

PLAN OF MANAGEMENT

MACKAY PARK, BATEMANS BAY



DRAFT FOR COMMUNITY CONSULTATION

Prepared by Navigate Planning

For Eurobodalla Shire Council

Endorsed for Public Exhibition on 11 December 2018

Have Your Say

This draft Plan of Management for Mackay Park has been prepared for consultation with the community, including users of Mackay Park and other key stakeholders.

The draft Plan will be on public exhibition from **12 December 2018** until **12 February 2019**.

Submissions on the draft Plan are welcome and can be made to Eurobodalla Shire Council by no later than 4.30pm on 12 February 2019 as follows:

- By Mail to:

The General Manager
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

- By email to:

council@esc.nsw.gov.au

- Through Council's online feedback form at:

<http://www.esc.nsw.gov.au/inside-council/contacts/feedback-form>

More information about the public exhibition can be found on Council's website.

Eurobodalla Shire Council recognises Aboriginal people as the original inhabitants and custodians of all the land and water in the Eurobodalla and respects their enduring cultural and spiritual connection to it.

Draft Mackay Park Plan of Management v1.0

This plan has been prepared by Navigate Planning in conjunction with Eurobodalla Shire Council's Recreation Services Division.

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1.0 EXECUTIVE SUMMARY

Mackay Park has had a long history of private and public ownership and use, from Aboriginal occupation and use for at least 20,000 years, to freehold land granted following European settlement, to Crown Land for public recreation purposes. As Crown Reserve, the land has been used for many decades for a range of public recreation purposes. Council has been developing Mackay Park as a major events precinct over many years and Council is currently planning a new Regional Aquatic, Arts and Leisure Centre at Mackay Park to replace the existing aging Batemans Bay pool.

As Crown Land, a Plan of Management (POM) was not required to be developed for the land until the new NSW *Crown Lands Management Act 2016* came into force in July 2018. This draft POM for Mackay Park includes the following:

- A description of Mackay Park, its current uses, its natural environment, its history and current planning.
- The legislative and policy framework that governs use and development of Mackay Park.
- Issues raised in preliminary consultation with user groups.
- A plan for the ongoing management of Mackay Park, including how Mackay Park will be categorised under the NSW *Local Government Act 1993*, objectives and options for future management and development, and authority for the potential future issuing of leases or licenses over parts of Mackay Park for certain activities.
- A Management Action Plan.

Under the Crown Lands Management Act 2016 and the Local Government Act 1993, Mackay Park is community land, with an initial category of 'park'. This draft POM proposes to re-categorise the land as 'general community use'. Despite the change in category, no change is proposed in the draft POM to the existing and proposed primary uses of Mackay Park, being for a range of public recreation purposes and events and a Regional Aquatic, Arts and Leisure Centre.

This draft POM outlines the future development outcomes for Mackay Park as including:

- Mackay Park will continue to have a mix of sporting, recreational, cultural and social activities.
- Mackay Park will continue to be used for large and small events and the amenities and grandstand building will continue to be available for functions and other activities.
- Mackay Park will continue to be available as an alternative venue for a range of sporting activities and be open to the general public for passive recreation when not in use for scheduled sports and events.
- Three (3) months prior to the agreed closure of the Batemans Bay swimming pool, Council will advise the current pool contract manager that the existing contract for management of Council's three swimming pools at Batemans Bay, Moruya and Narooma will be amended to delete all references to the Batemans Bay swimming pool.
- The Batemans Bay swimming pool will be demolished and replaced with a Regional Aquatic, Arts and Leisure Centre.
- During the detailed design of the Regional Aquatic, Arts and Leisure Centre, Council will work with the operator of the Batemans Bay Mini Golf facility to determine the future for this facility.
- In any redevelopment of Mackay Park or the adjoining former bowling club site, the availability of overflow car parking for the Batemans Bay town centre will be considered, should this be determined to be appropriate following a broader integrated land use and transport study of the Batemans Bay town centre. This study will also need to clearly define the needs and

potential management and operational issues associated with ensuring the successful operation of the Regional Aquatic, Arts and Leisure Centre and customer parking.

- Electric vehicle charging stations will be considered for installation at Mackay Park.
- Council will continue to undertake environmental works along the fringes of Mackay Park as part of implementing the Batemans Bay and Clyde River Estuary Management Plan (2005).
- Council will continue to undertake general improvements to landscaping at Mackay Park to improve the visual amenity as well as providing shade in appropriate locations.
- Council will investigate opportunities for the implementation of public art and other installations, including information boards and other facilities to tell the story of Mackay Park and Batemans Bay.

This draft POM authorises Council to continue to enter into temporary or long-term licenses with operators of commercial events at Mackay Park. It authorises Council to investigate and enter into the most appropriate management arrangements for the Regional Aquatic, Arts and Leisure Centre. It also authorises Council to enter into negotiations regarding the existing, and where appropriate new leases and licenses with community or commercial operators for one or all of the components of the new centre (subject to the outcomes of the detailed design process and following a tender process) and for the Batemans Bay Mini Golf, electric vehicle charging stations and other activities that are consistent with the *Local Government Act 1993*.

To meet the objectives for management of Mackay Park as outlined in this Plan and facilitate the identified future development outcomes, this Draft POM contains the following Action Plan:

Mackay Park Action Plan

Issues		Actions	
A	Maintain and grow the primary uses of Mackay Park: <ul style="list-style-type: none"> • Rugby League • Events • Aquatic Arts and Culture 		Subject to the findings and recommendations of a future Mackay Park Master Plan (which will form an attachment to the POM), Council may assess, prioritise and seek external funds for the following assets:
		A1	Upgraded flood lighting
		A2	External portable tiered seating and bench seats
		A3	Permanent line marking of underground services
		A4	Additional power and water outlets
		A5	Upgrade of amenities in the grandstand building
		A6	Development of the Regional Aquatic, Arts and Leisure Centre.
B	Manage competing interests (as an alternative venue for other sports) and manage congestion at peak periods	B1	Council will maintain a booking system to ensure activities are undertaken at appropriate times to avoid conflict.
		B2	Council will ensure operators of major activities have adequate evacuation plans in place.
		B3	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre takes into consideration all safety requirements.
C	Define roles and responsibilities with user groups	C1	Council will ensure that the future management arrangements for all or designated components of the Regional Aquatic, Arts and Leisure Centre clearly define and outline the roles and responsibilities of the management entity(s) appointed by Council.
D	Maintain and increase public access and use of Mackay Park	D1	Council will increase public awareness of opportunities for public access and use of Mackay Park.
		D2	Council will ensure the design and management of the Regional Aquatic, Arts and Leisure Centre supports the objectives of this Plan of Management.
		D3	Council will undertake a review of waste disposal facilities at Mackay Park to ensure adequate services are provided for events and other activities.

