Management it is incumbent on it 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 management of the Gardens will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.5 Review of this Plan of Management

This Plan of Management is intended to be reviewed and updated within five years, ie. by 2014, with a major review by 2019. 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.

REFERENCES

- Bromham, R. (2001) *The Coopers of Woollahra: Land Dealings on the Point Piper Estate 1820-1920*.
- Micromex Research (2004) *Woollahra Municipal Council Community Study*. November.
- Stratcorp Consulting Pty Ltd (2006) *Recreational Needs Assessment and Strategy*. Prepared for Woollahra Municipal Council, August.
- Woollahra Municipal Council (1995) *Woollahra Local Environmental Plan 1995*.
- Woollahra Municipal Council (1996) *Plan of Management – Local Parks: 1996*.
- Woollahra Municipal Council (2001) *Woollahra Disability Access Policy and Action Plan*.
- Woollahra Municipal Council (2004) *Policy for Leasing and Licensing Council Controlled Land*.
- Woollahra Municipal Council (2007) *Management Plan 2007-2010*.
- Woollahra Council (2008) *Social and Cultural Plan 2008 to 2013*.

APPENDIX A

History of Chiswick Gardens

Sources:

History of Chiswick Gardens, Ocean Street Woollahra (prepared by Woollahra Local History Centre, September 2005)

History of the site of Chiswick Gardens, Ocean Street Woollahra: Speech notes for Mayor July 1992 (Revised November 2004).

With grateful thanks to Jane Britten, Local History Librarian, for allowing use of a compilation of these documents in this Plan.

Previous history of the Chiswick Gardens site

As was the case with much of the land in the Municipality of Woollahra, the Chiswick Gardens site was once part of the 1,130 acre Cooper Estate. The story of its gradual detachment from the Cooper family holdings begins on 1st January 1857, with the Reverend Dr James Fullerton's lease of two parcels of land from the estate of Daniel Cooper, one of six acres, the other of six acres and 20 perches. The consolidated twelve-acre leasehold was bound by Ocean, Forth and Wellington Streets and Edgecliff Road.

The Reverend Dr Fullerton would seem to have been a man capable of inspiring extreme emotions in his fellow Presbyterians. One of John Dunmore Lang's Ulster recruits, he arrived in the colony on the *Portland* in 1837 with some eighteen other of Lang's proteges, and was installed in Pitt Street. While the *Newcastle Morning Herald* had dismissed Lang's so-called *highland immigrants* as preachers reared on Calvinism, the Psalms of David and porridge, Fullerton's style, described as *vigorously evangelical*, attracted a strong following, especially among Ulster families. Conducting over 400 marriages per year, he was accused by the Registrar General of running a *marriage shop*, and in 1851 he was forced to defend a charge of illegal solemnisation of matrimony brought against him by the Supreme Court. While he eventually, as Moderator, led the conservative Synod of Australia into the final union that created the Presbyterian Church of NSW, the divisive nature of the early church ensured that his career was beset by turmoil arising from the difference of its members. The colourful Dr Lang, with whom Fullerton had fallen out, described him as a *miserable hibernian driveller with neither ability nor respectability, the ecclesiastical nightman of the Synod doing all its dirty and disgraceful work*. By others, he is remembered more charitably.

Despite his leasehold of the Woollahra land from 1857, Fullerton seems to have remained almost constantly a resident of the city and seems never to have occupied his Woollahra estate. His twelve acres was rapidly carved up through a series of under-leases and re-assignments, and various houses were built on his holding. The earliest reference to occupancy of a building on the *Chiswick* site – an area of two roods, 34¾ perches within the Fullerton leasehold - is that of Benjamin Cocks, a boot and shoe importer with a business in George Street. Cocks was in residence by 1865, and remained at the property for some ten years. The 1871 Woollahra Council Assessment provides our earliest description of the *Chiswick* dwelling : a brick house consisting of ten rooms.

