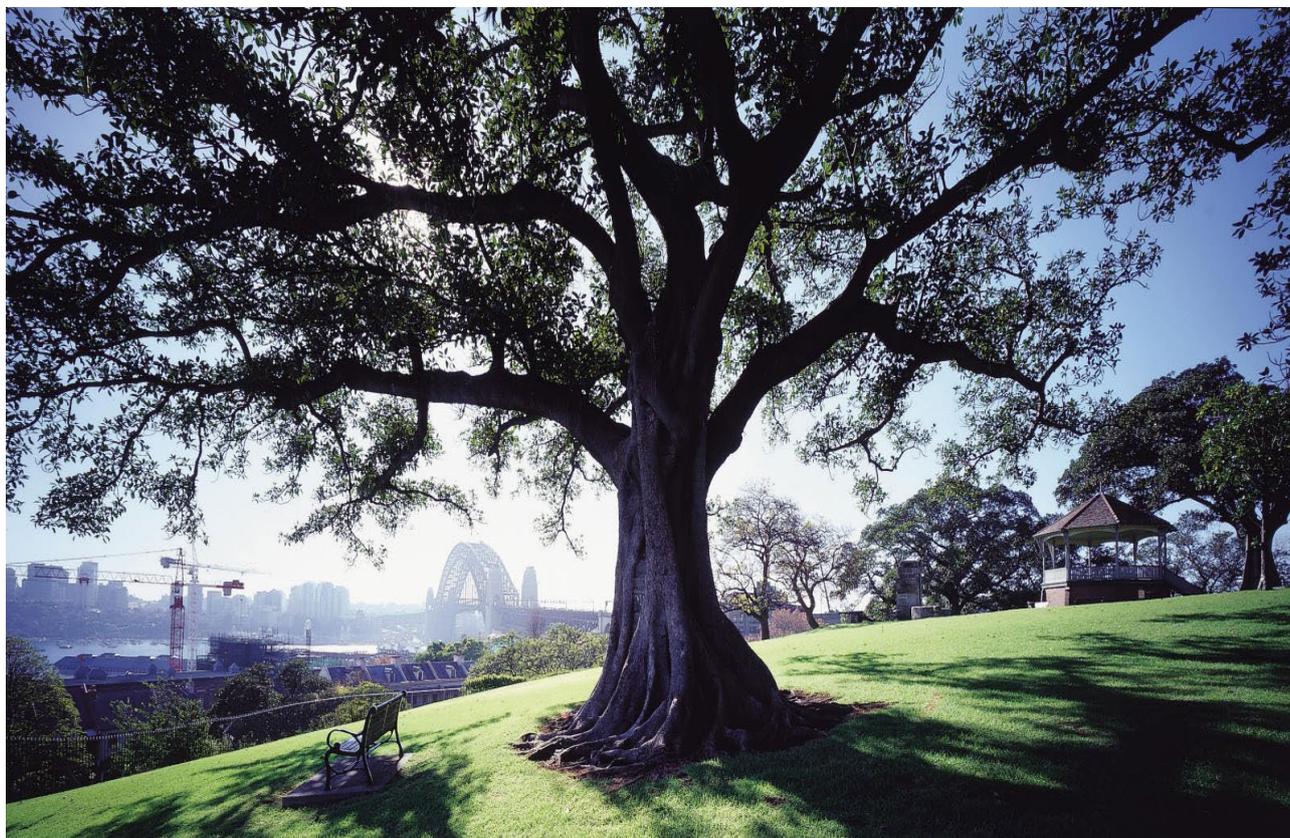


Observatory Park Plan of Management



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Reconciliation Statement

Our vision for reconciliation is a Sydney that values the living cultures of Aboriginal and Torres Strait Islander peoples, embraces the truthful reflection of the history and experiences of First Nations peoples, and is dedicated to equity, opportunity and respect for Aboriginal and Torres Strait Islander communities.

In taking action, the City strives to reflect the needs and aspirations of Sydney's First Nations communities and recognise their impact and contribution. The City will listen to and elevate the voices of Aboriginal and Torres Strait Islander peoples.

Source:
City of Sydney Stretch Reconciliation Plan
November 2020 – November 2023

Executive Summary

The City of Sydney recognises the importance of public open space and the need to ensure that it is appropriately managed in a way that is inclusive, regenerative and resilient for future generations.

This Plan of Management has been prepared in accordance with the City's objectives identified within the Strategic Community Plan. This includes the City's commitment to sustainability, climate action, equity, access and Caring for Country.

Within this plan, management targets and strategies have been established that seek to Care for Country and to create sustainable spaces that are accessible for all.

Part A

Management Framework

1. Introduction

What is a PoM

A Plan of Management (“**PoM**”) is a document which provides a clear set of guidelines for the short and long-term management of a parcel of community land owned by Council or Crown land under Council’s care, control and management.

A PoM outlines how a park, facility or civic space will be used, improved and managed in the future. It identifies Council’s goals and objectives for the land, and establishes the overall direction for its planning, resource management and maintenance.

Under section 36(3A) of the Local Government Act 1993, the PoM must also:

- Describe the condition of the land, any buildings or other improvements on the land as at the adoption of the plan
- Describe the use of the land
- State the purposes for which the land will be used.

This PoM has been prepared in accordance with and seeks adoption under the LG Act and CLM Act.

Need for the PoM

The Crown Land Management Act 2016 (“**CLM Act**”) commenced on 1 July 2018, introducing a consolidated, modern piece of legislation to govern the management of Crown land in New South Wales

The CLM Act introduces significant changes to the management of Crown land by councils. Specifically, councils are now required to manage dedicated or reserved Crown land as if it were public land under the Local Government Act 1993 (“**LG Act**”).

Observatory Park (Crown Reserve D.500044) is now treated as “community land” under the LG Act requiring a PoM.

Process for preparing the PoM

Figure 1 on the following page illustrates the process for preparing the PoM that has been undertaken by the City of Sydney.

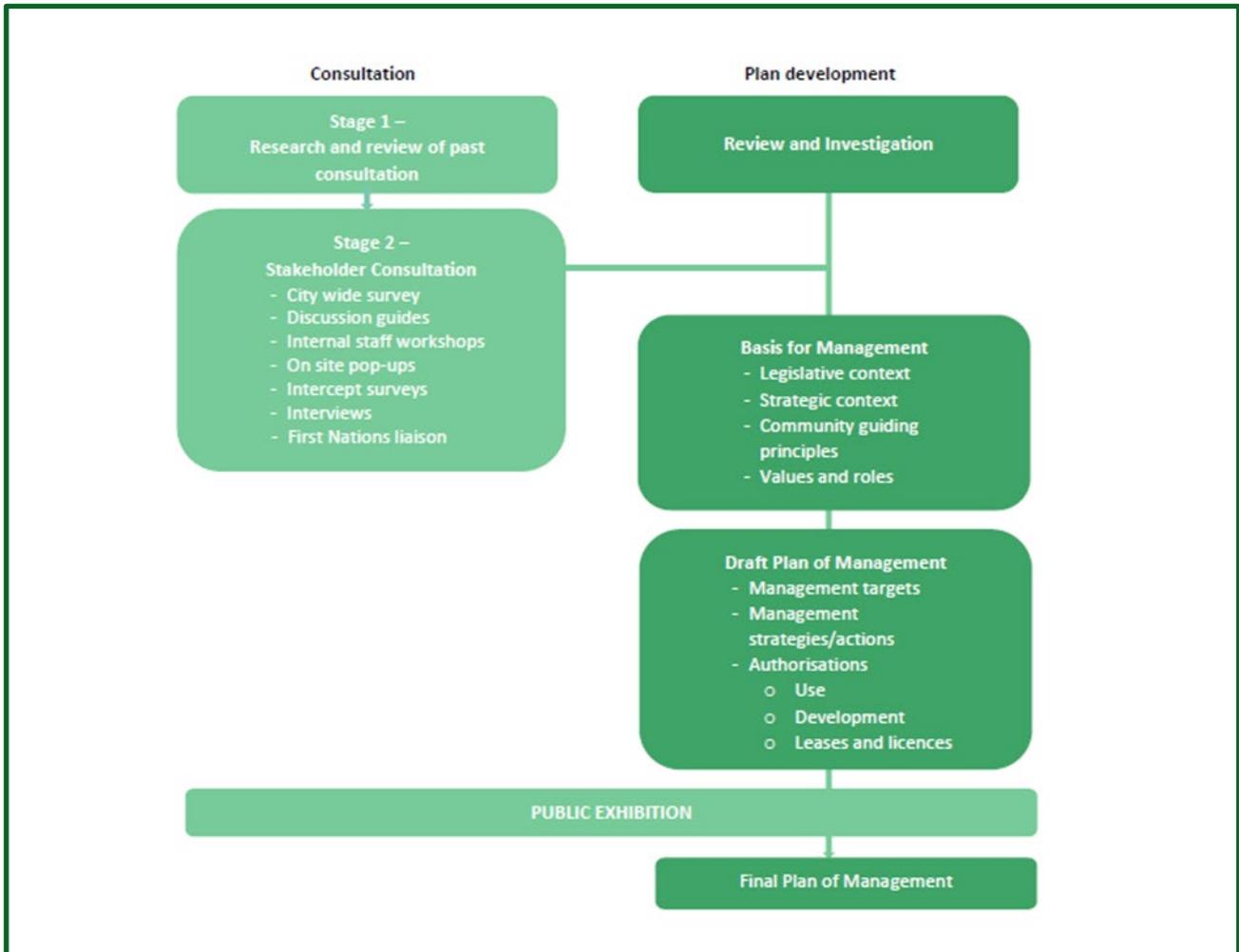
The process has integrated extensive consultation with the broader community, First Nations stakeholders and other authority stakeholders.

Purpose of the PoM

Under section 36 of the Local Government Act 1993, a PoM must:

- Categorise the land in accordance with the legislation
- Contain objectives and performance targets for the management of the land
- Specify the means by which Council proposes to achieve the objectives and performance targets
- Specify how achievement of the objectives and performance targets are to be assessed.

Figure 1. PoM process



Consultation

Purpose of the consultation program

The purpose of the community engagement was to understand the community's vision for Crown land spaces, how the community use the land now and how they would like to use the land in the future.

An important aspect of the engagement program was to recognise the important relationship that Aboriginal and Torres Strait Islander peoples have to these spaces, strengthen the relationship with the Aboriginal and Torres Strait Islander communities and use the PoMs as an opportunity to further recognise and foster Aboriginal people's custodianship, living culture and connection to these places.

The opportunity to participate in the engagement program was communicated to the community via:

- A letter to local residents from the City of Sydney
- Sydney Your Say web page
- Notification signs in parks
- Decals with QR code on footpaths in parks, reserves and civic spaces
- E-newsletter sent to a targeted stakeholder list.

The Engagement program

The engagement program consisted of an online survey, intercept surveys and pop-ups at some of the Crown land spaces, a conversation guide and community and staff workshops.

The surveys and pop-up boards sought to gather statistical data around community values and uses of Crown land, and the workshops provided an opportunity for more in depth discussions around Crown land within different locations across the city and specifically with the First Nations community.

Children's activity kits were also sent to schools in the area and provided an opportunity for children in years 3-6 to participate.

Detailed findings of the engagement program are outlined in the separate Crown Reserves Plan of Management Engagement Report 2021.

What we heard – community engagement

The community engagement report noted the following highlights:

- **Strong support for the recognition and practice of First Nations people's continuous Connection to Country and important role as caretakers and knowledge holders of these spaces**
- **Public open spaces are important for mental health, wellbeing and provide a place of refuge and sanctuary for all**
- **Open, green and natural public spaces in the city are highly valued and should accommodate the needs of the growing population**
- **Accessible, safe and inclusive open spaces are important for everyone to enjoy**
- **Diverse and unique open spaces that manage our shared spaces fairly**
- **Open spaces that support wildlife and biodiversity**
- **Preserving our open spaces and safeguarding their history for the future**
- **Improving amenities in our open spaces to increase accessibility and support community use**

City-wide survey: seek to understand community values and visions for their open spaces (informs both generic and specific Plans of Management)

Discussion guides: guided opportunity for regular user groups (e.g schools, sporting clubs) to map values, and places of significance.

Internal staff workshop: internal City of Sydney staff workshop



Engagement tools to inform general plans of management

City-wide survey: opportunity to comment on general issues in addition to specific parks according to preference.

Discussion guides: guided opportunity for regular user groups (e.g schools, sporting clubs) to map values, and places of significance.

On-site pop-ups/intercept surveys: pop-ups/intercept surveys in the specific parks at specific times to capture a wide variety of feedback.

Interviews with key stakeholders: We will conduct interviews with key external stakeholders.

Work in partnership with local First Nations leaders and groups: liaison with Aboriginal and Torres Strait Islander stakeholders.



Engagement tools to inform specific plans of management

Children told us they value parks because...

“It has at least one thing everybody likes”

“Its just beautiful”

“There is space”

“They make me happy”

“When going outdoors it's nice to be in a place that is well maintained and easy to access”

“I like having time with nature”

“Everyone's welcome there”

What we heard – First Nations engagement

A series of **general principles** for the integration of First Nations input into the management of Crown land in the City of Sydney were identified during the conversations. These included:

- **Access to land as a human right of Indigenous peoples (UN Convention on the Rights of Indigenous Peoples)**
- **Recognition and respect for sacred sites and places**
- **Truth telling**
- **Talking about Country helps bring the community together**
- **The environment as living culture**
- **Importance of waterways and wetlands-rivers tell stories**
- **Creating opportunities for Aboriginal economic benefit**
- **First Nations design principles that recognise:**
 - **Local cultural knowledge**
 - **Sustainability and resilience**

Putting the principles into action – potential ways that these principles can be followed through by Council and others were also discussed:

The environment as living culture

Imagine having a space like this in Sydney that is real and permanent, not just digital (in response to Brett Leavy's animation – Warrane)

- Respecting ancestral sites
- Connecting places by Songlines (these include many main roads in Sydney)
- Returning Country to how it was (pre-invasion)
- A holistic approach: not just land but also water, sky, seasons, cultural calendar, plants and animals
- Implement 'Caring for Country' principles (including maintenance, planting, holistic understanding of Country, etc.)
- Important to return the knowledge of waterways and wetlands. Rivers tell stories and are an historical link that have been covered up over time

- Commitment to healing Country
- Designing with Country – a number of participants referred to the work of the State Government Architect

Language and naming

The use of language needs to go beyond naming

- Dual naming in local language based on a geographical feature
- Incorporating Gadigal language into descriptions will help the community better understand the meaning of these places
- Recognising that the first language of this place is the authentic language
- Removal of colonial names of parks

Decolonising spaces and truth-telling

We need a different way of looking at 'monuments' – as significant, empowering, culturally correct markers of the truth

- Trees of significance as monuments
- Sites of significance as monuments
- Take leadership on dealing with colonial artefacts
- Gadigal artists creating new markers of truth

Visibility

We are here - this land was never ceded

- The need to make this more visible in Sydney
- Participants referenced how New Zealand is Indigenous culture, practices and perspectives visible to international visitors
- The potential to push digital notifications when walking on different bits of land (i.e. a notification to acknowledge/welcome to country, when you are close to a sacred site or a burial ground, etc.)
- Permanent acknowledgement in each space that enlivens and engages - not just commemorative

Significance of Sydney as the site of invasion and first contact

Make these important places recognisable to Aboriginal people

- Sydney as the first frontier means it is a critical place for truth-telling and healing trauma

Observatory Park
Specific Plan of Management

- Recognise the cultural disruption and diaspora in Sydney
- Burial grounds and should be part of truth-telling
- Recognise places of protest

Practicing and sharing culture and supporting community

- Returning cultural fishing (e.g. Woolloomooloo and Pyrmont)
- Dedicated spaces to practice culture and interact with the community
- Dedicated ceremonial spaces practical for events
- Maker-spaces (places for creating) that are culturally correct
- Locations to busk, make things, be social and demonstrate culture, and
- Importance of community festivals – Yabun at Victoria Park

Economic and cultural ownership and management

- Importance of cultural ownership and intellectual property rights
- Ongoing employment and business opportunities at all levels
- Making, markets, food, trading, learning etc should be able to be practiced somewhere permanently (not a one-off event)
- There are effective working examples of shared arrangements with State Government (DPIE) who work with Metropolitan Local Aboriginal Land Council on protecting and managing places
- The Metropolitan Local Aboriginal Land Council sought that the City of Sydney provides Crown land or City-owned sites to MLALC for local Aboriginal community needs of culture, health wellbeing, housing and business
- The Metropolitan Local Aboriginal Land Council asked that the City support addressing the issue of underpayment of NSW Aboriginal Land Rights fund of \$500 Million in perpetuity for all Freehold, Leasehold, Pastoral, National Parks, State Forests, Reserves and Parks as well as mineral and water

Advocacy/leadership/influence

- Encourage the City of Sydney to take on the hard issues and use position to influence other organisations including other councils and government departments
- Work with other authorities who have ownership over Crown land parcels
- Advocate and work at local, state and federal levels

Barriers

Several existing barriers to First Nations people's cultural and spiritual use of Crown land were raised that the community want to see resolved. These include:

- Red-tape constraints to the economic use of spaces
- Barriers to the practice of living culture.