Issues		Actions	
E	Improve vehicular and pedestrian access to Mackay Park and providing sufficient car parking, including long-vehicle parking	E1	Council will undertake an Integrated Land Use and Transport Plan (ILUTP) for the Batemans Bay Town Centre that takes into consideration vehicular and pedestrian access to Mackay Park and car parking, including for long-vehicles. The ILUTP will consider sufficient road reserve width into Mackay Park and adequate room for bus and other long-vehicle manoeuvring and parking, amongst other matters.
		E2	Council will seek funding, or other means to implement relevant recommendations of the ILUTP relating to access to Mackay Park.
F	Integrate existing facilities with Regional Aquatic, Arts and Leisure Centre	F1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre provides opportunities for integration with existing facilities at Mackay Park, other than the existing pool, with potential future development of the former bowling club site and with the Batemans Bay Town Centre.
G	Install public art and signage within Mackay Park	G1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre incorporates and provides opportunities for public art and signage that is sensitive to the location of Mackay Park, its history and its use as an important public open space asset.
		G2	Council will review existing corporate sponsorship signage at Mackay Park
		G3	Council will install "Smoking Prohibited" notices, where appropriate, as part of 'grouped' signage at sportsground spectator areas in Mackay Park.
		G4	Council will install "Dogs Prohibited" notices.
H	Improve the visual presentation of Mackay Park from other public spaces, and improve visual and physical connections with the surrounding wetlands, while protecting environmental values	H1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre has a strong visual presence when viewed from all vantage points, including from the new Batemans Bay bridge, the Princes Highway and Beach Road, and from within Mackay Park.
		H2	Council will investigate opportunities for increasing public access to and awareness of the adjoining wetlands.
		H3	Council will continue to implement weed and pest control management programs on and adjoining Mackay Park as required and as funding is available.
		H4	Council will ensure that landscaping of Mackay Park uses native drought-resistant plants where appropriate.
I	Manage flooding and adapting to climate change	I1	Council will ensure that any new development at Mackay Park takes into account the potential impacts of flooding and climate change and is designed appropriately having regard to the safety of users.
J	Manage disruption during construction of Regional Aquatic, Arts and Leisure Centre	J1	Council will ensure plans are in place to minimise disruption to users of Mackay Park and the general public during construction of the Regional Aquatic, Arts and Leisure Centre.
K	Manage public safety in the event of an emergency or disaster	K1	Council will ensure relevant emergency management plans are in place and regularly updated and tested.
L	Leases and licenses are issued for specific uses	L1	<p>Council will ensure appropriate management systems (in house, leases, licenses or other arrangements) are in place to facilitate, where required and appropriate, the following types of activities and uses at Mackay Park:</p> <ul style="list-style-type: none"> • Commercial events • Aquatic centre • Café and retail space • Front entrance and foyer space • Auditorium • Gallery and exhibition space • Wet and dry arts workspaces • Rehearsal/dance studio • Meeting rooms • Kitchen and storage facilities • Outdoor public plaza and leisure space • Gymnasium • Wellness and health rooms • Occasional child care facilities • Electric vehicle charging stations • Mini golf (potentially, but subject to final determination of future requirements)

Issues		Actions	
M	Clarify the boundaries of Mackay Park	M1	Council will undertake a full survey of Mackay Park and prepare a new Deposited Plan or Plans in accordance with Crown Land requirements.
		M2	Through the survey process, Council will rectify any encroachments onto the former bowling club site and any encroachments into Mackay Park from the former bowling club site, such as through boundary adjustments, easements or rights of way.

2.0 INTRODUCTION

2.1 What is a Plan of Management?

Council is required under the *Local Government Act 1993* to prepare Plans of Management for its community land (reserves). The *Crown Lands Management Act 2016*, which came into force on 1 July 2018, authorises Councils to manage certain dedicated or reserved Crown Land as if it were public land under the *Local Government Act 1993*. As a result, a Plan of Management is now required for Crown Land for which Council is the appointed land manager.

A Plan of Management outlines how the land can be used, developed and managed, how leases and licences or other interests are granted on community land and determines the scale and intensity of current and future use and development on the land.

As a planning tool, it provides objectives for the management of the land in the short and long term. This gives both Council and the community objectives to work towards in achieving desirable outcomes for the management of the land. A Plan of Management can be used to identify projects that could be achieved through community working groups as well as providing supporting documentation when applying for grants.

Community consultation is an important process in the development of Plans of Management. Community input provides detailed local knowledge that adds value to plan. In this way, issues that are of importance to the local community were considered in the preparation of this Plan of Management.

2.2 What land is covered under this Plan of Management?

This Plan of Management applies to that part of Mackay Park, Batemans Bay that is Crown Reserve R580022 for which Eurobodalla Shire Council has been appointed the land manager. Each parcel of land covered by this plan is listed below:

- Lots 30, 31, 259 DP 755902
- Lots 1 and 2 DP 1049123

The land to which this Plan of Management applies is shown within the black outline on the map in Figure 1.

This Plan of Management does not apply to the land that contains the former Batemans Bay Bowling Club, as this land is freehold land, not Crown Reserve or community land.

Figure 1: Map of Mackay Park Reserve



2.3 How is the subject land classified and categorised?

The subject land is classified as community land under the *Local Government Act 1993*. The land currently has an initial category of Park under the Act.

This Plan of Management proposes that the land be categorised as General Community Use.

Notwithstanding the proposed change in category, it is not proposed to change the existing or planned primary uses of Mackay Park. It is considered that the proposed category best reflects the existing and planned uses of Mackay Park and provides maximum flexibility for design options. Further discussion on this matter is contained in Section 6.3.

The land has not been declared as land containing significant natural features under s.36C of the *Local Government Act 1993*.

2.4 Owner of the land

The subject land is a Crown Reserve for which Eurobodalla Shire Council has been appointed the land manager (council manager). A history of land ownership is provided in Section 3.3.