In 1875 the lease was assigned to businessman and company director Alfred Stanger-Leathes of *Tara* in nearby Ocean Street, who let the property firstly to Randolph Charles Want and subsequently to George Hedgeland, before relinquishing the leasehold to Dr Arthur Oakes in 1880. The house-name *Chiswick* first appears in Council and other records in 1877, during the term of Stanger-Leathes' leasehold and Want's period of residency. The reason for the choice of name is not clear, particularly as the setting would seem to bear little resemblance to its Thames-side English counterpart.

Alfred Stanger-Leathes, the son of Hugh Stanger-Leathes of *The Lathes* Cumberland, was described as one of Sydney's best-known businessmen in his obituary in the *Sydney Morning Herald* 11th June 1895. He held for almost thirty years the position of resident secretary of the *Liverpool and London Globe Company*, following its merger with the *Australasian General and Assurance Company*. He also

held a directorship of the *Colonial Sugar Refining Company (CSR)*. He married Maria Chisolm in 1848 and had one son and one daughter. It seems he never lived at *Chiswick*, but occupied another Ocean Street residence, the house *Tara*, built by John Gormon c1858, and later known as *Rancliff* before its 1960s demolition to make way for a unit development.

Of Stanger-Leathes' two tenants, George Hedgeland was a surveyor with a business in Point Piper Road (now known as Jersey Road) and Randolph Charles Want, whose father had built up one of Sydney's leading law firms during the 1840s, himself pursued a legal career.

George Caleb Hedgeland (1825-1989) was born in Exteter, England and who initially enjoyed a brief but highly commended career as a stained glass artist within a 12-year career c.1847/8-1860. His work from that time graces important churches, chapels and cathedrals throughout Britain, including Norwich and Ely, Kings College Cambridge and Jesus College Oxford. He exhibited at the 1851 Great Exhibition, and examples of his work are preserved in the British Stained Glass Museum in Ely. According to one biographer² Hedgeland sold his studio in London and emigrated to the colony of New South Wales for health reasons in 1860. Here he managed the pastoral interests and properties of Edmund Biddulph Henning, and in 1866 married Biddulph's sister Annie in Paddington. George Hedgeland went on to work as a surveyor in private practice.

The history of the Want family has been well documented in histories of the legal profession in Australia. Randolph John, having taken over the firm of Frederick Unwin to whom he was articled, built up one of Sydney's leading law firms during the 1840s. According to one writer, his eldest son Randolph Charles, who married Mary Russell in 1866, was eventually sent to London to carry on the firm's work 'at home'. From there he published a work on Australian land law in 1885. While he lived for only two to three years at *Chiswick*, he may perhaps have been responsible for the property's name. The Want family had considerable association with the Woollahra local government area; Randolph's grandfather John, a surgeon, lived at Point Piper, and another relation, George, held the property *Buckhurst* for many years.

Following the transfer of the *Chiswick* lease from Alfred Stanger-Leathes in 1880, the house began an association with two medical gentlemen: Arthur Oakes and his tenant, Thomas Nott. Both had completed their studies in Scotland. Dr Oakes at first occupied *Chiswick*, but by 1882 Dr Nott was his tenant, an arrangement which appears to have continued until 1886 when the lease of the property was transferred to businessman Frederick William Stoddart, who was to remain there for the ensuing forty-eight years.

Born and educated in Melbourne, Stoddart moved to Sydney in 1883. Four years later he acquired the lease of *Chiswick*, taking up residency of the property which would be his home for almost fifty years, and for which he secured the freehold of the property from the Cooper Estate from which all previous occupants of the site had leased or sub-leased it c1909.