It is proposed that the City of Sydney continue to engage with the First Nations community to explore avenues to pursue the above principles and actions.

Section 5 of this plan details a series of "Community Guiding Principles". It is proposed that ongoing management of Crown and community land pursue these principles.

Specific feedback related to Observatory Hill

The engagement report identifies the following outcomes specifically related to the subject sites.

What we heard - Specific POMs snapshot:

Observatory Hill, Millers Point



Number of people who commented on this park:



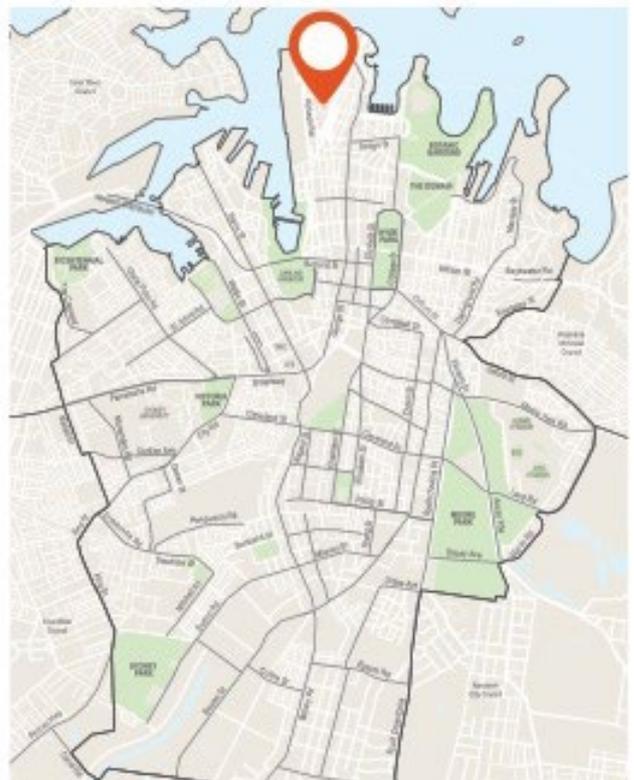
15 people completed the online survey for Observatory Hill, Millers Point (also includes Kent Street Tennis Centre and Watson Road Reserve)



10 people completed intercept surveys for Observatory Hill.

Current visitation to Observatory Hill

- Survey respondents were more likely to live nearby or visit the area (44%; 11 respondents, respectively).
- Approximately one third of survey respondents visit the area daily (32%; 8), followed by respondents who visit occasionally (20%; 5).
- The majority of respondents usually visit Observatory Hill in the afternoon (12pm - 4pm) (52%; 13). This was followed by afternoon/evening (6pm-9pm) (44%; 11).



Observatory Hill, Millers Point

Observatory Park Specific Plan of Management

What people value about Observatory Hill

Survey

Survey respondents were asked to choose what they value most about Observatory Hill.

Top values as indicated by survey respondents are:

- Its beauty (64%; 16)
- It's a peaceful place (36%; 9)
- It's accessible (36%; 9)
- It's a cultural place (24%; 6)

Participants also told us they value the open space for their dog and that they value this place because it is unceded Aboriginal land.

Why people value Observatory Hill

Survey respondents were asked why they chose these values. Responses included:

- The sense of community
- Its a great place to meet up and be connected
- Its a "gem" in Sydney
- The cooling harbour breeze
- It has interesting history and heritage

Respondents told us...

"I love the location for its cooling harbour breeze, lushness and calm within the city. I enjoy visiting here because I live in an apartment nearby and have no balcony."

- Survey respondent

"Green space is important to the soul of a city. Observatory Hill must also be maintained for its historic/heritage significance to Sydney, NSW and Australia!"

- Survey respondent

"Because this area feels like home to me but also has such a variety of special places that I am always finding something or someone new-even after 20 years."

- Survey respondent

"This is a beautiful park with wonderful views and history. It should always remain a park for the people and never given over to private interests. If developers were permitted to scoop up any part of it that would be a blight on our city and a shameful act by us that we allowed it to happen"

- Survey respondent

"In a busy city like Sydney there needs to be areas to reflect, relax and take in the air.... to contemplate, reminisce and relax. These spaces are vital."

- Survey respondent



Observatory Park Specific Plan of Management

Current activities at Observatory Hill

Survey respondents were asked what are the main activities they do at Observatory Hill. The majority of respondents enjoy sightseeing and the views (68%; 17 respondents).

This was followed by sitting and relaxing (56%; 14), walking or running (44%; 11) and enjoying nature and walking through to get somewhere else (36%; 9, respectively).

Other activities survey respondents currently do at this park include playing tennis.

Future activities at Observatory Hill

Survey respondents were asked to comment on anything else they would like to do in this park in the future, with on participants indicating they would like to have better disability access so they can visit with elderly relatives.

Additional comments about Observatory Hill:

Survey respondents and pop-up participants were asked if there was anything else they would like to share about Observatory Hill, with comments including:

- Don't sell off the tennis court
- This place provides a sense of community
- The park needs drinking water fountains, and
- It's an important part of Sydney's history.

Respondents told us...

"Observatory Park is a delightful spot and an important part of Sydney's history."

- Survey respondent

"Why change something that is perfect in every way? Observatory Hill is iconic and needs to be left to nature and the way it is today."

- Survey respondent

"It provides a great sense of community - people stop to watch or talk as they walk past. It makes them smile to see people - younger people and even older people exercising. It also encourages others to join in the activity."

- Survey respondent

"The self sown trees along the western fence line should be removed. They are damaging the fence and stone wall and impact on the presentation of the place."

- Survey respondent



2. Land description

Location and description

This Plan of Management includes Observatory Hill, the Kent Street Tennis Centre and Watson Road Reserve – open space contained within the Crown reserve for Observatory Park.

Observatory Hill is located on Upper Fort Street, Millers Point. Situated within the centre of the park is the Sydney Observatory, while the Fort Street School and National Trust SH Erwin Gallery are located to the south. It is an iconic destination providing expansive views over Millers Point to Sydney Harbour.

It is well used for both active and passive recreation by local residents, CBD North worker populations and is a popular destination for tourists and wedding parties.

Wedged in between Observatory Hill and the Cahill Expressway is City-owned green space which comprises complementary park elements to support community use of the space and has been included for holistic management of the precinct.

The Kent Street Tennis Centre lies below the western edge of the ridge and is physically separated from the ridgetop park. To the north and below Observatory Hill at ground level is Watson Road Reserve. This dedicated green space creates a pedestrian link between Watson Road and Argyle Street.

The table below summarises key land information for the subject sites. A Site Plan has been provided on page 17, refer to **Figure 2**.

Table 1. Summary land information

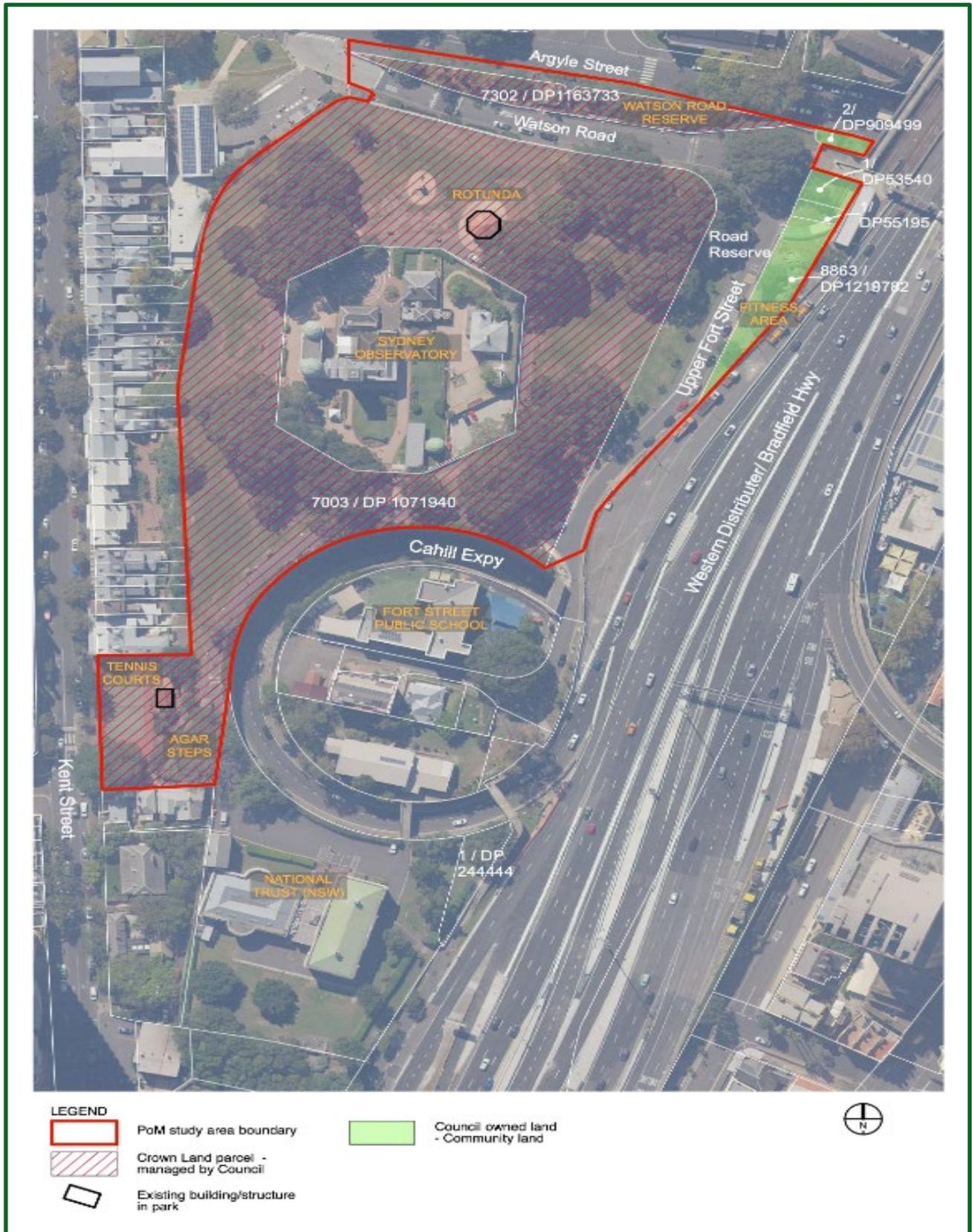
Item	Description
Site Name	Observatory Park
Address	Observatory Hill – 1001 Upper Fort Street, Millers Point Kent Street Tennis Centre – 96-108 Kent Street, Millers Point Watson Road Reserve – 3 Watson Road, Millers Point City-owned community land – 2 Upper Fort Street, Millers Point and 1 Bradfield Highway, Millers Point
Ownership	Crown (The State of New South Wales)
Crown Reserve No., purpose and gazetted date	Dedication 500044, Public Recreation, 29/4/1884
Zoning	RE1 Public Recreation
Area	18,939.99 m ²
Lot & DP	
Crown Reserves	Observatory Park: Observatory Hill - Lot 7003 DP 1071940 Kent Street Tennis Centre - Lot 7003 DP 1071940

Observatory Park
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Item	Description
	Watson Road Reserve - Lot 7302 DP 1163733
City-owned community land	Lot 8863 DP 12179782, Lot 1 DP 55195, Lot 1 DP 53540 and Lot 2 DP 909499
Miscellaneous land	Road Reserve managed by the City of Sydney as Roads Authority
Restrictions / easements	n/a
Community land categorisation	
Observatory Hill	Park
Kent Street Tennis Centre	Sportsground
Watson Road Reserve	Park
City-owned land	Park
Condition of land	refer to Table 2 for Condition Summary

Observatory Park
Specific Plan of Management

Figure 2. Site Plan



Heritage and culture

Overview

Observatory Park was dedicated for Public Recreation in 1884 and became officially known as Observatory Hill Park in 1887. It was subsequently renamed to Observatory Park in 1976.

From its elevated position, Observatory Hill offers one of the most spectacular vantage points in Sydney Harbour.

The land on which the park lies is within the traditional lands of the Gadigal people. Prior to European arrival Observatory Hill is thought to have been used for its prominent position as a lookout or as a communication point across the harbour and its headlands may have had cultural and practical significance. Diary records of the colonists provide insights into early encounters, between First Nations peoples and the First Fleet arrivals in the vicinity of the park. These records remain an important source for the revival of Sydney Aboriginal language and cultural material.

Subsequent to European occupation of Sydney Cove in 1788, Observatory Park has had significant and ongoing roles in the development of the new colony and city. It represents one of the most important government and / or civic precincts in the city.

From the latter years of the nineteenth century, Observatory Park has been a focus for recreation, a green part of the city highly valued for its environment and views by both residents and visitors.

Key elements of the park include a number of Moreton Bay Fig trees that remain from planting schemes of the 1880's and the Agar Steps, built in 1892. The rotunda dates from 1912 and has been used as model for park improvements in other locations in NSW.

A second phase of park planting occurred in the 1930's after the completion of the Sydney Harbour Bridge. Observatory Park contains many buildings which have been adapted for re-use over the decades, along with archaeological sites dating back to the beginnings of European settlement.

The park is of outstanding historical significance and the heart and soul of the Observatory Hill precinct.

Heritage Context

Listed heritage item:

Sydney LEP # 1935— 'Observatory Park including Boer War Memorial, Bandstand, fences and landscaping'.

There are multiple SHR and SLEP items in the vicinity of the subject sites including:

- Millers Point and Dawes Point Village Precinct (SHR 01682)
- Millers Point Conservation Area (SHR 00884)
- Millers Point Heritage Conservation Area (C35)
- Sydney Observatory Group including buildings and their interiors and grounds (No 1934)
- Bureau of Meteorology including interior (No 1936)
- Messenger's Cottage for Sydney Observatory including interior (No 1937)
- Fort Street Primary School site including buildings their interiors, fig trees and grounds (No 1938)
- Watson Road Steps (No 1939)
- National Trust Centre (No 1876).

