



REGATTA PARK PLAN of MANAGEMENT

28 March 2022



PENRITH
CITY COUNCIL

1. KEY INFORMATION

Plan of Management for Regatta Park

Penrith City Council

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This plan of management has been prepared by Penrith City Council and provides direction as to the use and management of council-owned community land and council-managed Crown reserves classified as 'community land' in the Regatta Park. The Plan of Management is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

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ABBREVIATIONS

| Abbreviation | Description |
|---------------------|--|
| CLM Act | Crown Land Management Act 2016 |
| DLMP | Detailed Landscape Master Plan |
| EP&A Act | Environmental Planning and Assessment Act 1979 |
| LG Act | Local Government Act 1993 |
| LGA | Local Government Area |
| NWQMS | National Water Quality Management System |
| NHMRC | National Health and Medical Research Council |
| NSW | New South Wales |
| PoM | Plan of Management |
| PCC | Penrith City Council |
| WSUD | Water Sensitive Urban Design |

2. INTRODUCTION

On the western side of the Cumberland plains and at the edge of the Blue Mountains lies the Penrith Local Government Area (LGA).

The city is made up of areas that range from rural to urban, from nature reserves and farmland to concentrations of high density living and commercial areas. The most recent ABS Census in 2016 showed there were 196,066 people living throughout the city in 71,111 dwellings in 36 suburbs across the City's 404km².

Penrith City's population has grown by an average of 2750 people per year for the last 10 years and has gained over 45,600 people since the 1991 Census. By 2036 the forecasted population of the Penrith LGA is 258,195. In planning for the growth of the city, we must recognise the changing composition of our communities and provide the services and social infrastructure that meets their needs through different stages of life.

Penrith is experiencing a period of significant growth. The growth in our communities is both a strength we can build on and a challenge to be managed through ensuring social sustainability for all.

PURPOSE OF PLAN OF MANAGEMENT

The Local Government Act 1993 (LG Act), Section 36 (1) states that '*a council must prepare a draft plan of management for community land*'.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. The majority of this Council-managed dedicated or reserved Crown land is managed as if it is 'community land' under the LG Act.

Councils must continue to manage Crown land in-line with the gazetted reserve purpose(s).

Councils are now exempt from the need to hold public hearings for all Crown land Plans of Management. If councils are managing Crown land, as authorised under the CLM Act, and managed under the LG Act, they are not required to hold a public hearing for any alteration of categorisations.

A Plan of Management is required if there is any change in the nature and use of the Crown reserve. Section 44 of the LG Act provides that '*pending the adoption of a plan of management for community land, the nature and use of the land must not be changed*'.

In limited circumstances, where there is no change in the nature and use of the management of a reserve, a Plan of Management may not be required. For example, council will not require a Plan of Management for: a drainage reserve, where there is no intention of permitting additional uses, or, over a reserve categorised as an area of natural bushland or wetland, where there is no intention of permitting uses beyond passive recreational pursuits that do not materially harm the reserve.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Plan and the Regatta Park Master Plan
- ensure compliance with the LG Act and the CLM Act

- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

This PoM specifically addresses the management of Regatta Park. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

Community land open space, generally known as parks, reserves and sportsgrounds, is land under the care, control, and management of Penrith City Council. Council will manage this land to meet its vision of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.

Community Land is a valuable resource in the Penrith LGA, playing an important role in the social, intellectual, and physical enrichment of both children and adults, and having implications for community welfare and wellbeing.

Community land is required to be used and managed in accordance with the following:

- The PoM applying to the land; and
- Any law which permits the use of land for a specific purpose, or otherwise regulates the use of the land. (This includes the Environmental Planning and Assessment Act and planning instruments made under the Act).

A PoM should not be inconsistent with any environmental planning instrument applying to that land.

PROCESS FOR PREPARING THIS PLAN OF MANAGEMENT

The PoM has been developed using information from previous generic PoM as well as the Regatta Park, Heritage Management Plan, 2020, Our River Nepean Master Plan (CLOUSTON Associates 2013), Nepean River Plan of Management for Tench Reserve (Eco Logical Australia 2014), Nepean River Riparian Vegetation Management Plan (Eco Logical Australia 2014) and stakeholder feedback conducted in 2015 as part of the Regatta Park and Tench Reserve Detailed Landscape Master Plan project (DLMP) and the current Regatta Park Landscape Master plan.

Figure 1 illustrates the process undertaken by the council in preparing this PoM.

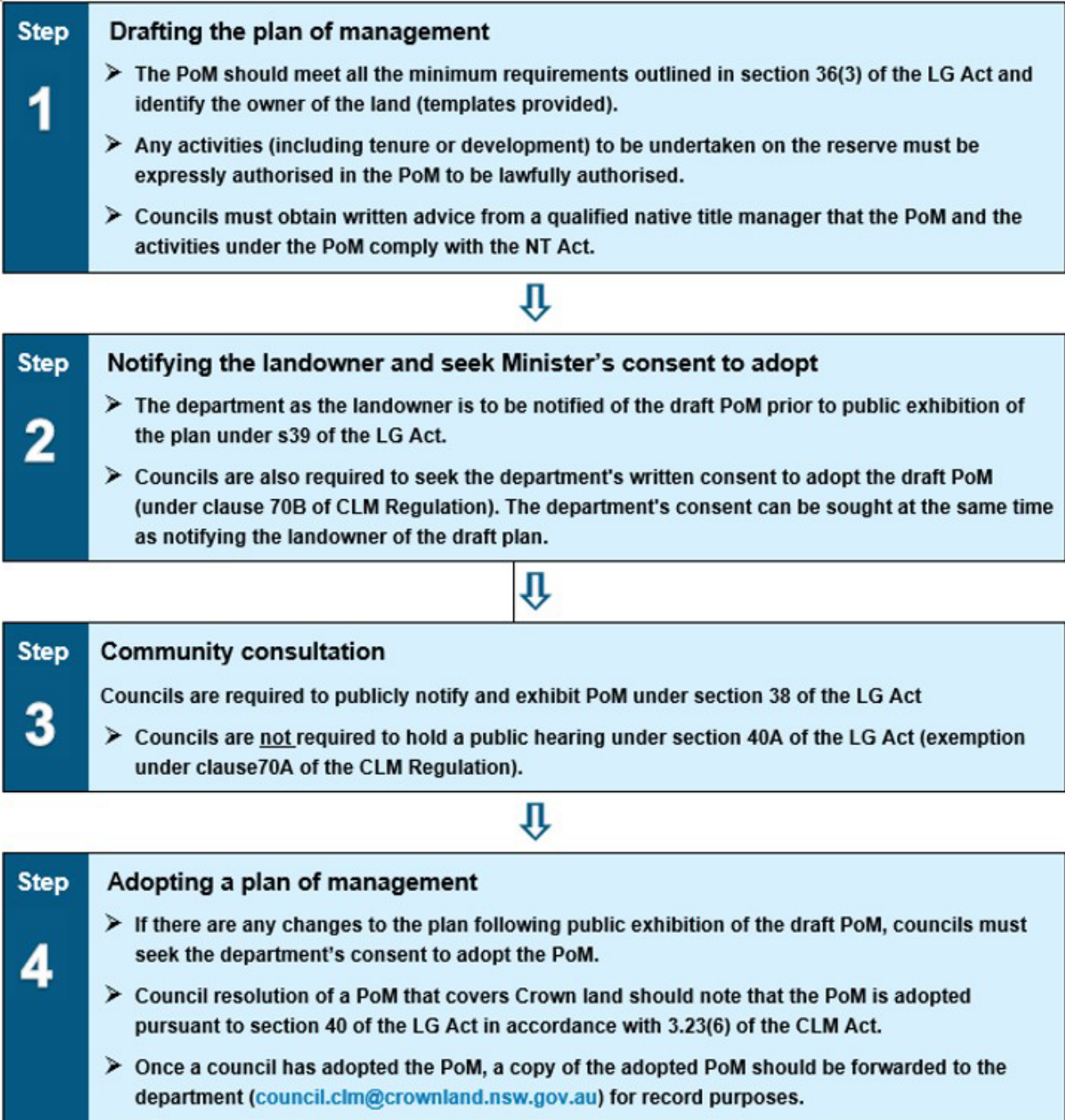


Figure 1: Process for preparing a Plan of Management for council managed Crown Reserves.

CHANGE AND REVIEW OF PLAN OF MANAGEMENT

This PoM will require regular review to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 5 years of its adoption. However, the performance of this PoM will be reviewed annually to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land or consolidate parcels for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. The appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect consolidation, new acquisitions, or dedications of land.

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

COMMUNITY CONSULTATION

Section 38 of the LG Act requires that all PoM covering the land are placed on public display for a minimum period of 28 days. A minimum period of 42 days after the draft is placed on exhibition is allowed for written submissions to be made to Council.

Submissions allow the community (including residents, interest groups, sporting clubs and government agencies) to provide information, suggest alternatives and express opinions in relation to the proposed management of community open space within Penrith City Council.

After consideration of all submissions received, Council may decide to amend the draft PoM, or adopt it without amendment. If Council decides to amend the draft plan, it must publicly exhibit the amendments in accordance with the requirements of section 40 of the LG Act.

Council is keen to increase community involvement in the ongoing management of the Nepean River riparian corridor at Penrith. As discussed in the draft Vegetation Management Plan, a community education and participation program are being developed and will be implemented to help achieve this.

A draft PoM will be placed on Public Exhibition in 2022. Community and stakeholder feedback will be reviewed and where appropriate the Plan amended before being submitted to Council for adoption. Given the presence of State Government landholdings within the park, the Plan may require their concurrent approval for any proposals on the affected lands.

This PoM was placed on public exhibition from 8th August 2022 to 5th September, in accordance with the requirements of section 38 of the LG Act. A total of 1 submission was received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning and Environment – Crown Lands, as representative of the State of NSW, which is the owner of 2 of the Reserves. Council has included in the plan any provisions that have been required by the Department of Planning and Environment – Crown Lands.

As required under CI 70B of the CLM Regulation 2018, Council has obtained the written consent of the Minister to adopt this plan of management.

WHAT DEVELOPMENT IS ALLOWABLE UNDER THE PLAN OF MANAGEMENT?

A PoM must define existing, and future uses of the land as required under the LG Act and the CLM Act. Future uses and development proposed for Regatta Park are outlined in Section 4 of this plan.

As Council considers necessary, development allowable under this PoM may include:

- Asset maintenance such as renewal and/or replacement of assets including existing buildings.
- Provision of facilities ancillary to existing use including amenities, kiosk, event space, seating, picnic and barbeque facilities, shelters, lighting, exercise and play equipment including water play and minor landscape related sports infrastructure (e.g., field markings, wickets, etc.)
- Licence, hire and lease arrangements that meet the LG Act and this PoM.

CURRENT RELEVANT USE OF LAND

This PoM contains information about the existing use of the land, including condition of the land and structures, use of the land and structures, and current leases, licences, and estates on the land, outlined in Section 4 of this plan.

DEVELOPMENT OF COMMUNITY LAND IN THE PENRITH LGA

Development activities allowed on Community Land is subject to both State and local policies. State policies prevail over local policies. The following information is correct at the time of adoption of this PoM but is subject to change.

This PoM does not take away the requirement for a development application under Part 4, or an ecological assessment under Part 5, of the Environmental Planning and Assessment Act 1979 if applicable.

Where minor works are undertaken, proposals may still require assessment under Part 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979 and may require exhibition of the proposal.

THE ISEPP

The State Government planning instrument: the State Environmental Planning Policy (Infrastructure) 2007 (known as the ISEPP) has been consolidated from 1 March 2022 into the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

The provisions of the former ISEPP remain unchanged but have been renumbered. Under Regulation 65 of the ISEPP certain development may be carried out by Council without consent in public reserves under its control. Refer to the Transport and Infrastructure SEPP for these development types.

Under Regulation 66 of the ISEPP certain development is exempt development if it is carried out by Council in public reserves under its control. Refer to the ISEPP for these development types.

THE PENRITH LOCAL ENVIRONMENTAL PLAN (LEP) 2010

The Penrith LEP 2010 lists development that may be carried out with or without development consent on land that falls under certain land use zones. Refer to the latest Penrith LEP for these development types or contact Penrith City Council Development Services for more information.

CROWN LAND

Council will work with the NSW Department of Planning and Environment (responsible for the administration of the Crown Land Management Act 2016) to ensure the appropriate management of the Crown Reserve System and any associated Crown land.

ROAD RESERVES

This PoM includes land designated as road reserve. These areas do not have identifying lot and Deposited Plan (DP) number but do require the dedication of resources to maintain them.

The categorisation and inclusion of road reserves in a Plan of Management is therefore not required under the Community Land legislation. However, as they are managed and maintained in a manner similar to other parcels of classified Community Land, it is appropriate to include them in this Plan.

This PoM also authorises the uses and development outlined below and also in Section 5 of this plan which may require development consent under Part 4 of the EP&A Act or approval of development that does not require consent under Part 5 of the EP&A Act.

PERMISSIBLE USES / FUTURE USES

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

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

Penrith City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

ZONE RE1: PUBLIC RECREATION

Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

Permitted without consent

- Nil

Permitted with consent

- Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water storage facilities

Prohibited

- Any other development not specified in item 2 or 3

If there is any further development other than that authorised by this PoM, or if a change in the categorisation of Regatta Park is proposed, amendment and re-exhibition of the PoM is required.

3. STATUTORY REQUIREMENTS

RELEVANT LEGISLATION

The following Commonwealth and NSW Government legislation is relevant to this PoM and the ongoing development of the site.

COMMONWEALTH LEGISLATION

- Environment Protection and Biodiversity Conservation Act 1999
- Native Title Act 1993

NSW LEGISLATION

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Crown Land Management Act 2016
- National Parks and Wildlife Act 1974
- Biodiversity Conservation Act 2016
- Water Management Act 2000
- Protection of the Environment Operations Act 1997
- Fisheries Management Act 1994
- Heritage Act 1977
- Rural Fires Act 1997
- Companion Animals Act 1998
- Disability Inclusion Act 2014
- Pesticides Act 1999
- Retail Leases Act 1994

LOCAL GOVERNMENT ACT 1993

CLASSIFICATION AND CATEGORISATION

Regatta Park comprises land classified as Community Land in accordance with Chapter 6, Part 2, Division 1 of the LG Act.

The land that is part of this PoM includes all the parcels in Figure 1 excluding the private lands marked in yellow and grey. Other parcels of land identified include road reserve and other areas of Council owned bushland or Crown Reserve and a Crown land riverine corridor adjacent to the Nepean River.



Figure 2 Land Ownership

LAND OWNERSHIP

Most land parcels in the Regatta Park precinct are freehold parcels owned by Penrith City Council. Land ownership is detailed in Figure 2 above and Table 1 below.

There are several parcels of land where ownership is not fully resolved detailed in Table 1. A portion of land by title is in Blue Mountain City Council’s possession. This land was not transferred to Penrith City Council in 1963 by gazettal No. 102 on 25 October 1963 following NSW government alteration to boundaries at Emu Plains. Penrith City Council is currently working with Blue Mountains City Council to have the titles of the subject land transferred.

The riverine land corridor between the Nepean River and the westward Crown reserve and Council land is without real property identifiers (Lots and Deposited Plans). This land is Crown land and included in the PoM, and suitably categorised, as the land is maintained by Council. Any developments on this land such as the proposed observation decks or river access structures, will require the approval and lease/licence from State Government (Crown Lands agency).

Further, there are two (2) privately owned parcels, shown in grey and yellow in Figure 1, that whilst in private ownership are excluded from the PoM.

| Regatta Park Land Ownership | | | |
|-----------------------------|---|---|---------------------|
| Legal Description | Owners | Address | |
| Lot 57 DP 204976 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 9 DP 228204 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 33205 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 33205 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot C DP 33205 | Private Residence | 10 River Road | Emu Plains NSW 2750 |
| Lot A DP 435464 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 614436 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 10 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 11 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 12 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 13 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 14 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 15 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 123 DP 7541662 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 124 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 50164 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 420745 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 190049 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 5 DP 342116 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 125 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 126 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 7038 DP 94188 | The State of New South Wales | c/- Penrith City Council, PO Box 60 | PENRITH NSW 2751 |
| Lot 7039 DP 94188 | The State of New South Wales | c/- Penrith City Council, PO Box 60 | PENRITH NSW 2751 |
| Lot 7 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 8 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 190049 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 338385 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 16 DP 1117951 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 1117991 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 2 DP 1117991 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 1 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 2 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 3 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 4 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 529749 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 2 DP 529749 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 420745 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 10 DP 1216230 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 118715 | Transport Asset Holding Entity of New South Wales | Care of: Manager Land Use & Planning Rail Est, PO Box K349 | HAYMARKET NSW 1240 |
| Lot 11 DP 1216230 | Transport for NSW | Level 5 27 Argyle St | PARRAMATTA NSW 2150 |

Table 1 Land Ownership in Regatta Park

CORE OBJECTIVES

Council owned or managed land within Regatta Park is classified as Community Land under the LG Act and in accordance with the CLM Act. Community land must not be sold, exchanged, or otherwise disposed of except in the instance of enabling the land to be added to Crown reserve or a protected area under the *National Parks and Wildlife Act 1974*.

Section 36 of the LG Act requires Council to develop a PoM to direct the ways in which land can be used and managed. The use and management of land must be consistent with its designated categories and core objectives. The categorisation of land within each reserve under the LG Act also needs to be consistent with the Crown reserve purpose(s) and the LEP zoning objectives.

The LG Act establishes core objectives for all categories of land. 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 the prescribed land categorisation.

Community Land within Regatta Park is proposed to be categorised under three settings described in the LG Act:

- General Community Use
- Park
- Natural Area: Watercourse.

Categorisation has been determined in accordance with the LG Act, Division 2, Section 36. The Categorisation Mapping (and the Regatta Park Master Plan it relates to) reflects the optimum relationship of uses and facilities to the park's physical characteristics and for access to those facilities by the community.



Figure 3 Land Categorisation

Section 4 of this PoM provides further explanation of the Land Categorisation Mapping for Regatta Park.

GENERAL COMMUNITY USE

Section 36I of the LG Act states that core objectives for management of land categorised as general community use are to 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:

- a) in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and
- b) in relation to 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).

Park

Section 36G of the LG Act states that core objectives for management of land categorised as a park are:

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

Natural Area: Watercourse

Section 36M of the LG Act states that the core objectives for management of land categorised as a watercourse are:

- a) to manage watercourses to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- b) to manage watercourses to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- c) to restore degraded watercourses, and
- d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category

CROWN LAND MANAGEMENT ACT 2016

Where Crown Land is set aside for a public purpose, it can be either 'reserved' or 'dedicated', which makes it available only for a use that will deliver some public benefit or good, and unavailable for private uses.

Reservations and dedications are generally all grouped under the name 'Crown Reserves'. Crown Land that has been dedicated as a Crown Reserve is a more enduring form of reserve. Dedication can only be revoked with the agreement of both Houses of the NSW Parliament. On the other hand, where Crown Land has been reserved, the Minister can decide to revoke that reservation or change reservation purposes without the matter being considered by Parliament. Parts of these reserves may be changed without affecting the remaining parts of the reserve.

The management of Crown land is administered under the provisions of the CLM Act for the benefit of the people of New South Wales and having regard for the principles of Crown land management. Section 1.4 of the CLM Act provides a set of principles for Crown land management as follows:

- environmental protection principles be observed in relation to the management and administration of Crown land
- the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) be conserved wherever possible
- public use and enjoyment of appropriate Crown land be encouraged
- where appropriate, multiple use of Crown land be encouraged
- where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity
- Crown land be occupied, used, sold, leased, licenced, or otherwise dealt with in the best interests of the State consistent with the above principles.

The use of the Crown land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be against any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

Crown land is subject to native title rights and interests under the *Native Title Act 1993* (NTA) which must be considered unless:

- Native title has been extinguished; or
- Native title has been surrendered; or
- determined by a court to no longer exist.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NTA. The NTA specifies procedures that must be followed before future acts can be done legally.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands, and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement.

- the issue of a lease or licence.
- the undertaking of major earthworks.

On Crown land, a future act undertaken by Council, which is not covered by one of the Future Act subdivisions of the NTA will be invalid.

Any act authorised under Section 24LA of the *Native Title Act 1993* will terminate, after an approved determination of native title is made in relation to the land or waters, if the determination is that native title exists.

CROWN RESERVES 90020 AND 69111

The existing Crown Reserves for Regatta Park are:

- Lot 7038 DP 94188 – Crown Reserve 90020
- Lot 7039 DP 94188 – Crown Reserve 69111

Council has been appointed the Crown Land Manager of both parcels. Council therefore has the ongoing responsibility to provide care, control and management of the reserves and parks and to ensure that the reserves' uses are consistent with the notified 'public purpose' of the reservation under the CLA.

CLASSIFICATION

Both Crown Reserve 90020 and Crown Reserve 69111 have been classified as community land.

RESERVE PURPOSE

The purpose for which the Crown Land parcels were reserved when gazetted and notified is fundamental to the management of Crown reserves. The reserve purpose defines lawful use of the reserve and is the predominant factor when considering proposals for new developments or leases and licences on Crown reserves.

Crown Reserve 90020 reserve purpose are: -

- Future Public Requirements (gazetted 07/04/1972)
- Heritage purposes, Community Purposes, Public Recreation (gazetted 16/04/2021)

Crown Reserve 69111 reserve purpose are: -

- Public Recreation (gazetted 21/03/1940)

CATEGORISATION

Under section 3.23 of the CLM Act, council Crown land managers must assign one or more community land categories to Crown land as soon as practicable after becoming the manager.