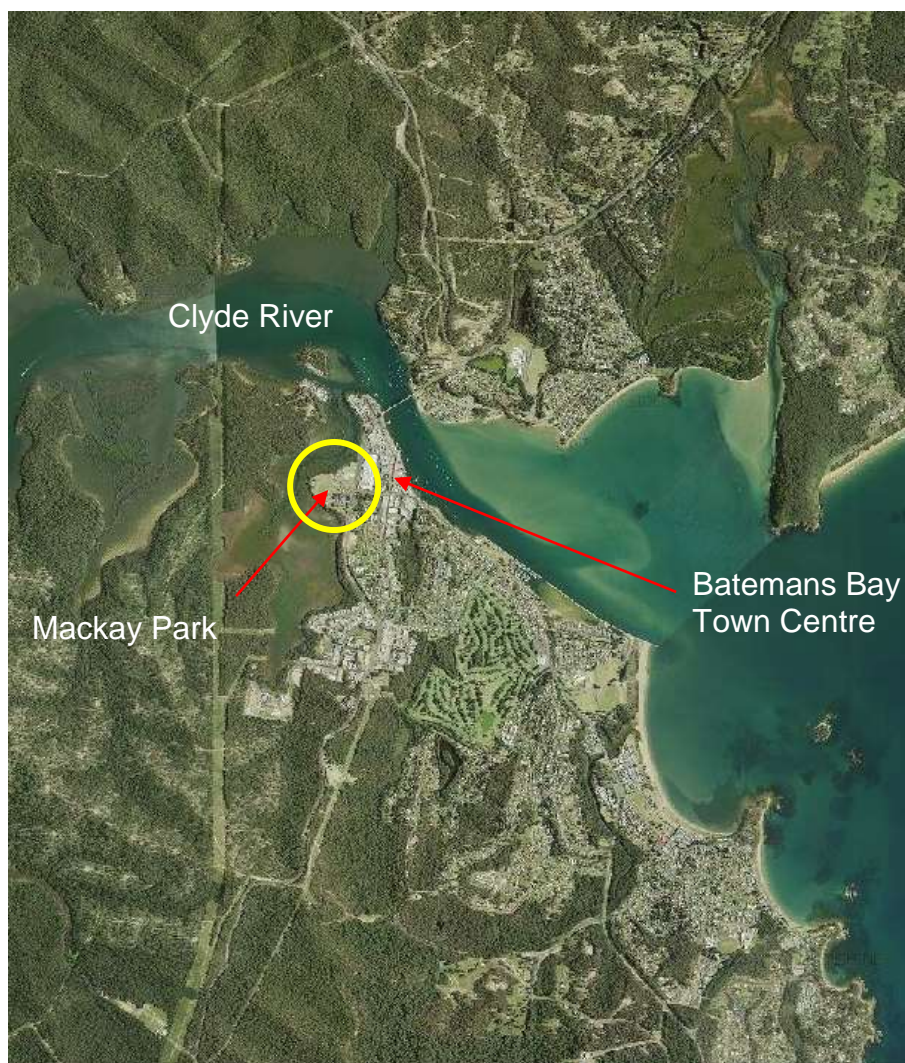
3.0 ABOUT MACKAY PARK, BATEMANS BAY

3.1 Site Location

Mackay Park, Batemans Bay is located on the Princes Highway, immediately to the west of the Batemans Bay Town Centre, as shown in Figure 2. Access to Mackay Park is obtained directly from the signalised intersection of the Princes Highway with Beach Road. This central location and excellent vehicular access provides a range of opportunities for Mackay Park to be further developed as a park that could contribute to meeting the recreational, cultural, social and educational needs of the Batemans Bay community.

Batemans Bay is an important regional centre and a popular tourist destination. As such, there are also opportunities for Mackay Park to enhance the tourist offering of Batemans Bay and provide facilities that attract people from the wider region to visit and stay longer in Batemans Bay. Appropriate development of Mackay Park has the potential to support the economic growth of the Batemans Bay Town Centre and the Eurobodalla.

Figure 2: Location Map



3.2 Natural Environment

Mackay Park is bounded on three sides by the wetlands of McLeods Creek in the Clyde River Estuary. The wetland vegetation of mangroves, salt marshes and Swamp Oak Floodplain Forest are of high conservation value. Saltmarsh and Swamp Oak Floodplain Forest are threatened ecological communities under the NSW *Biodiversity Conservation Act 2016* and mangroves and saltmarsh are protected under the NSW *Fisheries Management Act 1994*.

Other than the above vegetation which is predominantly along the fringes of Mackay Park, there are scattered native trees across the site and introduced grasses. No other significant vegetation is located on the site. Photos of the natural environment on and around Mackay Park are contained in Figure 4.

Mackay Park, like the rest of the Batemans Bay town, is low lying and a recently completed coastal hazard study has found that the majority of the site is projected to be inundated by a 1% storm event within the period to 2100. For future development on the site to exceed the 1% event, floor levels should be at or above 2.74m Australian Height Datum (AHD). To exceed the 5% event for the 2100 planning period, floor levels should be at or above 2.61m AHD. Given existing levels across the site from 1m to 5m AHD, as shown in Figure 3, and the finished level of the playing fields is from 2.0m to 3.0m, these levels can be easily achieved and flooding impacts mitigated through modest filling of parts of the site and/or raising of floor levels.

Figure 3: Contour Map of Mackay Park



Figure 4: Photos of the Natural Environment on and around Mackay Park



Wetlands looking south-west



Wetlands and Swamp Oak forest looking south



Patch of Swamp Oak Floodplain Forest in the south-eastern corner



Remnant vegetation along Princes Highway



Mangroves along the northern boundary



Remnant vegetation near the amenities and function centre

A small portion of the site is identified as bush fire prone on the current Bush Fire Prone Land Map, as shown in Figure 5. Development of land that is bush fire prone must address the requirements of the NSW Government's Planning for Bush Fire Protection 2006. A revised Bush Fire Prone Land Map has been prepared by Eurobodalla Shire Council in consultation with the NSW Rural Fire Service. The revised map, which is yet to be certified and therefore has no legal status, does not show any part of Mackay Park as bush fire prone.

Figure 5: Bush Fire Prone Land Map



3.3 History of the Site

Introduction

Prior to European settlement of the Batemans Bay area in the early 1800's, the land was, and still is, Yuin country, inhabited by the Dhurga speaking Walbunja people for at least 20,000 years.

Following European settlement, land at Mackay Park was granted as freehold land to Patrick O'Hehir and Thomas Flood in the 1870's. The land remained in freehold private ownership until it was returned to the Crown and dedicated as public reserve. Part of the land was dedicated as Crown reserve in 1918 and the remainder in 1966.

As Crown Reserve, the land has been used for many decades for a range of public recreation purposes, including lawn bowls, tennis, field sports, swimming, mini golf and passive recreation. With the exception of the land that was used for lawn bowls (which does not form part of this Plan of Management), it remains Crown land and continues to be used for public recreation purposes including field sports, swimming, mini golf and passive recreation. Council has been developing Mackay Park as a major events precinct over many years, including through the provision of event related infrastructure. Council is currently planning a new Regional Aquatic, Arts and Leisure Centre at Mackay Park to replace the existing aging Batemans Bay pool. The land is also used for car parking associated with recreation activities and events, and as overflow parking for the Batemans Bay Town Centre in peak periods.

Aboriginal History

An Aboriginal Heritage Due Diligence Assessment was undertaken by NGH Environmental in September 2018 to inform the planning and design of the Regional Aquatic, Arts and Leisure Centre proposed for Mackay Park. Based on a review of other Aboriginal heritage studies and assessments undertaken in the Batemans Bay region, the assessment report found that

Aboriginal people have utilised the resources of the South Coast hinterland and adjacent coast for the past 20,000 years (Boot 1996a, 1996b, 2000). Despite evidence for the Pleistocene occupation of the area at Burrill Lake, Bass Point and Wallen Wallen Creek, it is recognised that the majority of sites in the region date to within the last 5,000 years (Boot 1996a, 1996b). This however could be representative of a change in sea levels with the majority of the Pleistocene coastline no longer visible. The Pleistocene occupation is generally thought to have been sporadic and low intensity, reflecting the low population at the time. It was not until the mid-Holocene when sea levels reached their present level that we begin to see an increase in Aboriginal occupation of the region reflected in the archaeological record. (p.7)

The assessment report included the following statement about the potential for Mackay Park to contain Aboriginal artefacts:

The project area is bordered to the west and south by McLeods Creek and its associated estuarine swamp flats and marshlands. The McLeods Creek is a tributary of the Clyde River which is 700 m north of the project area. As such the project area is within 200 m of water, a landscape feature noted to generally have a high potential to contain Aboriginal sites.