History

The continued Aboriginal occupation of Sydney can be traced through the archaeological records to at least 22,000 years ago, with some estimates extending towards 35,000 years. The occupation of the Sydney Basin extended beyond the current shorelines as lower sea levels meant the coast was between 12 and 20 km further east than today. Sydney Harbour formed a vast valley with a central river. Some 1,000 years ago – at the end of the last great ice age – rising sea levels inundated the broad coastal plain forcing the retreat of coastal people over a few generations. The flooding is estimated to have taken up to 1,100 square km of land on the coast and 45 square kilometres within the harbour area itself. This resulted in the addition of 250 kilometres of shoreline shaping Sydney Harbour as it more or less sits today.

The Sydney area supported the Eora Nation, comprising of more than 30 separate clans

Observatory Park Specific Plan of Management

across the region. It is recorded that most clans took their names from their Country, such as the Gadigal along the harbour's southern shore, or the Wangal from Wanne, the lower reaches of Parramatta River, or the Kamaygal from Kamay, Botany Bay). Others, like the Cammeragal from the harbour's northern shore, may have been named for their role in ceremony and law.

It was people from the Sydney Aboriginal groups concentrated around Sydney Cove and the Harbour who initially confronted and made efforts to understand the colonisers and their intentions on Country. It is these Aboriginal people who are described in the surviving colonial accounts. When the eleven ships of the First Fleet with one thousand or so people stepped ashore and set up camp in Sydney Cove in January 1788—having relocated from Botany Bay—it was the people of the Gadigal that they first encountered. The Gadigal were the first people dispossessed by colonists and it is this dispossession that underpins the foundation and growth of the city. In 1789, the smallpox epidemic devastated the Aboriginal population and disrupted clan boundaries in Sydney. Aboriginal people came together in new communities and locations.

The specific cultural attachments and associations that Aboriginal people had over generations with Observatory Hill are not well documented or researched. Yet its elevated and prominent position as a lookout or as a communication point across the harbour and its headlands may have had cultural and practical significance.

Traces of an Aboriginal campsite have been found near the intersection of Cumberland and Essex Streets (approximately 100 metres from Observatory Hill). The campsite was discovered next to the historic Lilyvale Cottage during archaeological excavations carried out in 1989 ahead of the construction of the Shangri-La Hotel. During the excavation some shells became visible, which were found to represent an Aboriginal midden. Radiocarbon dates from the midden show that the campsite at Lilyvale was used fairly recently, about 340 years before the First Fleet arrived in Sydney in 1788. (Source: Sydney Barani 2013 <https://www.sydneybarani.com.au/sites/campsite-lilyvale/>)

Some of the most poignant encounters in the immediate vicinity are those documented

between lieutenant William Dawes and Eora woman Pattyegarang at the observatory that was established at 'Tarra; now Dawes Point. Pattyegarang worked with Dawes as he learnt and transcribed her language, correcting his pronunciation and the definitions he recorded. It was Aboriginal women such as Pattyegarang who were the intermediaries between their people and the colonists, creating pidgin forms of communication essential to the interactions that played out between the two worlds. Pattyegarang patiently explained the anger felt by Aboriginal people at the arrival of the colonists—the reasons behind why Aboriginal men had wounded the new settlers; the rituals of play, food and fishing.

Dawes' notebooks reveal the way in which Eora women were negotiating the demands of a new society and forming mutually beneficial friendships with convict women and men as well as officers and their wives. The notebooks made by Dawes and Pattyegarang provide insight into the early contact but also remain an important source for the revival of Sydney Aboriginal language and cultural material today.

The earliest colonial development on Observatory Hill was the construction of a **windmill by Irish convict John Davis in 1796**. The windmill was a stone tower fitted with machinery to grind wheat to make bread. This windmill subsided in 1800 and lost its sails in a storm in **1805. By then another windmill had been built in timber to the south**. These early structures gave rise to the name Windmill Hill, and the district still bears the name Millers Point.

As the highest hill overlooking the settlement of Sydney, this area was the site of **Fort Phillip built in 1800** and named after the colony's first Governor. The fort was armed with four 6-pounder cannons and a gunpowder magazine. The powder magazine was moved to Goat Island in 1833, and **Fort Phillip was partially demolished in 1840**. Upper Fort Street commemorates Fort Phillip.

With the growth in shipping the elevated site was **used as a signal station from 1825**, using flags and semaphore to communicate with ships from the east parapet of the fort. This gave the area the new name of Flagstaff Hill, and it was still referred to by locals as The Flaggie until well into the second half of the 20th century. **In 1847 a 2-storey Telegraph House was built** to meet

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increased demands of maritime activity in the port.

In **1825, the colony's second hospital was built on the site**, and after it was **closed in 1848 it was converted into the Fort Street Model School**, famous for its innovative teaching methods. At first it was co-educational, but the boys moved to a new site at Taverner's Hill, Petersham in 1916, where the high school (once again co-educational) still operates. Fort Street Public School remains at Observatory Hill today.

The southern hemisphere was regarded as an important site for astronomical observations so the first observatory was built in Sydney in 1788. **The observatory and astronomer's residence were built in 1857 to 1859**, incorporating a time ball which signalled the time to shipping in the harbour each day. Due to increasing light and pollution the observatory closed in 1982 and is now a public museum which is within the care, control and management of the Museum of Applied Arts and Sciences (MAAS).

The **1880's Flagstaff planting scheme** featured Moreton Bay Fig trees many of which remain. The Agar Steps named after Thomas Agars (1810-1862), a local merchant were built in 1892. The park was formerly dedicated as a public recreation reserve in 1884 and became officially known as **Observatory Hill Park in 1887**. The park was subsequently renamed to **Observatory Park in 1976**.

The rotunda within the park dates from 1912 and it was frequently used for musical performances. The rotunda served as something of a model for park improvements in other locations. The Lord Mayor of Lismore left Sydney with plans of the Observatory Hill Rotunda in 1913 following a visit. In 2017, artist, Anri Sala installed his musical work 'The Last Resort' comprised of custom built snare drums in the rotunda as part of the 33rd Kaldor Public Art Project. The rotunda is regularly used as a venue for functions and events.

A second phase of **planting occurred in c.1932** coinciding with the opening of the Sydney Harbour Bridge, including a grove of palm trees next to its stairs. Observatory Hill contains many buildings which have been adapted for re-use over the decades, along with archaeological sites dating back to the beginnings of European settlement. From its elevated position it also offers one of the most spectacular vantage

points in Sydney. A South African War Memorial 1899-1902 was installed in the park in 1937 commemorating the citizens of NSW who responded to the Empire's call. The stones in the memorial are at least 133 years old. They came from the old demolished Governor Macquarie stores building at Circular Quay. *Source: Manning River Times and Advocate for the Northern Coast Districts of New South Wales (Taree, NSW), Sat 8 June 1940.*

In 1992, five (5) Moreton Bay Fig trees were planted near the rotunda on the northeast corner of the Observatory boundary to commemorate the visit by Japan Junior Chamber Inc. to promote "The Age of Global Citizenship".

Statement of Significance

The Observatory Park is within the traditional Country of the Gadigal people and carries their ancestors stories and values. Given the hill boasts the highest elevation in Sydney Harbour the Gadigal may have used the hill as a communication point and to look across and along the harbour.

As a colonial landscape, the park is of outstanding historical significance and a major component of the Observatory Hill precinct. The Observatory is of exceptional significance. Its prominent location and significant uses beside and above the port town and, later, City of Sydney made it a place for a range of changing uses, all of which were important to, and reflected, stages in the growth and development of the colony. These uses included: milling (the first windmill); defence (the first, and still extant, fort fabric); communications (the flagstaff's, first semaphore and first electric telegraph connection); astronomy, meteorology and time keeping.

The surviving structures of the Observatory Hill precinct, both above and below ground, evidence 195 years of changing use, technical development and ways of living. As such they are a continuing resource for investigation and public interpretation.

Observatory Hill has an association with an extensive array of historical figures most of whom have helped shape its fabric. These include: colonial Governors Hunter, Bligh, Macquarie & Denison; military officers and engineers Barrallier; Bellasis and Minchin; convicts: the as yet unnamed constructors of the mill and fort; architects: Greenway (also a convict), Lewis, Blacket, Weaver, Dawson and Barnet; signallers

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and telegraphists such as Jones and the family Moffitt; astronomers: particularly PP King, Scott, Smalley, Russell, Cooke and Wood.

The picturesque Italianate character and stylistic interest of the Observatory and residence building, together with the high level of competence of the masonry (brick and stone) of all major structures on the site, combine to create a precinct of unusual quality.

Finally, the continued use of the observatory for astronomical observations and the survival of astronomical instruments, equipment and some early furniture although temporarily dispersed, and the retention of most interior spaces, joinery, plasterwork, fireplaces, and supports ensure that the observatory can remain the most intact and longest serving early scientific building in the State (Kerr 1991: 39). The site is also of significance for the relationship of Commonwealth and State powers. It is the site of the first intercolonial conference on meteorology and astronomy. (Pearson et al 1999)

The building is an excellent example of a Colonial building erected for scientific purposes and continuing to perform its function at the present time. The structure makes an imposing composition atop the historic hill originally known as Flagstaff Hill and occupies the historic Fort Phillip site (1804-45). It was designed by the colonial architect Alexander Dawson and built in 1858.

The elevation of the park, with its harbour and city views and vistas framed by mature Moreton Bay fig (Ficus macrophylla) trees of the surrounding park, make it one of the most pleasant and spectacular locations in Sydney. For locals and visitors alike, the park is a popular spot for passive and active recreation and is a premier location due to its spectacular views of Sydney Harbour.

Key heritage features

Significant elements of the park:

- Boer War Memorial
- Agar Steps
- Bandstand Rotunda
- Panoramic views of Sydney Harbour
- Connection to the Sydney Observatory precinct.

The park contains several items listed on the City of Sydney's Significant Tree Register including:

- Nineteen (19) Moreton Bay Figs (Ficus macrophylla)
- One (1) Port Jackson Fig (Ficus Glabrescens) and 2 Port Jackson Fig (Ficus Rubiginosa) at Agar Steps

Environment and landscape

The following description has been derived from the Observatory Hill Master Plan 2012 and Draft Plan of Management 1997.

Pre-existing Physical Characteristics:

The natural topography of the site consisted of a steep rise with several prominent rocky sandstone outcrops and a series of undulating ridges culminating in a peak.

The vegetation types likely to have been found in this area prior to European settlement include:

- Eastern Aspect: Open forest to woodland
- Northern Aspect: Woodland and Scrub
- Western Aspect: Open woodland and scrub
- Typical species being Eucalypts, Angophora, Blackbutt, Banksias, Acacias and Tea Trees.
- The lower slopes are likely to have supported woodland of Scribbly Gum with an open low shrubby understorey comprising banksias, acacias and tea trees.

Existing Physical Characteristics:

Landform, Soil, Drainage

At over 40 metres above sea level, Observatory Hill is the most elevated point in the Sydney CBD. It is located at the crest of the rocky ridge that separates Sydney Cove to the east and Darling Harbour to the west. Its highest point is located near the Observatory at 44.38m. The eastern boundary of the park stops abruptly at the retaining wall of the Bradfield Highway. The western borders of the park slope off sharply and are terminated by a wrought iron fence at the top of sandstone retaining walls. From these areas a panoramic view is afforded of Sydney Harbour.

The southern border is terminated by the Cahill Expressway and the Agar Steps. Beyond this point the landform continues to gradually slope down towards the Natural Trust Centre.

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The large areas of cutting associated with the Argyle Stairs and the Cahill Expressway have dramatically altered the topography of the site along its eastern edge, isolating the educational buildings from the rest of the precinct and impacting on its park like character and usable recreational areas.

The site's soils are typical of the Gynea Landscape Group as identified in the Soil Landscapes of Sydney (1:100,000 sheet). Soils are derived from the Hawkesbury Sandstone and typically shallow, discontinuous, and generally sandy and very low in nutrient status and water holding capacity. In 2007 some soil testing was undertaken on site surrounding the mature Fig Trees and the soils were found to consist of a high Magnesium and Calcium ratio which was likely to adversely affect soil compaction and tree phosphorus levels. Recommendations were outlined to rectify nutrient levels.

Drainage is a problem in some areas of the park due to its thin soils over rock and steeply sloping turfed areas along the western and northern areas which have high pedestrian traffic resulting in soil erosion and 'goat tracks' in the lawn, this is especially evident between the Argyle Stairs to the rotunda.

Microclimates

The exposed nature of the hill has resulted in long term exposure to prevailing winds. The downside of this exposure is the adverse impacts of prevailing south-westerly winter winds which adversely affect visitor amenity and can impact on some plant species. Some protection from its winds is provided by the structures and plantings throughout the park.

There is little overshadowing from surrounding areas and as a result the park (areas not impacted by tree shading) is generally exposed to full sunlight throughout the day.

Vegetation

Tree plantings are typical of Sydney's urban parks of the 19th and 20th centuries. Most plants have significance either due to their age, their unique characteristics, their rarity or be being representative of an era of park plantings.

Many of the remnant figs, being of large mature proportions are registered as significant trees (2004) by the City of Sydney. The tree plantings form an integral component of the city's cultural

heritage of civic planting schemes dating from the Victorian era and are a significant part of the Millers Point landscape.

The 19 Moreton Bay Figs across the park are grouped in four separate and distinctive clusters, they are the most prominent plantings on Observatory Hill. They are clearly visible from many vantage points, including from distant parts of Sydney, including the suburbs of Birchgrove, and North Sydney across the harbour.

The Observatory Hill Tree Management Plan was prepared for the City of Sydney in 2008 as part of a suite of tree management plan for Sydney's iconic 19th century parks. While the plan identifies relevant heritage, environmental and arboriculturally data of all the existing trees at the time the report was written, only limited information was included which identifies specific species and some recommendations for new species planting.

Landscape Character:

The broader Observatory Hill site consists of several distinct zones, these include:

- The parkland to the north
- The Observatory which sits nestled into the parkland
- The central educational zone currently cut off from the site by the Cahill Expressway Cutting (not part of this Plan of Management)
- The National Trust Centre which sits to the southern end of Observatory Hill, is somewhat isolated from other parts of the site and has only limited pedestrian access from adjoining streets (not part of this Plan of Management).

The Kent Street Tennis Centre lies below the western edge of the ridge and is physically separated from the ridgetop park.

Carved into a rock wall base located below Observatory Hill is Watson Road Reserve. A separate green space within the Observatory Park Crown reserve, it comprises 3 Moreton Bay Figs and 1 Queensland Lacebark, recorded on the City of Sydney's Significant Tree Register. The heritage listed Watson Road Steps form a central pedestrian connection to Argyle Street located at the ground level.

The overall landscape character of the ridgetop parkland derives strongly from the heritage

Observatory Park Specific Plan of Management

elements and built form present. Juxtaposed to this are the adjoining views to the roadways and CBD buildings to the east and south. Also, the newer educational buildings of the Fort Street Primary School and the Fanny Cohen Hall, sit in contrast to the general Victorian character of the Hill notwithstanding some previously expressed architectural significance of the school building.

Visual Amenity

The park's views to Central Sydney, the Harbour, North Sydney, Darling Harbour and the inner west suburbs are its prominent feature and would be one of the main reasons people come to use the park. From its many vantage points, visitors can view a panorama that sweeps from the Glebe Island Bridge around to Cockatoo Island, North Sydney, Millers Point and Walsh Bay around to the Sydney Harbour Bridge. The Observatory provides an opportunity to promote those views and their historic significance. The placement of trees and the ground clearance of the canopies has an effect on the sight lines from the Observatory. Clear sight lines to North Head in the east and to peninsulas along the foreshores of Parramatta River to the west are still required.

Views of the park are gained from as far away as the Falcon Street, Crows Nest entrance to Bradfield Highway. The grassed slopes to the parks northern slopes can be seen from this distance. Crossing the bridge, the park is increasingly visible from vehicles, however travel speeds precludes appreciation of the parks form and provides no clues as to how to access it from the bridge. Because of its elevated position and adjoining buildings, the park is often not visible from the surrounding neighbourhood below or from the neighbouring Rocks Precinct.