Crown Reserve 90020 categorisation is: -

- General Community Use

Crown Reserve 69111 categorisation is: -

- Park

CROWN RESERVES

| Reserve No. | Legal Description | Purpose | Classification | Category |
|-------------|-------------------|--|----------------|-----------------------|
| 90020 | Lot 7038 DP 94188 | Future Public Requirements (Gazetted 07/04/1972) Heritage purposes, Community Purposes, Public Recreation (Gazetted 16/04/2021) | Community Land | General Community Use |
| 69111 | Lot 7039 DP 94188 | Public Recreation (Gazetted 21/03/1940) | Community Land | Park |

Table 2 Crown Reserves

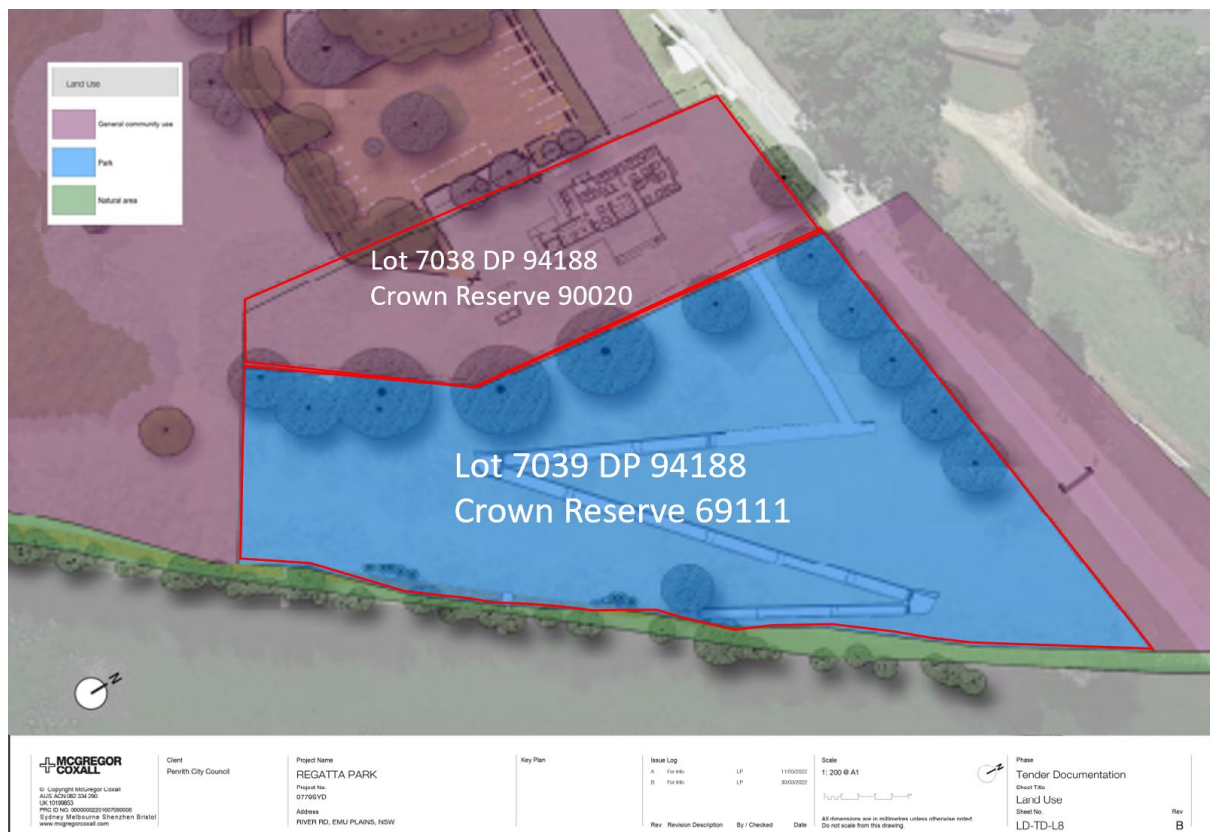


Figure 4 Crown Reserves

BIODIVERSITY CONSERVATION ACT 2016

The purpose of the Biodiversity Conservation Act 2016 is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the [Protection of the Environment Administration Act 1991](#)), and in particular—

- (a) to conserve biodiversity at bioregional and State scales, and
- (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- (c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and
- (d) to support biodiversity conservation in the context of a changing climate, and
- (e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and
- (f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and
- (g) to regulate human interactions with wildlife by applying a risk-based approach, and
- (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and
- (i) to support and guide prioritised and strategic investment in biodiversity conservation, and
- (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and
- (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and
- (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and
- (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and
- (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and
- (o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.

RELEVANT COUNCIL POLICIES

Penrith City Council, in consultation with the community, has developed strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by this PoM and can be found on Council's website.

Council's Community Plan, Delivery Program and Operational Plan with implementation aligned to Council's Resource Strategy can be found on Council's website. The following Penrith City Council plans and strategies are also relevant to this POM and the ongoing development of the park:

- Great River Walk 2003
- Nepean River Plan of Management for Tench Reserve, River Road Reserve and Weir Reserve (2014)
- The river link Precinct Plan 2008 and Urban Design Study 2009
- Penrith Community Strategic Plan 2031
- Penrith Great River Walk - Interpretation Plan 2011
- Panthers Penrith Site - Planning Proposal 2012
- 'The Future of Penrith, Penrith of the Future' 2012
- Penrith City Centre Public Domain Masterplan 2013
- Our River Nepean Master Plan 2013
- Nepean River Riparian Vegetation Management Plan 2014
- Place Making and Public Art Policy
- Shade Facilities at Play spaces Policy
- Penrith Sport and Recreation Strategy
- Sustainable Events Policy
- Signs Leading to Public Facilities Policy
- Buildings Policy
- Greed grid strategy
- Public Domain Lighting Policy

4. SITE DESCRIPTION AND BASIS FOR MANAGEMENT

SITE CONTEXT

LOCATION

Regatta Park is located adjacent to the Nepean River in Emu Plains. The Park is located approximately 1.5km from Penrith's commercial and retail centre on High Street and approximately 400 metres from Emu Plains shops located on the Great Western Highway.

Regatta Park is adjacent to the Nepean River and comprises informal grassland with mature tree plantings, some steep sloping grassland closer to the river foreshore and existing buildings (some of which are not under Council ownership or management). There is also an amenity building, a junior cricket field, children's play area, mature tree plantings and open grassland.

Figure 5 shows the location and surrounding context of the park. It is boarded by:

- Nepean River to the east.
- Vegetated riparian corridor to the southeast.
- Emu Hall, a grand Victorian homestead (and Victoria Bridge) to the northeast.
- Residential properties facing onto York Street, Willowtree Avenue, Westbank Avenue and River Road, to the west.
- Great Western Highway to the north.



Figure 5 Context Plan of Regatta Park (November 2015, Nearmap)

OUR RIVER MASTER PLAN

The Our River Master Plan is a strategic document that includes the public open space on both sides of the Nepean River, between and around the Victoria and M4 bridges. The Master Plan was developed as a road map for the future stewardship of the City's River area and to provide a framework for design development, community engagement and establishing a funding program to support preferred outcomes. Regatta Park is a key open space within the master plan area. The Park is also along the Great River Walk (GRW) route.

ENVIRONMENT

GEOLOGY AND SOILS

The Park is located on the Cumberland Lowland, a region of undulating to low hilly topography on largely Triassic shales of the Wianamatta Group and Quaternary alluvium. The reserves lie within the active floodplain of the Hawkesbury – Nepean River. This fluvial landscape is described as Freemans Reach in 'Soil Landscapes of the Sydney 1:100 000 Sheet' (Chapman and Murphy 1989) which is dominated by broad, relatively flat floodplains, levees and back-water lagoons and wetlands.

The soils are typically deep layered unconsolidated sediments (i.e., sands and loams) deposited as alluvium during periods of flood. These soils are deposited over the underlying bedrock or relict soils and support a distinctive ecological community – Sydney Coastal River-flat Forest (Alluvial Woodland/ Riparian Forest).

TOPOGRAPHY

The topography of the park varies greatly. From the steep banks of the Nepean River to the relatively flat parkland near York Street there is a significant level difference of approximately 13 metres. The 40-metre riparian corridor drops approximately 12 metres from the river Road car park to the river edge.

FLOODING AND BANK STABILITY

The riparian corridor is subject to flooding and high stream bank erosion which can be hazardous as well as deposition of sedimentary materials as the flood waters recede. Long periods of relative stability and deposition are followed by periodic flood events of short duration but with long lasting impacts on bank stability, erosion, and sedimentation. Human-induced impacts can magnify and exacerbate the effects of these natural processes. Figure 8 indicates the location of the current engineered edge for a section of the Regatta Park embankment reducing erosion risk through bank stabilisation.

Figure 6 shows the flood affected area in a 1 in 100-year flood. Most of the park on the western side of River Road is not affected whereas the eastern part of the park is entirely inundated.



Figure 6 Regatta Park 1:100-year flood event modelling

FLOOD EVENTS

Flooding can occur at any time of the year. Although linked to periods of higher rainfall, flood events follow no regular pattern. Flood records at Windsor have been kept since 1790. In 1817, Governor Lachlan Macquarie recorded the catastrophic impact of floods in the valley. Successive floods during these early years devastated the early settlements. However, the period between 1817 and 1864 was dry with no significant floods recorded. The dry spell came to a dramatic end in 1864 with the largest flood recorded up to that date. Only three years passed before yet another major flood occurred. This was the greatest flood ever recorded. Although many floods have been experienced since this time none have approached the levels set in 1867.

Diversion weirs were first constructed in the early 1880s and four dams were completed on the upper Nepean River between 1907 and 1935. Warragamba Dam was completed in 1960. The November 1961 flood was the largest recorded in the twentieth century. This event was followed by smaller floods in 1978, 1987, 1988, 1989 and 1990. The flood of August 1990 was the largest event since March 1978.

CHANNEL WIDTH

Records regarding the width of the Nepean Riverbank in the Penrith locality go back to 1862 when surveys were carried out to design the Victoria Railway Bridge. The 1862 survey shows the channel at the Victoria Railway Bridge to have been relatively narrow and deep. After the 1900 flood, the second largest on record, the channel had increased in width by 30 m. Comparisons between 1900 and 1982/83 for the 46 locations in the Penrith locality show that from 1901 to 1948 there was a decrease in width averaging 23 metres, and from 1949 to 1982/83 an increase in width of 13 metres. Although there are other influences, change in flood regime is the most significant factor causing these changes.

BIODIVERSITY

VEGETATION

There are several groups of trees within the site:

- Riparian Corridor – a Narrow band of Riparian vegetation located adjacent to the Nepean River.
- Residential buffer – along the park boundary, at the rear of properties along York Street and Willowtree Avenue, a mixture of exotic species provides screening and a buffer between the residential properties and the park.
- Shade trees – near the playground, sports field and amenities building these trees provide much needed shade and amenity
- Avenue planting - along River Road and car parking areas.
- Police Cottage and private property – a mixture of exotic species suited to the period and style of the architecture.



Figure 7 Tree groups in Regatta Park (November 2015; near map)

The Vegetation Management Plan (2014) states that there are no Endangered Ecological Communities within Regatta Park. However, in the adjacent riparian corridor River-flat Eucalypt Forest (Riparian Forest) is present.

FLORA SPECIES

The Vegetation Management Plan (2014) states that no threatened flora species listed under the EPBC or TSC Acts were observed in the study area. Of the 80 dominant species that were recorded on site, more than half of those are exotic species, including one declared noxious weed in the Penrith LG ACT and four classed as Weeds of National Significance.

Note the study area for the Vegetation Management Plan included other parks and reserves in addition to Regatta Park along the Nepean. However, the Plan did not include the western part of Regatta Park.

WEEDS

Of the 80 dominant plant species recorded in the VMP, more than half of those were exotic species, including one declared noxious weed in the Penrith LG ACT and four classed as Weeds of National Significance.

Weeds of National Significance recorded in the study area include:

| Scientific Name | Common Name |
|----------------------------|--------------|
| Anredera cordifolia | Madeira Vine |
| Lantana camara | Lantana |
| Rubus fruticosus agg. spp. | Blackberry |
| Salix nigra | Black Willow |

Table 3 Weeds of National Significance

The VMP classifies *Rubus fruticosus* agg. spp. as a noxious weed. The NSW Noxious Weeds Act 1993 requires Council and other landowners to control the species classified as noxious weeds.

Detailed REF has been prepared for Regatta Park precinct which identified six (6) Priority weeds as listed under the Biosecurity Act 2015, within the Greater Sydney (Penrith) area.

- *Alternanthera philoxeroides* (Alligator Weed)
- *Anredera cordifolia* (Madeira Vine)
- *Asparagus asparagoides* (Bridal Creeper)
- *Cestrum parqui* (Green Cestrum)
- *Lantana camara* (Lantana)
- *Lycium ferocissimum* (African Boxthorn)

FAUNA SPECIES

The VMP states that there are 14 fauna species listed as threatened species that have potential to inhabit the study area, although none were recorded as part of the VMP study.

| Common name | Scientific name |
|----------------------------|----------------------------------|
| Broad-headed Snake | <i>Hoplocephalus bungaroides</i> |
| Cattle Egret | <i>Ardea ibis</i> |
| Fork-tailed Swift | <i>Apus pacificus</i> |
| Giant Burrowing Frog | <i>Heleioporus australiacus</i> |
| Glossy Ibis | <i>Plegadis falcinellus</i> |
| Green and Golden Bell Frog | <i>Litoria aurea</i> |
| Grey-headed Flying-fox | <i>Pteropus poliocephalus</i> |
| Large-eared Pied Bat | <i>Chalinolobus dwyeri</i> |
| Rainbow Bee-eater | <i>Merops ornatus</i> |
| Regent Honeyeater | <i>Anthochaera Phrygia</i> |
| Swift Parrot | <i>Lathamus discolor</i> |
| White-bellied Sea-Eagle | <i>Haliaeetus leucogaster</i> |
| White-throated Needletail | <i>Hirundapus caudacutus</i> |
| Wood Sandpiper | <i>Tringa glareola</i> |

Table 4 Predicted threatened species

The above lists include species that may live, forage, breed or opportunistically use the riparian and aquatic zones.

Water quality and aquatic biodiversity are all affected by restricted flow regimes from Warragamba Dam, agricultural and urban run-off, and exotic weeds. There have been 11 native fish species recorded at Penrith Weir pool and two introduced species.

HERITAGE

ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE

The Penrith Great River Walk - Interpretation Plan, prepared by Godden Mackay Logan in 2011, summarised the Aboriginal history of the Castlereagh district and Nepean River prior to European settlement as follows:

“Prior to 1789, the land district around Castlereagh and the Nepean River was the territory of a number of neighbouring Aboriginal groups: the Mulgoa or Mulgowey, who lived on the Nepean River between present-day Mulgoa and Castlereagh; and the Boorooboorongal, who occupied the land north of Castlereagh to beyond Richmond. Castlereagh was a middle ground, the boundary line between the two groups.

The rivers and creeks were a valued natural resource to the local people, providing food, drinking water, swimming, and transport. The river also provided stones important for making tools. Chert was used for making sharp cutting tools and basalt pebbles for grinding and making hatchets and axes.”

As a result of European colonisation local Aboriginal communities have experienced significant trauma and disruption to way of life. The 1828 census recorded 156 Aboriginal people living in the Penrith area: 38 from the Nepean, 15 from the Mulgoa, 73 from Richmond and 30 from the Booroogorang.

The Penrith Local Government Area enjoys a rich and flourishing Aboriginal and Torres Strait Islander history, heritage, and culture.

Research conducted in the Hawkesbury – Nepean catchment area has revealed a rich archaeological context. The combination of elevation above water and proximity to water are considered important factors influencing prehistoric Aboriginal site locations. Recent research has confirmed that archaeological lithic assemblages (e.g., whole, or fragmentary stone artefacts) may be preserved in sub-surface layers even where there has been significant disturbance to the land surface (McDonald 2001).

EARLY EUROPEAN HERITAGE

Shortly after the first Europeans settled in Australia the discovery of the Nepean River at Penrith was made by Captain Watkin Tench who, together with members of his marine exploration party, reached the shores of the river in 1789. The river was officially named the Nepean by Governor Arthur Phillip, after the British Under-Secretary of State and his close friend Evan Nepean.

European settlement along the Nepean River began in 1803 when the area along the east bank of the river was surveyed.

Land lots adjacent to the river were granted by Governor King to free settlers, ex-military men and ex-convicts. These land plots ran parallel to the river between it and a dirt track known as Castlereagh Road which headed north towards the already settled and large rural town of Richmond.

The Hawkesbury Lower Nepean catchment has a long history of vegetation clearing, ecosystem disturbance and modification through agricultural activities and urban development. The construction of dams in the upper catchment, the diversion of Sydney's drinking water (approximately 90% of river flow) and allocation of water for irrigation purposes have significantly altered downstream flows and reduced the frequency and impact of storm and flood events.

The Penrith Great River Walk - Interpretation Plan, prepared by Godden Mackay Logan in 2011 highlights several features or past uses of the park in its history:

- Location of the former ferry link represented in the Punt Road cutting
- Links between Emu Hall's owner Toby Ryan and the construction of the first bridge structures.
- Government Farm established on Emu Plains, although not directly associated with the park.
- Rowing races that have been held on the Nepean River since the 1850's including:
 - The first recorded race between Penrith and Emu Plains locals in a four-oared whale boat challenging a skiff crewed by two rowers from Sydney
 - In 1888 the first rowing clubs were established. A modern rowing club, 'Nepean Rowing Club' was established in 1928 and is still in operation.
 - In 1936 the Great Public Schools (GPS) Head of the River Regatta was held on the Nepean River. Regatta Park and other parks and reserves along the Nepean banks were used by spectators. This annual competition on the river was held here until the Sydney International Regatta Centre was developed for the Olympic Games in 2000.



Figure 8 Regatta start of 1-mile coxed fours 1963 (Image supplied by Robin Mackay)

LAND USES AND CONDITION

The land uses within the site are limited to specific areas. The uses are a mixture of active and passive recreation activities associated with specific facilities provided by PCC. Figure 9 provides the image with Table 5 listing and describing the current uses and facilities and their condition.



Figure 9 Land uses and condition

Overall, the park is predominantly used for recreation activities such as access to the river for fishing, as well as walking, bike riding, playgrounds, formalised sport, and picnics.

| No. | Current Use | Description | Condition |
|-----|-----------------------------|--|---|
| 1 | Sports field | <ul style="list-style-type: none"> • Sports field managed and maintained as a Cricket Oval. • Regular hirer- Penrith Junior Cricket Association summer seasonal hire Saturday and Sunday for 26 weeks. Also used for representative junior matches throughout season. Winter season use by Sydney Morning Cricket and Sydney Junior Cricket weekly. Summer season used for pre-season sports training during daylight savings periods. • Used by Blind Cricket NSW for summer competition. • The oval is rarely used for formal sports games outside the summer months. • The oval is used for informal games and other types of recreation associated with picnics and family/social gatherings. | <ul style="list-style-type: none"> • The oval is in good condition. It is maintained on a regular basis associated with Blind Cricket usage. • It is an important junior sports facility within PCC suite of sports ground facilities. • Its junior size and absence of flood lighting limits use to daylight hours • Recent upgrades to the sports field including irrigation, a circular path and additional gym equipment have increased maintenance activities. |
| 2 | Children's Play area | <ul style="list-style-type: none"> • The play space has been enhanced and upgraded as part of the regatta park precinct upgrade 2021/2022. The Play space has two play equipment areas; Adventure play and river play areas. The adventure is a play area suited to all ages and abilities, the river play area has predominant water play, with rubber sand Softfall. Both play areas have a combination of natural shade and built shade structures. • The playground is designed to accommodate high usage, with many spaces for informal and formal play. • The playground is promoted as a district play facility within the regional river precinct. | <ul style="list-style-type: none"> • The playground equipment and soft fall are in good condition. |
| 3 | Foreshore platforms | <ul style="list-style-type: none"> • There are a number of waters access platforms spaced along the foreshore of varying widths and construction including: <ul style="list-style-type: none"> ○ Steel frame with FRP (Fibre Reinforced Plastic) grating, timber edging and insitu concrete footing (Sound condition); | <ul style="list-style-type: none"> • Good condition |

| No. | Current Use | Description | Condition |
|-----|--------------------------|---|--|
| | | <ul style="list-style-type: none"> ○ Pre-cast concrete slabs suspended over the foreshore with no edging and insitu footing | |
| 4 | Public Toilet | <ul style="list-style-type: none"> ● A relatively new steel accessible building on the western side of River Road provides toilets for teams using the oval. ● Adult change facilities | <ul style="list-style-type: none"> ● The building is in satisfactory condition with the adult change facilities in new condition |
| 5 | Picnic shelter | <ul style="list-style-type: none"> ● Picnic shelters are located around the park at various locations including alongside the multi-use area and adjacent to playgrounds. ● Picnic tables are provided under shelters and in the shade of trees. Picnic tables include a proportion that are wheelchair accessible. ● Picnic platforms are located informally under shade around the park. | <ul style="list-style-type: none"> ● Shelters and tables are of steel, aluminium, and timber construction. ● Bolt down fixing onto insitu concrete footings. |
| 6 | Car parking areas | <ul style="list-style-type: none"> ● Sealed surface, public Regatta Park car park on the eastern side of the park with driveway access from the River Road / York Road roundabout. ● All weather surface, public Regatta Park car park overflow parking on the western side of the park with driveway access from York Road. ● All weather surface, dedicated Police Cottage car park on the western side of the Police Cottage with driveway access from the Regatta Park eastern car park. ● Kiosk car parking, waste collection, delivery and service vehicle access utilizes shared use with the Regatta Park eastern car park. | <ul style="list-style-type: none"> ● Car parks are new as of 2021/2022. |
| 7 | Paths | <ul style="list-style-type: none"> ● Paths are a combination of formal and informal, accessible, and non-accessible. ● Paths are constructed of concrete or decomposed granite in varying widths throughout the park. This includes: ● Accessible 3.5m wide concrete share path connecting the Great Western Highway and Yandhai | <ul style="list-style-type: none"> ● The footpaths were installed in 2021/2022. |

| No. | Current Use | Description | Condition |
|--|--|--|--|
| | | <p>Crossing through Regatta Park south to River Road</p> <ul style="list-style-type: none"> • Accessible 1.8m wide concrete paths down to the river foreshore. • Decomposed granite paths with steel edging around the cricket oval, multi-use area and adventure play space. • Semi-formalised decomposed granite path along the river foreshore • The minimum path width in the park is 1.5m | |
| 8. | Beach area | <ul style="list-style-type: none"> • There is an informal sandy 'beach' area on the foreshore at the southern end of the park to aid with kayak launching. The sand will require checking / topping up periodically, particularly after high water events. | <ul style="list-style-type: none"> • Good condition |
| 9. | Pavilion/Kiosk | <ul style="list-style-type: none"> • A new pavilion will be built in Regatta Park on the riverbank which will include a Kiosk, which can be leased or licenced and amenities | <ul style="list-style-type: none"> • The pavilion will be a new construction in 2021/2022 |
| 10. | Pavilion/ Potential Event Space | <ul style="list-style-type: none"> • The new pavilion that will be built in Regatta Park will provide potential event space for future use that can be leased or licenced. | <ul style="list-style-type: none"> • The pavilion will be a new construction in 2021/2022 |
| 11. | Fixtures and Fittings | <ul style="list-style-type: none"> • Includes Park furniture • Lighting • Signage • Public Art | <ul style="list-style-type: none"> • Good condition |
| 12. | Bridge | <ul style="list-style-type: none"> • Punt Road section of bridge falls within boundary. | <ul style="list-style-type: none"> • Good condition |
| 13. | Police Cottage | <ul style="list-style-type: none"> • A historic weatherboard building previously a residence that will be restored and adaptively reused as a Café/Restaurant that can be leased or licenced. • Associated with an adjoining police station that was burnt in a fire in 2012 | <ul style="list-style-type: none"> • The building was in moderate to poor condition and unoccupied in 2021. A heritage restoration and adaptive reuse will be complete in 2021/2022 for the building to be used as a Café/Restaurant which can be leased or licenced. |
| No. Other infrastructure (not publicly accessible and within site boundary) | | | |
| 14. | Private residence | <ul style="list-style-type: none"> • A residential building built in the 1960's. | The building is in satisfactory condition and is occupied. |
| 15. | Former Union Inn site | <ul style="list-style-type: none"> • Heritage | The Former Union Inn site will be modified for adaptive |

| No. | Current Use | Description | Condition |
|-----|-----------------|--|-----------------------------------|
| | | <ul style="list-style-type: none"> • Ref: EP6, Former Union Inn Site including trees, Lots 1–4, DP 342116, 36 Great Western Highway | reuse and heritage interpretation |
| 16 | Emu Hall | <ul style="list-style-type: none"> • Emu Hall is a privately owned local heritage listed site restored in 2020 for adaptive reuse as a Restaurant | Good condition |

Table 5 Land uses and conditions

OBSERVATIONS

Current land use observations indicate opportunities for better enabling existing cultural uses of Regatta Park. Obvious observations include:

- Opportunities for both temporary and integrated public art within Regatta Park
- Regatta Park has been an outdoor performance location for local theatre groups for many years.
- Temporary public art installations. This would require site identification for platforms or securing methods to enable safe instalment. This location in the park may also offer possible connections with the Penrith Regional Gallery.