Based on previous studies, archaeological sites within the Batemans Bay region generally occur as shell middens, surface artefact scatters and isolated artefacts on relatively elevated landforms along the margins of the Clyde River and its tributaries. The prevalence of open context artefact sites (artefacts scatters and isolated finds) and shell midden sites in the areas adjacent to the Clyde River at Batemans Bay indicate that these areas were natural resource focus points that were extensively exploited by Aboriginal people. The desktop and landscape assessment therefore indicate that there are landscapes present, as defined by OEH and other archaeological survey results, that have the potential to contain Aboriginal sites. (p.10)

A visual inspection of Mackay Park was carried out on 4 September 2018, with the following results:

A single isolated find (AHIMS #58-4-1379/ Mackay Park IF 1) was identified within the project area.

While no other surface evidence of Aboriginal objects was identified during the visual inspection of the project area a portion of the Mackay playing fields, specifically the natural subsurface sand layer under the fill deposit, was identified to have low to moderate archaeological potential. This sand layer would require subsurface testing to establish the archaeological potential and extent of any sites within the deposit if it was to be disturbed by the project. The archaeological potential of the Mackay Park playing fields is restricted to the natural subsurface deposit which is expected to be at least 20cm below the current ground surface.

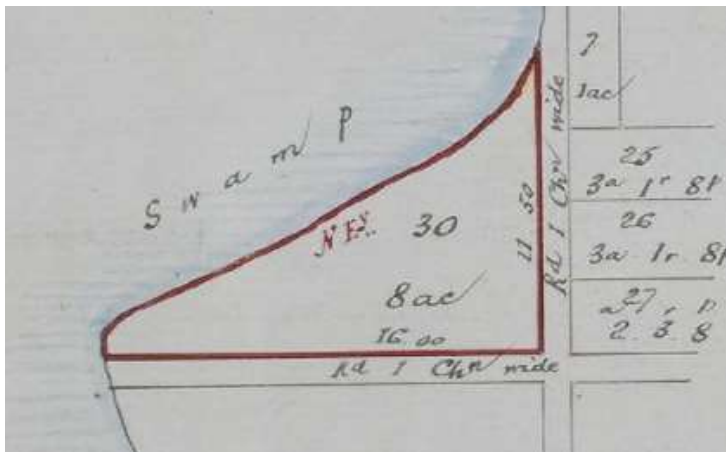
Additionally, the natural banks of the estuarine swamp flats and marshlands landscape boarding the site have been noted to have some potential for shell midden material to occur.

The remaining area within the project area was deemed to be highly disturbed and to have negligible potential to contain Aboriginal objects. (p.1)

European History

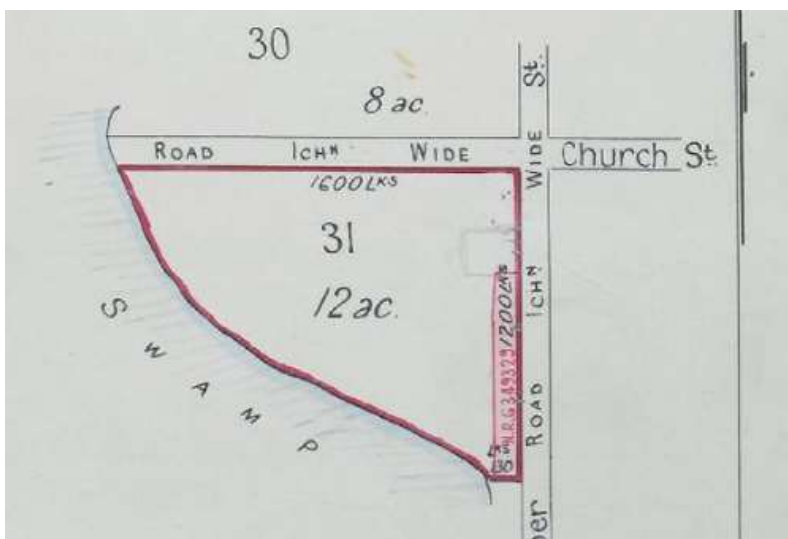
Lot 30 DP 755902 – Lot 30, as shown in Figure 6, was granted to Patrick O’Hehir in 1876. The land was subsequently held in various ownership until 1916 when it was transferred to Duncan James Mackay, then to the Crown in 1917 and dedicated as Crown Reserve for Public Recreation in 1918. Eurobodalla Shire Council was granted care, control and management of the public reserve in 1950. It appears that the land was vacant (with no improvements [dwellings or other buildings] erected) prior to the dedication of the land to the Crown. It appears as though there may be an encroachment of shed buildings associated with the former Batemans Bay Bowling Club onto Lot 30, that will need to be confirmed by survey. Further, the internal access road to the parking area north of the ovals encroaches into the site of the former bowling club.

Figure 6: Plan of Lot 30 DP 755902



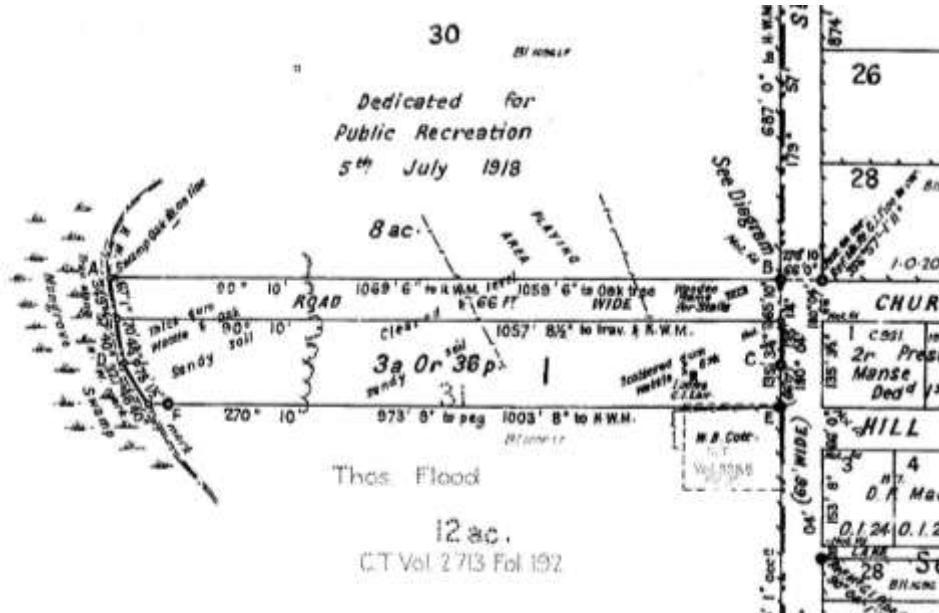
Lot 31 DP 755902 – Lot 31, as shown in Figure 7, was granted to Thomas Flood in 1874. The land was subsequently held in various ownership until 1916 when it was transferred to Duncan James Mackay, then to William Wilshire in 1921, and through other private owners, before being granted to the Crown in 1966 and dedicated as a Crown Reserve for Public Recreation, with the exception of the area in pink which was dedicated to the Commissioner for Main Roads. It is understood that a dwelling and outbuildings were located on this site prior to the dedication of the land to the Crown. These buildings were demolished prior to the construction of the Batemans Bay Olympic Pool, which opened in December 1966.

