

The Vaucluse Progress Association

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The Committee Manager
Legislative Assembly Standing Committee on Public Works
Parliament House
Macquarie Street
SYDNEY NSW 2000

Inquiry into Sportsground Management in NSW

We represent residents in the Vaucluse and Watsons Bay districts of Woollahra Municipality, on the south-eastern shore of Sydney Harbour. In addition to the resident population, the area attracts many visitors, being a well-regarded and highly popular tourist destination with particular interest focussed on its harbourside parks and beaches. Access to the area is necessarily restricted by its peninsula landform; most visitors travel by private vehicle. Government and tourist bus services traverse the district, and an off-peak City/Rose Bay/Double Bay/ Garden Island service is provided by ferry from Watsons Bay wharf.

After discussion with the PWC Secretariat, we have taken the Committee's reference to intend to focus on publicly owned or operated facilities for recreation, and to include enclosed and open lands, being lands used for amateur community-based sport and recreation.

Public recreational space in our immediate district includes:

- two elements of the estate of the Sydney Harbour Federation Trust, at the Macquarie Lightstation and the former Marine Biological Station at Camp Cove Beach;
- elements of the NSW National Parks and Wildlife Service Sydney Harbour National Park estate at Nielsen Park and the Hermitage Foreshore in Vaucluse, and Gap Bluff/South Head and Green Point at Watsons Bay;
- the Vaucluse House estate of the NSW Historic Houses Trust;
- a portfolio of parks and beaches in Vaucluse and Watsons Bay owned by Woollahra Municipal Council or under its care control and management by authority of the NSW Lands Department;
- Crown lands leased to individual sporting bodies such as Vaucluse Bowling Club.

Most of the public parklands of the area support passive recreation, picnics, informal games, walking, and harbour and ocean viewing activities. Other than those operated by clubs, they are used by residents and visitors alike. They are generally too small for team sports: an exception is Christison Park, at Vaucluse.

Christison Park at Vacluse, having an area of some 6.2 ha, can reasonably be classified as a major sportsground. It is Crown Land reserved from sale, under the care, control and management of Woollahra Municipal Council. The Park has an open landform character, and lies between the major traffic artery of Old South Head Road and the eastern ocean cliffs.

The park, which was once a council tip, has a viewing stand, toilet facilities, and night lighting. Its playing fields accommodate team sports including four cricket wickets and six football fields. For team sports, the grounds are primarily – but by no means exclusively - used by school-aged players. When not in use for team sports, the playing fields, which are unfenced and abut the Coastal Cliff Walk along the South Headlands of Sydney Harbour, are available and accessible to the public without hindrance, and are much used for varied recreational purposes, including wind-surfing, kite flying, dog walking, jogging and fitness workouts, and the like. The closure of the Vacluse campus of Rose Bay Secondary College (formerly the Vacluse High School, of some 600 students) in 2006 has recently reduced demand for school-day sports use of the park, but the long-term picture is not yet clear, and will not be resolved until the future use of the former school site has been settled. While the park is itself used for carparking on special, infrequent occasions – such as the start of the Sydney to Hobart Yacht Race – it has no on-site parking provision for ordinary users.

Inadequate parking and traffic congestion are a recurring problem for residents and visitors throughout Vacluse and Watsons Bay. During popular leisure periods, such as weekends and school holidays, tourist visitation increases and available parking is usually exceeded by demand, causing frustration and inconvenience for local residents and Christison Park users alike.

At the perimeter of Christison Park, there exists a collection of fitness structures and a hard-surfaced open ball court. From time to time, community-based requests are made to our Association and Woollahra Council for additional specialist facilities – such as skateboard ramps, basketball courts, tennis practice walls and the like - to be accommodated in the park.

Broadly, we have favoured the retention of the open space multi-use concept for public recreational lands. Because of their strong visual connexion with the Harbour and the ocean, we have strongly and consistently resisted the quarantining of recreational space for single-use purposes in all the parks and beaches throughout our area.

Concurrently, we have supported the provision of specialised exclusive facilities for indoor sports and similar single-purpose purposes in commercial areas where admission charges have a commercial character, and – where appropriate - on recreational lands located inland, away from the harbourside and the ocean edge.

Pressures on parks

We have observed continuing private sector pressures for commercial provision of specialist recreational and refreshment facilities on public land. This is most intense on lands adjoining the harbour and the ocean. In general terms, commercial leases have been accepted by Woollahra Council and the National Parks and Wildlife Service in terms of the use or adaptive re-use of existing buildings located on recreational spaces, but not usually for new buildings.