VALUES AND SIGNIFICANCE

The requirements of Section 1.4 of the CLM Act outlines management principles for Crown Land and the LG Act specifically states core objectives for each of the assigned categories that help identify the value and significance of the subject site. NSW planning instruments and landscape analysis also contribute to the identification of Regatta Park values.

Set out below are the assessments of values and significance which are based on an overview of the key issues and objectives described in the previous sections.

HERITAGE VALUE

Regional and State Significance

The area has significance based on evidence of pre-European Aboriginal settlement and use, and as the site for the first crossings of the Nepean River in the early exploration of a route over the Blue Mountains.

Within the boundaries of the Precinct and in the immediate vicinity are several local heritage items included in Schedule 5 of the Penrith Local Environmental Plan 2010:

- Former Police Station Residence, 4 Punt Road (Item No. 52)
- Former Police Station, 30 Great Western Highway (Archaeological site, Item No. A53)
- Former Union Inn and trees, 36-42 Great Western Highway (Item No. 63)
- Ferry Crossing, Punt Road, Nepean River (Item No. 147)
- International Style House, 10 River Road (Item No. 666)
- Victoria Bridge, Great Western Highway (Item No. 146)
- Emu Hall, 2-26 Great Western Highway (Item No. 51)
- Rowing Course, Nepean River (Item No. 148)

SOCIAL VALUE

Regional and Local Significance

Recreational and health and wellbeing values to a wider urban residential catchment, as an important gathering place suitable for families and all members of the community.

VISUAL QUALITY

Local Significance

Important views along and across the river.

NATURAL VALUE

State, Regional and Local Significance

Significant habitat on the foreshores plays a major ecological role in the health of the river and catchment.

RECREATIONAL VALUE

Regional and Local Significance

Extensive recreational opportunities are a drawcard for visitors from Penrith City and across Western Sydney.

SITE ANALYSIS

In preparing the DLMP for Regatta Park a detailed analysis was undertaken, and constraints and opportunities were also identified. The following maps summarise this evaluation.

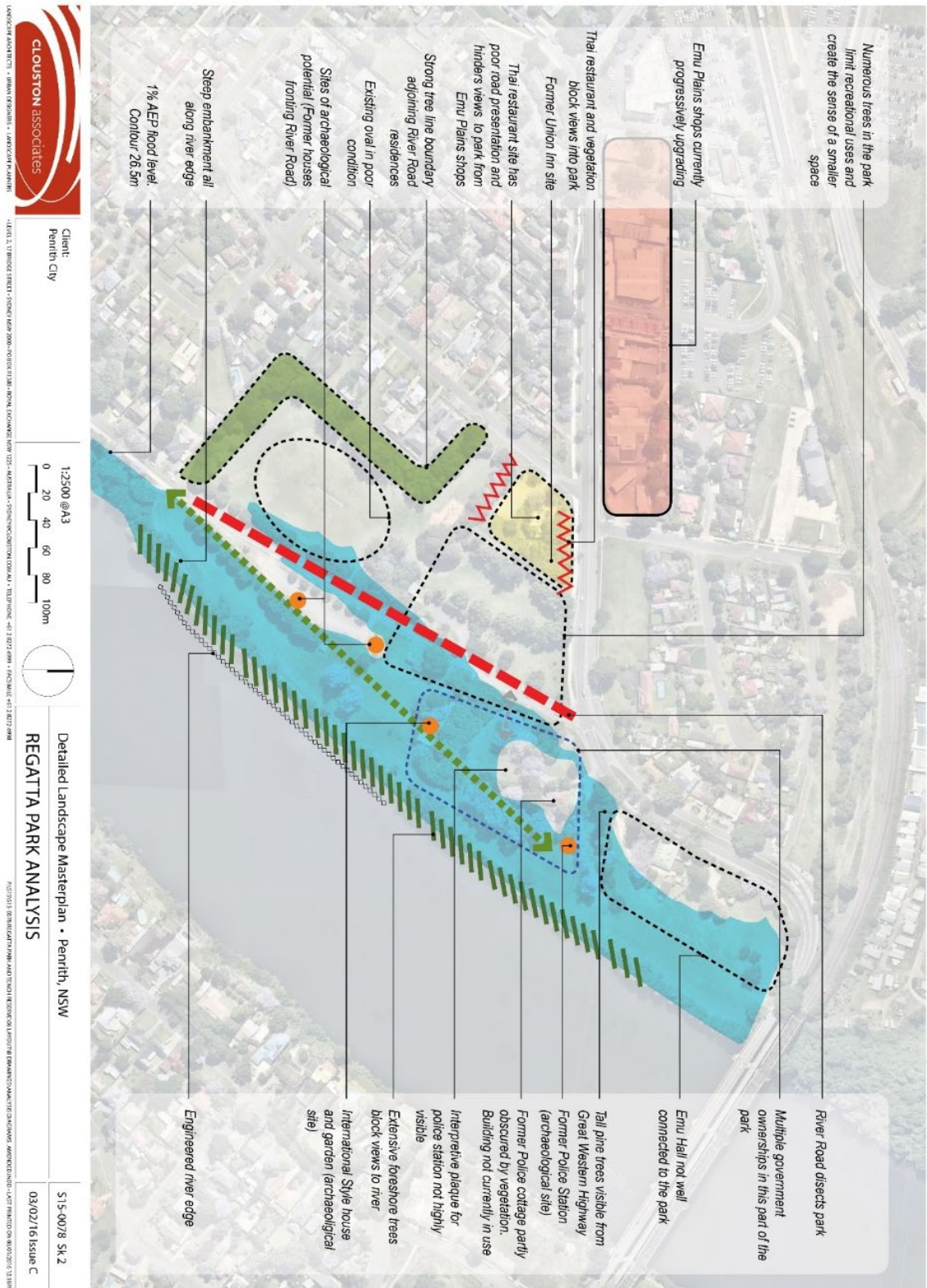


Figure 10 Regatta Park Analysis Plan

Objectives & Opportunities



Figure 11 Regatta Park Opportunities Plan

MANAGEMENT PRINCIPLES

The Regatta Park PoM identifies prioritised actions to be implemented to address the following key issues:

- Access and Circulation
- Recreational and commercial uses and facilities
- Landscape Character and Visitor Amenity
- Natural Environment and Cultural Heritage
- Management and governance.

This plan will be updated every five years. The next review will be in 2027.

The issues and opportunities identified by the community, stakeholders, and consultants through the Our River Master Plan and this PoM have been used to develop key principles that will underpin management strategies for Regatta Park.

These principles address the objectives of the LG Act and CLM Act and represent an important reference point when strategies may need to be revised. The principles are complementary to the design and planning principles in the Our River Master Plan.

The letter and number reference refer to their relevant actions listed in the Action Plan (Section 6).

Enjoying the Park and River

- E2C Ensure paths are capable of safely servicing the number and variety of users of all ages and abilities
- E3A Minimise conflicts between different users to ensure safety and enjoyment for all users
- E2E Encourage shared use of existing buildings for community purposes
- E2D Maximise shade and shelter in exposed areas of the Park.

Getting to and Around the Park

- G1A Minimise impact of vehicles throughout the Park by optimising car parking and management of traffic movement
- G1B Provide safe and convenient non-vehicular connections to surrounding areas of open space and adjacent community
- GC3 Encourage and promote sustainable and collective public transport to the Park
- E4A Ensure access to and from the water is safe
- G2E Ensure user conflicts are minimised through appropriate design of park elements, features, and facilities
- G2B Ensure that visitors can easily navigate their way around the Park.

Conserving the Environment, Heritage and Character of the Park

- C2 Ensure that any changes to or development in the Park do not negatively impact on the natural environment of both land and water
- C2 Protect, maintain, and enhance regenerating native vegetation and areas of remnant vegetation
- C1A Provide opportunities for interpretation of the Park's natural and cultural heritage
- C1B Conserve and promote appreciation of Aboriginal heritage sites and values in the Park
- C1C Conserve and promote appreciation of heritage-built form and values in the Park
- C4A Establish an identity for the Park that recognises its varied character along its length and its association with the Nepean River.

Managing the Park and its Buildings

- M8A Ensure leased premises or licenced premises are for purposes that promote or are related to the use and enjoyment of the Park
- M1D Seek opportunities within the Park to assist in recouping maintenance costs that are appropriate to the Park's principal function and purposes
- M7A Manage waste in the Park by a balanced combination of facilities management and education
- M5C Plan and manage events in the park with focus on the river experience.

5. INDICATIVE MASTER PLAN

DETAILED LANDSCAPE MASTER PLAN

Currently with the preparation of this PoM, Council has prepared a Detailed Landscape Master Plan (DLMP) for Regatta Park. The indicative Master Plan that illustrates the proposal for Regatta Park is illustrated in Figure 12.

Other studies that have influenced the preparation of the POM and Master Plan include:

- Our River Nepean Master Plan 2013
- Nepean River Riparian Vegetation Management Plan 2014
- Penrith Great River Walk - Interpretation Plan 2011
- Nepean River Plan of Management for Tench Reserve, River Road Reserve, and Weir Reserve (Eco Logical Australia 2014).

COMMUNITY CONSULTATION AND DESIGN PRINCIPLES

Community feedback from a comprehensive consultation program (as described in reports by People, Place and Partnerships (2013, 2014)) informed development of Our River Master Plan in 2013 and the draft Vegetation Management Plan in 2014. Community consultation involved workshops, displays, online and intercept surveys, and media in relation to the reserves and riparian corridor at Penrith.

The following design principles were developed based on consultation for the Master Plan:

- **Our Accessible River:** The river is a significant and important recreational asset in the region, but many people are unaware of its presence and values. Key to the wider awareness of the river and its recreational use and enjoyment is improved access to the parklands along its foreshores and the opportunity to get down to the water's edge and onto the water.
- **Our Active River:** Once the river is reached what is on offer to the visitor and resident? An active and vibrant river should provide a wide range of active and passive recreational opportunities both on and off the water, making the river a place to be enjoyed by all, both for active recreation and for quiet reflection and contact with nature.
- **Our Cultural River:** The river has a long cultural history, dating back thousands of years. As a spectacular natural and cultural landscape setting, the river provides the opportunity for a series of memorable spaces and places each with their own focus and character, creating a place to celebrate the community's culture and diversity.
- **Our Healthy River:** As a key cultural and recreational asset, the river's health is vital to the environmental health of its river landscape and the health and wellbeing of those who live beside it or visit it. Enhancing the health of the river vegetation and the quality of water is therefore of key importance to a sustainable local environment and ultimately the health of the local community.
- **Our Managed River:** Like all rivers systems, the river's catchment extends beyond local government boundaries and its management needs to be considered in this wider perspective. Managing and maintaining the river's natural values, cultural heritage and landscape character provides a sustainable setting for compatible recreation, both on and off the water.

These principles have been applied to this PoM. Any management related issues such as operations and maintenance refer directly to the elements in this plan and its subsequent revisions.



Figure 12 Regatta Park Preliminary Master Plan

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN OF MANAGEMENT

The objective of the PoM and associated master plan is to identify the scope and scale of permissible development on the site. Table 6 provides a list of the Core Objectives from the LG Act and their corresponding performance targets developed specifically for Regatta Park.

Section 4 identifies the land categories and provides a brief description of each category specific to Regatta Park.

Section 6, The Action Plan identifies how Council proposes to achieve the objectives and performance targets required by development proposals. The Action Plan also identifies how Council proposes to assess its performance with respect to these.

| Core Objectives | Performance Targets |
|---|--|
| GENERAL COMMUNITY USE CORE OBJECTIVES | |
| a) to 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: <ul style="list-style-type: none"> i. in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and ii. in relation to 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). | <ol style="list-style-type: none"> 1. Active and regular use of the park by a broad cross section of the Penrith community. 2. Visitation to the park by users from outside the Council area (i.e. the park becomes a draw card). 3. Use of the park for health and wellbeing (running, walking, cycling, kayaking etc). 4. Leases, licences, and permitted uses authorised by this plan are in accordance with the plan's objectives. 5. Heritage appropriately conserved and interpreted. |
| PARK CORE OBJECTIVES | |
| <ol style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. | <ol style="list-style-type: none"> 1. Leases, licences, and permitted uses authorised by this plan are in accordance with the plan's objectives. 2. A balanced provision of recreational opportunities in the park that address identified recreation needs and opportunities for community benefit. 3. Provision of enhanced informal use park areas that cater for day-to-day community recreational use. 4. Ensure that such activities are managed having regard to any adverse impact on nearby residences. 5. Events – infrastructure adequate to support events. 6. Heritage appropriately conserved and interpreted. |

| Core Objectives | Performance Targets |
|--|---|
| NATURAL AREA: WATERCOURSE | |
| <ul style="list-style-type: none"> a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and c) to restore degraded watercourses, and d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category. | <ul style="list-style-type: none"> 1. Protected endangered communities. 2. Protected areas of habitat known to support vulnerable species. 3. Specific areas of bushland of more limited accessibility to provide refuge. 4. A balanced provision of ecological restoration and conservation with appropriate recreational opportunities for community benefit. 5. Interpretive signage and information regarding natural areas. |

Table 6 Core objectives and performance targets

DESIGN CONSIDERATIONS

The following issues and recommendations have been considered and implemented into the PoM.

FLOOD PLANNING AND DESIGN ISSUES

The installation of any recreational infrastructure such as public access, services, amenities, and facilities within the Park must consider the implications of flood events. New structures should not in any way obstruct, reduce, or interfere with upstream or downstream flood behaviour or adversely impact occupiers of the floodplain. The potential magnitude of flood impacts, including the rate of rise and duration need to be considered in the planning and design of the riparian corridor. Council and the NSW Government have a suite of flood studies, plans and policies that address these issues.

A CHANGING CLIMATE

The Penrith region is vulnerable to the impacts of a changing climate. A high level of risk already exists, with 2019-2020 delivering an unprecedented level of natural disasters including drought, heatwaves, bushfires, severe storms, and flooding – all of which affected the Penrith LGA. Climate modelling shows that this level of risk will increase into the future.

A Climate Risk Assessment undertaken by Council in 2020 identified 48 climate risks that are impacting on Council now or may do so in the future. This assessment was based on the NSW and ACT Regional Climate Modelling (NARCLIM) projections, and the risks identified included extreme heat, bushfires and poor air quality, drought and flooding, or a combination of extreme weather events.

The Metropolitan Sydney climate change snapshot by AdaptNSW highlights a range of projected weather changes, including:

- Increases in levels of both maximum and minimum temperatures, with more hot days and fewer cold nights, and more extreme heatwave events
- Higher levels of variation in rainfall patterns, with reduced rainfall across spring and winter, and increased chances extreme rainfall in summer and autumn
- Increased Forest Fire Danger Index (FFDI) changes, with longer fire seasons and increasing levels of severe fire danger over summer

A changing climate is likely to have a broad impact on catchment and stream health and on the relative contributions of pollutants across the different sources and accelerate changes in land use and regional development (SCA 2010). It is also expected to impact on bushfire risk (DECC 2008, DECCW 2010). The Reserves and immediate surrounds are not mapped as Bushfire Prone Land, however, may still be affected by bushfire, although the bushfire risk is considered to be low.

The Biodiversity Conservation Act 2016 lists climate change as a key threatening process (Schedule 4), which may significantly affect biodiversity by changing population size and distribution of species, modifying species composition, and altering the geographical extent of habitats and ecosystems. Weed management and enhancing connectivity and health of ecosystems will assist in improving water quality and increase the ability of native plants and animals to cope with future disturbances and impacts of a changing climate.

RIVER HERITAGE

The Great River Walk Interpretation Plan states that the "...significance of this riparian corridor as a traditional resource area needs to be recognised and opportunities explored for investigating and interpreting these values. Aboriginal heritage should be further investigated and any places, relics, or potential archaeological deposits (PAD) properly

protected and managed. Under the *National Parks and Wildlife Act 1974* all Aboriginal sites, whether recorded or not, are protected.”

The Heritage Management Plan, updated in December 2020, is a support document for the future invigoration and upgrading of the Regatta Park Precinct, Emu Plains. The locality of Emu Plains was first settled by Europeans in 1814 and the Precinct contains evidence of the colonial development of Emu Plains dating from the early 1820.

Godden Mackay Logan are engaged by Council to prepare a Heritage Interpretation Plan for Regatta Park with the Conservation and Interpretation of Cultural Heritage guided as outlined in the Regatta Park Heritage Interpretation Plan (Godden, Mackay Logan 2022).

VEGETATION MANAGEMENT PLAN

The VMP (see figure 13 below) identifies three treatment zones within Regatta Park. The proposed vegetation management tasks are proposed for each zone:

Treatment Zone 5 - Water edge access point:

- A. All of bank (from highest bank to near water) with groundcovers and scattered clear-stemmed trees for stability and enhanced views.
- B. Pedestrian access may zigzag down the bank between trees. Elevated boardwalk will reduce the need for cut and fill and therefore minimise erosion. Grade and width may need to suit transport of small watercraft (e.g. kayaks).
- C. Potential rest points, lookouts, or seating opportunities on lower bank.
- D. Dense shrubs where views are not impeded.
- E. Toe of bank with dense groundcovers for erosion control.
- F. Access jetty and fencing to deter pedestrians from walking on adjacent bank.

Treatment Zone 6 - Key destinations:

- A. Where possible, retain remnant native vegetation and protect from human activities (e.g. small landscape walls to create native garden beds).
- B. Stabilise steep banks with stepped landscaped paths and seating (e.g. grassed amphitheatre).
- C. Provide small pockets of native planting beds with scattered trees to provide habitat nodes. Plant shrubs where views aren't blocked. Use clear-stemmed trees for improved views.
- D. Reinforce toe of bank with walls and paths.
- E. Provide submerged rocky substrate to create aquatic habitat complexity. Vertical walls to have surface roughness to provide micro-habitat for aquatic life.

Treatment Zone 7 – Infrastructure:

- A. Infrastructure (bridges, power lines, culverts etc) to be planted with low growing shrubs and groundcovers to stabilise soil. Species may vary with shade, soil type and access requirements. Rock reinforcing may be required.
- B. Pedestrian access to be stabilised with low growing groundcovers. Paths may zigzag down steep banks to allow access to water edge.
- C. High bank to be densely planted with native shrubs and groundcovers to stabilise banks. No tall growing species as these may impede power lines and bridges.
- D. Lower bank can have greater flexibility in paths (intersections, stairs, lookout platforms, seating, etc) due to lack of trees. Low groundcovers should be used to stabilise edges of paths.

- E. Toe of bank with stabilised material and groundcovers.
- F. Water access possible due to lack of trees and stabilised banks. Placing access points here will reduce the impact to other vegetated banks.

The map below indicates the location of each of the treatment zones.



Figure 13 Broad treatment zones within VMP

MASTER PLAN DESCRIPTION

For the purposes of this PoM and future management and maintenance of Regatta Park, the park has been divided into separate areas.