Figure 7: Plan of Lot 31 DP 755902



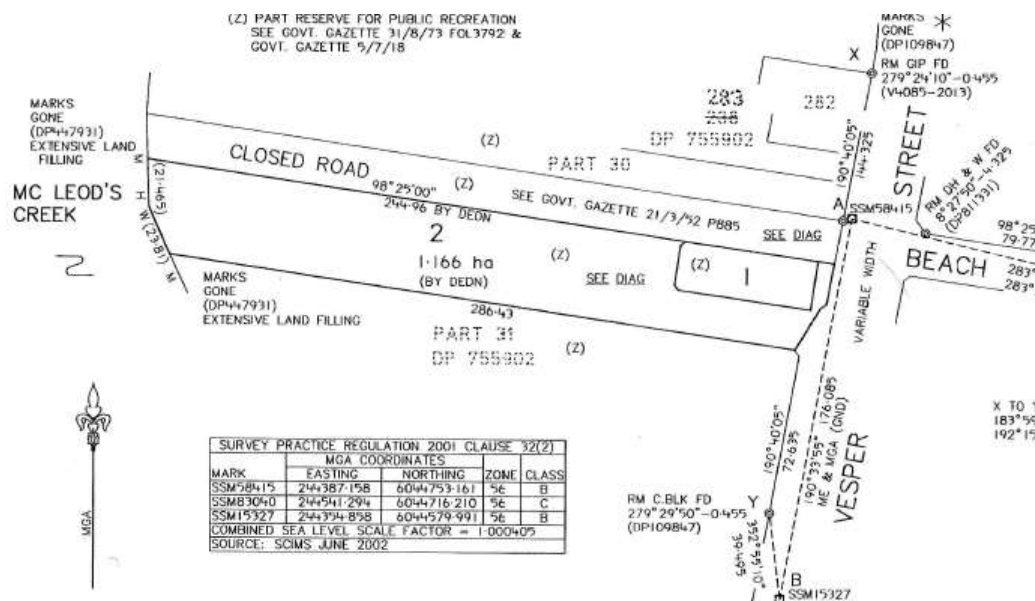
Lot 259 DP 755902 – Lot 259, as shown in Figure 8, was originally a road reserve between portions 30 and 31. The road reserve was formally closed and dedicated as Crown Reserve for Public Recreation in 1952. It appears that, prior to the closing of the road and dedication as public reserve, part of the land was already being used as “playing area” with some improvements erected on the land (such as “wooden frames for stalls”).

Figure 8: Plan of Lot 259 DP 755902



Lots 1 and 2 DP 1049123 – In 1947, Lot 1 DP 447931 was subdivided from Portion 31. This lot was then subdivided to create Lots 1 and 2 DP 1049123 in 2002 to provide a separate lot for the Batemans Bay Mini Golf facility. The Deposited Plan (DP) 1049123, as shown in Figure 9, is the most recent DP for the land. The subject land was surveyed in 2002 to accurately identify the lot boundaries.

Figure 9: Plan of Lots 1 and 2 DP 1049123



Amended site plan

Based on the resurveyed Lots in DP 1049123, an amended site map has been prepared by Council for Mackay Park, as shown in Figure 10. Further detailed survey will need to be undertaken and Crown Land approval processes will need to be progressed to confirm the actual boundaries of Mackay Park.

Figure 10: Amended site plan



Figure 11: Early Oblique Aerial Photograph, circa 1960

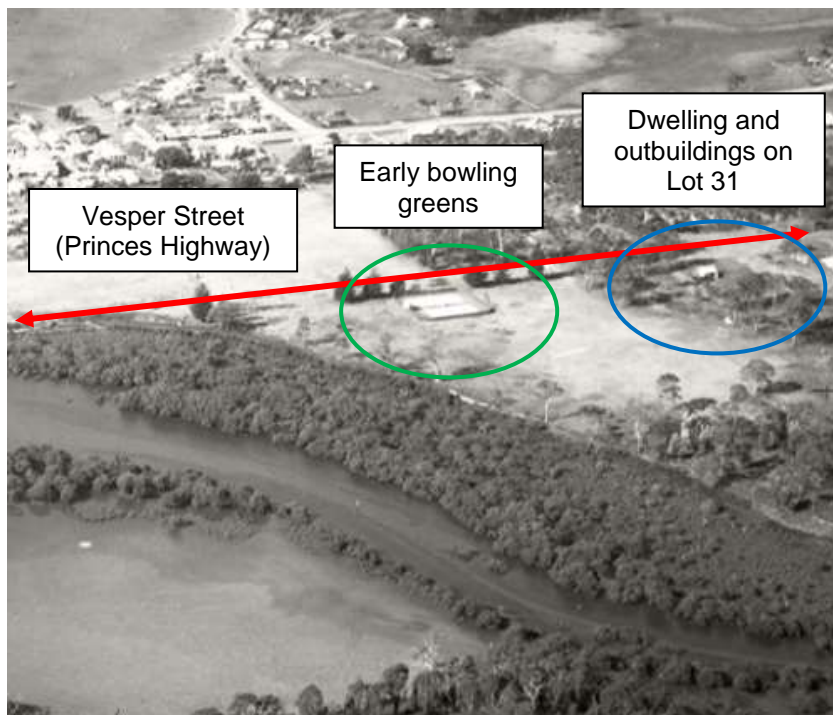


Figure 12: Plan of Mackay Park area, circa 1990.



3.4 Existing Use and Facilities, Leases and Licenses

Mackay Park is currently used for a range of public recreation and sporting activities, including rugby league and touch football on the ovals and swimming in the public pool. The ovals have also been used from time to time for other sporting activities, such as cricket and athletics. The use of the ovals for all sporting and community activities is arranged through a hiring approach. The grandstand and amenities building is also used for private and community functions, and this is also arranged through a hiring approach.

The swimming pool facility is used on a fee for entry arrangement. Car parking to support these activities and for overflow parking from the Batemans Bay Town Centre is also accommodated on Mackay Park.

A small part of the site (Lot 1 DP 1049123) is currently leased to a private company for a mini golf facility.