An important exception arose in connexion with Woollahra's management of Lyne Park at Rose Bay. Lyne Park is a regionally significant harbourside recreational resource, including open playing fields. It is a Crown Land recreational reserve under the care, control and management of Woollahra Council. During the late 1990s, the Council

strongly advocated the construction of a major indoors swimming and leisure centre in Lyne Park with the apparent concurrence of the Lands Department. We saw that proposal as a potential commercial alienation of important waterside recreational space.

The 'aquatic' aspect of the indoors swimming activity seemed to be the Council's main reason for accepting that the harbour waterfront was an appropriate location for such a major structure; the interest of the lessee of the existing tennis courts on which the complex was to be constructed was also a driving force in the proposal.

The Lyne Park indoor pool/leisure centre proposal appears to have been abandoned for the present, partly reflecting changes in the elected membership of the Council, and perhaps also in recognition of some vigorous community opposition – including ours - to the alienation of this important recreational harbourside open space by structures not related to the waterfront location itself and not necessary for the public use of the recreational purpose of the Park. As it happens, we have repeatedly advocated the establishment of a leisure centre, rather like the type that had been proposed for Lyne Park, as part of the redevelopment of the Council carparks at Rose Bay shopping centre. Our approach has regard to the locational advantages for public access and the supplementary mix of activities in the vicinity, as well as the availability of carparking, the complementary nature of retail and recreational use patterns, the exclusive nature and the essentially commercial nature of the operation of such a centre. Our proposal has so far not met with a considered response from the Council.

A further and more subtle pressure on multiple use of parklands for passive recreation has arisen from the entirely justified concerns of cyclists who find the public road environment to be uncomfortable and even unsafe.

The *Woollahra Bike Plan 1999* envisages dedicated or shared bike paths in several major parks of the Municipality. We have consistently resisted the provision of designated bike routes through the local parks, having the view that riders are likely to come into conflict with elderly, very young, unwary, and less mobile people using the parks at the same time, because the scale of the parks is insufficient to separate bike riders and others adequately. This is a difficult matter, given the severe restrictions on retrofitting bike paths to roads that have heavy traffic in a long-established residential area like ours. However, cyclists can walk in parks if they wish to do so, as can other park users.

Our Association has taken the view that the improvement of cyclist safety is undeniably of major concern. However, improvement in cyclist safety should not be at the expense of the safety of pedestrians and the amenity - especially for passive recreation - of the community's recreational open space.

Land use control and management

Over time, we have observed creeping alienation of the public estate for private purposes. Recreational lands are a major recipient of this activity.

For example, the harbour waterfront at Watsons Bay is lined with some 65 dinghies stored on the promenade and beach by owners of watercraft moored in the adjacent waters. The boat storage is informal, unauthorised, un-paid for, and unaccountable, but its 'traditional' nature appears to have protected it from the interest of any authority, and enabled gradual growth in numbers of some one-third over the last two decades.

Other than what might be sheeted home to Woollahra Council or NSW Maritime in liability law, there is no arrangement for protection of the public using the promenade and the beach on which

the craft are stored or for compensation if injury occurs, and the accumulation of water-borne refuse and other debris under them is itself a problem, especially in the winter westerlies when wind-borne debris islands float around the harbour and come to rest on the shore.

Only some 10% of the stored dinghies are in use at any one time. Many craft remain undisturbed for months on end. We are exploring a concept of a co-operatively managed stable of some 20-25 dinghies, which would be more than adequate to serve for access to the moored craft at any time, thus enabling the removal of perhaps 40-odd permanently stored craft from the promenade and beach. However, the concept has not at this stage been advanced to NSW Maritime or to owners of moored craft. It has been brought to the notice of Woollahra Council, but without requesting a direct response.

Other than for an occasional (infrequent) invitation to dinghy owners to remove unused craft, Woollahra Council has taken no action to manage the dinghy storage on Watsons Bay promenade and beach, despite our Association's repeated requests for some orderly arrangement to be established to deal with the unwanted impacts of the stored craft. At Rose Bay, however, it is presently considering the construction of dinghy storage pontoons, to deal with the practice of tying some 30 dinghies to the supports of the promenade wall there; the estimated costs would be some \$8,000 per dinghy accommodated; no charge for use of the storage facility has been foreshadowed, and NSW Maritime agreement to the proposal is not yet evident. A further \$20K has been allocated for the construction of a dinghy storage at the beach at Rose Bay Park, intended to deal with the longstanding informal unauthorised dinghy storage there.