MULTI-USE SPACE - NORTH WEST (NW)

This area comprises:

- Informal lawn area, designed to host community events, celebrations, concerts, corporate functions etc. This area is relatively level. There is potential for this space to be hired and for Council to gain an income from this part of the Park.
- This space includes new picnic shelters and seating
- New main entrance for vehicles and pedestrians from diverted River Road with avenue planting this will provide the main west to east access through the Park.
- The Avenue leads to new formalised car parking areas
- A circuit path for general circulation with increased potential for nearby residents to utilise Regatta Park more effectively for exercise and recreation.
- New address to Great Western Highway and Emu Plains at the intersection with Lamrock Avenue with new signage.
- Some existing vegetation within this zone will be removed. New native planting will replace vegetation that is removed.
- The Union Inn ruins will be safely retained and sensitively interpreted

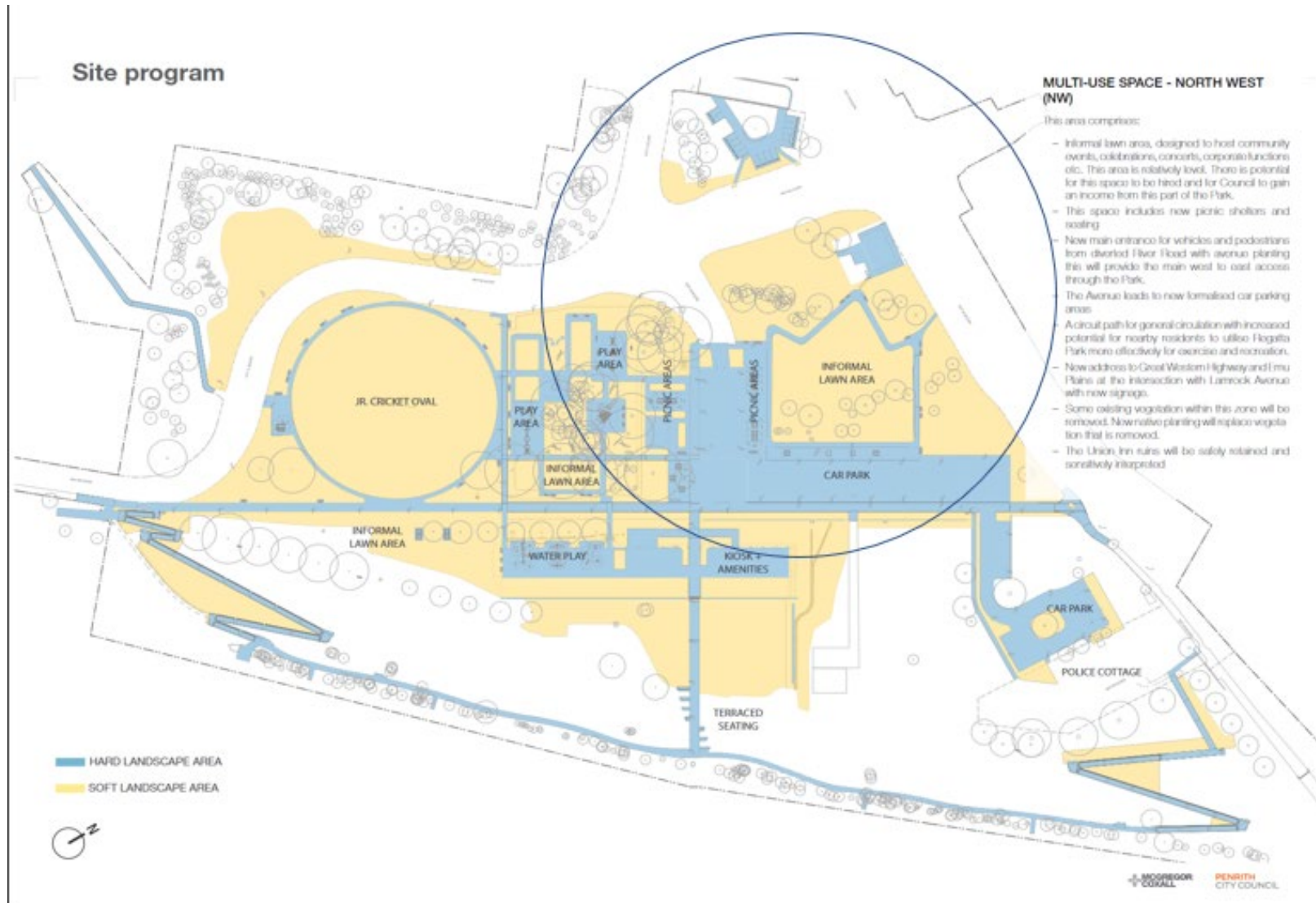


Figure 14 Multi-Use Space North West (NW)

DINING PRECINCT NORTH EAST - NE

This area comprises:

- Construction of a new Pavilion building with a Kiosk and potential for Event space into the future.
- This building will be:
 - At the top of the bank and out of the flood zone.
 - Will be owned by Council
 - Designed to be leased or licenced from Council to enable Regatta Park to generate an income for Council.
- An existing private residential property will be retained including vehicle access to the property.
- The existing Police Cottage will be retained to deliver a destination dining offering, transforming the site into a café and restaurant with heritage restoration and adaptive reuse. The proposal also includes a deck extension to create an outdoor dining area which will be shaded by the row of mature Jacaranda trees at the edge of the site and will ensure diners can capture the views of the iconic Yandhai Nepean Crossing and the Nepean River.
- Carparking is provided next to the Police Cottage.
- A footpath along the old Punt Road alignment will link to the Yandhai Nepean Crossing. This will provide connectivity to the eastern bank of the Nepean and Penrith CBD.
- A series of terraces and ramps will provide access to the river edge and the river decks.
- The existing fishing platform at the riverside will be upgraded with a formalised path and a sandy beach area provided for kayak launching.
- Some existing vegetation within this area will be pruned and canopy lifted to allow views to the river

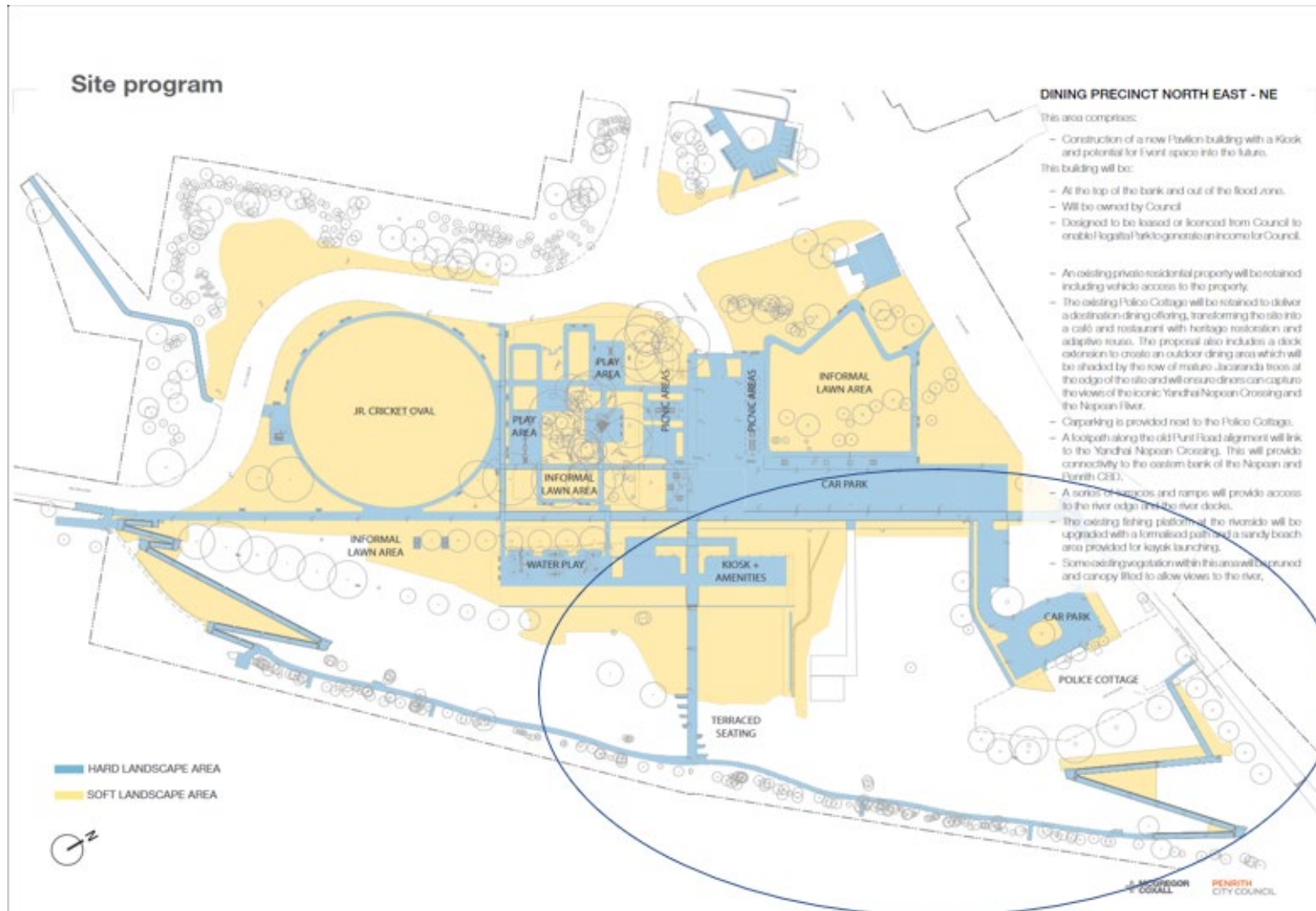


Figure 15 Dining Precinct North East NE

PASSIVE PRECINCT - SOUTH EAST (SE)

This area comprises:

- Shaded Kids play area, including water play and adjacent overflow lawn
- Picnic and seating adjacent to play area
- Existing Casuarina along the river edge will be pruned as required

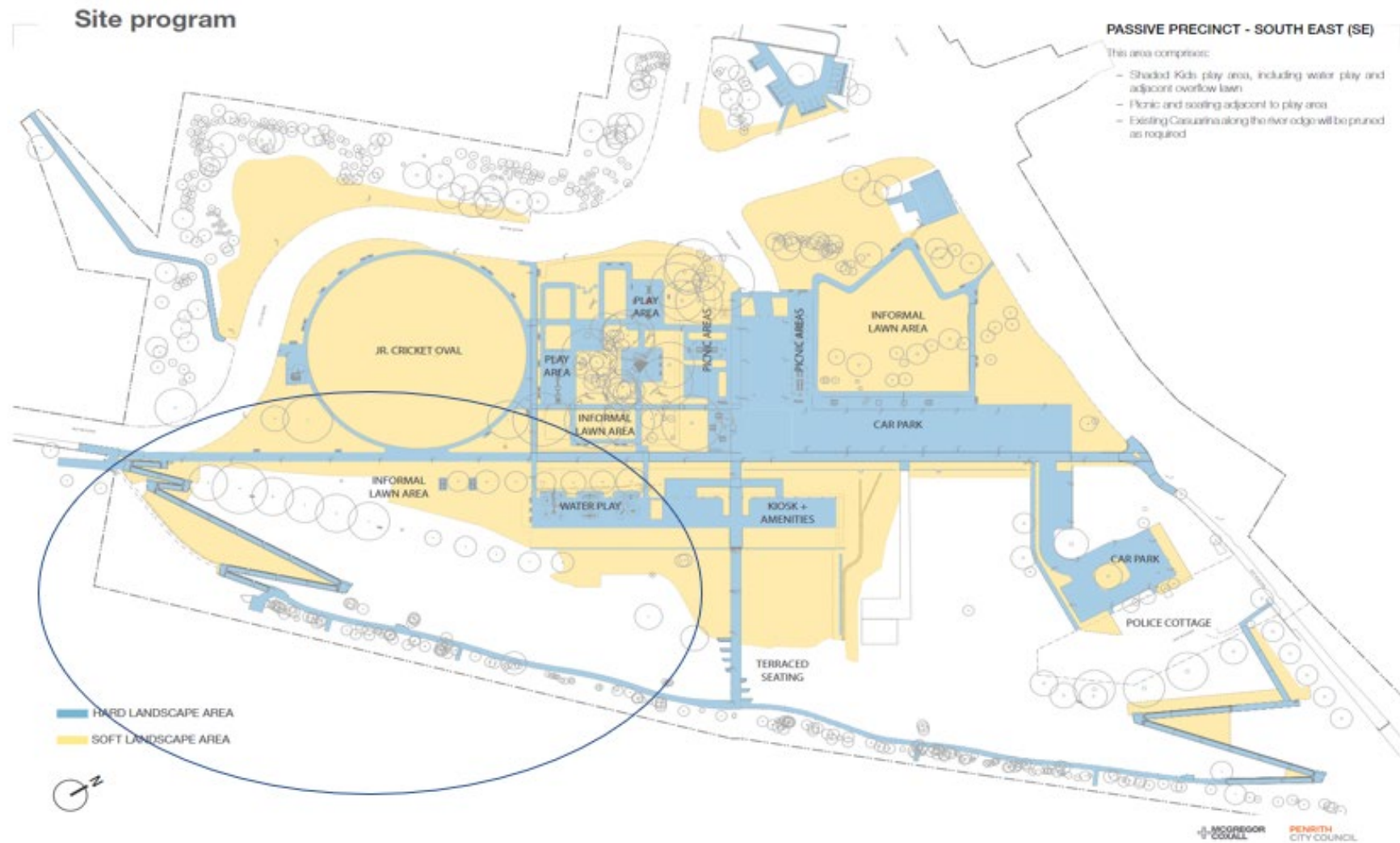


Figure 16 Passive Precinct South East SE

ACTIVE PRECINCT - SOUTH WEST (SW)

This area comprises:

- A multi-purpose space that could be used for formalised sports such as the Blind Cricket NSW competition, other special needs sports, junior sports. The space would be booked or hired by users. Fees for hire would provide Council with an income.
- Junior cricket oval with perimeter walking/running track and fitness stations
- Adventure play space catering for all abilities and ages with adjacent informal lawn areas
- Picnic area adjacent to new car parking. This will include seating, shelters, barbeque facilities etc.
- Upgraded amenities to include adult change facilities
- New pedestrian access from Willowtree and Westbank Avenue
- Carparking area
- Pedestrian access along River Road onto a shared path that connects River Road through the park and onto the GRW and the Yandhai Nepean Crossing.
- Some existing vegetation within this area will be removed. New predominantly native planting will replace vegetation that is removed along with colourful deciduous trees along the main path and share path.

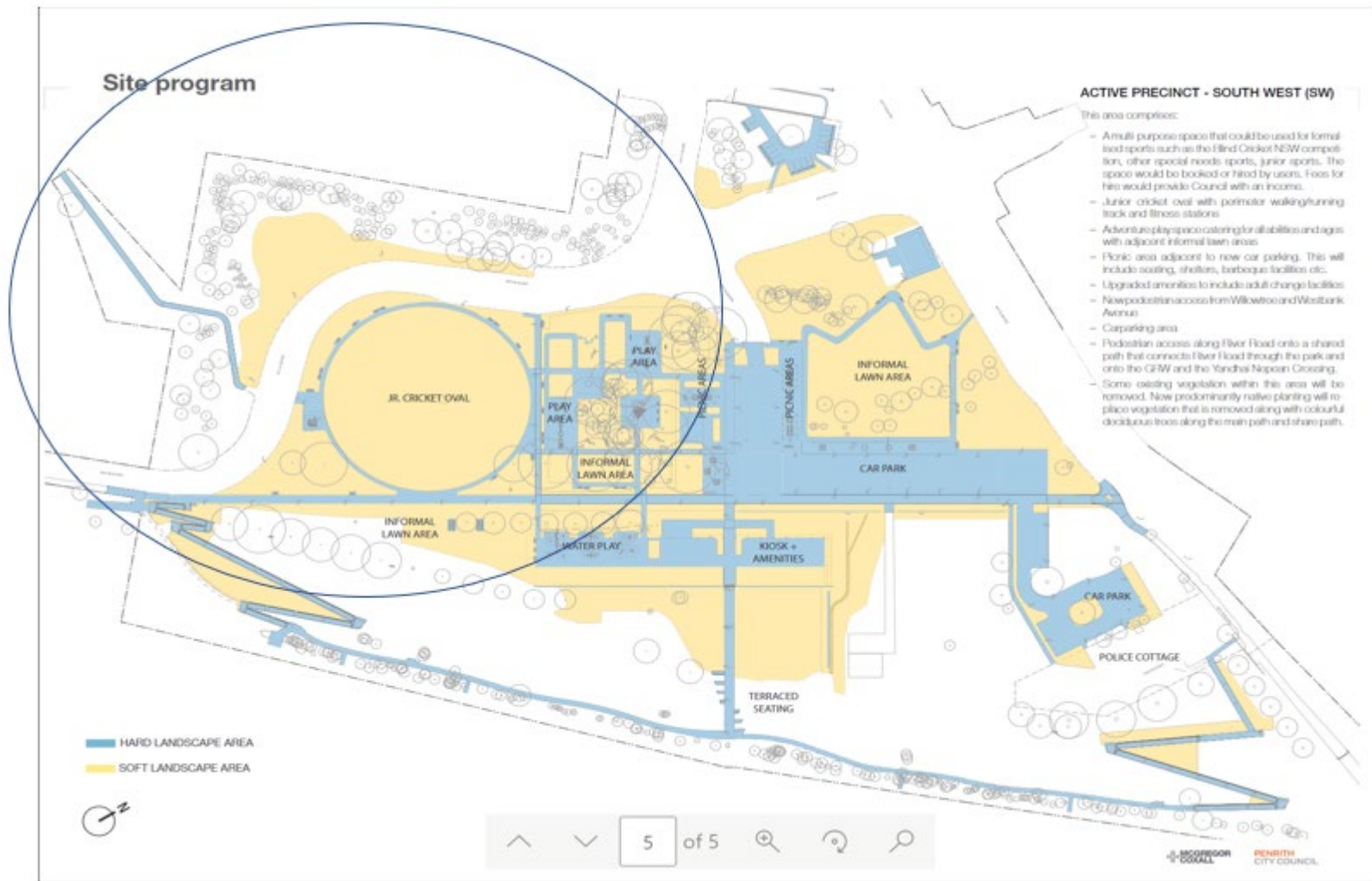


Figure 17 Active Precinct South West SW

OVERALL CIRCULATION

- Pedestrian entrances occur at each major access point and are connected to new paths and formalised through distinct paths and cleared vegetation. Directional and Park name signage will be integrated with the western access to the Yandhai Nepean Crossing adjacent to the Great Western Highway.
- The main vehicular entrance into Regatta Park begins where the redirected York Street intersects with the realigned River Road. This street then continues towards the Nepean River where car parking will be provided. Car parking is offered along the Northern section of the previously located River Road. Vehicles can access Regatta Park from the Great Western Highway, River Road or York Street.
- The Great River Walk will be extended with a shared path providing pedestrian and cycle access through the park.
- A main access path will connect parking areas, picnic & play areas, and the river foreshore.
- A foreshore path will be provided on the riverbank connected by accessible paths to the Great River Walk share path and Yandhai Nepean Crossing.
- Circulation paths are also provided to increase access and pedestrian movement throughout all areas of the park.