Access and Circulation

A key issue identified in previous studies has been the dangerous mixing of access on Lower Fort Street where the Harbour Bridge cycle path exists. The park is located at a gateway into the city for cycling, with the south exit of the Sydney Harbour Bridge located along its eastern edge.

This cycleway carries large volumes of cyclist traffic in the peak. The current shared path/on-street configuration generates conflicts and safety issues for cyclists, pedestrians, vehicle drivers and residents adjacent the precinct.

Fundamentally, the road and parking system on Observatory Hill is inefficient and poorly legible. The splitting of road access at the Cahill Cutting between the educational precinct and the National Trust is unnecessary and requires a road to the narrow space to the west of the Cahill Cutting, limiting pedestrian and user amenity in this area of potentially high amenity.

Wayfinding and signage both to the precinct and within it are inadequate and sometimes misleading.

Observatory Hill has been identified for capital works upgrades due to the current condition of the pathways across the site, conflict between pedestrian and vehicular activity and the need to consider the ongoing management of the significant trees on the site.

Reserve purpose and community use

Crown land is to be used for the original purpose for which it was dedicated or reserved. Multiple uses of reserves are encouraged, where those uses are consistent with the original purpose of the Crown reserve.

The public purpose for Observatory Park Crown reserve is **Public Recreation**.

Community usage

The Observatory Hill site provides one of the most spectacular vantage points in Sydney to overlook the Sydney Harbour Bridge, enjoying uninterrupted views to the North and Western parts of Sydney. As such it is a much sought-after passive recreation destination for both local and international visitors, as well as local residents. Many visitors are drawn to the site as a wedding venue or for photo opportunities.

It currently has a diverse user group including tourists, school children, wedding parties, local residents, fitness groups and city workers on lunch break. Additional groups frequent the park to visit the National Trust and Sydney Observatory.

An observation survey was undertaken by the City of Sydney in 2012 to ascertain the actual usage numbers and times of use impacting on the site over a seven-day period.

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Key recreational uses identified within the study include:

- Wedding / formal party
- Relaxing on grass
- Photography
- Sitting on benches
- Children playing
- Fitness / training
- Dog exercising
- Standing / looking at views
- Using Rotunda
- Picnicking.

The following observations were also noted:

- Heavy emphasis on weekday fitness training use
- Peak weekday usage from 12.00pm - 1.00pm
- Saturday use heavier in afternoon - with wedding / photography.

Recent user intercept surveys undertaken for the Crown Reserves Plan of Management in 2020, indicate that the most popular activities undertaken in the park by respondents were:

- Enjoy sightseeing and the views
- Sitting and relaxing
- Walking or running for exercise
- Enjoying nature and
- Walking through to get somewhere else
- Other activities include playing tennis

Nearly half of the survey respondents were likely to live nearby or visit the area with nearly a third visiting the park on a daily basis. The most popular time to visit was in the afternoon (12pm-4pm) followed by afternoon/evening (6pm-9pm).

User amenities

Generally, facilities to the site are not over proliferated and in the case of park furniture, appear to meet user needs. It is important that the range of elements from bollards to fences is consolidated and applied in a unified manner. Public toilets closest to Observatory Hill are currently located on the lower end of Watson Road and are used regularly by taxis and bus drivers in the area both day and night. These toilets have been upgraded in recent years.

Event use of the park

Observatory Hill has been a venue for a variety of events from small scale community focused events to larger scale ceremonial/ memorial services and festivals. The park is also a popular spot for larger community events such as the New Year's Eve Fireworks. Other events have included exhibitions, filming, launch and promotional events, live performances, media calls, sporting events and wedding ceremonies. Recorded attendances have ranged up to 15,000 people. The City of Sydney registered a total of 23 events between 2015-19.

Table 2. Usage and condition of facilities and improvements

Facilities	Usage	Condition assessment (source / reference)
Observatory Hill:		
Rotunda	General Public Use Bookings required for event / gathering purposes	Good (2)
Permanent public art Hans Christian Anderson bust	n/a	Good (2) Bronze bust, vertically textured, elliptical sandstone plinth.
Monument / Memorial – South African War Memorial	n/a	Average (3) Sandstone square cairn with curved arms and paved enclosed semicircle with artillery gun

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Facilities	Usage	Condition assessment (source / reference)
Footpaths/pavements	General Public Use	Average to Good
Fitness area	General Public Use Fitness group use	Poor (4)
Park Furniture - seating	General Public Use	Average
Park Furniture – water bubblers	General Public Use	Average
Park Furniture - lighting	General Public Use	Average
Park Furniture - fencing	General Public Use	Average
Kent Street Tennis Centre:		
Courts	Pay for use by booking	Good (2)
Fencing	n/a	Good (2)
Watson Road Reserve:		
Park Furniture - seating	General Public Use	Average to Good
Sandstone steps/walling	n/a	Good
Fencing on walling	n/a	Good
City-owned community land:		
Fitness station	General Public Use	Good
Park Furniture - lighting	General Public Use	Average

(#) City of Sydney Asset Assessment - other assessments by general observation for PoM

Table 3. Existing leases and licences

Lease / licence	Crown Reserve / Lot and DP	Lease / licence holder	Date commenced Date expiring	Purpose / Comments
Retail Lease	D.500044 / part Lot 7003 DP 1071940	G. E. Hotels Pty Ltd	08/08/2017 Expiry 07/08/2022 5 years	Management of tennis courts. Available for public hire

3. Legislative context

Ownership and management

Observatory Park is a Crown reserve owned by the State of New South Wales. The City of Sydney is the Crown land manager responsible for the management of the Crown reserve. Refer to **Section 2**, pages 15-16 for further property details.

Relevant legislation

Crown Land Management Act 2016

Crown land is governed by the Crown Land Management Act 2016 (“**CLM Act**”). Historically, reserve trust managers were appointed as the custodians of Crown reserves. Upon the introduction of the CLM Act in 2018, the reserve trust regime was abolished. The management of Crown reserves is now delegated to Crown land managers, many of which are local councils.

The Objectives of the Crown Land Management Act 2016 under section 1.3 are identified as:

- Provide for the ownership, use and management of the Crown land of NSW
- Provide clarity concerning the law applicable to Crown land
- Require environmental, social, cultural heritage and economic considerations to be considered in decision-making about Crown land
- Provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of NSW
- Facilitate the use of Crown land by the Aboriginal people of NSW because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land
- Provide for the management of Crown land having regard to the principles of Crown land management.

State Environmental Planning Policy – Infrastructure 2007

The State Environmental Planning Policy (Infrastructure) 2007 (“**ISEPP**”) aims to facilitate the effective delivery of infrastructure across NSW. The Infrastructure SEPP assists local government and the communities they support by simplifying the process for providing essential infrastructure.

The ISEPP has specific planning provisions and development controls for 25 types of infrastructure works or facilities including roads, emergency services, electricity delivery, parks and other public reserves and telecommunications networks.

The ISEPP outlines the planning rules for such works and facilities, including:

- Where such development can be undertaken
- What type of infrastructure development can be approved by a public authority under Part 5 of the Environmental Planning and Assessment Act 1979 (“**EP&A Act**”) following an environmental assessment (known as ‘development without consent’)
- What type of development can be approved by the relevant local council, Minister for Planning or Department of Planning under Part 4 of the EP&A Act (known as ‘development with consent’)
- What type of development is exempt or complying development.

Of relevance to Observatory Park is Clause 65 that specifies that development for any purpose may be carried out without consent if the development is for the purposes of implementing an adopted Plan of Management. The clause also lists a range of ancillary developments permitted without consent.

Clause 66 provides for a range of exempt developments within a public reserve such as the construction, maintenance and repair of walking tracks, boardwalks, stairways, gates, seats shelters and shade structures.

Applicable planning controls for the reserve

Environmental Planning and Assessment Act 1979

Local Environmental Plans are statutory planning tools that set controls over development in the area to which they apply and are one of the main instruments for implementing the EP&A Act. They contain zoning controls as well as controls for heritage conservation areas and protected areas, amongst other matters.

Observatory Park is zoned **RE1 – Public Recreation**.

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide links between open space areas.
- To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Food and drink premises; Horticulture; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Roadside stalls; Signage; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3.

Native Title

On Crown land, Native Title rights and interests must be considered unless Native Title has been extinguished, 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 Native Title Act 1993 (Cth) ("**NT ACT**"). The NT Act 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 managed by the City of Sydney 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
- 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 the City of Sydney which is not covered by one of the Future Act subdivisions of the NT Act will be invalid.

Section 8.7 of the Crown Land Management Act 2016 requires that written Native Title Manager advice is required before a council Crown land manager does any of the following:

- a. Grants leases, licences, permits, forestry rights, easements or rights of way over the land
- b. Mortgages the land or allows it to be mortgaged
- c. Imposes, requires or agrees to covenants, conditions or other restrictions on use (or removes or releases, or agrees to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land
- d. Approves (or submits for approval) a plan of management for the land that authorises or

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permits any of the kinds of dealings referred to in paragraph (a), (b) or (c). Accordingly, Native Title Manager advice must be obtained prior to the approval (or submittal for approval) of a PoM that allows a dealing in (a)–(c) and the execution of any lease, licence, permit, etc. that may be authorised under that plan.

- e. The City of Sydney Native Title Manager has been and will continue to be consulted in all relevant aspects of Native Title pertaining to the land that is covered by this Plan of Management.

The City's Native Title Manager has been and will continue to be consulted in all relevant aspects of Native Title pertaining to the land that is covered by this Plan of Management.

Heritage management

The planning and management of Observatory Park must recognise and adhere to the requirements applicable to Local heritage listings.

4. Strategic context

Past planning and management

Planning and management directions have been established for Observatory Park through past master planning (Observatory Hill Master Plan 2012) and plans of management (Observatory Hill Draft Plan of Management 1997). This Plan of Management references the Observatory Hill Master Plan 2012 as the current planning direction for the Crown reserve and supersedes the Draft Plan of Management 1997.

Key strategic directions

The following summary is derived from the adopted Master Plan previously discussed and is further supplemented by the Harbour Village North Public Domain Study 2012 and Open Space, Sports and Recreation Needs Study 2016.

Observatory Hill Master Plan 2012

Key principles:

Restoration - Restore park edges whittled away over the years by the encroachment of transport infrastructure.

- Reclaim surplus road area and bus layover detracting from pedestrian environment to frontages of Abraham Mott Hall and Harry Jensen Activity Centre for recreation/ event space and improved playground.
- Improve connections between Educational and Cultural buildings currently separated from open space parkland.
- Reclaim Bradfield Highway area freed up by removal of disused toll booths.

Green Mantle - Maximise and consolidate the 'Green Mantle' open space areas across the precinct. Consideration should be given to views and vistas to the precinct.

- Reduce noise and traffic impacts from Bradfield Highway edge which detract from enjoyment of the park.

- Improve usability of the park - Consider options to bridge Cahill Expressway cutting and minimise fencing clutter.
- Buffer the Bradfield Highway along park's eastern edge.
- Long term vision for preserving significant views to and from Observatory Hill.
- Maximise garden bed and turf areas.

Connections - Consolidate vehicular access and parking to undesirable eastern edge.

- Rationalised and pedestrian, cycle and vehicular routes.
- Improved visual access and wayfinding to and within Observatory Hill.
- Improved connectivity with surrounding area at locations limited by topography and the Bradfield Highway.
- Potential new access point to the National Trust & Observatory Hill from Kent Street.
- Long term linkage opportunities to surrounding areas e.g. Barangaroo, The Rocks.

Open Space, Sports and Recreation Needs Study 2016

Strategic directions:

The report notes Observatory Hill is one of the City of Sydney's best vantage points for unobstructed Harbour views, yet the park is fragmented and underused due to poor pedestrian access brought about by busy roads and topography.

Barangaroo is bringing more people into the precinct and will generate additional demand for connections to Observatory Hill.

Key directions highlighted include:

- New toilet facilities
- Refurbishment of Rotunda
- Enhance physical and visual connections between Observatory Hill, Millers Point, Barangaroo

Observatory Park Specific Plan of Management

- Investigate the feasibility of unifying the park by restore Observatory Hill by providing connections / cover over the Cahill expressway cutting
- Access: east – investigate feasibility of pedestrian bridge over Western Distributor/ lift access from Argyle Street
- Investigate feasibility lift access at key access points to the park
- Connection through High Street, form a larger connection from the park to Barangaroo edge – Agar Steps
- Improve cycle access along eastern side of park from Harbour Bridge to Kent Street underpass.

Other recommended works to include:

- Argyle Street and Kent Street underpass upgrades which will improve access and connectivity to Observatory Hill

Current project status of upgrades:

- New toilet facility - design development underway
- Design assessment of cycle link (completed)
- Refurbishment of Rotunda (completed)

Harbour Village North Public Domain Study – 2012

The study identifies six guiding directions for long term improvements in Harbour Village North that will strengthen its character as a special destination while improving connections to surrounding areas and enriching community life. The following directions directly relate to Observatory Hill:

Improve access, connectivity and wayfinding

- Improving wayfinding throughout the area, including carefully designed signs, pointers, guides and information will help with navigation and encourage more people to walk the route.

Network of linked open spaces

- Long term opportunities to consolidate green space at Observatory Hill should also be considered.
- Upgrading and ‘greening’ the existing spaces of the Kent Street underpass would improve

the amenity of these areas and connecting Observatory Hill to Lang Park.

Respect and celebrate Heritage,

- At Observatory Hill, opportunities to restore the park space after numerous infrastructure encroachments, and improve the setting and interpretation of heritage elements can be explored

Natural environment and Views

- Significant and historic panoramic views from Observatory Hill to Sydney Harbour are important and must be protected.
- The retention of wide harbour views from existing streets and public domain areas should be maximised with the development of Barangaroo and framed with carefully considered landscape and built form elements.

Strengthen local communities, facilities and recreation

- Harbour Village North has a strong residential community consisting of public tenants, private owners and leaseholders in a range of building types.
- Observatory Hill and King George V Centre provide popular recreation destinations for workers and residents

Figure 3 (page 33) is the approved Master Plan for Observatory Hill prepared in 2016 for the Open Space, Sports and Recreation Needs Study (Volume 1 The Strategy).

Demographic context

As part of the Plan of Management process Cred Consulting reviewed the demographic and recreational context of the subject reserve which provides useful background to ongoing planning and management.

Key observations are summarised following:

More residents

The City of Sydney’s increasing resident population and density will result in more use and capacity pressures on all levels of the open space network, particularly the larger parks that offer opportunities for active sport.

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The majority of population growth will be accommodated in various urban renewal areas. This trend will continue over the next 10-15 years.

The planning of urban renewal areas will provide opportunities to increase the open space and recreation facility network provision and provide linkages to the established open space network.

More workers and visitors

In the city centre and other concentrations of workforce population and visitors the quality of public spaces to allow people to lunch sit and socialise as well as provision of larger spaces for lunch time sport and exercise needs to be an important consideration.

Increasing density

Open space provision will be critical to the liveability of higher density urban areas by supporting community well-being, physical activity, social interaction, and a sense of space within an otherwise intensive built environment.

More lone persons

The acceptance for high density housing in order to live close to the city centre and lone person households' places importance on the distribution of the open space network to ensure people have convenient access to a park that serves as a "backyard" and facilitates social interaction and recreation opportunities. Open space planning and management is an important component of the liveability and quality of high density developments.

More young and old people

The age structure profiles increasing in the city of families with young children, young adults, and older people are expected to be heavy users of open space network.

In 2041, 47% of the City of Sydney's residents will be between 18 and 34 years of age. This age group has high participation rates in active sports and recreation, and many reside in new high density urban renewal areas which suggests higher density communities could potential be very active communities and will require opportunities for physical activity and social interaction.