Currently, Woollahra Council is considering a proposal by adjoining owners to bar vehicle access to a dead-end public lane that provides pedestrian access to the waterfront Hermitage Reserve (part of Sydney Harbour National Park) at Rose Bay as well as vehicle access to the relevant owners' residences. At the date of this submission, the matter is undetermined.

Small private encroachments on recreational lands in our district have occurred without official hindrance at various times up to the present day. We have recently had occasion to direct Woollahra Council's attention to encroachment on Derby Street Reserve in Vaucluse, a high-level park much valued as a panoramic Harbour viewing point for the public.

One notable past encroachment episode related to the Hermitage Foreshore Reserve in Rose Bay/Vaucluse. It culminated in a Lands Department proposal to sell the encroachments to certain adjoining owners in the 1980s. With our support and that of the community, the proposal was strenuously resisted by Woollahra Council and eventually abandoned with the incorporation of the lands as part of Sydney Harbour National Park. Another related to unauthorised footpath occupation of the beachfront public promenade at Watsons Bay by the restaurant adjoining it; after sustained negotiation, this was regularised by Woollahra Council in the 1980s with formal leasing of part of the space.

Our 2006-2007 Budget submission to Woollahra Council sought improved resources for protection of the public estate; it is not clear that the submission was successful.

The Commonwealth *Telecommunications (Low-impact Facilities) Determination 1997* has permitted and assisted the location of qualifying facilities in public recreational areas in our district and elsewhere in the Municipality. We have been active in seeking to ensure that recreational land availability, flexibility and accessibility are not reduced by such installations; however, much depends on the goodwill of the carriers and the land managers.

In the case of Johnstons Lookout at Vaucluse, the 2001 installation of ground level equipment and an access stairway to it under the *Low-impact Facilities* arrangements generated a small but important reduction in the land area available for recreation. Johnstons Lookout is Crown land reserved from sale, having an area of some 1,920 m². It slopes steeply towards the Harbour. The upper level serves as a resting place, bus passenger waiting stop, and popular high-level panoramic Harbour lookout. Other than for a small level area in the centre of the reserve (now occupied by the Optus ground facility), the rest of the hillside is planted and grassed. In recognition of its use of the public recreational estate for private commercial purposes, our Association sought and obtained agreement from Optus to fund the continuation of its access stairway through to the lower road level, so that pedestrians could use the stairway as a pleasant, green short cut between Hopetoun Avenue and New South Head Road. The proposal was declined by Woollahra Council, on grounds that the site is steep. We renewed the approach in 2003 with Hutchison 3G when it was co-locating a facility with that of Optus, but before our proposal could be dealt with, Woollahra declined it on the ground that it was not prepared to undertake responsibility for maintenance of the lower half of the stairway. In the absence of that lower half of the stair, informal foot tracks have developed downhill from the Optus depot, hillside planting has been damaged, and soil erosion has become evident.

In the case of a later 2003 installation by Optus in Robertson Park at Watsons Bay, an important Crown land recreational reserve, we sought a monetary contribution towards the public recreational use of that important park'. Optus concurred, and Woollahra Council accepted a contribution for the refurbishment of the Park which it was then undertaking.

Co-ordination between land managers can be an important issue in recreational land access.

Christison Park at Vaucluse is Crown land. It is the site of an ocean outfall for untreated sewage operated by Sydney Water Corporation, and improved management of the sewer has been under consideration for about a decade. The Sydney Water proposals include alternatives for management of sewage by establishment of a treatment plant on-site, or a pumping facility to transport material to the Bondi treatment plant are not finalised at this stage; some of the proposals we have seen would involve considerable loss of recreational land in the park. We have sought to encourage Woollahra Council to work with Sydney Water in developing a proposal that would simultaneously meet the sewer management requirements and enable the improvement of the facilities building (grandstand, toilets etc) in the park. No such joint approach has been apparent to us at this stage.

Land use planning

Land use planning in Woollahra has traditionally zoned lands for recreational purposes in "Open Space" zonings. However, permissible land uses have included a wide variety of activities and uses requiring or including structures that are inconsistent with retention of land as *open* space, and often specialised so that the land use is inflexible. Attempts to ensure the retention of presently available open space in parks for multi-purpose recreational uses tend to fail by virtue of the compatibility of a range of exclusive uses and major facility structures with the technicalities of the open space zoning.