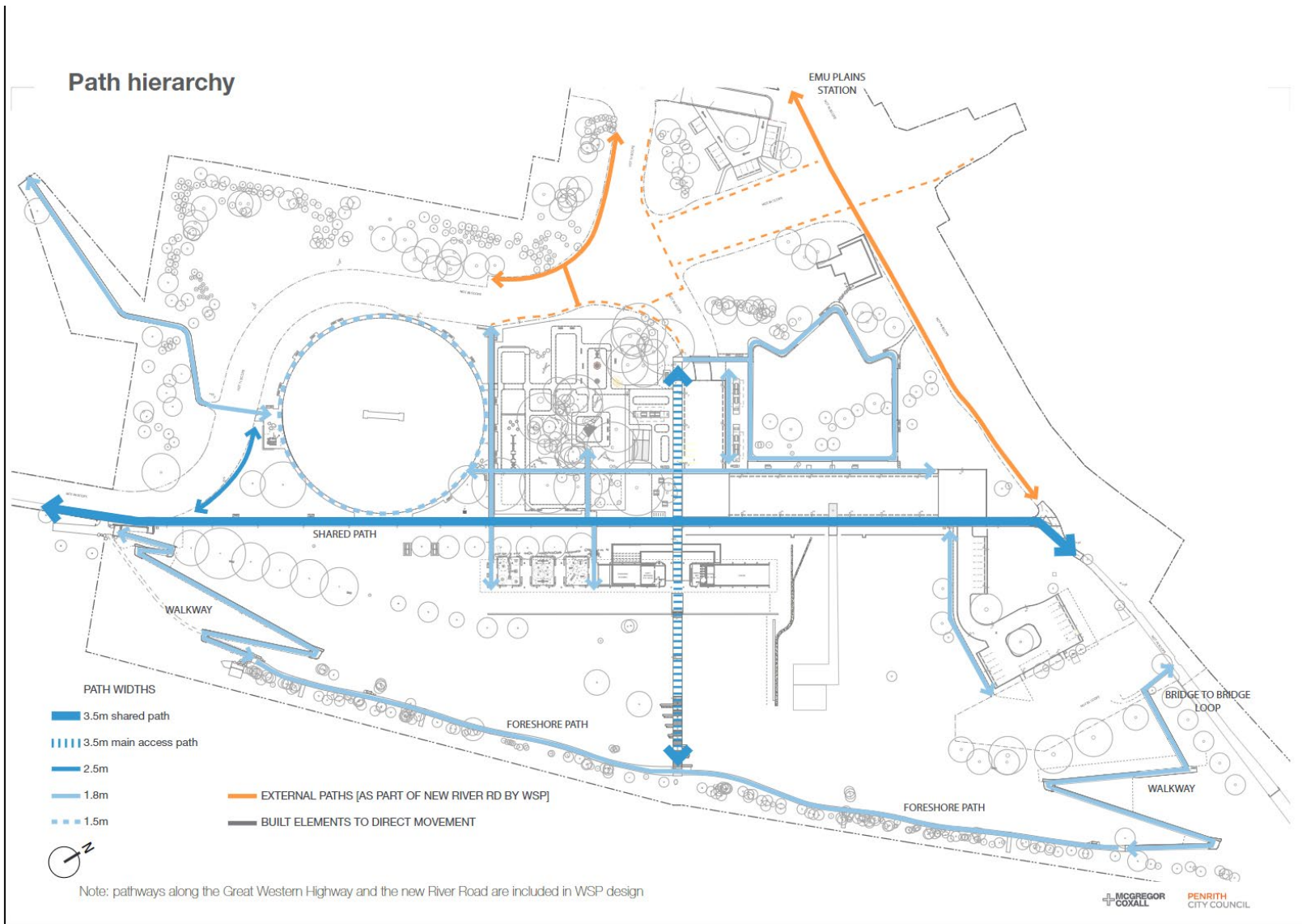


Figure 18 Path hierarchy

Accessible pathways & materiality

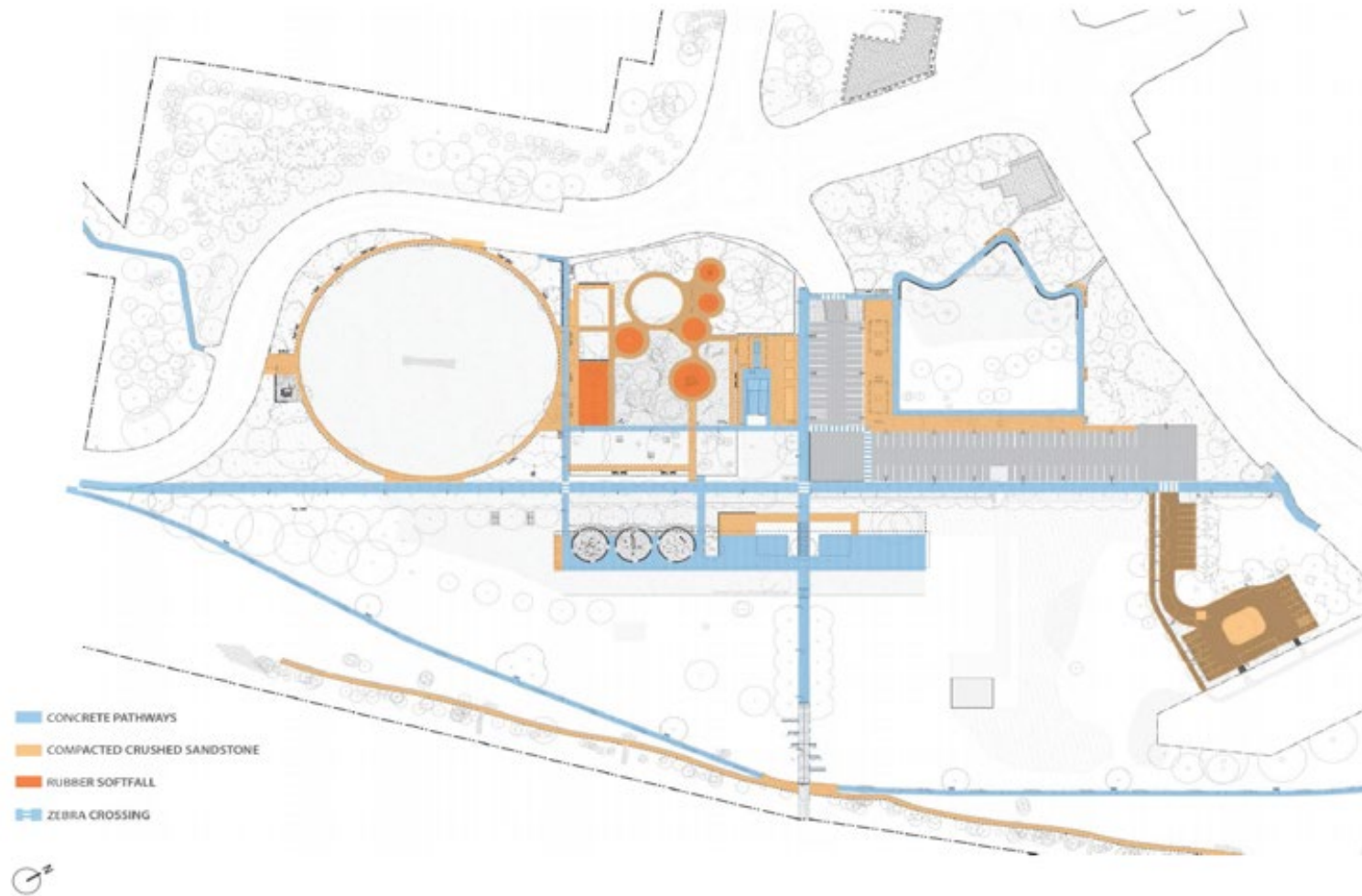


Figure 19 Accessible Pathways and materiality

OTHER PROPOSALS AS PART OF THE MASTER PLAN AND POM INCLUDE:

- Signalised junction at the intersection of Lamrock, River Road and Great Western Highway.
- York Street resident access is provided from a new roundabout intersecting River Road and York Street.
- The Yandhai Nepean Crossing linking east and west of the Nepean River providing increased safety for pedestrians and cyclists previously using Victoria Bridge.

OPERATIONAL PROPOSALS

SCALE AND INTENSITY OF USE

Park facilities

The park area may contain:

- Open space with lawns and gardens (including areas marked for periodic sports uses if/where required)
- Playgrounds including adventure play and water play
- Sportsground
- Public toilets
- Barbeque picnic shelters
- A Pavilion with a Kiosk and amenities and possible event space
- Paths and shared cycle/pedestrian path

The park developments will complement other facilities including the dining precinct.

Times of use would generally be confined to daylight hours. On average weekdays visitor numbers to the park areas would be modest (probably fewer than 100). On average weekends, it may be expected that attendance may peak at several hundred visitors, especially for larger events.

Formalised car parking for day-to-day park users totalling 146 car spaces (excludes overflow parking on grass areas for events). As the park grows in popularity alternatives to car parking may need to be considered.

Multi-Use Space

Within the Park informal lawn areas, kids play areas, water play, BBQ, and picnic areas are proposed. These spaces may be used for a range of structured and unstructured recreation activities and events supported by an amenity building with toilets, adult change facility and storage. Spectator facilities such as grassed embankments and seating may be provided and complemented by vehicular parking areas.

The southernmost space will provide the opportunity for both winter and summer sporting codes all year-round access for the purpose of weekend local club competitions, weekday school use and weekday evening training, subject to Council approval.

The sports facilities will be used for sports competitions that do not generate large numbers of spectators. Most visitors will be playing participants, match officials, coaches and volunteer supporting club members. Usage levels have not yet been determined and will be negotiated with clubs/users who are interested in hiring the space.

Water's edge river decks

There are also several water's edge river decks are proposed as well as a sandy "beach" for the purposes of launching kayaks. It will provide recreational, non-motor sport vessels river access from Regatta Park and is expected to assist local kayak businesses with direct, safe access for customers.

MAINTENANCE

Council is responsible for maintenance of Regatta Park to a standard that responds to the requirements outlined in this PoM. The Action Plan identifies a specific maintenance approach that will be adopted for the upkeep of the asset. Council utilises Council staff, contractors, and voluntary resources to assist in meeting the targets identified.

LEASES AND LICENCES

Pursuant to the provisions of Section 46 Parts (1)(b), (2), (4)(a) and (5) of the LG Act, Council may lease or licence Community Land in a PoM for purposes that are also consistent with the land categorisation, any Crown reserve purposes and with this PoM.

The LG Act requires that all grants of all estates and any lease or licence of Community Land is expressly authorised by a PoM. In accordance with the LG Act, this Plan of Management expressly authorises leasing and licensing which formalises the use of Community Land by groups, commercial organisations and/or individuals providing facilities or services for public use that is also in accordance with the core objectives for the category of Community Land, any Crown reserve purposes and objectives of this Plan of Management.

Activities must be compatible with the zoning and any Crown reserves purposes of the reserve and provide benefits, services, or facilities for users of the land. The terms and conditions of a lease should ensure property management and maintenance, and that the interests of Council and the public are protected.

A lease is generally required where exclusive control of all or part of an area by a party is proposed or desirable in the interest of management of the area. A licence is generally required where intermittent or short-term occupation or control of all or part of an area is proposed. Several licences can apply at the same time provided there is no conflict of interest.

The maximum allowable period for leases/licences on Community Land under the LG Act is 21 years or 30 years with the Minister's consent as required by s.47(8)AA of the LG Act, for purposes consistent with the categorisation and core objectives of the area of Community Land. Community Land may only be leased or licenced if public notice is given, unless exempted LG Act.

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

- subleases are only allowable for the same purpose as the original lease, except for a handful of exceptions listed in cl.26, Local Government (General) Regulation 2021.
- council may only grant exclusive occupation of community land through a lease, licence, or other estate.

For leases between 5- and 21-years council must:

- give public notice of the proposal
- place a notice of the proposal on the land

- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection to the proposal.

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

For leases over 21 years up to a maximum of 30 years council must:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”

The Minister for Local Government’s consent is required for any lease or licence for a term in excess of 21 years, up to the maximum term of 30 years.

Public Utilities

A lease, licence or other estate may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or may be granted, in accordance with an express authorisation in a PoM.

Leases etc of land categorised as a natural area

Special limitations apply to the alienation of natural areas, because of their environmental sensitivity. Council may only grant a lease of a structure/building or a lease to build a structure for the purposes listed in s.47B. These are limited to structures that assist in the public enjoyment of the land, such as walkways, kiosks (but not restaurants), amenities and the like.

FUTURE USES

There are no current leases or licences over the land covered by this PoM.

The grant of new leases and/or licences that are expressly authorised by the PoM will have a consideration of the following issues, including:

- Ensuring all leases and licences are based on a sound asset management basis with rents and charges having regard to market values and other social and economic factors.
- Ensuring all leases and licences meet the requirements of relevant State and Local Government Acts and Council town planning controls.
- Ensuring proposed activities are compatible with the core objectives established in the LG Act.
- Ensuring that any leases and licences over Crown reserves are consistent with the reserve purpose(s), that appropriate native title manage advice is received, and that any State Government required approvals for Crown land works are obtained.

- Negotiating greater financial returns which will contribute to management and maintenance of Community Land.
- Requiring the lessee to carry out improvement works to the leased facility.

All future lease/licence arrangements entered shall be in accordance with Council's procedures.

Where a lease arrangement has been entered into with Council for Community Land, subleasing of the land must be in accordance with the requirements of section 47C of the LG Act.

This PoM authorises the granting of a lease or licence or other estate for the purpose of trading such as a kiosk, restaurant, or mobile food vendor. The applicant must comply with all regulatory obligations, including the Food Act 2004 and s68 of the Local Government Act, Council's application process, agreed contracts and policies.

This PoM authorises the following types of leases and licences for Community Land within Regatta Park:

LEASING AND LICENSING OF CROWN RESERVE 90020

The granting of leases/licences are expressly authorised for Crown Reserve 90020, being Lot 7038 DP94188 and comprising the Police cottage and curtilage, for a café/restaurant and activities permissible under this PoM, the PCC LEP, the LG Act and pursuant to Development Consent if required.

Leasing or licensing for the operation of restaurants, cafes, canteens, kiosks, or other food outlets are also expressly authorised for a period of up to 21 years or 30 years, with the Minister's consent as required by s.47(8)AA of the LG Act, for small-scale private sector events including markets, promotional events, parties, weddings.

A tenure or hire agreement on Crown land may impact Native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *Crown Land Management Act 2016* unless Native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's Native title managers that it complies with any applicable provisions of the Native title legislation.

LEASING AND LICENSING OF KIOSK IN PAVILION

The granting of leases/licences are expressly authorised for the Kiosk in the Pavilion for activities permissible under this PoM, the PCC LEP, the LG Act and pursuant to Development Consent if required.

Leasing or licensing for the operation of restaurants, cafes, canteens, kiosks, or other food outlets are also expressly authorised for a period of up to 21 years or 30 years, with the Minister's consent as required by s.47(8)AA of the LG Act, for small-scale private sector events including markets, promotional events, parties, weddings.

LEASING AND LICENSING OF EVENT SPACE IN PAVILION

The granting of leases/licences are expressly authorised for the Event Space in the Pavilion for activities permissible under this PoM, the PCC LEP, the LG Act and pursuant to Development Consent if required.

Leasing or licensing for the operation of restaurants, cafes, canteens, kiosks, or other food outlets are also expressly authorised for a period of up to 21 years and for small-scale private sector events including markets, promotional events, parties, weddings.

LEASING AND LICENSING OF SPORTS FACILITIES

The granting of leases/licences are expressly authorised for use of sports facilities for activities permissible under this PoM, the PCC LEP, the LG Act and pursuant to Development Consent if required. The following types of sports facility licences will be granted for the exclusive use of sports facilities (including playing fields, change rooms, and canteen) at nominated times.

LICENCES AND LEASES FOR SPORTSGROUNDS

The granting of leases or licences is expressly authorised by this PoM as required for sports that run on either a summer (September to March) or a winter (March to September) competition basis, or competitions/sports programs that continue through the year, and possibly from year to year for a period of up to 21 years.

The range of sports possible include but are not restricted to, clubs and associations engaged in Australian Rules football, rugby league or rugby union football, soccer, baseball, softball, T ball, cricket, athletics, touch football, hockey, orienteering, horse riding and dog agility competition, and training in all these sports.

Leasing or licensing for the operation of restaurants, cafes, canteens, kiosks, or other food outlets are also expressly authorised for a period of up to 21 years.

Licences may cover competition/program events on Saturdays, Sundays, and public holidays (after 8am) and Friday and Saturday evenings (twilight events in summer).

Licences may also cover training Monday to Friday including some during daylight hours, but predominantly for training from 5pm to 10pm. During these times of use the club or association will have exclusive use of the sports facilities.

Licences will generally be granted for periods of a single sports season or a year, renewable annually or as deemed appropriate by Council. In some circumstances leases or licences may be granted for periods of more than a year and up to 21 years (with the consent of the relevant Minister and where stipulated in legislation), particularly where a hirer has invested in capital improvements at a park. Such a lease or licence may cover an entire building or identified facilities and buildings within a park.

To manage ground wear and maintain grounds use within carrying capacity, and to meet the needs of Penrith City residents, limits of use will be placed on the allocation of sports facilities. In such cases preference in the allocation of sports facilities will be given to hirers based in Penrith City.

LICENCES FOR SCHOOL USE OF SPORTSGROUNDS

The granting of licences is expressly authorised by this PoM for Schools for the exclusive use of sports facilities at times during weekdays. The range of sports permissible may include but will not be limited to Australian Rules Football, Rugby League or Rugby Union Football, Soccer, Baseball, Softball, T Ball, Cricket, Athletics, Touch Football, Hockey.

LICENCES FOR CASUAL HIRE OF SPORTSGROUNDS

The granting of licences is expressly authorised by this Plan of Management for casual events including, but not limited to, the playing of Australian Rules Football, Rugby League or Rugby Union Football, Soccer, Baseball, Softball, T Ball, Cricket, Athletics, Touch Football, Hockey; for community events including organised fetes, festivals, parades and performances that may include stall holders engaging in a trade or business; and small-scale private sector events including markets, promotional events, parties, weddings, filming, photography and personal training.

These events may generally be held between the hours of 8am and 10pm. Specific approval will be required to licence events proposed outside these hours.

Leasing or licensing for the operation of restaurants, cafes, canteens, kiosks, or other food outlets are also expressly authorised for a period of up to 21 years.

LICENCES FOR SPECIAL EVENTS

This PoM authorises the granting of a lease or licence for the purpose of small to medium events, where suitable as determined by Council. The applicant must comply with Council's 'Application to Use Council's Facilities for Special Events' application process, hire agreement conditions and any state or local legislative requirements appropriate to the activity and or any relevant Council operational plans or guidelines.

LEASING AND LICENSING OF SPORTSGROUND OR PARK FACILITIES FOR VARIED USES

The granting of leases and licences is expressly authorised by this PoM for use of certain parts of the parks or a portion of those parks for occasional hire. Activities subject to lease or licence may include but will not be limited to community groups using designated parks or a portion of those parks for regular market days, model boat / plane activities, community fund-raising events that may include stall-holders engaging in a trade or business, private sector events including markets, recreation events such as promotional events, parties, filming and photography permissible under the Penrith City Council Local Environment Plan 2010, and other uses permitted under this PoM.

These events may generally be held between the hours of 8am and 10pm, with consideration given by Council to the frequency, scale, and intensity of events on each occasion. Specific approval will be required to licence events proposed outside these hours, and in consideration of limits to neighbourhood disturbance.

This PoM expressly authorises leases and licences for the operation of restaurants, cafes, canteens, kiosks, or other food outlets, for periods up to 21 years, or 30 years with State Government ministerial support.

Council must call tenders for leases or licences over 5 years, unless the lease or licences is to be granted to a non-profit organisation and, if a lease or licence is between 5 and 21 years, council must undertake a public notification and submissions review process.

STORAGE SHEDS

This Plan of Management authorises the granting of a lease or licence for the storage of equipment used by community groups / non-profit organisations where that equipment is regularly used at that locality. The applicant must comply with Council's application process and conditions.

OTHER LEASES AND LICENCES

CROSSING OF RESERVES

Section 46 of the LG Act prevents Councils from granting leases, licences, or other estates over Community Land for private purposes except in the uses described in Section 116 (3 - 5) of the Local Government (General) Regulation 2021. Short term, casual use will only be granted for a purpose consistent with the core objectives for the category of land and for a purpose referred to in section 46 (4) (a) (i) (ii) of the LG Act for:

“(a) The provision of goods, services and facilities, and the carrying out of activities, appropriate to current and future needs within the local community and of the wider public in relation to any of the following:

- i. public recreation;*
- ii. the physical, cultural, social and intellectual welfare or development of persons.”*

Such licences are expressly authorised by this PoM.

EASEMENTS

Pursuant to section 46 of the LG Act, this PoM expressly authorises Council to grant easements for authorities, organisations, or individuals in favour of private lands over lands identified in this PoM, providing Council is satisfied there is no reasonable alternative and that appropriate benefits are obtained for the Community Land.

Any adverse impacts on lawn areas, playing surface or drainage is to be remediated at the cost of the holder of the easement. Council will not be responsible for any loss or damage caused through any act or omission of Council to any structures or facilities within the easement.

STORMWATER

This PoM authorises the construction of relevant structures for the purposes of stormwater treatment and or retention as prescribed in s28 of the Regulations. This plan authorises the continued use of drains, channels and easements and creation of new drains, channels, and easements.

STREET PERFORMERS

This PoM authorises the granting of a lease or licence for street performances. The applicant must comply with Council’s application process and policy requirements.

TEMPORARY INFRASTRUCTURE

This PoM authorises the granting of a lease or licence to organisations to erect or install temporary storage, amenities, and ancillary infrastructure, upon application, assessment, and approval by Council.

STRUCTURES

This PoM authorises the building or use of the following structures across all categories:

- Walkways
- Pathways
- Signs
- Observation decks
- Water access structures
- Work sheds or storage required in connection with the maintenance of the land

This PoM authorises the building or use of the following structures on land categorised as Park and General Community Use:

- Information kiosks
- Refreshment kiosks
- Café/Restaurants
- Work sheds or storage required in connection with the maintenance of the land
- Toilets or rest rooms
- Play equipment
- Water play equipment and water parks

- Skate ramps
- Barbecues
- Fencing and Dog off Leash enclosures.
- Irrigation and water tanks *PLEASE note that development approvals will be required for the building or installation of some of these structures. This approval process will provide for the appropriate community consultation in relation to such development.

IRRIGATION

This PoM authorises the installation of irrigation pipes underground, to irrigate parks. This includes the use of recycled water.

Applicants need to apply for a 'water supply work' approval through Water NSW. This approval authorises its holder to construct and use a specified water supply work at a specified location. Approvals cannot be traded to another property or location. Each approval includes conditions to minimise adverse impacts.

SIGNAGE

This PoM authorises the erection of regulatory, interpretive, and directional signage.

LIQUOR LICENCES

Although granting of liquor licences are subject to other approvals and are not at the sole discretion of Council, this PoM allows for Council to give permission as the landowner for liquor licences on Community Land subject to other necessary approvals. Applications for liquor licences will be considered on individual merits and will only be considered when Council is satisfied that the licensee can meet legislative requirements for responsible service of alcohol. Such licences are expressly authorised by this PoM.

CASUAL LIQUOR LICENCES

The consumption of alcohol in reserves under the care, control and management of Penrith City Council are expressly authorised by this PoM but only with written Council consent under the following conditions:

- People will not be allowed to enter or remain in reserves in an intoxicated state;
- People will not be permitted to consume alcohol in reserves while junior games are in progress; and
- People will not be permitted to consume alcohol within 10 metres of children's play areas.

GRANTING OF ESTATES

This PoM allows Council to grant 'an estate' over Community Land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act. Estates may also be granted across Community Land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the Community Land to a facility of the Council or other public utility provider that is situated on the Community Land. Estates will be granted in accordance with the requirements of the LG Act.

An estate in respect of Community Land is authorised by this PoM for the purpose of a 'public road' are expressly authorised by this PoM under the following conditions (S.47F):

- Where the provision of that road is consistent with the core objectives.
- Where that road is necessary to facilitate enjoyment of the land or any facility on that land.

- Where other means of access other than public road access have been considered.