Stoddart, born and educated in Melbourne, was described at the time of his death in 1935 as *one of the ablest men in business in Sydney* and as *an outstanding personality among York Street warehousemen for almost half a century*. He joined the Melbourne firm of *Robert Reid and Co.*, soft-goods warehousemen, at the outset of his career, and in 1883 moved to Sydney where, at the age of 25 he set up and managed the firm's NSW branch. Four years later he acquired the lease of *Chiswick* and took up residency of the house which was to be his home for almost fifty years. Despite his many business commitments, which included, as well as his management of the Sydney branch of *Robert Reid*, a number of company directorships, Stoddart found time to participate in the affairs of both the city and the Woollahra community. He was for some years the president of the Sydney Chamber of Commerce, and was closely associated with All Saints' Church, Woollahra. He acquired a number of country estates : *Inglewood* at Dora Creek and the *Palmdale Estate* at Ourimbah.

Frederick Stoddart's great hobby was his garden, which included conservatories and many exotic species of plant. His obituary in the *Sydney Morning Herald* remarked that the horticultural displays in the spacious grounds of *Chiswick* had created widespread interest, and Council Minutes record Stoddart, in 1927, providing aldermen with a tour of his property and offering assistance with Council's gardening program. A decade later, Stoddart's private garden became part of Council's gardening

² Museum of Stained Glass <http://www.stainedglassmuseum.com/collections/hedge.htm>

program, with Council's acquisition of *Chiswick* ensuring the preservation of Stoddart's creation for the continuing enjoyment of the wider community.

In 1936, the year following Stoddart's death, Mrs Lilian Florence Holmes purchased *Chiswick* from the estate of Stoddart's late wife, Isobel, and demolished the old two-storey house while retaining the stables building.

The public gardens

Chiswick Gardens was developed during a time of increasing community awareness of the need to provide open space and recreational facilities in areas of high-density housing. Newspaper reports of the day reflect the rising level of public concern about children forced to play in the streets for want of appropriate play areas. Historian and journalist Dr C E W Bean founded the *Parks and Playground Movement of New South Wales*, and was an eloquent champion of its cause, to which the state government of the day was largely sympathetic. In 1932, in response to a deputation from the Movement, The Minister for Lands, Mr Buttenshaw, acknowledged that the provision of adequate play areas was one of the greatest problems confronting the urban community, stating that *he did not know of any expenditure of public money that would have more value to the next generation*. It was against this background that Woollahra Council added a number of small parks and rest areas to the Municipality during the 1930s and 1940s, many of them in closely settled areas.

The Woollahra community has Alderman J D Gaden to thank for the creation of *Chiswick Gardens* as a public amenity – although his name is usually associated with another park in the suburb. It was he who moved at a meeting of Woollahra Council in October 1937 that *negotiations be at once opened for the acquisition of land at the corner of Ocean Street and Wellington Street for park and recreation space*. The site was at that time owned by a Mrs Lilian Florence Holme, who, as it happened, was willing to sell and eager to see the land reserved for a park or other public purpose. The house *Chiswick*, which had formerly occupied the site, had earlier been demolished, and the former stables were in use as a scout hall for the First Edgecliff Troop of Boy Scouts and Cubs. In fact, the Scouts may well have been the only quarter not entirely pleased with Council's proposals for the land, which included the decision that the stables would be reconstructed and transformed into a kiosk and caretaker's quarters, thereby forcing the Scout troop to find a new home. The kiosk was a modest precursor to the latest occupant of the building – *Pruniers*, one of Woollahra's better known restaurants.

Once Council resolved to acquire the land, Council raised a special loan of £22,000 to acquire six additional park areas. One of the first to be acquired at cost, and the one most highly improved and developed, was "Chiswick". "Chiswick" was purchased by Council in June 1938 for £6,850 as a public rest park, after an offer of £6,500 was initially made. Council resolved to give a letter to the vendor Mrs Holme after the sale that they intended to use the area as a public park.