With a sustained concern to ensure retention and protection of open, unbuilt-upon lands for multi-purpose use, especially along the harbour and ocean sides, we have long sought the subdivision of the Open Space zoning in *Woollahra Local Environmental Plan 1995* to identify recreational lands that are intended to remain truly open, and flexible, for multiple recreational uses. At this stage, the Council has not addressed the issue.

The revision of local planning controls consequent on the publication of the *Standard Instrument (Local Environmental Plans) Order 2006* by the NSW Minister for Planning in March 2006, may provide an opportunity for us to bring the matter again to the Council's attention. However, we note that the Standard Instrument does not utilise an 'Open space' nomenclature for recreational land – instead, it has zones for *Public recreation* and *Private recreation* - and its provisions do not appear to envisage mandatory protection of open space for multi-purpose recreation in those zones.

The more that single-purpose and specialised facilities are established in public open spaces, the less space remains available for multi-purpose use.

Reduction in the stock of public recreational land appears to be contemplated currently by Woollahra Council in its Asset Management review, in which the potential disposal of small parcels presently owned by the Council has been foreshadowed.

Additions to the stock of public recreational land are rare in our district, the last having been the assignment of the Sydney Harbour Federation Trust lands. Additions appear fairly unlikely to result from positive action by Woollahra Council.

On grounds of upkeep costs and recreational irrelevance, among others, Woollahra Council has resisted for many years seeking the dedication of small parcels of land under its *S.94 Contributions Plan 2002* (as it relates to developer contributions for open space), preferring to accept monetary contributions for embellishment of existing recreational lands instead. We have argued unsuccessfully that small parcels are valuable as a recreational resource in an area where land values are so high that Council purchase of land for recreational purposes is unrealistically costly for ratepayers, and where demand for multi-purpose recreational facilities has to be met from a stock of land that is steadily decreasing by virtue of the expansion of specialised uses. We say small spaces are especially valuable for passive recreation and rest in an area with a fairly steep topography; and that imaginative design treatment can see them provide useful and flexible opportunities for people to enjoy without undue upkeep costs. The provisions of the *Woollahra Section 94A Development Contributions Plan 2005* appear unlikely to assist the acquisition of additional land for recreational purposes by way of S93F Planning Agreements, because of the Council's attitude described above.

Similarly, the status of recreational land as Crown Lands appears to offer no real assurance against alienation.

For example, a current proposal by Lands Department to sell some Crown Land presently forming part of Trumper Park in Paddington to the Paddington Bowling Club, together with the Club's land presently leased from the Department, emphasises the difficulty of retaining the present stock of public recreational open space. It appears that the sale proposal has been on foot for about a year, but has not been disclosed to or discussed with Woollahra Council – the manager of Trumper Park - until very recently.

Perhaps because of fears that the Vacluse Bowling Club's parlous financial situation might tempt Lands to sell that Club's land and divert it from the recreational land stock, Woollahra Council has determined to subsidise the Club's rental to Lands Department by the device of leasing the Club's premises for community purposes. The cost to ratepayers is high and unwelcome in a climate where funding for infrastructure is scarce, but the decision underlines concern in the Council to avoid the loss of an important area of land from the public recreational estate.

Costs and revenues

The funding of Woollahra Council-controlled recreational facilities appears to have suffered in recent years, as the Council has enlarged its palette of social services and – by derivation – reduced its capacity for provision and maintenance of basic infrastructure.

Ministerial approval of infrastructure levies has, perversely in our view, assisted this trend, because it has been based on the identification of programs of specific works viewed as being urgent, and has taken the infrastructure programs away from the rate income base to that extent. The end result sees infrastructure as the *last* call on the rates (which fund more and more social programs) rather than the first. As ratepayers, we are quite unhappy with that trend, which appears to be common to local government throughout the State.

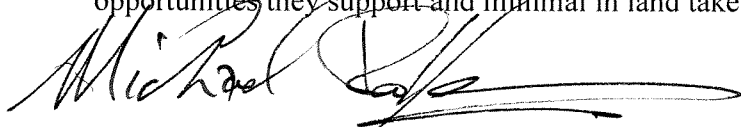
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Conclusion

Our Association has a long history of vigilance in the protection of the public estate of recreational land.

We support the principle of flexibility in land use and maximum availability to the community through provision and maintenance of non-exclusive access and facilities in such lands.

We generally oppose the alienation of waterfront and sea-cliffside lands by structures unless they are both essential for general public enjoyment of the recreational opportunities they support and minimal in land take.



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