PUBLIC UTILITIES

This PoM expressly authorises Council to enter into leases, licences, or other forms of agreement with relevant authorities, organisations, or individuals in relation to the provision of services or utilities for a public purpose.

PUBLIC AUTHORITIES

This PoM expressly authorises Council to enter into leases, licences, or other forms of agreement with relevant public authorities, organisations, or individuals in relation to the provision of services or utilities for a public purpose.

NATIVE TITLE

Where it is proposed to construct or establish a public work¹ on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*.

Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

CONDITIONS OF USE

Approval conditions must be in keeping with the existing relevant Council policies and may require a resolution from Council.

Any approval for leases or licences must include, but not be limited to, the following provisions:

- No significant damage to the area is anticipated because of the proposed activity.
- A bond in respect of potential damage is held by Council.
- The activity is permissible.
- The use or occupation does not involve the erection of any building or structure of a permanent nature.

¹ A public work is defined as:

(a) *any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:*

(i) *a building, or other structure (including a memorial), that is a fixture; or*

(ii) *a road, railway or bridge; or*

(iia) *where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or*

(iii) *a well, or bore, for obtaining water; or*

(iv) *any major earthworks; or*

(b) *a building that is constructed with the authority of the Crown, other than on a lease.*

Major earthworks are defined as:

earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

- There is anticipated to be no significant disturbance to adjacent property owners.
- There is no interference with other users.
- Proof is obtained by Council of suitable insurances.
- All litter is removed.
- Development Applications are approved where required – e.g. for structures.

RESTRICTED ACTIVITIES

Activities that are prohibited or restricted include, but are not limited to:

- Camping
- Dogs off leash, unless in designated “off leash” areas or as part of an approved event
- Firearms
- Horse riding in non-designated areas
- Lighting of fires
- Motorbikes
- Playing golf
- Remote control vehicles including boats, aeroplanes, and cars
- Unauthorised vehicles and motorbikes
- Vandalism and antisocial behaviour

CATEGORISATION

EXPLANATION OF CATEGORISATION MAPPING

For the purposes of this PoM, it is necessary to identify a categorisation of land, as mapped (Figure 17), which reflects Councils’ proposed use of the land for Regatta Park, in accordance with the LG Act, Division 2 - Use and Management of Community Land.

The assignment of categories to the community land has been made in accordance with the Local Government (General) Regulation 2021, Part 4, Division 1, which provides guidelines for categorisation of community land.

The Crown Reserves have been categorised under the LG Act, in accordance with the CLM Act and have been assigned to be the most closely aligned with the reservation purpose(s).

The Masterplan (Figure 11) provides an illustration of an intended arrangement of facilities in Regatta Park, which includes the development of new recreation facilities and buildings, new entries and pathways through the park, new car parking arrangements and additional street tree planting.

The Masterplan layout responds to and enhances existing site conditions, and the proposed recreation facilities are contained within appropriately categorised areas for future management.

The adoption of this PoM will legislatively enable appropriate development works to be carried out within the various categorisation zones. Adoption would also require commitment to management of the lands in Regatta Park in accordance with the objectives outlined in the Action Plan.

LAND CATEGORISED AS ‘GENERAL COMMUNITY USE’

Most of the Park is categorised as General Community Use to allow flexibility of uses including community events, corporate events and other events that would require hiring specific spaces within the park. The new buildings within the dining precinct are also

included in this area. The pedestrian link and buffer area along the south western boundary (western side of new River Road alignment) are also included in this area. Crown

LAND CATEGORISED AS 'PARK'

The south western portion of the park is categorised as Park. This area includes formalised picnic area, play space and the multi-purpose space which will most likely be used for community sport. These are areas not devoted to the protection of watercourses, vegetation and/or habitat. However, such categorisation does not exclude regeneration of habitat or other environmental design outcomes in these areas and in line with the Vegetation Management Plan several environmental outcomes are detailed that relate to the riparian environment and the river experience.

LAND CATEGORISED AS 'NATURAL AREA': WATERCOURSE

The lands categorised as 'Natural Area – Watercourse' occur on the eastern boundary of the Park and includes the 40m riparian zone of the Nepean River. The Vegetation Management plan provides recommendations for management in this area. The protection of habitat, regeneration of native species and weed removal are high priorities for this land categorisation.



Figure 20 Land Categorisation

CATEGORISATION

Under section 3.23 of the CLM Act, council Crown land managers must assign one or more community land categories to Crown land as soon as practicable after becoming the manager.

Crown Reserve 90020 categorisation is : -

- General Community Use

Crown Reserve 69111 categorisation is: -

- Park

Separately there is a Crown land riverine corridor adjacent to the Nepean River. The riverine land corridor between the Nepean River and the westward Crown reserve and Council land is without real property identifiers (Lots and Deposited Plans). This land is Crown land and included in the PoM, and suitably categorised as Natural Area – Watercourse. The land is maintained by Council.

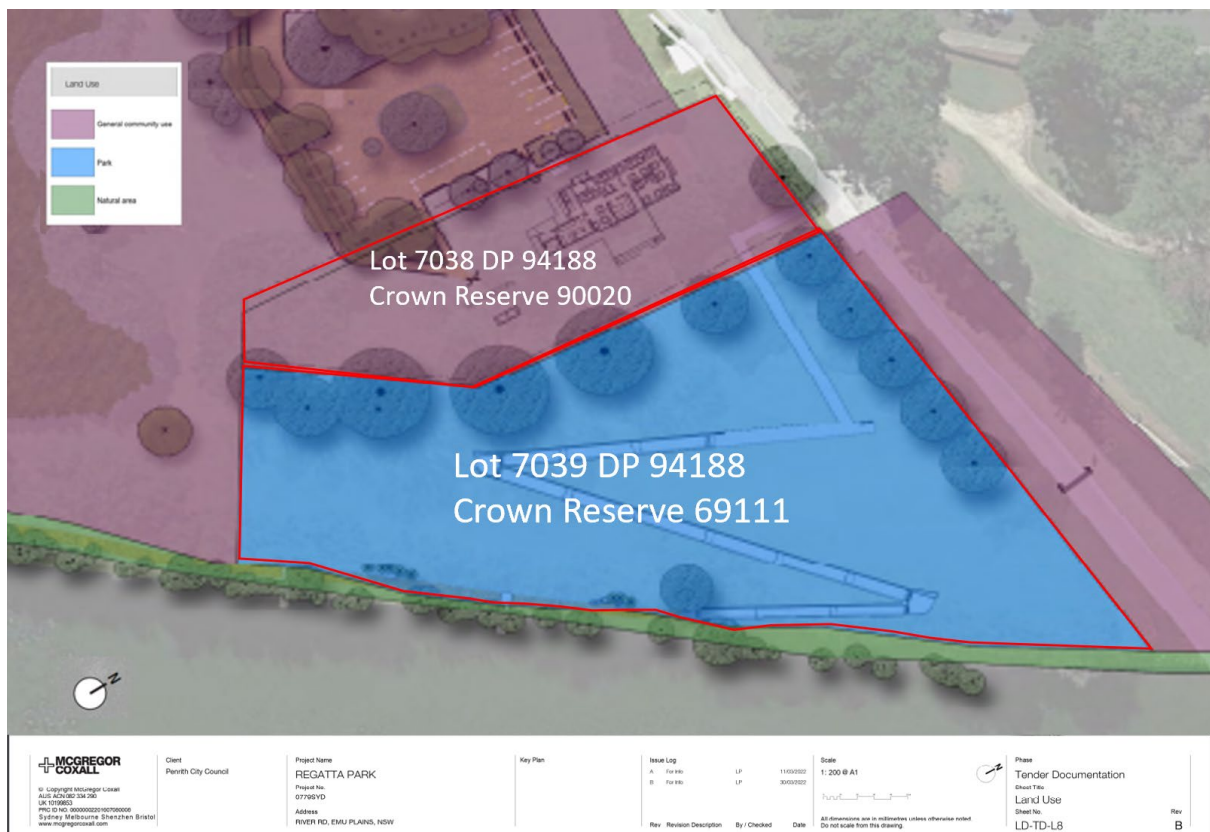


Figure 21 Crown Reserve Categorisation and boundaries

6. ACTION PLAN

ACTION PLAN DESCRIPTION

The Strategies that follow have been formulated firstly to deal with existing issues raised by the community, professional stakeholders, reference groups and consultants and secondly to deal with likely future developments in the Park and its immediate surrounds. These changes include increase in population and the changing nature of public use of open space.

The Strategies have been tested against the Management Principles to ensure that they are both sustainable and appropriate to the Park as a unified public open space.

This Action Plan meets the provisions of the LG Act S36 (3) b)-d) that require Council to state the PoM's Objectives, Performance Targets, Means of Achievement and Method of Assessment of performance and achievement.

The objectives are formed by the principles and topics, the targets by the general actions, e.g.: Encourage, promote, and facilitate recreational, cultural, social, and educational pastimes and activities.

The means of achievement are established by the detailed actions, e.g.: Update Council website page dedicated to Regatta Park.

The method of assessment is within the Performance Measure section of the Table, e.g.: Update Council website page dedicated to Regatta Park.

ACTION PLAN FORMAT

The Strategies for the Park have been arranged in a table format for ease of reference and application. They are arranged in columns from Strategy through to Responsibility. The columns are as outlined briefly below:

Issue/Topic- These define the principal actions to be passed under the Plan. Some strategies may fall under several topics but have been addressed only once to avoid repetition.

- **Action** – specific action as part of the ongoing maintenance of Regatta Park as it is represented in the Master Plan
- **Origin** – where the action originated from:
 - MP – Master Plan
 - VMP – Vegetation Management Plan
 - PCO – Park Core Objectives
 - GUCO – General Use Core Objectives
 - NAW – Natural Area Core Objectives
 - IP – Interpretation Plan
- **Area** – this refers to areas described on page 38
- **Priority** - This identifies the relative order in which the strategies should be implemented. This priority is based on both urgency of implementation and opportunity. While some strategies may have high priority, the opportunity to implement them may be dependent on another strategy being implemented:
 - H (High) - requires action as soon as possible

- M (Medium) - requires action in the medium term
- L (Low) - not urgent but should be undertaken when constraints are removed
- **Time Frame** - Definitions of the timing for actions are as follows:
 - ST (Short Term) - action completed within 3 years
 - MT (Medium Term) - action completed within 4 - 6 years
 - LT (Long Term) - action commenced after 6 years
 - (Ongoing) - action carried out on a regular basis for the term of this Plan of Management
- **Plan/Design, Construction, Management** - These columns have been included for ease of use to identify at a glance the type of action required to implement the strategy. In some cases a strategy will have more than one component; for example, Planning and Construction often occur together as much of the construction noted will have a design or planning component before works can be undertaken.
- **Responsibility** - Against each strategy parties are nominated for action, review, evaluation, or implementation. Abbreviations are shown overleaf.
- **Performance Measure** – this describes how Council identifies what progress is being made relative to the time frame established for the actions, or whether the final achievement is realised. This section of the Plan will require review to ensure it is an effective working document. It will provide a framework for management consistent with anticipated availability of resources and anticipated community needs. Assessment of targets will take place in reviews of the Action Plan at intervals no greater than five years. Monitoring of actions within this Plan of Management will occur on an annual basis. Assessment will include qualitative and quantitative reviews of targets.

Management Teams within Council with responsibility for Action Plan items

| Abbreviation | Team |
|---------------------|--|
| CP | City Presentation |
| CFR | Community Facilities and Recreation |
| AM | Asset Management |
| CCD | Community and Cultural Development |
| EH | Environmental Health |
| DP | Design and Projects |
| FS | Financial Services |
| WCP | Waste and Community Protection |
| ES | Engineering Services |
| CCM | Corporate Communications and Marketing |
| NM | NSW Maritime |
| LLS | Local Land Services |
| COMM | The Local Community |

SUMMARY OF ACTION PLAN TOPICS

The Action Table has been divided into the following topics:

ENJOYING THE PARK AND RIVER

- E1 Recreational uses, structured and unstructured
- E2 Facility provision to meet recreation needs
- E3 Minimisation of user conflicts
- E4 Water based recreation management
- E5 Visitor safety and amenity.

GETTING TO AND AROUND THE PARK

- G1 Vehicle access and parking management
- G2 Universal access for walking
- G3 Safe and amenable cycle and walking
- G4 Emergency and maintenance access
- G5 Integration of wayfinding and information.

CONSERVING THE ENVIRONMENT, HERITAGE AND CHARACTER OF THE PARK

- C1 Conservation and interpretation of cultural heritage
- C2 Conservation and interpretation of native vegetation and habitat
- C3 Water quality management
- C4 Riparian corridor and flood management
- C5 View/vista management and open/enclosed spaces
- C6 Climate change adaptation.

MANAGING THE PARK AND ITS BUILDINGS

- M1 Vegetation management and maintenance
- M2 Sustainable maintenance practices
- M3 Building Management, services, and infrastructure
- M4 User conflict management (land and water)
- M5 Event management
- M6 Security and public safety
- M7 Waste and recycling management
- M8 Lease, licence and hiring arrangements and conditions.

ACTION PLAN

| 1. ENJOYING THE PARK AND THE RIVER | | | | | | | | | | | |
|------------------------------------|--|--|-------------|------|----------|------------|-------------|--------------|------------|------------------|---|
| | Issue/Topic | Action | Origin | Area | Priority | Time Frame | Plan/Design | Construction | Management | Responsibility | Performance Measure |
| E1 | E1 Recreational uses, structured and unstructured | | | | | | | | | | |
| A | Promote, encourage, and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public: <ul style="list-style-type: none"> in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and in relation to 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). | <ul style="list-style-type: none"> Update Council website page dedicated to Regatta Park Through Council website and other means promote the park as a key location for <ul style="list-style-type: none"> community events (free) community events (for hire) corporate and/or private events such as weddings (for hire) social gatherings such as children's birthday parties (bookings required). | GCU CO a | All | H | O | - | - | ✓ | PCC | <ul style="list-style-type: none"> Updated Regatta Park webpage Regular use of the park by a broad cross section of the Penrith City Community Visitation to the park by users from outside the Council area (i.e. the park and its facilities becomes a draw card) |
| B | Encourage, promote, and facilitate recreational, cultural, social, and educational pastimes and activities | <ul style="list-style-type: none"> Update Council website page dedicated to Regatta Park Through Council website and other means promote the park as a key location for <ul style="list-style-type: none"> community events (free) community events (for hire) corporate and/or private events such as weddings (for hire) social gatherings such as children's birthday parties (bookings required). | PCO a | All | H | O | ✓ | - | ✓ | CCM CCD CP | <ul style="list-style-type: none"> Use of the park for health and wellbeing (running, walking, cycling, kayaking etc) Park User surveys conducted at regular intervals with comparison and analysis of results. Surveys conducted on weekends, during the week, different times during the day and during events. Leases, licences, and permitted uses authorised by this plan are in accordance |

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| | | <ul style="list-style-type: none"> • Ensure infrastructure maintenance and any future provision is adequate to support events • Ensure that activities are managed having regard to any adverse impact on nearby residences • Provide for a variety of recreational uses (see E2A, E2B) | | | | | | | | | | with the plan's objectives. See M8. |
| C | Provide for passive recreation activities or pastimes and for the casual playing of games | <ul style="list-style-type: none"> • Retain open areas for unstructured and informal games • Ensure Crown land is not used for private functions | PCO _b | All | H | O | ✓ | - | ✓ | CP | <ul style="list-style-type: none"> • A balanced provision of recreation opportunities in the park that address identified recreation needs for the overall community benefit. | |
| D | Provide for active recreation | <ul style="list-style-type: none"> • Retain and maintain the sports field for active recreation, both informal and formal (competitive) • Promote the sports field for bookings by sports teams | MP | SW | H | O | ✓ | ✓ | ✓ | CFR | | |
| E | Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. | <ul style="list-style-type: none"> • Negotiate with other landowners to create level areas which are currently uneven and unusable | PCO _c | All | H | O | ✓ | ✓ | ✓ | CP DP | <ul style="list-style-type: none"> • As part of the construction of the Master Plan landowners will be engaged, provide feedback and arrangements made in terms of changes to land. | |
| F | Provide for an inclusive environment with supporting amenities and facilities that allows access to a range of experiences for people of all backgrounds, ages and abilities and enables | <ul style="list-style-type: none"> • Ensure play spaces are easy to access, easy to move around in and provide a range of play types and challenges to suit all ages and abilities including some accessible elements • Ensure provision of supporting amenities such as toilets, parking, picnic facilities, shade, and open | PCO _c | All | H | O | ✓ | ✓ | ✓ | CP DP | <ul style="list-style-type: none"> • Facilities and amenities allow for usage and access by all members of the community | |

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| | park users to stay as long as they choose. | <p>space/landscaped areas to allow everyone to stay as long as they choose.</p> <ul style="list-style-type: none"> Provide accessible pathways, signage, and wayfinding to allow people to move around comfortably and access all facilities | | | | | | | | | |
| E2 Facility provision to meet recreation needs | | | | | | | | | | | |
| A | Provision and maintenance of amenities and facilities to encourage people to visit and re-visit the park | <ul style="list-style-type: none"> Ensure regular maintenance of amenities including public toilets (including disabled access), shelters, park furniture, drinking fountains, garden beds etc. Ensure regular maintenance of buildings, play equipment, barbeques, fishing platform and kayak launch etc. | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> All amenities and facilities are in good working order, accessible, tidy, and free from graffiti and litter, are safe to use and uphold a high level of hygiene. See M1to M8 |
| B | Future recreation needs and demands | <ul style="list-style-type: none"> Ensure flexibility in any future design to allow spaces to be used in a variety of ways. Continue to promote an open community-based consultative process for any future development proposals. Use targeted community engagement activities to gain best results such as on-site information days, user surveys and general wider community surveys, etc. Ensure that facilities are managed through their life cycle and replaced at the end of it only if the replacement best meets community needs and Council's economic viability | MP | All | H | O | ✓ | - | ✓ | CP DP | <ul style="list-style-type: none"> Park User surveys conducted at regular intervals with year-to-year comparison and analysis of results. Surveys conducted on weekends, during the week, different times during the day and during events. |

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| C | Ensure paths are capable of safely servicing the number and variety of users of all ages and abilities | See G1B, G2, G3 | | | | | | | | | | |
| D | Maximise shade and shelter in exposed areas of the Park | <ul style="list-style-type: none"> Assess need for shade over time, especially over play equipment and play areas. Plant shade trees when existing shade trees are in decline | MP | All | H | O | ✓ | - | ✓ | AM CP | <ul style="list-style-type: none"> Adequate shade in the park | |
| E3 Minimisation of user interactions | | | | | | | | | | | | |
| A | Minimise interactions between different users to ensure safety and enjoyment for all users | <ul style="list-style-type: none"> Install signage that aims to improve visitor awareness of appropriate activities, including dog areas, alcohol consumption, hiring of spaces and barbeques, Signs should include maps to indicate certain activities in certain areas, identify the range of recreational opportunities and linkages and improve understanding of environmental and heritage values. Signs should be durable and vandal-resistant and include use of sensory and multi-lingual options and stipulation of rules and regulations Signage may also be required to explain hiring policy/protocols Signage should be consistent with 'Our River' suite of signage (an integrated system of identification, directional, regulatory, and interpretive signage to 'brand' the corridor as a single inter-connected entity) | MP | All | H | O | ✓ | - | ✓ | DP CP | <ul style="list-style-type: none"> Signage throughout park that communicates clear information to the widest possible audience | |

| | | | | | | | | | | | |
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| | | <ul style="list-style-type: none"> Signage should be accessible for the widest possible audience, e.g. Braille, other languages for important information. | | | | | | | | | |
| E4 Water based recreation management | | | | | | | | | | | |
| A | Land to water-based activities/ Ensure access to and from the water is safe | <ul style="list-style-type: none"> Maintain access to the above facilities including paths to access points and vegetation growth adjacent to access points Install and maintain safety signage relating to permissible activities associated with the river such as swimming | MP | SE/NE | H | O | ✓ | ✓ | ✓ | CP NM | <ul style="list-style-type: none"> Well used facilities Clear signage Regular NSW Waterways patrols to control speed and monitor water-based sports and activities |
| B | Designated areas | <ul style="list-style-type: none"> Determine and enforce designated areas for water sports such as wakeboarding. Install signage to demarcate areas for different activities | MP | SE/NE | H | O | ✓ | - | ✓ | CP NM | |
| C | Coordinated approach | <ul style="list-style-type: none"> Co-ordinate with NSW Waterways and other authorities to control and monitor high impact, water-based sports within designated section of the river. Monitor use of kayak launch beach and river decks | MP | SE/NE | H | O | - | - | ✓ | CP NM | |
| E5 Visitor safety and amenity | | | | | | | | | | | |
| A | Day and night-time safety of all visitors | <ul style="list-style-type: none"> Lighting to be installed along major footpaths and other attractions/facilities. Clear signage to demarcate pedestrian and vehicle interfaces Maintain surveillance patrols as required. | MP | SE/NE | H | O | ✓ | ✓ | ✓ | CP | <ul style="list-style-type: none"> Lighting is provided where required, bulbs, fittings etc. updated or replaced as needed. Limited problems associated with day and night anti-social behaviour. |