The open space network needs to be flexible and provide a diverse offer of recreational, social,

cultural and creative activities and facilities to cater for various age, cultural and income groups.

Total population

City of Sydney is forecast to grow by 949,824 people or 37% in 2041. The highest growth will be in Green Square-City South, CBD-Harbour, Chinatown-CBD South and Redfern Street villages respectively.

Service age structure

Decrease in the proportion of 25 to 49 year old people

While the working age population will remain the largest demographic group to 2041, the proportion of this Local Government Area ("LGA"). The villages with the most significant change in this age group proportion will be King Street (-5%), Glebe Point Road (-4%), Harris Street (-4%), Macleay Street-Woolloomooloo (-4%) and Oxford Street (-4%).

Increase in the proportion of 60 to 84 year old people

The proportion of people aged between 60 and 84 years is forecast to increase by 2% in 2041. While the increase in proportion of 60 to 69 year old people is consistent across all villages within the LGA, the increase in proportion of 70 to 84 year old people varies. The villages with the highest increase in proportion of 70 to 84 year old people will be Glebe Point Road (+4%), Crown – Baptist Streets (+3%), Harris Street (+3%), Macleay Street-Woolloomooloo (+3%) and Oxford Street (+3%).

Households

The total number of dwellings in the LGA is forecast to increase by 35%. The villages that will see the highest increase in number of households are CBD-Harbour, Green Square – City South and Redfern Street. Villages including CBD-Harbour and Redfern Street with a high number of Crown lands will cater to an increasing number of households by 2041.

Household type

The overall LGA is forecast to see a high increase in households with one parent families and group households. However, there are variations in forecast household type across the

Observatory Park
Specific Plan of Management

villages including those within this PoM study area:

- CBD-Harbour and Redfern Street will have a steep increase in one parent families

Overnight and daily visitors

The City of Sydney is Sydney's premier metropolitan core that contains regional and village level services including retail to health, education to entertainment. The Sydney CBD and surrounds are also attractive places for tourists to visit, explore and stay overnight.

Given the diversity of offerings across the LGA, visitors are distributed to places such as Oxford Street, Kings Cross/Darlinghurst, Newtown, the Rocks, Chinatown and Central Station. Accommodation is provided throughout the LGA via short term rental accommodation as well as through traditional hotel and hostel services. The City of Sydney experiences 680,000 daily and overnight visitors for range of purposes and services including:

- Shopping
- Health and education
- Recreation and entertainment
- Accommodation
- Personal business
- Work related business.

It is forecast that this will grow to approximately 860,000 by 2036. (Source: *Infrastructure Baseline Assessment, City of Sydney, 2019*)

Social and cultural considerations (as per 2016 census data)

Cultural diversity

47.7% of City of Sydney population are born overseas with top countries of birth being China, United Kingdom and Thailand. Villages areas with highest born overseas rates include Chinatown and CBD South (76%), Harris Street (57.1%) and Green Square and City South (54.7%).

36.1% of City of Sydney population speak a language other than English with top languages being Mandarin, Thai and Cantonese. Village areas with highest percentage of other language speakers include Chinatown and CBD South (71%), Harris Street (47.1%) and Green Square and City South (45.9%).

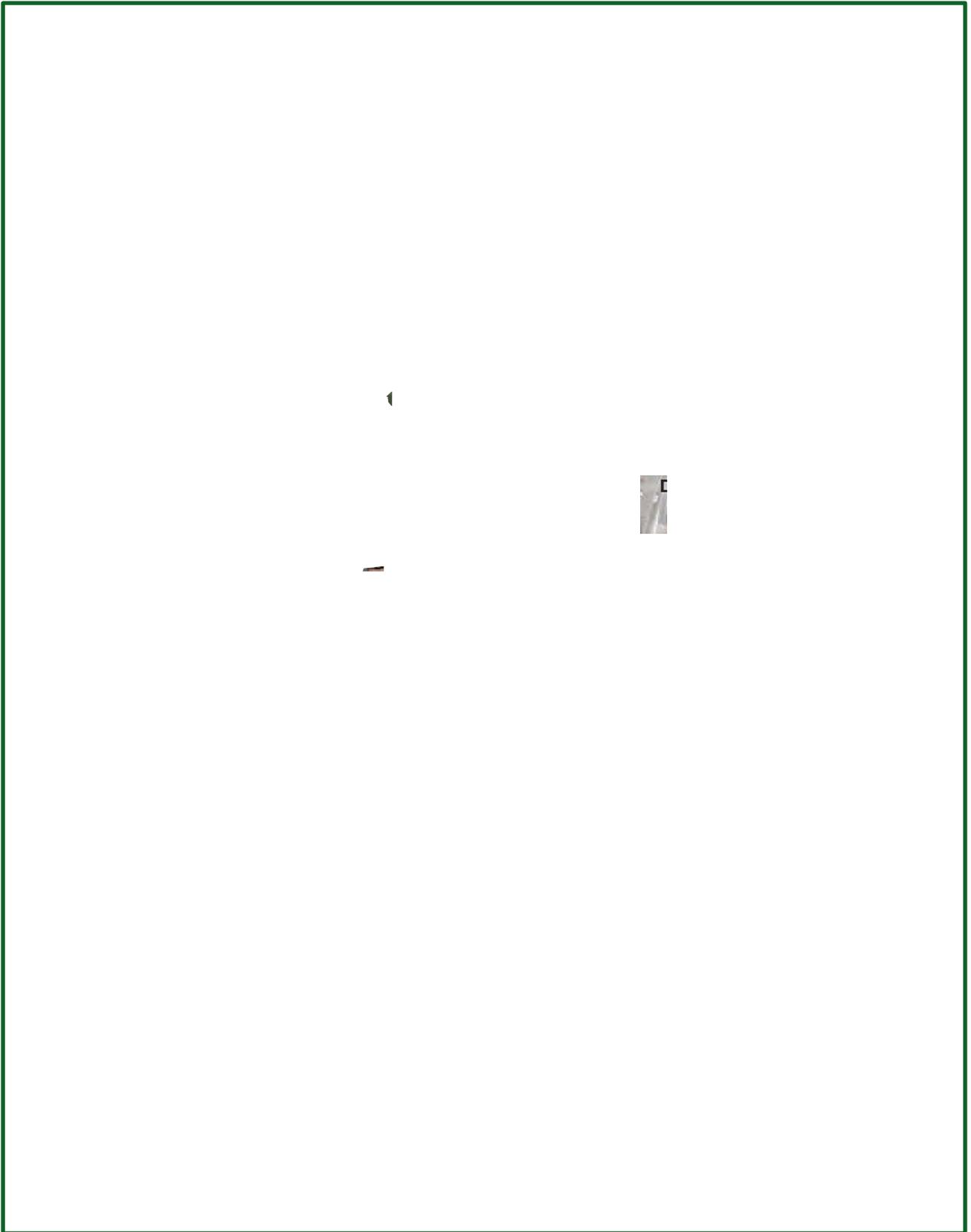
Low-income households

18.2% of households in City of Sydney LGA are characterised as low-income households. Village areas with highest percentage of low-income households include Redfern Street (29.5%), Chinatown and CBD South (17.5%) and King Street (15.6%).

Socio-Economic Indexes for Areas (SEIFA Index)

City of Sydney has a SEIFA index 1,027. Village areas with lowest SEIFA scores being Chinatown and CBD South (940.2) and Redfern Street (970.2).

Figure 3. Master Plan



City of Sydney Policy and Strategy framework

The City of Sydney has developed an extensive range of policies which provide guidance to Council decision-making. A number of these influence planning and management decision-making for open space and must be referred to in conjunction with this Plan of Management.

The City of Sydney has also developed a range of strategies focused on specific issues. While strategies are high-level guideline documents and usually carry less influence than policies, they can provide important references for planning and management of open space.

Generally, policy guidance for management of specific issues shall take precedence where no guidance is provided in the plan. However, all decision-making, and ongoing management must also have regard to the conservation of the specific park values and application of the core objectives of the applicable community land category/categories.

A summary of the key policies and strategies is provided in the Appendices.

Future Policy and Strategy guidance

In addition, it is intended that future policy and strategy development should also inform specific aspects of reserve planning and management as applicable.

5. Community guiding principles

The City acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area, and we acknowledge their continued Connection to Country. We pay respect to Aboriginal and Torres Strait Islander Elders past, present and emerging.

Community and place

These are the principles for our plans of management for Crown and community land. They were developed by listening to our communities – Aboriginal and Torres Strait Islander peoples, community gardeners, bushcare contributors, local residents, school children, city workers and visitors, and they reflect their values.

These principles are guided by the world view of Aboriginal people. They reframe our systemic relationship with the land. Since invasion, the relationship between people and land has been disrupted with little respect for the land, animals, waterways, and First Peoples. We've seen the extinction of plants and animals and damage to waterways and land. Aboriginal lives have been lost in trying to protect Country. By challenging our approach in this way, we hope to cause no further harm and begin to heal.

The City of Sydney has an important role as caretaker of these places. We will consciously consider these principles in the decisions we make for the Crown and community land we are responsible for. This includes how we maintain, change, and manage this land.

Aboriginal world view of Country – First Nations workshop participant

Country is our identity; spiritually, culturally, physically, and socially. We refer to Country as part of the family. We speak to Country; we sing to Country; and we dance for Country.

Increasingly we worry for Country and seek greater protection measures to carry out our cultural obligations to the land and waterways. These are our fundamental rights and cultural responsibilities in protecting country as First Nations People.

We are on Gadigal Country

These principles are founded in the understanding of **Country** in the worldview of the Aboriginal and Torres Strait Islander peoples. This understanding of Country includes the landscape – land, water and sky, the plants and animals, and the relationship between these. Aboriginal and Torres Strait Islander people's responsibility for Care of Country and the continuation of these relationships. Country has existed in this place for thousands of generations. Country precedes the colonial boundaries and definitions of 'Crown land'. We acknowledge the responsibility that First Nations people have in the carriage of their living cultures including access to land for practising culture. Crown and community land should bring social, spiritual, and economic benefit to First Nations people.

We commit to truth-telling and decolonisation

Gadigal Country was never ceded. In managing the Crown and Community land in Gadigal Country, we recognise the significance of this land as the site of invasion.

We work towards telling the history of these places with honesty and acknowledge the negative impacts caused to Country and to the people.

We endeavour to cause no further harm to Aboriginal people and the relationship they hold to the land.

We challenge ourselves to decolonise our approach to managing Crown and community land. This is evident in the decisions we make as we manage these places.

We value how important these places are to people's wellbeing

Crown and community land are a place of refuge and respite in an intensely urban environment. These places have cultural and community significance to many people. They are places of shared identity and pride, of community connection and celebration, and of protest and social transformation. They must be welcoming to all people and will provide equity of access to all to enjoy. We strengthen the connections between and within these places.

We are guided by Country and strive to heal and care for it

We learn about how this Country has been cared for thousands of generations. We respect the natural landforms, waterways, and endemic species. We work to heal places that have suffered degradation. We support these places to play their role in the health of the whole environment.

We protect these places for future generations

We accept our role as caretakers of these places. These places must benefit the community now and in the future. As we face a changing climate and growing population, we make decisions that prepare these places and ensure their continued health into the future.

Guiding documents

UN Declaration on the Rights of Indigenous Peoples

Principles of Co-operation with Metropolitan Local Aboriginal Land Council

City of Sydney Aboriginal and Torres Strait Islander Protocols

City of Sydney Stretch Reconciliation Action Plan 2020-2023

City of Sydney Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy

Designing with Country – NSW State Architects

6. Basis for Management

Values and roles of Observatory Park

Community values and roles have guided the development of this Plan of Management. Values are the qualities and roles of Observatory Park that the community wishes to protect, conserve, and enhance. These have been identified through:

- Consideration of past plans of management and master planning for the site
- Past and current community engagement
- Liaison with City of Sydney staff
- Site appraisal.

In brief, these values and roles are identified as:

1.0 Identity Character and Experiencing the Place

- A meaning of the place that resonates with Country
- A place which signposts and celebrates local, natural and cultural history
- The highest point in the Sydney CBD
- A peaceful place providing respite from the CBD

2.0 Access, Connections and Accessibility

- A well-connected space to adjoining neighbourhoods and to district and regional users
- Wayfinding that seamlessly aids access and use
- A place that is clear, easy and safe to move around
- An appropriately lit environment
- A community destination accessible from the cycle network
- A place that is not compromised by parking and vehicle access

3.0 Community Use and Activation

- A place of respite for users and adjacent residents
- A place for daily fitness
- A place for dog walking and exercise
- Tennis courts that provide an active heart to the park
- An iconic tourist destination
- A place that recognises and celebrates First Nations living culture
- A place for events
- A place that is open and usable by all members of community
- A safe place to visit day and night

4.0 Facilities and Built Infrastructure

- A place that provides access to public amenities
- Park elements that support park use and create an attractive character
- Underground infrastructure

5.0 Environment and Sustainability

- Resilient landscaping to future-proof our green spaces
- Landscaping and planting that interprets the original natural environment
- A place of diverse habitats
- A place that is cool, calm and comfortable in summer heat
- Established plantings which contribute to the park setting and habitat
- A place exhibiting water sensitive urban design
- A place exhibiting sustainable energy management
- A place exhibiting sustainable waste management practices

6.0 Culture and Heritage

- A place that represents Aboriginal people and their living culture
- A place which is a conservatory of natural and cultural heritage
- A place that provides the community access to cultural expression and awareness through arts and culture
- A place that connects the community to the city's past and present
- A place that provides a canvas for arts and culture

7.0 Management and Maintenance

- Cohesive management of a significant precinct
- A place which is clean, well-maintained and carefully managed
- Facilities that continue to service and meet the community's needs
- Appropriate leases and licences

Reflecting Crown reserve purpose

Under the Local Government Act 1993 (“**LG Act**”), all community land is required to be categorised. Where the land is owned by Crown Lands, one or more categories may be assigned that should align with the public purpose for which the land is dedicated or reserved. The public purpose for Observatory Park Crown reserve is **Public Recreation**.

Current / existing use

In accordance with Crown Lands requirements, the City of Sydney has established initial categorisations for Observatory Park. The application of these categorisations is consistent with the way in which the Crown reserve is currently used and has been endorsed by Crown Lands.

Any change to the initial categorisation to support a future use should be altered via an amendment to the Plan of Management and in accordance requirements under the LG Act.

Figure 4 maps out the community land categorisations in the context of the Crown reserve and adjacent City-owned community land.

Characteristics of the land

The physical characteristics of the land must be considered in applying community land categorisations. Land that possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature should be considered for categorisation as one of the Natural Area categories. In such a case the plan should describe the related characteristics of the land.

For Observatory Park there are no site characteristics that would justify Natural Area categorisation.

Likewise, where land is of Aboriginal or Historical heritage significance Council should consider whether Area of Cultural Significance is applicable. This should consider whether there are heritage listings or controls on the land that address heritage conservation. Where such

protections are not afforded and a site warrants heritage significance, the Area of Cultural Significance category may be applicable.

For Observatory Park, **Section 2** describes the heritage characteristics of the land, and the applicable listings and controls. These will be considered in all management decisions related to the land. The additional layer of Area of Cultural Significance categorisation is not deemed to be required.

Proposed community land categorisations

Table 4 outlines the guidelines for categorisation as listed in the Local Government (General) Regulation 2021, Part 4 - categorisation, use and management of community land for the applicable categories to Observatory Park. Under the guidelines for each category, their interpretation and application to Observatory Park is explained.

In addition, the core objectives and purpose (as outlined in the Local Government (General) Regulation 2021) are also listed.