The ovals are also regularly used for a number of commercial events, such as the Red Hot Sumer Tour music event, and have previously been used for trade shows such as the Caravan and Camping Show. These activities are authorised through development consent and a license to the operator. For major events, the grassed areas around the swimming pool and ovals are used for event related car parking.

3.5 Existing condition of site and buildings

The Mackay Park playing fields are in very good condition with resurfacing works and an extension to fit two full-sized fields completed in 2017. All grassed areas and landscaping are maintained on a fortnightly basis from Spring through to Autumn.

The amenities and grandstand building is in fair condition, although the building is aging, being approved by Council in 1989, with the consent of the land owner, the former Land Board Office and the Minister for Natural Resources. Works were completed by 1992-93. An assessment in June 2018 has found that the building has a remaining life of 41 years. Replacement of the building is therefore a long-term plan, however some improvements to the toilets and change rooms may be warranted in the short to medium term.

Viewing mounds to the south of the grandstand were also constructed in the early 1990's and are in good condition. The scoreboard at the eastern end of the southern viewing mound is relatively old but in good condition.

External portable tiered seating to the north of the grandstand building and on the eastern side of the playing fields are very old and in moderate condition. They will need to be replaced in the short to medium term. Some of the old timber benches around the playing fields are also in moderate to poor condition and should be replaced.

In 2014, a Site Inspection Audit of the condition of the Batemans Bay Swimming Pool found that certain components of the pool complex were in poor condition and certain works were recommended. These works have been completed and the pool is now considered to be in reasonable condition. However, the pool and supporting infrastructure is aging and there remains some concerns about the structural stability of the pool. To make way for the development of the Regional Aquatic, Arts and Leisure Centre, the existing pool will be demolished in 2019.

Some of the car parking areas are in very good condition, with good sealing and line marking, while other areas are in good condition. Fencing on and around the site is in very good condition. A bore installed in 2003 is in good condition.

In 2017, a survey of flood lighting at Mackay Park was undertaken finding that the majority of the fittings on the main field are in a poor condition and should be replaced, to increase lighting levels and reduce power consumption, bringing the lighting of the field into compliance for amateur club competition. The smaller field complies to training level lighting requirements.

Photos of assets on Mackay Park are contained in Figure 13.

3.6 Existing Management Approach

Mackay Park is currently managed by Eurobodalla Shire Council through Council officers. A former Mackay Park Management Committee was dissolved by Council resolution on 22 December 2009 with the support of the primary user, the Batemans Bay Rugby League and Sports Club (BBRLSC). The existing Batemans Bay Pool is managed by Community Aquatics, trading locally as Eurobodalla Aquatics, under a contract with Eurobodalla Shire Council.

3.7 Environmental Management

Eurobodalla Shire Council has been progressively implementing the 2005 Batemans Bay and Clyde River Estuary Management Plan. Weed control work in the buffer between Mackay Park and McLeods Creek has been undertaken for approximately 5 years as a part of Council's Estuary Program. A recent grant from the Office of Environment and Heritage will ensure that ongoing works continue for the next 3 years and it is anticipated that this will continue to be a weed control site beyond the timeframe of this grant funded project. Council is also about to commence a rabbit baiting program at Mackay Park.

The Batemans Bay Local Aboriginal Land Council (BBLALC) and South East Local Land Services have been involved with undertaking weed control work on BBLALC land on the western boundary of McLeods Creek.

3.8 Current Planning for Mackay Park

Eurobodalla Shire Council has commenced the detailed planning for a Regional Aquatic, Arts and Leisure Centre to be constructed on the site of the existing Batemans Bay pool and mini golf facility at Mackay Park. This follows the completion of concept planning for aquatic and arts facilities on the site and extensive community engagement. Council has established, with the assistance of the Mackay Park Sunset Committee, a set of design principles for the facility. The design principles are included in Appendix 1 of this Plan of Management.

On 29 August 2017, Council resolved to endorse a concept plan for the development of a Regional Aquatic, Arts and Leisure Centre at Mackay Park, Batemans Bay. The concept plan endorsed by Council is shown at Figure 14. Further discussion on the planning for this facility is included in section 6 of this Plan of Management.

Council has also resolved to commence planning for redevelopment of the site of the former Batemans Bay Bowling Club. While that site is not included in this plan of management, it is important that planning for future development have regard to this plan of management to ensure the whole of the precinct is planned in a coordinated and consistent manner.