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| | | <ul style="list-style-type: none"> Lighting for any landscape or architectural features including public art Additional temporary lighting should be imported into the site for special events held after sunset to illuminate major event spaces. Ensure Crime prevention through Environmental Design principles are applied to design maintenance and management of the park | | | | | | | | | <ul style="list-style-type: none"> Surveillance patrols are carried out at known problem times and during events. Crime prevention through Environmental Design is incorporated into the design and maintenance management of the park |
| B | Informal surveillance | <ul style="list-style-type: none"> Vegetation management regime should enforce important sightlines and afford a sense of security to reduce opportunities for anti-social behaviour (such as no dense shrub planting near pedestrian entry points, pathways and recreational nodal areas, and facilities located adjacent to the river). Continue to support and facilitate community ownership of the corridor, promoted through events and PCC website. | MP | SE/NE | H | O | ✓ | - | ✓ | CP | <ul style="list-style-type: none"> Sight lines are identified and maintained. Community ownership of the park. |
| C | Vandalism | <ul style="list-style-type: none"> Repair and replace all damaged infrastructure promptly. See M7, C3 E, M3 E. | MP | SE/NE | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Facilities within parks and sports facilities are designed to reduce opportunities for vandalism. See E2A, M1, M3 and M7. |
| | | | | | | | | | | | |

| 2. GETTING TO AND AROUND THE PARK | | | | | | | | | | | |
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| | Issue/Topic | Action | Origin | Area | Priority | Time Frame | Plan/Design | Construction | Management | Responsibility | Performance Measure |
| G1 | Vehicle access and parking management | | | | | | | | | | |
| A | Minimise impact of vehicles throughout the Park by optimising car parking and management of traffic movement. | <ul style="list-style-type: none"> Car parking is limited to specific locations within the park that limit the requirement for through roads within the park. Monitor unauthorised car parking on lawn/grass areas and any illegal car parking. Assess the need for any overflow car parking areas especially during events Install permanent signage informing visitors of parking restrictions. Car parking is to remain free. Install temporary signage during events. As the park's popularity grows consider timed parking during peak times/corporate events | MP | NW/NE | H | O | ✓* | ✓* | ✓ | CP ES DP | <ul style="list-style-type: none"> No illegal car parking or car parking on grass/lawn areas Regular parking patrols Additional car parking areas (on street/during events) created if need arises. Dining precinct car parking resolved (boom gate or other means) <p>* for any future stages</p> |
| B | Provide safe and convenient non-vehicular connections to surrounding areas of open space and adjacent community (see also G2) | <ul style="list-style-type: none"> Footpaths, pedestrian entrances, and gateways are accessible and extensive to allow visitors to move easily through the park and access all the facilities | MP | All | H | O | ✓* | ✓* | ✓ | CP ES DP | <ul style="list-style-type: none"> Footpaths are provided throughout the park Footpaths are used by a variety of users of all abilities Links to the north and south are used on a regular basis |

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| | | <ul style="list-style-type: none"> Links to the north (Victoria Bridge) and south (River Road) are seamless and allow options for different abilities | | | | | | | | | | * for any future stages |
| C | Ensure user conflicts are minimised through appropriate design of park elements, features, and facilities (see E3 also) | <ul style="list-style-type: none"> Pedestrian and vehicle areas are kept separate using bollards/kerbs/planting etc. Shared zones are clearly signed and enforced | MP | NW/NE | H | O | ✓* | ✓* | ✓ | CP ES DP | <ul style="list-style-type: none"> None to limited car and pedestrian conflicts Shared zones are used appropriately | * for any future stages |
| G2 Universal access for walking | | | | | | | | | | | | |
| A | Ensure people of all abilities can access the park and its facilities including those on the water's edge (see G1B) | <ul style="list-style-type: none"> Provide a system of footpaths and ramps that lead to the park facilities and provide access throughout the park Provide a series of compliant ramps to allow access for all abilities and prams/strollers to the water's edge Maintain the paths at all times so that access is not blocked or becomes difficult (i.e. repair cracks/lifting etc.) Satisfy the requirements of the Disability Discrimination Act 1992 and the Anti- Discrimination Act 1977. Where parking areas are present provide appropriate number of parking spaces in accordance with the requirements of the Access and Mobility DCP, to allow access for users with disabilities In conjunction with Council's access committee, ensure universal design | MP | All | H | O | ✓ | ✓ | ✓ | CP ES | <ul style="list-style-type: none"> Footpaths and ramps are accessible and useable at all times Footpaths and ramps are well used In times of maintenance signage and alternative access routes are clearly displayed | |

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| | | principles are embedded in the overall masterplan design and any future design work required. | | | | | | | | | | |
| B | Ensure that visitors can easily navigate their way around the Park (see G5A) | <ul style="list-style-type: none"> Provide signage and maps indicating accessible paths, route times, facilities etc. | MP | All | H | O | ✓ | ✓ | ✓ | CP | <ul style="list-style-type: none"> Signage is installed and maintained Damaged or vandalised signage is replaced promptly | |
| G3 Safe and amenable cycle and walking | | | | | | | | | | | | |
| A | Promote cycling and walking to and through the Park | <ul style="list-style-type: none"> Promote cycling and walking to the park on Council website by indicating specific cycle routes to the park or that the park is enroute to Provide cycle storage within the park. This may incorporate public art to increase awareness of cycle facilities. | MP | All | M | O | ✓ | - | ✓ | CP ES | <ul style="list-style-type: none"> Visitors cycling and walking to the park (information collected as part of User Surveys, see E1A,B and E2B) | |
| B | Address public safety issues with respect to multi-use pathways and connections. | <ul style="list-style-type: none"> Provide signage and maps indicating shared paths and rules for sharing paths (see G2B) | MP | All | M | O | ✓ | - | ✓ | CP ES | <ul style="list-style-type: none"> Signage is installed and maintained Damaged or vandalised signage is replaced promptly | |
| C | Encourage and promote sustainable and collective public transport to the Park | <ul style="list-style-type: none"> As part of walking and cycling other forms of sustainable transport should be encouraged, especially during events (community and corporate). Provide information regarding walking time from nearby bus stops and Penrith | MP | All | M | O | - | - | ✓ | CP ES | <ul style="list-style-type: none"> Updated webpage (see E1B) Visitors travelling by public transport to the park, especially during events | |

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| | | <p>train station as part of overall updated webpage (see E1B).</p> <ul style="list-style-type: none"> Encourage use of non-motor recreational transport on shared paths including skateboarding and roller blading. | | | | | | | | | |
| G4 | Emergency and maintenance access | | | | | | | | | | |
| A | Allow emergency and maintenance vehicles as required | <ul style="list-style-type: none"> Prevent vehicular access to unauthorised areas of parks and sports facilities by use of physical barriers (bollards/kerbs/fences/gates as appropriate). Provide opportunities for access of maintenance and emergency vehicles as required for the sports field and dining precinct. Ensure access to the river edge is available at all times including during events etc. | MP | All | H | O | - | - | ✓ | CP ES | <ul style="list-style-type: none"> Emergency and maintenance access is problem free Seek feedback from maintenance staff and implement any improvements Monitor emergency access and make any necessary improvements |
| G5 | Integration of wayfinding and information | | | | | | | | | | |
| A | Suite of coordinated signage | <ul style="list-style-type: none"> A collection of signs are provided including gateway, orientation (maps), destinations, directional and interpretive All signs are designed as one suite Signs are installed in highly visible locations Replace damaged/vandalised signs where they have been rendered illegible Signage should be accessible to the wisest possible audience, e.g. Braille. | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Signage is installed in highly visible locations Signage is maintained on a regular basis Damaged or vandalised signage is replaced promptly |

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| B | Ensure access to and from the water is safe | See E4A |
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| 3. CONSERVING THE ENVIRONMENT, HERITAGE AND CHARACTER OF THE PARK | | | | | | | | | | | |
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| Issue/Topic | Action | Origin | Area | Priority | Time Frame | Plan/Design | Construction | Management | Responsibility | Performance Measure | |
| C1 Conservation and interpretation of cultural heritage | | | | | | | | | | | |
| A | Provide opportunities for interpretation of the Park's cultural heritage | As listed in the Interpretation Plan: <ul style="list-style-type: none"> • Make legible the form and history of Punt Road. This could include landscape features such as paving and signage. • Commission public artwork interpreting Old Ferry Road and Punt Road connections, and the history of ferry/punt crossings. To be located in the vicinity of Old Ferry Road and Punt Road (may use water or light or other means) • Integrate interpretation focusing on key themes into Regatta Park facilities (benches, seats, decks etc.) • Investigate landscape features or public art that reinforce Regatta Park as a place to watch the river. | IP | All | M | S T - M T | ✓ | ✓ | ✓ | CCD PM COM DP | <ul style="list-style-type: none"> • A series of interpretive pieces (public art/landscape features) and signage are installed • Interpretive pieces add meaning and value to the landscape • Community is consulted as part of public art / interpretive signage features proposed for the park • Local historical societies are consulted |

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| | | <ul style="list-style-type: none"> Apply interpretive signage as per other GRW locations to Emu Hall (focusing on previous bridges), remains of former punt (mechanism of punt) and at car park (focusing on history of rowing/regatta and this as a viewing location). Develop a Place Making and Public Art Strategy for this location as required within the DCP. Consultation with local historical societies | | | | | | | | | |
| B | Conserve and promote appreciation of Aboriginal heritage sites and values in the Park | <ul style="list-style-type: none"> Investigate site specific Aboriginal heritage in consultation with Aboriginal Stakeholders. Encourage the support, interpretation, and communication of Aboriginal cultural heritage with respect to the riparian corridor. Potential archaeological deposits (PAD), identified sites or relics should be properly protected and managed in accordance with the <i>National Parks & Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>. | MP | All | M | S T - M T | ✓ | ✓ | ✓ | CCD CP COM M DP | <ul style="list-style-type: none"> Potential archaeological deposits, sites or relics are investigated, and their existence recorded in a suitable manner e.g. signage Aboriginal Stakeholders are consulted |
| C2 Conservation and interpretation of native vegetation and habitat | | | | | | | | | | | |
| A | Conserve existing native vegetation throughout the park | <ul style="list-style-type: none"> Where possible retain existing native vegetation in all zones of the park Where tree removal of native or exotic species is required replace with species as per the Landscape Masterplan and the Nepean River VMP. | MP | All | M | O | - | - | ✓ | EH CP | <ul style="list-style-type: none"> Native species within park |

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| | | <ul style="list-style-type: none"> Use locally sourced indigenous species in any replanting/revegetation works Collect seeds and cuttings without comprising the health of local populations. | | | | | | | | | |
| B | Conserve terrestrial and aquatic habitat and manage habitat trees | <ul style="list-style-type: none"> Protect aquatic habitat (for native fauna) areas. Do not develop in these areas Retain dead habitat trees, fallen logs and branches subject to arboricultural assessment, regular inspections, and appropriate consideration of risk management issues in public areas. Ensure that all dead or dying trees or branches of habitat trees, aging, diseased or senescent trees showing symptoms of decline are inspected regularly by a qualified arborist to assess structural stability. Pesticide use is considerate of potential impacts on fauna | MP | All | M | O | - | - | ✓ | EH CP | <ul style="list-style-type: none"> Habitat protected and evidence of continued use as habitat after development |
| C | Protect, maintain, and enhance regenerating native vegetation and areas of remnant vegetation | <ul style="list-style-type: none"> Do not develop in areas of regenerating native vegetation and areas of remnant vegetation | MP | All | M | O | - | - | ✓ | CP EH | <ul style="list-style-type: none"> Successful regeneration areas |
| D | Provide opportunities for interpretation of the Park's natural heritage | <ul style="list-style-type: none"> Install interpretive signage informing visitors of native vegetation, natural process, and the landscape See C1A, C1B | MP | All | M | O | - | - | ✓ | CP EH | <ul style="list-style-type: none"> Interpretative signage installed and maintained |

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| E | Ensure that any changes to or development in the Park do not negatively impact on the natural environment of both land and water | <ul style="list-style-type: none"> Development proposals which may directly or indirectly threaten the natural/cultural setting and/ or other identified values are not permissible. Development should reflect the Master Plan principles and management recommendations in the Riparian Vegetation Management Plan (ELA 2014). | MP | All | H | O | - | - | ✓ | CP EH | <ul style="list-style-type: none"> Development is in accordance with the Master Plan and Riparian Vegetation Management Plan |
| C3 Water quality management | | | | | | | | | | | |
| A | Comply with water quality and river health objectives and targets identified in the <i>Council's WSUD Policy 2013, NWQMS and NHMRC Guidelines for Managing Risks in Recreational Water</i> | <ul style="list-style-type: none"> Continue to implement and review catchment management objectives and targets as identified in the Hawkesbury Lower Nepean Catchment Blueprint. Review options to address altered geomorphic conditions (incl. modification of artificial barrier/ weir, environmental flows, piped flows, and high-impact water sports). | MP | All | M | O | - | - | ✓ | CP LLS | <ul style="list-style-type: none"> Reviews and Monitoring of catchment management objectives and targets Analysis of results and implement any findings |
| B | Continue to address catchment issues (including altered flow regime, weirs, urban stormwater, and sewage discharges affecting water quality, turbidity, riverbank stability, recreational uses, and environmental quality). | <ul style="list-style-type: none"> Continue to implement and review Stormwater Management Strategy on a catchment priorities basis including determination of pollutant sources, risk assessment, measures to control stormwater entering the river, strategies to minimise impacts on biodiversity, monitoring and reporting. | MP | All | M | O | - | - | ✓ | EH CP LLS | <ul style="list-style-type: none"> Stormwater Management Strategy implemented in the park. |
| C | Minimise the impact of works that intercept and/ or divert groundwater. | <ul style="list-style-type: none"> Continue to implement programs to restore natural processes, address accelerated geomorphological instability (including further erosion of steep riverbanks and downstream sedimentation) and enhance overall river health and biodiversity. | MP | All | M | O | ✓ | ✓ | ✓ | EH CP DP | <ul style="list-style-type: none"> Limited number of works that intercept and/ or divert groundwater within the park. |

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| D | Minimise potential impacts of onsite drainage | <ul style="list-style-type: none"> Implement Water Sensitive Urban Design in accordance with Council's WSUD Policy Utilise on site water and run off for irrigation purposes Ensure sustainable processes are implemented during construction periods (collecting sediment before entering the river etc.) Consider porous materials to reduce impact of increased areas of hard standing/impervious materials | MP | All | M | O | ✓ | ✓ | ✓ | EH CP DP | <ul style="list-style-type: none"> Porous materials in use and maintained Monitor erosion control during construction periods |
| E | Promote public awareness of catchment management issues and address litter in the park (see M3E) | <ul style="list-style-type: none"> Continue community environmental education programs to reduce litter and pollutants entering drains and directly into the river Continue to provide a high level of maintenance and removal of litter in the park, and at the river edge | MP | All | M | O | ✓ | ✓ | ✓ | EH CP DP | <ul style="list-style-type: none"> Limited litter dropped directly into river |
| F | Address water quality issues relating to large water-bird population | <ul style="list-style-type: none"> Develop a community education/ environmental program and educational signage to discourage the feeding of ducks, geese, and other waterbirds. | MP | All | M | O | ✓ | ✓ | ✓ | EH CP DP | <ul style="list-style-type: none"> Limited feeding of water birds |
| G | Promote public awareness of stream health and aquatic biodiversity. | <ul style="list-style-type: none"> Implement community environmental education programs to increase public awareness of maintaining river health, protection of riverbanks, water quality and aquatic biodiversity. Install interpretive signage. | MP | All | M | O | ✓ | ✓ | ✓ | EH CP DP | <ul style="list-style-type: none"> Community environmental education programs implemented |
| C4 | Riparian corridor and flood management | | | | | | | | | | |
| A | Establish an identity for the Park that recognises its varied character and its | <ul style="list-style-type: none"> Through maintenance and management reinforce the character | MP | All | M | S T | ✓ | ✓ | ✓ | EH NM | <ul style="list-style-type: none"> Distinct 'Our River' identity expressed in Regatta Park |

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| | association with the Nepean River | established as part of the design process. | | | | | | | | CP DP | |
| B | <p>Implement, manage, and maintain Vegetation Management Plan recommendations for the three treatment zones applicable to the Park:</p> <ul style="list-style-type: none"> • Treatment Zone 5 - Water edge access point • Treatment Zone 6 - Key destinations • Treatment Zone 7 – Infrastructure <p>(See also C5)</p> | <ul style="list-style-type: none"> • See Section 4.3 of VMP for full recommendations • Management and maintenance issues specific to the riparian corridor include the following (see 5.4 for more information regarding vegetation management) • In zone 5 manage and maintain: <ul style="list-style-type: none"> ▪ Toe of bank with dense groundcovers for erosion control. ▪ Access jetty and fencing to deter pedestrians from walking on adjacent bank. • In Zone 6 manage and maintain: <ul style="list-style-type: none"> ▪ Remnant native vegetation and protect from human activities (e.g. small landscape walls to create native garden beds). ▪ Toe of bank ▪ Submerged rocky substrate to create aquatic habitat complexity. • In Zone 7 manage and maintain: <ul style="list-style-type: none"> ▪ Toe of bank with stabilised material and groundcovers. | VM P | NW /NE | H | S T | ✓ | ✓ | ✓ | EH CP NM AM DP | <ul style="list-style-type: none"> • Treatment zones managed appropriately |
| C | Promote terrestrial, aquatic, and transitional/water's edge habitat diversity | <ul style="list-style-type: none"> • In line with the Vegetation Management Plan and other habitat diversity initiatives for 'Our River' parks and resources develop a strategy which | MP VM P | NW /NE | H | L T | ✓ | ✓ | ✓ | EH CP NM | <ul style="list-style-type: none"> • Monitor, review and analyse findings |

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| | | <p>establishes a representative level of species and structural diversity appropriate to the ecological community and its specific location and zoning along the riverbank.</p> <ul style="list-style-type: none"> • Target the shallow water along the toe of the bank for aquatic species planting including where necessary, coir log type protection (e.g. biodegradable woven coconut fibre and jute mesh webbing). • Maintain existing native trees on the riverbank and establish overhanging vegetation, reeds/ wetland species along the water's edge. Retain in-stream logs (snags) and fallen trees along the bank. | | | | | | | | AM DP | <ul style="list-style-type: none"> • Improvements in habitat diversity |
| D | Manage recreational impacts and protect restoration/regeneration areas | <ul style="list-style-type: none"> • Clearly delineate management zones (no mowing areas/riparian regeneration areas) • Install interpretive signage to raise community awareness • Install low key fencing to protect fragile areas from trampling by users of the land | MP VM P | NW /NE | H | L T | ✓ | ✓ | ✓ | EH CP AM DP | <ul style="list-style-type: none"> • Limited recreation impacts on regeneration areas |
| E | Prevent further alienation of the natural riverbank and restrict the application of unsympathetic solutions to bank stabilization. | <ul style="list-style-type: none"> • Continue to monitor and regulate these activities to restrict the impact of wave action, severe undercutting and bank slump or collapse. • Bank stabilisation measures are to consider management recommendations in the Riparian Vegetation Management Plan. | MP VM P | NW /NE | H | L T | ✓ | ✓ | ✓ | EH CP NM DP | <ul style="list-style-type: none"> • Banks are stable • Water based recreation activities monitored for wave action • Partnership with NM established to reduce wave action at key locations |

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| F | Address public safety and risk management during periods of flooding | <ul style="list-style-type: none"> The design of recreational infrastructure must take into consideration the potential magnitude of flood impacts, including the rate of rise and duration of flood waters Flood planning, procedures and protocols must be in accordance with the Penrith Flood Plan 1996 and Penrith Local Area Disaster Plan 2002. | MP VM P | NW /NE | H | S T | ✓ | ✓ | ✓ | EH CP NM DP | <ul style="list-style-type: none"> Limited loss of park infrastructure during floods Evacuation procedures for event and non-event scenarios in place |
| G | Infrastructure in the floodplain | <ul style="list-style-type: none"> New structures should not in any way obstruct, reduce, or interfere with upstream or downstream flood behaviour or adversely impact occupiers of the floodplain. The potential magnitude of flood impacts, including the rate of rise and duration need to be considered for any future design/planning projects outside the current master plan. | MP VM P | NW /NE | H | L T | ✓ | ✓ | ✓ | EH CP NM | <ul style="list-style-type: none"> Limited loss of park infrastructure during floods Structures do not impact on downstream flood behaviour |
| H | Manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows | <ul style="list-style-type: none"> See C2B, C3A | NA Wa | NW /NE | H | O | - | - | ✓ | EH CP NM | <ul style="list-style-type: none"> Protected endangered communities. Protected areas of habitat known to support vulnerable species. Specific areas of bushland of more limited accessibility to provide refuge. |
| I | Manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability | <ul style="list-style-type: none"> See C2C, C2B, C3F, C4C, C4E | NA Wb | NW /NE | H | O | - | - | ✓ | EH CP NM | <ul style="list-style-type: none"> Interpretive signage and information regarding natural areas. |
| J | Restore degraded watercourses | <ul style="list-style-type: none"> See C4C | NA Wc | NW /NE | H | O | - | - | ✓ | EH CP | |

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| | | | | | | | | | | | NM |
| K | Promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category | <ul style="list-style-type: none"> See C2D, C3E, C3G, C4D, C4F | NA Wd | NW /NE | H | O | - | - | ✓ | EH CP NM | |
| C5 View/vista management and open/enclosed spaces | | | | | | | | | | | |
| A | Implement recommendations from VMP and create a variety of visual experiences associated with views to the river | <ul style="list-style-type: none"> Manage the landscape to retain a variety of views (open, filtered, framed etc.) to the river. Follow VMP Zone recommendations for specific zones | MP VM P | All | M | M T - L T | - | - | ✓ | EH CP | <ul style="list-style-type: none"> Variety of views to the river are experienced within the park |
| C6 Climate change adaptation | | | | | | | | | | | |
| A | Impact on biodiversity | <ul style="list-style-type: none"> Weed management and improving connectivity and health of ecosystems will increase the ability of native plants and animals to cope with future disturbances from climate change as well as helping to protect water quality. See C4F – evacuation procedures Include WSUD design features to manage stormwater runoff and facilitate passive irrigation Heat and drought have been impacting on plant species. Consideration of more drought tolerant and climate resilient species should be investigated when undertaking planting. | MP | All | H | L T | - | - | ✓ | EH CP NM | <ul style="list-style-type: none"> Analysis of climate change impacts on the Park and river; recommendations made, and changes implemented if required. |
| B | Impact on water quality | | | | | | | | | | |
| C | Impact on weather patterns | | | | | | | | | | |
| D | Impact on vegetation | | | | | | | | | | |