Figure 4. Community land categorisation table

Guidelines for categorisation and application to Observatory Park	Core objectives for management
Sportsground	
<p>Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p> <p>Application</p> <p>The Sportsground categorisation applies to the footprint of the Kent Street Tennis Centre and will enable the continued use of the space for active and organised sports.</p>	<p>The core objectives for management of community land categorised as a sportsground are:</p> <ul style="list-style-type: none">(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and(b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.
Park	
<p>Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others</p> <p>Application</p> <p>The Park categorisation applies to the residual green space within Observatory Park. The categorisation enables the space to be used and developed to complement social and passive recreational activities.</p>	<p>The core objectives for management of community land categorised as a park are:</p> <ul 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.

Figure 4. Community land categorisation map



7. Review of the plan

Lifespan of the plan

If the Plan of Management (“**PoM**”) is to remain relevant in the future it is essential that its implementation is reviewed on a regular basis to ensure any relevant changes are incorporated.

Changes that may need to be addressed include:

- New legislation
- Changes in community values
- Inclusion of additional land
- Project priorities
- Funding resources
- New opportunities for future upgrades.

Given that community expectations and requirements change over time, this plan also needs to have some flexibility to adapt to any changes of circumstance.

Other triggers for review / update

Should a major development or works be proposed that is not represented in the authorised uses and developments listings, the PoM will require amending.

Should changes in categorisation be proposed, the PoM will require amendment, re-exhibition and the need to undertake a public hearing prior to adoption.

Process for review

It is recommended that the plan be reviewed in the following sequences and time spans:

Annually: Monitor progress of PoM

Every five years: Undertake a review of all values based on revised analysis, issues and amended planning legislation

Review outcomes against survey information, photographic record and register of correspondence

Review and amend the PoM, where required

Every ten years: Review of the PoM

Part B

Management of community land categories

8. General requirements

This section sets out the specific requirements for the individual management areas located within Observatory Park and is applicable to all community land categories, as outlined in **Section 6** of this Plan of Management (“**PoM**”).

Management Framework

A Management Framework is provided in **Section 9** of this PoM. It provides a decision-making framework for the future management of the Crown reserve and addresses the requirements of section 36 of the Local Government Act 1993 (“**LG Act**”).

Management targets

The framework sets out management targets that define a series of “desired outcomes” for Observatory Park. The outcomes seek to conserve and enhance the values of Observatory Park and address management challenges and opportunities identified by the community and City of Sydney.

Means of implementation

In response to the identified management targets, the means of implementation define recommended strategies to be implemented over the life of this PoM.

Assessment indicators and measurement

A means of assessing the achievement of the identified management targets is provided for ongoing monitoring and evaluation.

Permitted development and use

Section 36 of the LG Act states that a PoM must expressly authorise any proposed uses and development activities on community land.

The City of Sydney encourages a wide range of uses on community land and intends to facilitate uses which increase the activation of the land, where appropriate. The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Sportsground and Park and the forms of development generally associated with those uses, are set out in **Sections 10-11** within this PoM.

Any proposal for the development and use of buildings, structures and spaces at Observatory Park will be considered on merit and benefits to the community and balanced against physical constraints, the amenity of adjoining residents and land uses.

Restrictions on management of Crown land

The City of Sydney is the Crown land manager of the Crown reserve described within this PoM in accordance with the legislation and conditions imposed by the minister administering the Crown Land Management Act 2016. The use and development of the land described in this PoM 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 in conflict with any interests and rights granted under the Crown Land Management Act 2016
- Consider any interests held on title.

Legislative requirements

The Sydney Local Environmental Plan 2012 (“LEP”) specifies the range of uses and activities that may be permitted on the land, in accordance with the relevant zoning and associated objectives. Several uses are also set out in the Local Government (General) Regulation 2021 (“Regulation”).

Guidelines and core objectives of the community land category

Under the LG Act, uses and the development of community land must be consistent with the guidelines for categorisation, the core objectives of each category, and any other additional objectives that Council proposes to place on the community land categories.

Consistency with Council adopted policies and strategies

Relevant Council policies and strategies as at the date of adoption of this PoM are identified in the Appendices and have been used to guide the outcomes of this PoM.

Council’s adopted policies and strategies will continue to develop after the preparation of this PoM. Management of Council assets, and their development will consider the existing policies and strategies frameworks at the relevant time.

Indigenous Cultural and Intellectual Protocols

Activities that involve the representation or depiction of Aboriginal and Torres Strait Islander people’s heritage or living culture must adhere to Indigenous Cultural and Intellectual Protocols.

Community Engagement

Community engagement is guided by the City of Sydney’s Community Engagement Strategy.

To ensure that that matters impacting Crown and community land continue to reflect community values, priorities and interests, the City of Sydney will undertake engagement activities that are:

- Clear in scope and purpose
- Promote dialogue and open up a genuine discussion
- Influence outcomes and decisions
- Are inclusive and accessible

In addition, engagement with Aboriginal and Torres Strait Islander communities must be guided by the City’s Aboriginal and Torres Strait Islander Protocols and respect cultural practices and Indigenous cultural and intellectual property rights.

In line with this Plan of Management, the Native Title Act 1993 and Crown Land Management Act 2016, the City of Sydney will always notify Traditional Custodians and Cultural Knowledge Holders on decisions about Crown land that may impact Native Title.

Buildings and structures

Express authorisation

This PoM expressly authorises the development of new buildings, structures and civil infrastructure, and the redevelopment / refurbishment of buildings, structures and civil infrastructure which support the desired use of Observatory Park.

Such buildings, structures and civil infrastructure will not materially harm the use of the land for any of the purposes in which it has been dedicated or reserved and will be consistent with the:

- Core objectives of the categories that apply to the land
- Crown reserve purpose
- LEP and any other applicable Environmental Planning Instruments
- Applicable master plans, asset management plans and any subsequent detailed design plans.

Consistent with the objectives of this PoM, development activities must also include sustainable initiatives and measures, where feasible.

Native Title and Public Works

Where it is proposed to construct or establish a public work on reserved or dedicated Crown land, where Native Title is not extinguished, prior to approval, the City of Sydney will ensure that Native Title Manager advice is sought to ensure that the works can be validated under the Native Title Act 1993 and the appropriate

native title holders, claimants or NTSCorp will be provided the appropriate procedural rights as required under the Native Title Act 1993.

Assessment and approval of permissible uses and development activities

The authorisation in a PoM gives 'in principle' support for uses and development activities consistent with the objectives for land categorisation to proceed to development assessment under the Environmental Planning and Assessment Act 1979 ("**EP&A Act**").

This PoM does not in itself imply or grant consent for uses or development activities. Any proposed uses and development activities which are consistent with this PoM must still be referred for development consent and where required, be advertised widely for information and invitation to comment. Any subsequent application for development consent would be supported by and assessed against this PoM.

Prohibited activities

Activities and uses that are inconsistent with the Crown reserve purpose or core objectives associated with the applicable community land category are prohibited.

Certain activities at Observatory Park may also be prohibited by the applicable land use zoning. The City of Sydney may prohibit certain activities from time to time. Prohibited uses will be communicated via City bookings, lease, and licence agreements, or otherwise communicated where prohibited activities may be temporary.

Managing impacts on adjoining land uses

Uses and activities permitted at Observatory Park must consider the needs of and impacts on residents, workers and adjoining land uses in terms of accessibility, noise, lighting, traffic and parking.

Scale and intensity of use

The scale and intensity of development and activities on Crown and community land is to be generally compatible with the scale and anticipated use of the park, reserve and associated facility.

In particular, the scale and intensity of use will be consistent with the carrying capacity of the land, and any master plan or development consent relating to the land.

High Intensity use

This PoM specifically authorises activities at Observatory Park which may attract high numbers of people including one-off community events and performances.

Applications for permissible activities will be assessed on a case-by-case basis by Outdoor Venue Management.

The scale and intensity of such activities will be managed by the City of Sydney's booking process and associated conditions of use.

Informal use

The intensity of use for informal recreational activities across Observatory Park and settings (such as playgrounds, fitness stations and park seating) will be determined by the community use of the site but will be managed to avoid undue impacts on park fabric and environment.

Commercial uses

Commercial operations for cafes, markets and kiosks that support and encourage community use of the open space, and/or address a community need are to be assessed based on the proposed scale and intensity of use and are authorised subject to compatibility with the objectives identified within this PoM.

Funding

Funding is integral to implementing the management targets identified with this PoM and is defined under two categories:

- Capital works involving the construction and development of new facilities and structures
- Maintenance and management of the parks.

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The implementation of this PoM is achieved through its linkage with Council's management plan, operational budget, and capital works program.

Council currently funds management and maintenance costs through its annual budget allocation and uses capital funds and 7.11 contributions for capital and nonrecurrent works.

Funding arrangements for the park need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Funding for construction of new facilities is generally through the annual budgeting process, but special projects may be partly funded through New South Wales Government grant allocations, which may involve matching funding from Council.

Sources of funding include but are not limited to:

- 7.11 contributions – utilised for new landscaping and/or facilities complementary to the core management objectives.
- Partnerships – there is an opportunity to develop further partnerships with residents and interested people in relation to park improvements and ongoing management, such as bush regeneration.
- Park revenue – income from the parks is generated by lease and licence fees, and from applicants for approved functions and events.
- Grants – several state and federal government grants are available to assist with capital works in the parks.

What are leases and licences

Leases and licences formalise the use of Crown and community land by groups such as sporting clubs, community groups and schools, or by commercial organisations and individuals providing facilities or services for public use. The occupation of Crown and community land not only applies to the surface of the land but also includes the airspace above and subsurface below.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. Licences allow multiple and non-exclusive use of an area. A licence may be

required where intermittent or short-term use or control of all or part of the park, or associated facilities are proposed. Several licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

The City of Sydney's ability to lease or licence Crown reserves managed as community land such as Observatory Park is authorised by Section 3.22 of the CLM Act, which requires the preparation of a community land PoM, adopted by Council, to authorise an occupancy or use agreement.

What are short-term uses

Agreements for the use of Crown and community land may be granted for short-term activities such as access, filming and events. These casual arrangements allow for non-exclusive use of any associated land and/or facility that may range in duration from a few hours to 12 months. The short-term uses permissible within this PoM are detailed within **Sections 10-11**.

Other Estates

Easements across Crown and community land for the purpose of public utilities, providing pipes, conduits, or other connections under the surface of the ground, for the connection of premises adjoining the community land to a facility on the community land shall be authorised by this PoM, and shall be subject to the following criteria:

- There is no feasible alternative to connecting to a facility on the community land
- There is no significant impact on the land
- Where the proposal involves the creation of an easement and/or a restriction on the future development potential of the property, compensation is assessed.

In instances where there is an encroachment (existing or proposed) upon public land by a permanent structure, and the structure does not significantly interfere with the functioning of the Crown reserve, the City of Sydney may consider the creation of an easement. In all cases, the applicant is to be responsible for all costs

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incurred by City of Sydney in the creation of the easement.

Subject to the provisions of Section 47F of the LG Act, an estate in respect of this land category is expressly authorised by this PoM for the purpose of a “public road” where the provision of that road is consistent with the core objectives stated herein and where the road is necessary for the enjoyment of that land.

Authorisation of tenure

Tenure may be granted for exclusive and non-exclusive uses to any organisation for any compatible purpose, as determined by Council, on such terms as Council may provide.

Under Section 46 of the LG Act, a lease or licence may only be granted for a maximum term of 21 years, including options. A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation. All leases and licences must be publicly notified for a minimum period of 28 days.

Agreements for a short-term, casual purpose may be issued in accordance with Section 46 of the LG Act where that purpose is prescribed by the Regulations.

To ensure that usage or occupation of the Crown reserve is appropriate for the proposed tenure, a council Crown land manager must always consider:

- Compatibility with the Crown reserve purpose and core objectives for the category of the land
- Compatibility with the applicable land zoning
- If development consent is required and has been obtained (and other consents under the EP&A Act and LG Act)
- Environmental and social impacts of the activities to be permitted by the proposed tenure
- Appropriate term (period of occupation)
- Capability of the Crown reserve to support the proposed tenure
- Current and future use of the land
- If the issue of the proposed tenure will materially harm the use of the land for any of

the purposes for which it was dedicated or reserved.

In addition to the conditions provided within the authorisations, the granting of tenure must also:

- Have no negative impact on historical heritage sites or significant fabric
- Not alienate the park or reserve unreasonably
- Be ecologically sustainable
- Have a component of community benefit
- Demonstrate a clear nexus between the activity and the park or reserve
- Not result in overuse of the area or conflict with community use of the area
- Ensure traffic, parking and essential or required vehicular access implications are considered
- Be in accordance with all Council policies and procedures governing the use of open space.

A use agreement (lease, licence, short-term use or other estate) on Crown land may impact Native Title rights and interests. A use agreement issued on Crown land must be issued in accordance with future act provisions of the Native Title Act 1993, and in accordance with Part 8 of the CLM Act unless Native Title is extinguished. For Crown land, which is not excluded land, this will require written advice from Council’s Native Title Manager that it complies with any applicable provisions of the Native Title legislation.

Where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted.

Express authorisation of Tenure under this Plan of Management

Sections 10-11 detail the specific authorisations and purposes for which tenure may be granted in accordance with the community land categories for Observatory Park.

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The purposes for which tenure may be granted are consistent with existing uses and will enable the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the City of Sydney area.

The following outlines general authorisations applicable under this PoM and an indication of the criteria in which specific activities are to be assessed by the City of Sydney.

Access

Access for building-related activities including for construction or maintenance purposes

Access across community land shall be authorised under this PoM provided that (but not limited to):

- The access is of a temporary nature
- In circumstances where proposed works require access and it is associated with an adjoining property, proponents must clearly demonstrate that there are no alternative means of access available to avoid access through community land to undertake the required development works
- A performance bond as prescribed in Council's Schedule of Fees and Charges in respect of potential damage to City assets is lodged with the City of Sydney
- All necessary approvals have been obtained
- The City of Sydney is in receipt of proof of suitable insurances including public liability insurance.

Temporary structures

Land use planning controls

Under the LEP, the temporary use of community land may be deemed as exempt development if the proposed activity can be authorised under the LG Act and is no more than 52 days in any 12-month period ("**the prescribed period**").

Temporary structures for building-related activities including for construction or maintenance purposes

The City of Sydney may authorise a short-term licence for the placement of temporary building-related structures provided that (but not limited to):

- The use of community land is within the prescribed period
- In circumstances where the proposed works are associated with an adjoining property, proponents must clearly demonstrate that there are no alternative means of placement available to avoid use of community land to undertake the required development or maintenance works including satisfying any safety requirements under the Work, Health and Safety Act 2011
- Building-related structures comply with the City of Sydney's technical requirements
- A performance bond as prescribed in Council's Schedule of Fees and Charges in respect of potential damage to City assets is lodged with the City of Sydney
- All necessary approvals have been obtained
- The City of Sydney is in receipt of proof of suitable insurances including public liability insurance.

Proponents can refer to the following City of Sydney documents as a technical guide for temporary structures until such time as they are revised and adopted:

- Guidelines for Hoardings and Scaffolding 2017
- Draft Code of Practice for Hoisting and Construction Activities in Public Places.

If the City of Sydney is unable to approve short-term licence for these activities, applicants should consider an application under the provisions of the Access to Neighbouring Lands Act 2000.

Temporary structures related to events

The use of community land for the placement of temporary event structures shall be authorised under this PoM provided (but not limited to):

- The use of community land is within the prescribed period
- The event structures comply with City of Sydney's technical requirements, and where required, the relevant standards identified within the State Environmental Planning

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Policy (Exempt and Complying Development Codes) 2008

- A performance bond as prescribed in Council's Schedule of Fees and Charges in respect of potential damage to City assets is lodged with the City of Sydney
- All necessary approvals have been obtained
- The City of Sydney is in receipt of proof of suitable insurances including public liability insurance.

in line with existing applicable guidelines, policies and legislative requirements.