Figure 13: Photos of Mackay Park, 2018



Mackay Park oval with amenities and function centre



Views of Mackay Park ovals from entrance road



Mackay Park amenities and function centre



External portable tiered seating and signage



View of oval from southern viewing mound showing irrigation in operation



Scoreboard

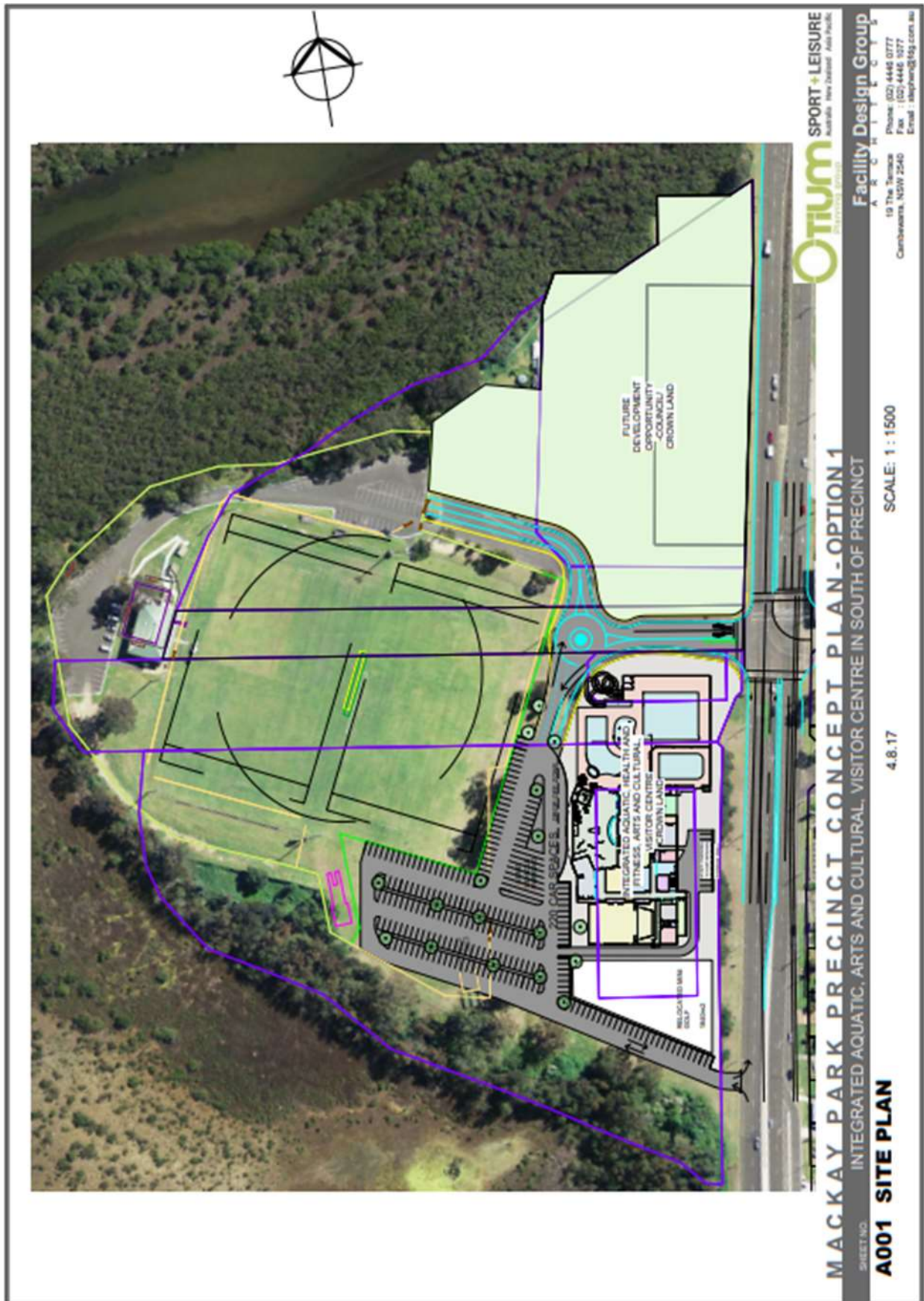


Perimeter fencing and view to wetlands



Batemans Bay Swimming Pool

Figure 14: Mackay Park Regional Aquatic, Arts and Leisure Centre Concept Plan



4.0 LEGISLATIVE AND POLICY FRAMEWORK

4.1 Introduction

This section presents a summary of Commonwealth, State and local legislation, policies and strategies that are relevant to the ongoing use, management and development of Mackay Park. The information provided in this section is true and correct at the time of adoption of this Plan. As land use policy and legislation are subject to change over time, the reader is advised to refer to documents current at the time of reading this Plan.

4.2 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Australian Government Environment Minister.

There are no known matters of national environmental significance likely to be affected by development at Mackay Park. However, if any development at Mackay Park will, or is likely to impact on any matters of national environmental significance, a referral to the Australian Government is required. The Minister, or their delegate, will assess the proposal and will advise if an approval is required.

4.3 Commonwealth Disability Discrimination Act 1992

The objects of the Commonwealth *Disability Discrimination Act 1992* are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - (i) work, accommodation, education, access to premises, clubs and sport; and
 - (ii) the provision of goods, facilities, services and land; and
 - (iii) existing laws; and
 - (iv) the administration of Commonwealth laws and programs; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Mackay Park is generally accessible to all people and therefore is consistent with the objects of the Act. Access to the first-floor function room in the grandstand building is available by ramps. Any new development at Mackay Park should ensure compliance with the Act and ensure accessibility for all.

4.4 Commonwealth Native Title Act 1993

Under the Commonwealth Native Title Act 1993, native title claimants must prove a direct/continuous connection to the land and that native title has not been extinguished for a claim to be successful. This means that a claimant would generally be a member of a clan and be able to prove their history with the land. A claimant could be a single person or a group of people.

If a Native Title claim is successful, rights to the land are established for the claimant and Native Title is acknowledged. Any plans/uses of the land from this point on need approval from the claimants. There is a blanket Native Title claim covering the Eurobodalla Shire.

To ensure compliance with this Act, the Crown Lands Management Act 2016 requires Council to employ a Native Title Manager and for this manager to provide written advice to colleagues on how to proceed when they are conducting activities which may impact Native Title. Written advice is also required for Plans of Management. Council has received legal advice stating that most of Mackay Park has previously been the subject of freehold grants. This would mean that Native Title has been extinguished on those parcels.

4.5 NSW Crown Lands Management Act 2016

The *Crown Land Management Act 2016*, which came into force on 1 July 2018, requires local governments that have been appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were community land under the *Local Government Act 1993*.

Mackay Park is reserved Crown land for which Eurobodalla Shire Council has been appointed the council manager. Under the *Crown Land Management Act 2016*, council managers have until 30 June 2021 (the initial period) to have a compliant plan of management in place for all relevant Crown land, however the Act also states that the first plan of management applicable to the land must be adopted by the council manager as soon as practicable within the initial period.

Under the *Crown Land Management Act 2016*, council managers must assign one or more initial categories of community land (under the *Local Government Act 1993*) to each relevant Crown reserve. The Department of Industry has issued an Interim Schedule of Crown reserves to councils providing guidance on which categories most closely resemble the purposes for which each parcel of Crown land has been reserved.

Mackay Park was reserved as Crown land for the purpose of public recreation. Under the Interim Guidelines, Mackay Park was nominated an initial category of 'park' under the Local Government Act 1993. Notwithstanding the initial category nomination, this Plan of Management proposes to re-categorise the land to 'general community use'. Further discussion on this is contained in Sections 4.5 and 6.3 of this Plan.

The Crown Land Management Act 2016 outlines a process to ensure compliance with the Commonwealth Native Title Act 1993. This process includes the appointment of a native title manager, who is required to provide advice in relation to native title in certain circumstances, including before a plan of management is submitted for approval. This draft Plan of Management has been referred to the relevant native title manager for advice in accordance with the legislation. As noted above, Council has received legal advice stating that most of Mackay Park has previously been the subject of freehold grants. This would mean that Native Title has been extinguished on those parcels.

4.6 NSW Local Government Act 1993

Under the *Local Government Act 1993*, plans of management must be prepared for all community land. Given the *Crown Land Management Act 2016* now requires certain Crown reserves to be managed as if it were community land under the *Local Government Act 1993*, a plan of management is now required to be prepared for Mackay Park. The *Local Government Act 1993* outlines the process and content requirements for plans of management. This plan of management has been prepared in accordance with these requirements, and the requirements of the *Crown Land Management Act 2016*.

Mackay Park is classified as community land and categorised as a park. The core objectives under the *Local Government Act 1993* for management of community land categorised as a park are:

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

Due to the varied existing uses at Mackay Park, it is proposed in this Plan of Management that the land be re-categorised to 'general community use'. The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

All of the existing and potential future uses of Mackay Park outlined in this plan of management will meet the core objectives for 'general community use' as outlined above.

4.7 NSW Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* provides for councils to prepare local environmental plans for land within the council area and for the NSW State Government to prepare regional strategic plans and state environmental planning policies for certain land within the State.

Relevant local environmental plans, regional strategic plans and state environmental planning policies are addressed below.

The *Environmental Planning and Assessment Act 1979* also outlines the processes relating to development applications for local development, complying development, regionally significant development, State significant development and other categories of development, and for the approval of activities that do not require development consent, such as local and State significant infrastructure. Future development of Mackay Park will need to be consistent with the *Environmental Planning and Assessment Act 1979* and all relevant subordinate planning instruments.