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| D | Increased levels of heat leading to increasing levels of risk to community health and wellbeing while using Regatta Park. | <ul style="list-style-type: none"> Provision of water refill stations, provision of shade (either natural or man-made) over key high use locations, e.g. Shade over picnic tables and playgrounds. Use of light-coloured heat reflective materials for infrastructure such as pathways, shade structures, playgrounds etc | | | | | | | | | | <ul style="list-style-type: none"> Analysis of climate change impacts on the Park and river; recommendations made, and changes implemented if required. |
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4. MANAGING THE PARK AND ITS BUILDINGS

| | Issue/Topic | Action | Origin | Area | Priority | Time Frame | Plan/Design | Construction | Management | Responsibility | Performance Measure |
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| M1 | Vegetation management and maintenance | | | | | | | | | | |
| A | Weed removal | <ul style="list-style-type: none"> Develop an adequately funded, staged, and monitored weed management and regeneration/ restoration program which will deliver sustainable outcomes. Monitor and control noxious terrestrial, aquatic, and semi-aquatic weeds in accordance with the Noxious Weeds Act 1993. | MP | All | M | O | - | - | ✓ | EH C NM | <ul style="list-style-type: none"> Limited weeds within the park Evidence of some noxious weed removal |
| B | Tree maintenance | <ul style="list-style-type: none"> Maintain views and vistas through tree removal Maintain an appropriate balance between large open grassed areas | MP | All | M | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Trees are maintained in line with council policy Balance of open grassed areas and vegetation |

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| | | <p>and riverbank regeneration/ restoration sites.</p> <ul style="list-style-type: none"> Trees are maintained in accordance with PCC wide policy | | | | | | | | | |
| C | Revegetation/regeneration | <ul style="list-style-type: none"> Clearly delineate management zones (e.g. no mowing areas/ riparian regeneration and restoration areas, adjoining pathways, and open grassed areas. Install mowing strips, interpretive signage and/ or low-key timber protective fencing, barriers or bollards as required to protect fragile areas of regeneration/ restoration from inappropriate maintenance regimes or where trampling and erosion control need to be addressed. Install interpretive signage to raise community awareness. | MP | All | M | O | - | - | ✓ | EH CP | <ul style="list-style-type: none"> Management zones are clear |
| D | Seek opportunities within the Park to assist in recouping maintenance costs that are appropriate to the Park's principal function and purposes | <ul style="list-style-type: none"> Event organisers to pay for maintenance required after an event such as re-turfing, mowing etc. | MP | All | M | O | - | - | ✓ | CP CCM | <ul style="list-style-type: none"> Maintenance costs recouped |
| M2 | Sustainable maintenance practices | | | | | | | | | | |
| A | All management practices to take into consideration sustainable outcomes | <ul style="list-style-type: none"> Consider sustainability issues when carrying out maintenance works Increase use of recycled materials Recycling of green waste | MP | All | M | O | - | - | ✓ | AM CP EH | <ul style="list-style-type: none"> All maintenance works carried out in a sustainable manner Higher percentage of recycled materials used |

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| | | <ul style="list-style-type: none"> Reduction of electricity and water Ensure buildings are adapted to increasing climate risk e.g. increased risk of flooding. | | | | | | | | | | |
| M3 Building Management, services, and infrastructure | | | | | | | | | | | | |
| A | Essential Safety Measures | <ul style="list-style-type: none"> Performed in line with legislative and regulatory requirements | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Facilities meet with safety requirements | |
| B | Public amenities/toilets/shelters etc. | <ul style="list-style-type: none"> Monitor amenities to ensure they are available in an acceptable condition. | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Facilities are always in a safe and acceptable condition. | |
| C | Playgrounds are safe | <ul style="list-style-type: none"> Design and maintain playgrounds and play equipment to relevant safety standards where possible. Manage playgrounds (including soft fall) according to asset management principles Ensure that playgrounds are managed through their life cycle and replaced at the end of it only if the replacement best meets community needs and Council's economic viability | MP | All | H | O | - | - | ✓ | DP AM CP | <ul style="list-style-type: none"> Safety in playgrounds and for playground equipment is upheld to Australian Standards (AS 1924, AS 4422 and AS 4486). Maintenance is implemented in accordance with internal asset management principles. Comprehensive inspections are undertaken on a quarterly basis. | |
| D | Barbeques in parks and sports facilities will be clean and operable | <ul style="list-style-type: none"> Barbeques will be cleaned regularly | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Barbeques are operable 95% of the time. Requests for maintenance are responded to or actioned within 10 working days. | |

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| E | Sports field is maintained at a level appropriate to the type of competition/training held at the ground | <ul style="list-style-type: none"> Check sports facilities on a regular basis in accordance with asset management principles Sports clubs, school and other organised groups using parks and sports facilities have appropriate public liability cover as required by Council. | MP | All | H | O | - | - | ✓ | CP CFR | <ul style="list-style-type: none"> Sportsgrounds are checked regularly Organised user groups have appropriate insurance cover prior to using facilities in parks and sports facilities. |
| F | Litter collection | <ul style="list-style-type: none"> Ensure adequate number of litter bins are provided and in appropriate locations Ensure adequate rubbish collection and litter monitoring patrols during the week and on weekends and public holidays | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Park is free from litter After events litter is removed from the park within 24 hours |
| M4 User conflict management (land and water) | | | | | | | | | | | |
| A | Address dog issues | <ul style="list-style-type: none"> Promote community/ environmental education with dog owners. Include dog related issues in park signage Maintain park as a Dog on leash site Maintain strict control, monitoring, enforcement (fines etc.) of unleashed dogs in the reserve. Provide dog facilities including dog waste bags and drinking fountains with dog water bowl. | MP | All | M | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Limited problems associated with dogs Promotion of dog off leash areas in other parks within LG ACT Regular control and monitoring No dog waste is evident. |
| B | Conduct inspections, monitoring and regulatory control to address inappropriate uses, anti- | <ul style="list-style-type: none"> Improve regulatory control/ ranger inspections to monitor unauthorised uses, activities and anti-social behaviour in the park and associated | MP | All | H | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Regular Ranger Inspections Reduced litter, rubbish dumping, anti-social behaviour etc. |

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|-----------|---|---|-----------------|-----|---|---------------|---|---|---|------------------|--|--|
| | social behaviour, and vandalism. | car parking areas, littering, rubbish dumping, vandalism etc. <ul style="list-style-type: none"> Increase visibility and surveillance over weekends, school, and public holidays. | | | | | | | | | | |
| C | Water/land-based conflict | See E4C, E4C | | | | | | | | | | |
| D | Demarcation for boundaries for public and private spaces during events | <ul style="list-style-type: none"> Install temporary fencing and temporary signage during events | GUC O PCO | All | H | O | - | - | ✓ | CP CFR | <ul style="list-style-type: none"> Limited problems associated with public and private events | |
| M5 | Event management | | | | | | | | | | | |
| A | During normal business hours a responsive booking service will be available. | <ul style="list-style-type: none"> Ensure a booking officer or other Council staff member will be available between 8.30am and 5.00pm to take booking details and answer enquiries. | MP | All | H | O | - | - | ✓ | CCM CP CFR | <ul style="list-style-type: none"> Booking service is always available during Council's business hours. | |
| B | Hire/event fees | <ul style="list-style-type: none"> Determine different fees for different users (i.e. not for profit/community group, corporate group, businesses, etc.) Determine fees for private events such as weddings Determine any fees associated with maintenance and repair Determine breach of Licence Agreement Fees Determine Hire Agreement fees | MP | All | H | O | - | - | ✓ | CCM CFR | <ul style="list-style-type: none"> Fee schedule is prepared and included in Regatta Park webpage | |
| C | Plan and manage events in the park with focus on the river experience (see E1B) | <ul style="list-style-type: none"> Work with community to determine different kinds of community events Ongoing organisation and planning of events | MP | All | H | S T- LT | ✓ | - | ✓ | CCM CFR CP | <ul style="list-style-type: none"> A series of different types and scale of events that focus on the river each year. | |

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| D | Event organiser insurances and risk management | <ul style="list-style-type: none"> Ensure event organiser has undertaken their own risk management Ensure event organiser has own necessary insurances | MP | All | H | O | - | - | ✓ | FS | <ul style="list-style-type: none"> Event organiser has undertaken their own risk management. Event organiser has own necessary insurances. |
| E | Policy developed for events within Regatta Park | <ul style="list-style-type: none"> Develop a council wide policy to cover all issues associated with events such as neighbour communication, approval process, park management during event set up, specific areas allowed to host events etc. | MP | All | H | S T- LT | ✓ | - | ✓ | FS CCM CCD CP | <ul style="list-style-type: none"> Policy is prepared and used for event planning. |
| M6 Security and public safety | | | | | | | | | | | |
| A | See E5A, E5B, E5C, M4B | | | | | | | | | | |
| M7 Waste and recycling management | | | | | | | | | | | |
| A | Manage waste in the Park by a balanced combination of facilities management and education See M2A | <ul style="list-style-type: none"> Provide recycling bins at key points throughout the park Provide signage to educate visitors about recycling | MP | All | M | O | - | - | ✓ | CP | <ul style="list-style-type: none"> Park is free from litter. |
| M8 Lease, licence and hiring arrangements and conditions | | | | | | | | | | | |
| A | Ensure leased premises or licenced premises are for purposes that promote or are related to the use and enjoyment of the Park | <ul style="list-style-type: none"> Conditions apply to ensure proposed activities on Community Land comply with core objectives of the LG ACT. Leases and licences are granted in accordance with the requirements of the Local Government Act and Local Government (General) Regulation 2021 and in accordance with Council's policies for development, | MP | All | H | S T- LT | ✓ | - | ✓ | FS CCM CP | <ul style="list-style-type: none"> All activities on Community Land comply with the core objectives of the Local Government Act and Regulations. Leases and licences comply with the requirements of the LG ACT and with Council's policies. |
| B | Leases and licences are granted in accordance with the requirements of the Local | | MP | All | H | S T- LT | ✓ | - | ✓ | FS CCM CP | |

Government and the
Crown Land Management
legislation and Regulation

use, leasing, and licensing of
Community Land as stated in this
Plan of Management.

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7. APPENDIX A – LAND OWNERSHIP



Figure 22 Land Ownership

| Regatta Park Land Ownership | | | |
|-----------------------------|---|---|---------------------|
| Legal Description | Owners | Address | |
| Lot 57 DP 204976 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 9 DP 228204 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 33205 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 33205 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot C DP 33205 | Private Residence | 10 River Road | Emu Plains NSW 2750 |
| Lot A DP 435464 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 614436 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 10 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 11 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 12 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 13 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 14 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 15 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 123 DP 7541662 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 124 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 50164 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 420745 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 190049 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 5 DP 342116 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 125 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 126 DP 7541662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 7038 DP 94188 | The State of New South Wales | c/- Penrith City Council PO Box 60 | PENRITH NSW 2751 |
| Lot 7039 DP 94188 | The State of New South Wales | c/- Penrith City Council PO Box 60 | PENRITH NSW 2751 |
| Lot 7 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 8 DP 751662 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 190049 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot B DP 338385 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 16 DP 1117951 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 1117991 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Lot 2 DP 1117991 | Penrith City Council* pending transfer from BMCC | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 1 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Part Lot 2 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 3 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 4 DP 342116 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 529749 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 2 DP 529749 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot A DP 420745 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 10 DP 1216230 | Penrith City Council | PO Box 60 | PENRITH NSW 2751 |
| Lot 1 DP 118715 | Transport Asset Holding Entity of New South Wales | Care of: Manager Land Use & Planning Rail Est, PO Box K349 | HAYMARKET NSW 1240 |
| Lot 11 DP 1216230 | Transport for NSW | Level 5 27 Argyle St | PARRAMATTA NSW 2150 |

Table 7 Land Ownership in Regatta Park

8. APPENDIX B - LEGISLATION PERTAINING TO PLANS OF MANAGEMENT

LOCAL GOVERNMENT ACT, 1993

Community land must be managed according to the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2021.

The Local Government Act 1993 requires all Council owned land to be classified as either Operational or Community land. Community land is defined as land that must be kept for the use of the general community and must not be sold. Community land is required to be managed in accordance with a PoM and any other laws regulating the use of the land.

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

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

CROWN LAND MANAGEMENT ACT 2016 (THE CLM ACT)

The Crown Land Management Act 2016 (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the Local Government Act 1993 (LG Act). Generally council managers will manage land as if it were community land. Under the LG Act, a plan of management (POM) must be adopted by council for all community land.

Section 3.23(6) of the CLM Act requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'community land' under the LG Act.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

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

On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

On the local level, any land use proposed for any site within this plan of management must be consistent with the zoning that is applied to the land by the Penrith City Council Local Environmental Plan 1994 (LEP). Additionally, any land use, building or structure proposed for a site within this Plan of Management may also require development consent under the provisions of the LEP unless it is exempt development.

It should be noted that all local government authorities in NSW are required to prepare a new comprehensive local environmental plan (LEP) in accordance with the Standard Instrument Local Environmental Plan as introduced by State Government Planning Reforms in March 2006.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as natural area – bushland.

BIODIVERSITY CONSERVATION ACT 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991).

NATIONAL PARKS AND WILDLIFE ACT 1974

Statutory responsibilities on Council arising from this Act specifically relate to the protection of sites of pre and post European contact archaeological significance and the protection of native flora and fauna. Therefore, this relates to community land categorised as cultural significance, natural area or park.

LOCAL LAND SERVICES ACT, 2013

This Act formalised the establishment of Local Land Services which became operational in 2014. It repealed the *Rural Lands Protection Act 1998*, the *Rural Lands Protection Amendment Act 2008* and the *Catchment Management Authorities Act 2003*.

FISHERIES MANAGEMENT ACT, 1993

The aim of the Fisheries Management Act 1993 (FM) is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.

This includes the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation.

Where an area of community land is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

RURAL FIRES ACT, 1997

The Rural Fires Act 1997 requires the Bushfire Coordinating Committee (BFCC) to establish a Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk.

One role of the BFMC is to prepare a Bush Fire Risk Management Plan for its area of responsibility.

The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire. The plan also recognises some aspects of biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

HERITAGE ACT 1977

This Act contains provisions for the conservation of items of heritage. Thus this relates to community land categorised as cultural significance or natural area.

ICOMOS CHARTER FOR THE CONSERVATION OF PLACES OF CULTURAL SIGNIFICANCE (BURRA CHARTER)

This charter was drawn up by ICOMOS (International Council on Monuments and Sites) to define the basic principles and procedures to be observed in the conservation of important cultural places. Thus, this relates to community land categorised as cultural significance.

WATER MANAGEMENT ACT, 2000

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations and, in particular:

- ecologically sustainable development
- protect, enhance, and restore water resources
- recognise and foster social and economic benefits
- recognise the role of the community
- provide efficient and equitable sharing of water
- management of water sources with other aspects of the environment including native vegetation and native fauna
- encourage the sharing of responsibility and efficient use of water
- encourage best practice management and use of water.

The objectives and principals of the Water Management Act can be accessed at www.legislation.nsw.gov.au

SYDNEY DRINKING WATER CATCHMENT (SEPP)

The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) commenced on 1 March 2011. The SEPP aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal;

- provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality; and
- support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

This Policy applies to land within the Sydney drinking water catchment.

9. APPENDIX C DETAILS OF THE LEGISLATION PERTAINING TO GRANTING OF LEASES, LICENCES AND OTHER ESTATES

A lease will be required where exclusive occupation or use of all, or part, of an area is proposed. Following is a summary of the requirements of the Act. For more detailed, specific information, please refer to the Local Government Act 1993 and the Local Government (General) Regulation 2021.

A lease, licence or other estate may only be granted if:

- the plan of management expressly authorises the lease, licence, or other estate; and
- the purpose of the lease, licence or other estate is consistent with the core objectives for the category of land (s.46 (2)); and
- the lease, licence or other estate is for a purpose listed in section 46(1)(b).

The only permitted exception to this rule is where a lease, licence or other estate may be granted for the provision of public utilities and works associated with or ancillary to public utilities. Works in this instance do not need to be expressly authorised nor consistent with the core objectives or be for a purpose listed in section 46(1)(b).

STATUTORY REQUIREMENTS

LOCAL GOVERNMENT ACT 1993 SECTION 46

Leases, licences, and other estates in respect of community land – generally

(1) A lease, licence, or other estate in respect of community land:

- a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities
- b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
 - i) for a purpose prescribed by subsection (4) or for a purpose prescribed as a core objective of the land concerned, or
 - ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
 - iii) for a short term, casual purpose including:
 - the playing of a musical instrument, or singing, for fee or reward
 - engaging in a trade or business
 - delivering a public address
 - commercial photographic sessions
 - picnics and private celebrations such as weddings and family gatherings

- filming for cinema or television
- the agistment of stock

(however the use or occupation of community land for such purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature)

iv) for the purpose of providing pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land but may not otherwise be granted.

THE LOCAL GOVERNMENT ACT 1993 SECTION 47

States that if a council proposes to grant a lease, licence, or other estate in respect of community land for a period exceeding 5 years, it must:

1. give public notice of the proposal
 - exhibit notice of the proposal on the land to which the proposal relates, and
 - give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
 - give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land
2. A notice of the proposal must include:
 - Information sufficient to identify the community land concerned
 - The purpose for which the land will be used under the proposed lease, licence, or other estate
 - The term of the proposed lease, licence, or other estate (including particulars of any options for renewal)
 - The name of the proposed lessee or licensee (if known)
 - A statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice
3. Any person may make a submission in writing to the council during the period specified for the purpose in the notice
4. Before granting the lease, licence or other estate, the council must consider all submissions duly made to it
5. If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence, or other estate except with the Minister's consent
6. If the council applies for the Minister's consent, it must forward specific information to the Minister
7. On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such a period as the Minister specified
8. After considering the application and any report of the Director of Planning, the Minister, if satisfied... may consent to the granting of the lease, licence, or other estate in respect of the whole or any part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

9. On request by any person, the minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence, or other estate.

THE LOCAL GOVERNMENT ACT, 1993 SECTION 47A

Lease, licences, and other estates in respect of community land – terms of 5 years or less

- 1) This section applies to a lease, licence, or other estate in respect of community land granted for a period that (including options) does not exceed 5 years
- 2) If a council proposes to grant a lease, licence, or other estate to which this section applies:
 - a) the proposal must be notified and exhibited
 - b) the provisions of section 47(3) and 47(4) apply to the proposal
 - c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47(5-9) are to apply
- 3) If the Minister, under subsection 2(c), determines that the provisions of section 47(5-9) are to apply:
 - a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1-8), and
 - b) section 47(9) has effect with respect to the Minister's consent

The Local Government (General) Regulation 2021 allows for the following exemptions in relation to leases, licences, and other estates:

THE LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - EXEMPTIONS FROM SECTION 47A

Leases, licences, and other estates in respect of community land where the term is of 5 years or less and granted for the following purposes are exempt from the provisions of section 47A of the Act:

- a) residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council
- b) the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land,
- c) use and occupation of the community land for events such as:
 - i) a public performance (that is, a theatrical, musical, or other entertainment for the amusement of the public)
 - ii) the playing of a musical instrument, or singing, for fee or reward,
 - iii) engaging in a trade or business
 - iv) playing of any lawful game or sport
 - v) delivering a public address
 - vi) conducting a commercial photographic session
 - vii) picnics and private celebrations such as weddings and family gatherings
 - viii) filming for cinema or television

However, the use or occupation of community land for events listed in subclause (c) above is exempt only if:

- a) the use or occupation does not involve the erection of any building or structure of a permanent nature, and
- b) in the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and
- c) in the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

EXPRESS AUTHORISATION TO LEASE, LICENCE AND GRANT OTHER ESTATES

DEFINITIONS

The following definitions apply in relation to this Plan of Management:

Community fairs & market sites – markets, fairs, or similar events.

Community centre halls – halls as listed in this Plan of Management which are available for hire on a regular and/or casual basis for community and social use, meeting the core objectives of this Plan of Management.

Refreshment facilities – kiosks (food shops), cafes or restaurants, including both mobile and fixed facilities (including vans).

Mobile security lockers – facilities which are either fixed or mobile which provide locker facilities for users of beaches immediately adjoining areas of community land.

SUBLEASE OF COMMUNITY LAND

Community land that is the subject of a lease cannot be sublet for a purpose other than:

- The purpose for which the land was to be used under the lease; or
- A purpose prescribed by the regulations:

- refreshment kiosks, dances and private parties are prescribed as purposes for which community land that is leased for surf life-saving club or sporting club may be sublet; and

- a croquet club is prescribed as a purpose for which community land that is used as a bowling club may be sublet.

OCCUPATION OF COMMUNITY LAND OTHERWISE THAN BY LEASE OR LICENCE.

The exclusive occupation or use other than by lease or sub lease is prohibited except where:

- The appointed manager of a senior citizens centre or home or community care facility occupies or uses part of the site.
- Occupation is prescribed by the regulations.

DEVELOPMENT OF COMMUNITY LAND

Council cannot delegate consent to development of community land if:

- The development involves the erection, rebuilding, or replacement of a building, except:

- Toilet facilities
 - Small refreshment kiosks
 - Shelters for persons from the sun and weather
 - Picnic facilities
 - Structures required for the playing of games or sports
 - Playground structures
 - Work shed or storage sheds
 - Buildings of a kind prescribed by the regulations.
- The development involves the extensions to an existing building greater than 10% of its existing area; or
- The location of the development has not been specified in the Plan of Management and the development is likely to be intrusive to nearby residents.

SPECIAL PROVISIONS FOR FILMING

A lease, licence or other estate may be granted in order to allow a filming project to be carried out, whether or not the project is in accordance with the plan of management or is consistent with the core objectives or the categorisation of the land concerned.

If the community land is critical habitat, directly affected by a recovery plan or threat abatement plan, and or is declared to be an area of cultural significance, additional notifications are required. Please refer to section 47AA of the Act, section 25A of the Regulations and section 118 of the Local Government (General) Regulation 2021.

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