All applicable fees are outlined in Council's adopted schedule of fees and charges.

Banner Hire

The City of Sydney banner network is used to promote events and activities which are of public interest. Banner campaigns are subject to approval and must comply with the City's Banner Terms and Conditions. All applicable fees are outlined in Council's adopted schedule of fees and charges.

Bookings and events

Temporary events

Temporary events and activities are to be assessed and approved in accordance with the City of Sydney's temporary event approval process and in line with existing applicable guidelines, policies and legislative requirements, both locally and at a State Government level.

The following criteria is not an exhaustive list but provides guidance on how temporary events and activities are assessed:

- Location including permissible use and compatibility with the relevant land
- Scale and intensity
- Duration and date sensitivity
- Proposed operational times
- Required infrastructure and proposed production design
- Access and logistics requirements
- Environmental impacts
- Proposed signage and/or advertising
- Addressing safety and security requirements.

Venues for hire

The City of Sydney offers a diverse range of indoor and outdoor venues for hire on a short-term or hourly basis that service the community enabling cultural, recreational and social outcomes.

Applications to use venues for hire are to be assessed and approved in accordance with City of Sydney's venue for hire approval process and

Personal trainers

The City of Sydney encourages all members of its community to use parks and open space responsibly in meeting their health, well-being and fitness needs.

The City of Sydney chooses not to charge for the use of its parks and open spaces for outdoor fitness training as it does not wish to create a barrier to participating in physical exercise.

Personal fitness trainers including commercial, not-for-profit and community groups, wishing to train outdoors in Council's local government area are expected to comply with the Outdoor Fitness Training Voluntary Code of Conduct and its criteria for use.

Fitness training groups and activities that are exempt from this Code are:

- Walking groups
- Activities of schools under the supervision or a teacher
- Hirers that have a current booking with the City to use a sports field, oval or court and comply with the City's Terms and Conditions of Use.

9. Management targets and strategies

The table below outlines the management targets or desired outcomes for Observatory Park, including the means and strategies for their realisation, and means of assessment and review by the City of Sydney.

Ref	Values / Roles	Management Target	Means (strategies for implementation)	Performance Measures
1.0 IDENTITY CHARACTER AND EXPERIENCING THE PLACE				
1.1	A meaning of the place that resonates with Country	<ul style="list-style-type: none"> To implement a meaning and description that reflects connection to place 	Work with the community to establish a meaning and description that captures the place's Connection to Country	<ul style="list-style-type: none"> Consultation completed Adopted meaning and description
1.2	A place which signposts and celebrates local, natural and cultural history	<ul style="list-style-type: none"> To contribute to the spaces identity and character 	Investigate the inclusion of informative and interpretive elements that reflect the spaces historical identity and natural character	<ul style="list-style-type: none"> Increased visibility of park identity
1.3	The highest point in the Sydney CBD	<ul style="list-style-type: none"> To conserve and enhance views and vistas to the Harbour and surrounds 	Ensure view corridors both to and from Observatory Hill are maintained including consideration of distant vistas especially from the Harbour, Balmain and North Sydney	<ul style="list-style-type: none"> Monitoring of activities that may inhibit views and vistas
1.4	A peaceful place providing respite from the CBD	<ul style="list-style-type: none"> To reinstate some of the open space's peaceful beauty and character 	<ul style="list-style-type: none"> Investigate opportunities to enhance amenity in park Where appropriate, liaise with adjoining landowners and authorities 	<ul style="list-style-type: none"> Targeted user surveys Sustained relationship with adjoining landowners and authorities
2.0 ACCESS, CONNECTIONS AND ACCESSIBILITY				
2.1	A well-connected space to adjoining neighbourhoods and to district and regional users	<ul style="list-style-type: none"> To provide functional, inviting, accessible and safe routes to the park from adjoining areas 	Review, monitor and work towards improving local access routes for workplace precincts and adjoining residential areas	<ul style="list-style-type: none"> Maintain records of public comments in relation to park access. Regular review of register to guide future directions
2.2	Wayfinding that seamlessly aids access and use	<ul style="list-style-type: none"> To provide effective wayfinding and signage for park users and cyclists 	<ul style="list-style-type: none"> Maintain and upgrade wayfinding and signage in accordance with asset management plan Where required, implement new wayfinding and signage 	<ul style="list-style-type: none"> Increased local use of park, measured by observation Routine surveys, audits and inspections
2.3	A place that is clear, easy and safe to move around	<ul style="list-style-type: none"> To provide functional, attractive and compliant internal circulation routes and path networks 	<ul style="list-style-type: none"> Maintain and upgrade paths and pavements in accordance with park service levels Where required, implement new pathways to create greater connectivity in park 	<ul style="list-style-type: none"> Path and pavements managed in accordance with Australian Standards Routine surveys, audits and inspections
2.4	An appropriately lit environment	<ul style="list-style-type: none"> To provide adequate lighting to support desired night access, recreational and leisurely use of open space 	<ul style="list-style-type: none"> Maintain and renew lighting in accordance with asset management plan Monitor to identify lighting issues and address as require 	<ul style="list-style-type: none"> Lighting maintained in accordance with Australian Standards Routine surveys, audits and inspections

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Ref	Values / Roles	Management Target	Means (strategies for implementation)	Performance Measures
2.5	A community destination accessible from the cycle network	<ul style="list-style-type: none"> To enable park to be effectively accessed from cycle network and encourage cycle use 	<p>Investigate the integration of park access to adjoining and potential future cycle corridors</p> <p>Where required, integrate enhanced cycle facilities into park improvements</p>	Increased local use of park by cyclists, measured by surveys and observation
2.6	A place that is not compromised by vehicle access	<ul style="list-style-type: none"> To provide a balanced approach to parking To provide and manage functional maintenance and emergency access mitigating adverse impacts on park and uses Prevent unauthorised vehicle access 	<p>Manage existing on and off-street parking to ensure efficiency and equity</p> <p>Ensure that permitted use of vehicles in park are regulated and do not affect community use of space</p> <p>Ongoing surveillance and enforcement of open space areas</p> <p>Incorporate educational activities into ongoing management</p>	<p>Reduced pedestrian, cyclist and vehicle conflicts</p> <p>Improved public safety</p> <p>Management measures carried out</p>
3.0 COMMUNITY USE AND ACTIVATION				
3.1	A place of respite for users and adjacent residents	<ul style="list-style-type: none"> To ensure that the park provides a range of flexible and informal use spaces that are attractive and comfortable to be in 	<p>Ensure that park planning, and management maintains and enhances flexible informal use of spaces for broad community benefit</p>	Increased local use of park measured by survey and observation
3.2	A place for daily fitness	<ul style="list-style-type: none"> To support and manage a sustainable level of fitness activity in the park 	<p>Support the role of the park for fitness activities in accordance with Council's policy framework</p> <p>Monitor to identify management issues and address as required</p>	Maintain records of public comments in relation to fitness activities. Regular review of register to guide future directions
3.3	A place for dog walking and exercise	<ul style="list-style-type: none"> To provide for effective dog exercise in accordance with Companion Animals Act 	<p>Manage off leash dog access to spaces as defined by City's Companion Animals Policy</p> <p>Monitor to identify management issues and address as required</p>	<p>Dog access maintained</p> <p>Reports of conflicts between dogs and other park users</p>
3.4	Tennis courts that provide an active heart to the park	<ul style="list-style-type: none"> To maintain and enhance the role of the tennis courts for the residential, school and workforce community 	<p>Maintain and enhance role of tennis courts</p> <p>Regularly monitor services and management under lease agreement</p>	Ongoing review and compliance of lease
3.5	An iconic tourist destination	<ul style="list-style-type: none"> To support the important ongoing role of the park as a destination for a high volume of tourists 	<p>Consider the role of the park for tourist visitation and activities undertaken in provision of facilities and the balanced management of all uses</p>	Maintain records of public comments in relation to tourism. Regular review of register to guide future direction
3.6	A place that recognises and celebrates First Nations living culture	<ul style="list-style-type: none"> To celebrate First Nations heritage and living culture 	<p>For the pursuit of 'practising living culture', work with the First Nations community to understand the processes and procedures required to enhance access to spaces and facilities</p>	Review existing policies and procedures
3.7	A place for events	<ul style="list-style-type: none"> To sustainably encourage temporary event use that contributes to local activation and cultural and community outcomes To facilitate the ongoing destination role of the park for weddings and wedding photography 	<p>To facilitate temporary event use that is appropriate to scale of spaces and in consideration of other park uses</p> <p>Manage park events and weddings in accordance with Observatory Hill guidelines</p>	<p>Increased use of park for events appropriate to scale and intensity</p> <p>Ongoing review and compliance of guidelines</p>

Observatory Park Specific Plan of Management

Ref	Values / Roles	Management Target	Means (strategies for implementation)	Performance Measures
3.8	A place that is open and usable by all members of community	<ul style="list-style-type: none"> That the park is managed as part of a coordinated compassionate approach across the city to assisting homeless persons 	Ongoing management of people sleeping rough in the park needs to be in accordance with the City of Sydney's policy on homelessness in public spaces, which 'recognises the right of everyone in the community to use public spaces' (Homelessness Action Plan 2019) and aims to ensure that public space can be accessed and enjoyed by everyone, including people who are homeless	Maintain records of public feedback in relation to people sleeping rough. Regular review of register to guide future directions
3.9	A safe place to visit day and night	<ul style="list-style-type: none"> To ensure the park and park facilities provide a safe place to visit and pass through, appropriate to intended (and varied) usage times of facilities and access routes 	<p>Monitor ongoing safety and access in park and facilities</p> <p>Coordinate with local police to identify and act on safety issues</p> <p>Where improvements are proposed, ensure that they are designed and maintained in accordance with Crime Prevention through Environmental Design principles</p>	<p>Percentage of people who feel safe in these spaces</p> <p>Safe spaces with no reported incidents</p> <p>Sustained relationship with local police</p>
4.0 FACILITIES AND BUILT INFRASTRUCTURE				
4.1	A place that provides access to public amenities	<ul style="list-style-type: none"> Provision of public toilet facilities for all park users 	Investigate opportunities to implement new toilet facilities	Increased use measured by survey and observation
Park elements				
4.2	Park elements that support park use and create an attractive character	<ul style="list-style-type: none"> To support recreational and leisure use of park while avoiding proliferation of elements 	<p>Maintain and renew park furniture and other park elements in accordance with asset management plan</p> <p>Monitor the appropriateness of placement</p> <p>Implement new improvements, where required</p>	<p>Measured against contract KPIs</p> <p>Routine surveys, audits and inspections</p>
Underground Infrastructure				
4.3	Underground infrastructure	<ul style="list-style-type: none"> To ensure services infrastructure requirements are effectively integrated into planning and design 	<p>Liaise and coordinate with services authorities to identify amplification and renewal works that may impact spaces</p> <p>Manage to limit impacts on use and facilitate effective make good / integration</p>	Sustained relationship with authorities
5.0 ENVIRONMENT AND SUSTAINABILITY				
Vegetation management and urban ecology				
5.1	Resilient landscaping to future-proof our green spaces	<ul style="list-style-type: none"> To sustain a green landscape for continued community enjoyment 	Maintain and renew horticulture, grass cover and plantings in accordance with park service levels and City guidelines	<p>Improved grass cover condition</p> <p>Measurement and monitoring of vegetation</p> <p>Compliance with park service levels</p>
5.2	Landscaping and planting that interprets the original natural environment	<ul style="list-style-type: none"> To increase indigenous plantings within the park landscape 	Where appropriate and site conditions allow, investigate the planting of indigenous species	Increased indigenous plantings
5.3	A place of diverse habitats	<ul style="list-style-type: none"> To increase habitat value of natural and built features 	Investigate the potential to enhance habitat values through areas of built form and natural ground	Monitoring of habitat values

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Ref	Values / Roles	Management Target	Means (strategies for implementation)	Performance Measures
5.4		<ul style="list-style-type: none"> To enhance ecological importance in open space 	Maintain urban ecology advisory role for proposed works associated with open space Where appropriate, explore opportunities to: <ul style="list-style-type: none"> Engage with the Aboriginal community to celebrate, promote and educate on ecological knowledge and principles Increase community understanding and participation in the preservation of greenspace and ecological elements 	Ongoing internal participation in open space works Consultation completed Increased public participation in community greening initiatives
Shade and temperature management				
5.5	A place that is cool, calm and comfortable in summer heat	<ul style="list-style-type: none"> To conserve existing shade tree canopy and to selectively extend to create new shade 	Maintain and manage existing tree canopy for ongoing health Plan for and integrate tree canopy shade in suitable locations across site	Preserved and increased shade cover Increased use of park measured by observation
5.6	Established plantings which contribute to the park setting and habitat	<ul style="list-style-type: none"> To effectively maintain and manage the existing tree resources at optimum health for their safe and practical lifespans To effectively plan for succession planting 	Implement tree management including pruning and/or removal of trees and replacement planting in accordance with park service levels and City guidelines Plan and implement a succession planting program in accordance with tree management plan	Improved tree health and successful establishment of new trees as measured by arborist's survey Compliance with park service levels and City guidelines Implemented succession planting and tree management plan
Water management				
5.7	A place exhibiting water sensitive urban design	<ul style="list-style-type: none"> To effectively manage water use and runoff 	Where feasible, implement water saving initiatives, alternative water sources and install metering to effectively manage water use Implement water-sensitive urban design to minimise environmental degradation and improve waterway quality	Increased savings in water consumption Reduced potable water demand for park Improved water quality
Energy management				
5.8	A place exhibiting sustainable energy management	<ul style="list-style-type: none"> To effectively manage energy use 	Where feasible, implement energy management initiatives, renewable energy, investigate alternatives to temporary generators and install metering as appropriate to effectively manage energy	Sustainable initiatives implemented Increased savings in energy consumption Reduction in open space maintenance post event activities
Waste management				
5.9	A place exhibiting sustainable waste management practices	<ul style="list-style-type: none"> A place that maximises the diversion of waste away from landfill 	Ongoing implementation and support of best practice waste management activities	Minimised waste measured against contract KPI's and audits
6.0 CULTURE AND HERITAGE				
6.1	A place that represents Aboriginal people and their living culture	<ul style="list-style-type: none"> To identify and interpret Aboriginal cultural heritage values of the local area 	Consult with Aboriginal people on how to interpret and integrate cultural heritage values in ongoing planning of improvements	Consultation completed Implementation of processes

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Ref	Values / Roles	Management Target	Means (strategies for implementation)	Performance Measures
6.2	A place which is a conservatory of natural and cultural heritage	<ul style="list-style-type: none"> To appropriately manage and conserve elements of heritage significance To guide management and design decision making to achieve optimum heritage management outcomes 	Preparation and ongoing implementation of supporting documentation to guide the maintenance of sensitive and significant heritage assets or fabric	Completed supporting documentation
6.3	A place that provides the community access to cultural expression and awareness through arts and culture	<ul style="list-style-type: none"> To provide a canvas for public art and artistic and creative expression that is sustainable in the context of existing character and use 	<p>Monitor existing art pieces for their ongoing role and fit within the park</p> <p>Conserve and manage in accordance with asset management plan</p>	<p>Maintain records of public comments in relation to appropriateness of public art. Regular review of register to guide future directions</p> <p>Measured against contract KPIs</p> <p>Inspections and audits</p>
6.4	A place that connects the community to the city's past and present	<ul style="list-style-type: none"> To enable park users to understand the rich and complex layering of natural and cultural values represented on the site and add to the experience and use of the park 	Develop a cohesive framework that recognises Strategies 6.1-6.3	Adoption of supporting framework
6.5	A place that provides a canvas for arts and culture	<ul style="list-style-type: none"> To facilitate public art in temporary and permanent forms that complements the park setting and adds to the range of experiences provided 	Consider opportunities to implement temporary and permanent art installations, where appropriate	Increased representation of public art in parks
7.0 MANAGEMENT AND MAINTENANCE				
7.1	Cohesive management of a significant precinct	<ul style="list-style-type: none"> To encourage ongoing coordinated management between all landowners and managers within the precinct 	Liaise with adjoining landowners and authorities to pursue a collaborative and coordinated approach to precinct management	Sustained relationship with adjoining landowners and authorities
7.2	A place which is clean, well-maintained and carefully managed	<ul style="list-style-type: none"> To provide well-maintained parklands 	Maintenance programs carried out in accordance with City of Sydney Parks Maintenance Technical Specifications	<p>Regular visitation and condition assessments</p> <p>Measured against contract KPI's and audits</p>
7.3	Facilities that continue to service and meet the community's needs	<ul style="list-style-type: none"> To provide well-maintained facilities 	Maintain and renew facilities in accordance with asset management plans	<p>Regular visitation and condition assessments</p> <p>Measured against contract KPI's and audits</p>
7.4	Appropriate leases and licences	<ul style="list-style-type: none"> To ensure that tenure and permitted use arrangements allow the widest possible community access to open space and are orientated to mutually compatible recreational, sporting, community, educational, cultural and social activities 	All future leases and licences to meet the requirements of the Local Government Act 1993, Crown Land Management Act 2016 and Native Title Act 1993	Ongoing review and compliance of leases and licences

10. Park category - authorisations

Table 5. Permissible uses and development activities – Park Category

Table 5 outlines the permitted uses and development activities of the areas of Observatory Park categorised as Park subject to City of Sydney assessment, approvals and booking/hire systems.