After the purchase the Mayor recommended that the work of improvements proceed as *soon as possible in order to obtain the full benefit of the spring growth*. In late 1938 the 1st Edgecliff Troop of Boy Scouts and Cubs were using the building as a Scout hall, and wanted to lease and renovate the interior and exterior of the property to obtain a more permanent home for the Scouts. Also at this time Council received an application for tenancy of the former stables building from F.R. Down, who wanted to improve the building at his own expense to operate a tuck shop and tea café, while offering a room rent-free as a Scouts clubroom. Council refused the Scouts' request and instead decided to prepare estimates of the cost of remodelling the building, and to install suitable equipment for a children's playground comprising a log swing and merry-go-round in the south-east corner of the area. Walls were reconstructed and arrangements made regarding the remodeling of the stables building. A playground was installed, equipped with a log swing and a merry-go-round. Council recommended the purchase of 12 moveable garden seats at a total cost of £19 pounds, 4 shillings on 24 October 1938.

An official opening did not take place until over a year later, on 22nd July 1939. Arrangements were made in June 1939 for the Minister for Works and Local Government, Mr E S Spooner, to open the new park, but in the intervening month – in fact, only two days before the park's scheduled opening –

the Minister resigned from cabinet. This sudden move followed his refusal to deny reports that he had referred to the State budget as *faked* and its finances as *manipulated*.

Council's invitation to Mr Spooner still stood, however, and it was as the United Australia Party Member for Ryde that he addressed the assembled Aldermen and Mayor, Alderman George Grimley. In introducing Mr Spooner, Alderman Hugh Latimer paid tribute to the so-called *Spooner Scheme*, through which many of the public works carried out by Woollahra, and other local councils, had been made possible. Mr Spooner, in reply, began by saying *I dare say you will have a sympathetic understanding of my position today when I make the first public speech of my political life not as a Minister of the Crown.*

The ceremony was not without a lighter moment, however, although doubtless not one intended by its organisers. When Mr Spooner pulled the cord to unveil the commemorative tablet he revealed not only the plaque, but also what was described by the *Sydney Morning Herald* report as a *scanty bathing costume* draped across it. Presumably this prank bore a reference to legislation introduced in 1935 setting standards for all bathing attire worn on public beaches. Quickly dubbed *The Spooner Regulations* after the Minister who had presided over their introduction, the restrictions had been the subject of considerable debate and protest, throughout which the Minister had stood resolute. On this occasion, however, Mr Spooner appears to have humoured his challengers, and held up the offending garment for general view, laughingly pronouncing it *the original brassiere costume*.

And so Chiswick Gardens was declared open. The completed park won accolades from the Parks and Playgrounds Movement of NSW which conveyed to Council its appreciation for *the splendid work done in establishing this and other small parks throughout the Municipality.*

The stables / harness room building of Old English design was redesigned in 1939 by Council's architect M.V.E. Woodforde, ARAIA at a cost of £738 to provide accommodation for the public. The upstairs section of the building was remodelled to provide quarters for the park superintendent, and the lower floor renovated and remodelled provide facilities for the public, comprising a kiosk, an open verandah space, and an outdoor stone paved terrace or tea garden for serving of afternoon teas and refreshments.

The kiosk was licensed and leased several times from 1939. In July 1939 Mr. M. Ham had entered into a license to operate the kiosk at Chiswick Park, but had been taken ill and asked to be relieved of his responsibility under the licence. Negotiations were then entered into with Mrs. Leila Houston who had submitted the next-best offer. The kiosk was leased by Mrs Houston for £7 per month. Mrs Houston's lease was later passed on to her daughter Mrs Townend.

Mr. N. and Mrs. M. Stafford were the tenants of Chiswick Gardens in August 1948. The Staffords wanted to extend the seating capacity by having a paved terrace in front of the building extending to the chain fence, and to have suitable tables and chairs with gaily coloured umbrellas, palms, ferns and cypress trees in coloured tubs. In late 1948 vandalism of trees and plants in Chiswick Gardens meant its annual planting had not proceeded. A reward was offered on signs erected in the park for information about the vandals.