This is not an exhaustive list and other non-listed uses and development activities may still be permitted subject to merit and compatibility with the Crown reserve purpose, core objectives and aims of this Plan of Management.

Uses	Development Activities
<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Advertising consistent with Crown reserve purpose (e.g. banners and signage) – Broadcasts associated with any event, concert or public speech – Café/Kiosk, including outdoor seating and tables – Casual and informal recreation – Catering and coffee carts – Community, cultural, educational and social uses – Concerts and other performances, including both live performances and film (cinema and TV) – Conducting a commercial photography session or filming (as defined in the Local Government Act 1993) – Decorations, displays, exhibitions, fairs, fashion parades, festivals and shows – Emergency occupation for prevention, preparedness, response and recovery – Engaging in an appropriate trade or business (e.g. community auctions and similar activities) 	<ul style="list-style-type: none"> – Advertising structures and signage (e.g. banners and signage) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discrete and temporary ○ complies with Planning requirements ○ are approved by the City of Sydney – Café/Kiosk, including outdoor seating and tables – Development that facilitates community, cultural, educational, recreational and social activities, including but not limited to: <ul style="list-style-type: none"> ○ Adaptive reuse of existing building/structures for a use compatible with the park ○ Amenities to facilitate the safety, use and enjoyment of the park (e.g. seating, shade structures, BBQ, picnic tables, toilets, bike rings) ○ Ancillary areas to facilitate use and enjoyment by the community (e.g. storage and change rooms, car parks) ○ Buildings and structures that facilitate the permissible uses and activities (e.g. grandstands, pavilions, fitness equipment, playgrounds, outdoor courts) ○ Community greening ○ Improving access including active transport, disability access to facilities, amenity and the visual character of the general community area (e.g. fountains, pathways, lighting, paved areas, hard and soft landscaped areas)

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Uses	Development Activities
<ul style="list-style-type: none"> – Functions (e.g. commemorative services, book launches, film releases, balls, and similar activities) – Markets – Outreach services – Passive and active recreational activities – Playgroups – Playing a musical instrument, or singing for fee or reward – Public art or other cultural installations – Public speeches, meetings, workshops, seminars and presentations, including educational programs – Publicly accessible ancillary areas (e.g. toilets) – Signage (cultural, educational, regulatory and wayfinding) – Social events (e.g. weddings, picnics and community gatherings) – Sports, fitness and leisure training or classes – Storage (e.g. ancillary to use of park) – Temporary structures (e.g. building/construction or events related) – Venue hire 	<ul style="list-style-type: none"> – Development that facilitates energy and water efficiencies (e.g. solar lighting and photovoltaic panels, stormwater harvesting and storage, swales, rain gardens, irrigation and reticulation systems) – Environmental management (e.g. remediation and flood mitigation work) – Heritage and cultural interpretation (e.g. memorials and public art) – Markets – Signage (cultural, educational, regulatory and wayfinding) – Temporary structures (e.g. building/construction or events related)

Table 6. Express authorisation of tenure – Park Category

The Local Government Act 1993 requires that any lease, licence, short-term uses or other estate over community land must be expressly authorised by a Plan of Management. **Table 6** outlines purposes for which tenure may be granted on community land categorised as Park. Licences and approvals for short-term casual use or occupation for a range of uses may also be granted for Observatory Park in accordance with Clause 116 of the Local Government (General) Regulation 2021.

Any lease, licence or short-term proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management and the capacity of the area to support the activity. The below is not an exhaustive list and other non-listed purposes may still be permitted subject to merit.

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Type of tenure arrangement	Purpose for which tenure may be granted
Lease (up to 21 years)	Sympathetic, compatible uses may include: <ul style="list-style-type: none"> – Café/kiosk areas, including seating and tables
Licence (up to 21 years)	<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Café/Kiosk, including outdoor seating and tables – Coffee carts – Community, cultural, educational and social uses – Emergency occupation for prevention, preparedness, response and recovery – Markets – Outreach services – Storage hire (e.g. ancillary to use of park)
Short-term agreement (12 months or less)	<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Advertising consistent with Crown reserve purpose (e.g. banners and signage) – Broadcasts associated with any event, concert or public speech – Casual and informal recreation – Catering and coffee carts – Community, cultural, educational and social uses – Concerts and other performances, including both live performances and film (cinema and TV) – Conducting a commercial photography session or filming (as defined in the Local Government Act 1993) – Decorations, displays, exhibitions, fairs, fashion parades, festivals and shows – Emergency occupation for prevention, preparedness, response and recovery – Engaging in an appropriate trade or business (e.g. community auctions and similar activities) – Functions (e.g. commemorative services, book launches, film releases, balls, and similar activities) – Kiosks – Markets – Outreach services – Playgroups – Playing a musical instrument, or singing for fee or reward – Public art installations – Public speeches, meetings, workshops, seminars and presentations, including educational programs – Signage

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Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none">- Social events (e.g. weddings, picnics and community gatherings)- Sports, fitness and leisure training or classes- Storage hire (e.g. ancillary to use of park)- Temporary structures (e.g. building/construction or events related)- Venue hire
Other estates	<p>This Plan of Management allows the City of Sydney to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act 1993.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p> <p>Note: refer Section 8 for Express authorisation of tenure under this Plan of Management.</p>

11. Sportsground category - authorisations

Table 7. Permissible uses and development activities – Sportsground Category

Table 7 outlines the permitted uses and development activities of the areas of Observatory Park categorised as Sportsground subject to City of Sydney assessment, approvals and booking/hire systems.

This is not an exhaustive list and other non-listed uses and development activities may still be permitted subject to merit and compatibility with the Crown reserve purpose, core objectives and aims of this Plan of Management.

Uses	Development Activities
<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Active recreational and sporting activities consistent with a recreational area or outdoor facility, for example but not limited to: <ul style="list-style-type: none"> ○ Marked courts (basketball, volleyball, badminton, tennis and netball) – Advertising consistent with Crown reserve purpose (e.g. banners and signage) – Ancillary ceremonies (e.g. rehearsal of opening and closing ceremonies, cheer squads) – Broadcasting of sporting fixtures – Casual or informal recreation – Community, cultural, educational and social uses (e.g. events, gatherings and public meetings) – Conducting a commercial photography session or filming (as defined in the Local Government Act 1993) – Emergency occupation for prevention, preparedness, response and recovery – Management and operation of recreational facilities 	<ul style="list-style-type: none"> – Advertising structures and signage (e.g. banners and signage) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discrete and temporary ○ complies with Planning requirements ○ are approved by the City of Sydney – Amenities to facilitate the safety, use and enjoyment of the recreational area or outdoor facility (e.g. seating, shelters, shade structures, drinking fountains) – Development for the purposes of conducting and facilitating organised sport (both amateur and professional) – Development for the purposes of improving access including disability access and facilities, amenity and the visual character of the recreational area or outdoor facility (e.g. landscaping, lighting, paved areas, hard and soft landscaped areas) – Development of outdoor recreational facilities that support the permissible uses and activities (e.g. sports fields, skateparks, courts, goal posts, sight screens and fencing) – Development that facilitates energy and water efficiencies (e.g. solar lighting and photovoltaic)

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Uses	Development Activities
<ul style="list-style-type: none"> – Organised and unstructured sporting activities (including fixtures and events) – Seating embankment for spectators along edge of playing field – Shade structures, storage ancillary to recreational uses, community events or gatherings, and public meetings – Shelters, seating and drinking fountains associated with path around perimeter of playing fields – Signage (cultural, educational, regulatory and wayfinding) – Sports, fitness and leisure training or classes – Temporary structures (e.g. building/construction or events related) – Uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (e.g. “guest” events for juniors, gala days, club meetings) – Venue hire 	<ul style="list-style-type: none"> panels, water storage vessels, irrigation and water reticulation systems) – Environmental management (e.g. remediation and flood mitigation work) – Promotion of organised and unstructured recreation activities – Signage (cultural, educational, regulatory and wayfinding) Temporary structures (e.g. building/construction or events related)

Table 8. Express authorisation of tenure – Sportsground Category

The Local Government Act 1993 requires that any lease, licence, short-term use or other estates over community land must be expressly authorised by a Plan of Management. **Table 8** outlines purposes for which tenure may be granted on community land categorised as Sportsground. Licences and approvals for short-term casual use or occupation for a range of uses may also be granted for Observatory Park in accordance with Clause 116 of the Local Government (General) Regulation 2021.

Any lease, licence or short-term proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management and the capacity of the area to support the activity. The below is not an exhaustive list and other non-listed purposes may still be permitted subject to merit.

Observatory Park
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Type of tenure arrangement	Purpose for which tenure may be granted
Lease (up to 21 years)	Sympathetic, compatible uses may include: <ul style="list-style-type: none"> – Management and operation of recreational facility or outdoor area
Licence (up to 21 years)	<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Emergency occupation for prevention, preparedness, response and recovery – Management and operation of recreational area or outdoor facility
Short-term agreement (up to 12 months)	<ul style="list-style-type: none"> – Access through a Crown reserve (e.g. to undertake building activities associated with adjoining property) – Active recreational and sporting activities – Advertising consistent with Crown reserve purpose (e.g. banners and signage) – Ancillary ceremonies (e.g. rehearsal of opening and closing ceremonies, cheer squads, etc.) – Broadcasting or filming of sporting fixtures – Casual or informal recreation – Community, cultural, educational and social uses (e.g. events, gatherings and public meetings) – Conducting a commercial photography session or filming (as defined in the Local Government Act 1993) – Emergency occupation for prevention, preparedness, response and recovery – Organised and unstructured sporting activities (including fixtures and events) – Seasonal, one-off, and irregular sporting competitions and training – Signage – Sports, fitness and leisure training or classes – Temporary structures (e.g. building/construction or events related) – Uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (e.g. “guest” events for juniors, gala days, club meetings) – Venue hire
Other estates	<p>This Plan of Management allows the City of Sydney to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the Local Government Act 1993.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on community land.</p> <p>Note: refer Section 8 for Express authorisation of tenure under this Plan of Management.</p>

12. Appendices

Glossary of terms

Term	Definition
Categorisation	This informs the category for the specified land under the Local Government Act 1993 Confined to Park and Sportsground
Community Greening	Community participation in activities, initiatives and programs that promote education and awareness on greening and the environment
Community Land	Classification of land under the Local Government Act 1993 requiring a Plan of Management
Council Crown Land Manager	City of Sydney's appointed position under the Crown Land Management Act 2016
Crown Land	Land owned by the State of New South Wales
Crown Reserve	Crown land that has been dedicated or reserved in accordance with legislation
Outreach Services	Voluntary and Professional Services - a service, group or program that provides food and material support, social contact, clinical outreach, and critical care to people who are homeless as well as other disadvantaged groups Mobile voluntary services are not provided from a building or other fixed place but are provided from vehicles or general 'pop up' infrastructure within an outdoor public space
Temporary Structure	Is not designed, installed or constructed to be permanent; and <ul style="list-style-type: none">• Is erected on public land to facilitate demolition, excavation, construction, or maintenance work; and site safety/security fencing, scaffolding, cantilevered work platforms and other constructed-related temporary structures; or• Is erected on public land to facilitate events activities and involves the installation of stages, platforms, tents, marquees, booths, and other events-related temporary structures
Tenure	The authorisation upon which land or buildings are occupied, e.g. lease, licence, short-term agreement or easement

References

- Observatory Hill Draft Plan of Management, City of Sydney 1997
- Harbour Village North Public Domain Strategy, City of Sydney 2012
- Observatory Hill Master Plan, City of Sydney 2012
- Open Space, Sports and Recreation Needs Study, City of Sydney 2016
- Crown Reserves Plan of Management Engagement Report, City of Sydney 2021

Refer also to policies and strategies review in this Appendix.

City of Sydney Policy framework

The City of Sydney has developed an extensive range of policies which provide guidance for decision-making. The policies that have informed the preparation of this Plan of Management have been referenced in the table below.

Policy Name

A City for All – Social Sustainability Policy 2016

Asset Management Policy 2016

Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy 2019

Community Gardens Policy 2016

Companion Animals Policy

Environmental Sustainability Policy 2021

Inclusive and Accessible Public Domain Policy 2019

Markets Policy 2019

Mobile Voluntary Services Policy 2020

Naming Policy 2018

Outdoor Dining Policy 2016

Public Art Policy 2016

Tree Management Policy 2013

City of Sydney Strategy framework

The City of Sydney has also developed a range of strategies focused on specific issues and open space considerations relevant to planning and management. While strategies are high-level guideline documents and usually carry less influence than policies, they can provide important references for planning and management decision-making for open space. The strategies that have informed the preparation of this Plan of Management have been referenced in the table below.

Strategy Name
A City for All – Community Safety Action Plan 2019-2023
A City for All – Homelessness Action Plan 2020
A City for All – Inclusion (Disability) Action Plan 2017-2021
A City for All – Social Sustainability Policy & Action Plan 2018-2028
A City for All – Youth Action Plan 2017-2027
Adapting for Climate Change 2019
Asset Management Plan 2020
City Centre Public Art Plan 2013
City Plan 2036 – Local Strategic Planning Statement 2020
Climate Emergency Response 2020
Creative City – Cultural Policy and Action Plan 2014-2024
Cycling Strategy and Action Plan 2018-2030
Decentralised Water Master Plan 2012-2030
Energy Efficiency Master Plan 2015-2030
Environmental Strategy 2021-2025
Greening Sydney Strategy 2020-2030
Innovate Reconciliation Action Plan 2015-2017
Leave Nothing to Waste – Waste Strategy and Action Plan 2017-2030

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Strategy Name

Open Sydney – Future Directions for Sydney at Night Strategy and Action Plan 2013-2030

Park Fitness Equipment Plan 2015

Parks Water Saving Action Plan 2012

Public Art Strategy 2011

Public Toilet Strategy 2014

Stretch Reconciliation Action Plan 2020-2023

Sustainable Sydney 2030 Community Strategic Plan 2017-2021

Urban Ecology Strategic Action Plan 2014

Urban Forest Strategy 2013

Walking Strategy and Action Plan 2015-2030

Wayfinding Strategy Report 2012