In 1950 the kiosk licensee, Mrs. D. Rea, wanted better toilet and powder room facilities for the kiosk patrons, another room to keep receptions and parties separate, and a small kitchen. Council's engineer reported that it was never intended that the kiosk providing afternoon tea and light refreshments for the people using the gardens as a rest park would develop into a restaurant. His opinion was that the building was totally unsuitable as a restaurant. Council subsequently decided to draw up a lease (rather than a licence) with Mrs. Rea for two years from 29 January 1951.

The kiosk was let by indenture of a lease dated 24 November 1953 to Margaret Rose Townend, daughter of the previous licensee Mrs. Leila Houston. In 1955 Mrs Townend submitted an application to Council for alterations to the male and female toilets and for a store in the building to make the premises conform with the requirements of the Licensing Court so "spirituous liquors" could be sold with meals.

Writing at the time of Woollahra Council's Centenary in 1960, official Council historian James Jervis described it thus:

It is a cheerful little spot, and its well-kept lawns, bright flowers and shrubs ... make it a pleasant little oasis in the bricks and mortar of upper Woollahra.

(History of Woollahra p. 171)

Council wished to rehabilitate the landscaping of the park in 1963. It decided to obtain the services of a landscape gardener to replan the layout and plan the reafforestation of Chiswick Gardens. In mid-1963 Council resolved to construct a fountain with re-circulating pump and filtering equipment.

In May 1968 Council approved the assignment of the lease for the Chiswick Gardens Restaurant from Mr. A. Clerici to Mr Karageorge and Mr. Contos. A condition of the lease was that business would not be conducted on the premises or the public allowed to remain after 12 midnight on Christmas Eve or New Year's Eve, or after 11pm on any other evening.

Pruniers restaurant began in 1947 in premises in Double Bay. The restaurant moved to Chiswick Gardens in 1971 when Council approved tenancy of the Chiswick Gardens Restaurant from Candim Pty Ltd to Prunier's. The restaurant opened on 4 August 1972. Later in 1972 Council granted permission for the addition of the word 'Pruniers' to the Chiswick Gardens Restaurant sign. A change of ownership in 1973 saw Captain Cook Floating Restaurant Pty Ltd purchase Prunier Chiswick Gardens from its subsidiary company Prunier Continental Restaurant Pty Ltd. The restaurant was refurbished, involving extension of the dining area, in 1979. Prunier's Restaurant operated in the Gardens until 2008.



Pruniers, 1978

APPENDIX B

Legislation applying to Chiswick Gardens

Environmental Planning and Assessment Act 1979

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

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.

The SEPP has significant implications for the management and development of public land. 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 Land and Property Management Authority 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*.

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.

SEPP (Temporary Structures and Places of Public Entertainment) 2007

The *Environmental Planning and Assessment Act 1979* also regulates the erection of temporary structures (such as tents, marquees and mobile structures) and the use of buildings or temporary structures as a place of public entertainment (POPE). POPEs include public halls used for public entertainment.

SEPP (Temporary Structures and Places of Public Entertainment) 2007 and associated amendments to the *Environmental Planning and Assessment Regulation 2000* contains regulatory requirements and other provisions relating to temporary structures and POPEs. The SEPP provides that erection of a temporary structure or use of a building as a POPE requires

development consent, except as otherwise provided for in the SEPP, or is exempt or complying development, or is prohibited, or is in another environmental planning instrument.

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.

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.

Other relevant legislation

Other legislation that may address specific issues in the management of Chiswick Gardens is listed below.

Other relevant legislation

Issue	Legislation	Responsible agency
Air, water and noise pollution	Protection of the Environment Operations Act 1997	Department of Environment, Climate Change and Water Woollahra Council
Waste disposal	Waste Minimisation Act 1995	Department of Environment, Climate Change and Water