4.8 NSW Coastal Management Act 2016

The *Coastal Management Act 2016* provides for land within the coastal zone to be included within one or a number of coastal management areas, being:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

The coastal management areas are to be identified in a State Environmental Planning Policy. The *State Environmental Planning Policy (Coastal Management) 2016* is addressed below.

The *Coastal Management Act 2016* also requires councils to prepare coastal management programs for land within the coastal zone. Eurobodalla Shire Council is currently preparing a coastal

management program for the Eurobodalla coast. Development of Mackay Park will need to be consistent with the *Coastal Management Act 2016* and the Eurobodalla Coastal Management Program.

4.9 NSW Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* is part of the NSW Government's legislative and policy framework for conservation and management of vegetation. The Act provides mechanisms for listing of threatened species and ecological communities, the establishment of biodiversity stewardship agreements and other voluntary conservation agreements, biodiversity certification, a biodiversity offsets scheme and a Biodiversity Conservation Fund. The Act also outlines the processes for biodiversity assessments and approvals.

The *Biodiversity Conservation Act 2016* defines biodiversity values, and these are shown on the Biodiversity Values Map at Figure 15. Some land along the northern and southern boundaries of Mackay Park that are included in a Coastal Wetland are shown on the Biodiversity Values Map. As a result, any development application under Part 4 of the NSW *Environment Planning and Assessment Act 1979* that impacts on these areas will trigger application of the Biodiversity Offsets Scheme.

Any impacts to the mapped wetland will require a development application and is designated development unless it is undertaken by a public authority and is identified in a Plan of Management for the land under the NSW *Local Government Act 1993* or the NSW *Crown Lands Management Act 2016*.

Mackay Park contains and is bounded by vegetation (saltmarsh and Swamp Oak Floodplain Forest) that are listed as threatened ecological communities under the *Biodiversity Conservation Act 2016*. There are no recovery plans or threat abatement plans for these vegetation communities. Whether or not development consent is required for any development or works at Mackay Park, or if activities are to be assessed under Part 5 of the NSW *Environmental Planning and Assessment Act 1979*, any direct or indirect impacts to these vegetation communities need to be assessed, including from any proposed changes to surface water flows, groundwater impacts, risk of spills into the wetlands and sedimentation during any construction.

Figure 15: Biodiversity Values Map



4.10 NSW Fisheries Management Act 1994

Mackay Park contains and is bounded by vegetation (mangroves and saltmarsh) that are protected under the *Fisheries Management Act 1994*. There are no recovery plans or threat abatement plans for these vegetation communities.

For any development that may harm mangroves or seagrasses, a permit from the Minister administering the *Fisheries Management Act 1994* is required. Any development application under Part 4 of the *NSW Environmental Planning and Assessment Act 1979* that also requires a permit from the Minister is determined to be Integrated Development.

4.11 NSW Marine Estate Management Act 2014

McLeods Creek, as part of the Clyde River Estuary, is included within the Batemans Marine Park as part of the Habitat Protection zone. The Batemans Marine Park Zoning Map and management rules principally deal with recreational and commercial fishing in the Marine Park, however it also identifies that a permit from the relevant Marine Park Authority is required for other activities such as organised events, commercial operations and infrastructure development in the Habitat Protection Zone.

For any development application under Part 4 of the *NSW Environmental Planning and Assessment Act 1979* or activity under Part 5 of that Act, the consent authority must take into consideration the management rules for the marine park and obtain the concurrence of the Minister administering the *Marine Estate Management Act 2014*.

4.12 NSW Aboriginal Land Rights Act 1983

Under the *NSW Aboriginal Land Rights Act 1993*, the NSW Land Council or Local Land Councils can put forward a Land Right claim. If a claim is successful the Crown land becomes the Local Land Council's land. Claims under this Act can only be made successfully if the land:

- is not lawfully used or occupied,
- is not needed, nor likely to be needed, for an essential public purpose, and
- do not comprise lands that are subject of an application for determination of Native Title that has been registered in accordance with the Commonwealth Native Title Act.

There is a blanket Aboriginal Land Rights claim covering the Eurobodalla Shire and a specific claim over parts of Mackay Park.

4.13 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 provides development controls for coastal management areas. A large part of Mackay Park is identified in the mapping associated with the SEPP as being in the proximity area for coastal wetlands, as shown in Figure 16. Small areas along the northern and southern edges of Mackay Park are also shown within the coastal wetland area. Along with the whole of the Batemans Bay Town Centre, Mackay Park is also shown as being within the coastal environment area and the coastal use area. There is currently no mapping for the coastal vulnerability area, as this mapping will be determined through the coastal management program currently being prepared.

Figure 16: Coastal Wetland and Proximity Area



The SEPP states that where a parcel of land is identified as being within more than one coastal management area, the development controls of the highest of the areas prevail to the extent of any inconsistency.

In the **coastal wetland area**, the SEPP requires development consent for the clearing of native vegetation, the harm of marine vegetation and the carrying out of works such as earthworks and any development. Development, other than environmental protection works is declared to be designated development, for which an environmental impact study is required. Environmental protection works can be carried out by a public authority without consent if such works are identified in a certified coastal management program or an adopted plan of management.

In the **proximity area for coastal wetlands**, development consent must not be granted to any development unless the consent authority is satisfied that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

In the **coastal vulnerability area**, development consent must not be granted to development unless the consent authority is satisfied that any buildings or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and the proposed development:

- i. is not likely to alter coastal processes to the detriment of the natural environment or other land,
- ii. is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development,
- iii. incorporates appropriate measures to manage risk to life and public safety from coastal hazards.

The consent authority must also be satisfied that measures are in place to ensure that there are

appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

In the **coastal environment area**, development consent must not be granted to development unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

Further, development consent must not be granted unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact on the matters referred to above, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

In the **coastal use area**, development consent must not be granted to development unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- ii. overshadowing, wind funnelling and the loss of views from public places to foreshores,
- iii. the visual amenity and scenic qualities of the coast, including coastal headlands,
- iv. Aboriginal cultural heritage, practices and places,
- v. cultural and built environment heritage.

The consent authority must also be satisfied that:

- i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- iii. if that impact cannot be minimised—the development will be managed to mitigate that impact.

The consent authority must also take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

4.14 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 outlines the approval requirements for the clearing of vegetation in non-rural areas. A permit is required from Council for clearing below the biodiversity offsets scheme threshold where a development control plan applies. For clearing above the biodiversity offsets scheme threshold, approval is required from the NSW Government's Native Vegetation Panel. If an approval under the SEPP is not required, clearing that is not ancillary to other development can be undertaken without development consent.

As noted above, the Biodiversity Values Map identifies the parts of Mackay Park that are considered coastal wetland. Any impacts to the mapped wetland will require a development application and is designated development unless the development is undertaken by a public authority and is identified in a Plan of Management for the land under the NSW Local Government Act 1993 or the NSW Crown Lands Management Act 2016.

Mackay Park is in a non-rural area. There is no development control plan applying to the land. Therefore, any clearing not ancillary to other development and is outside of the mapped wetland can be undertaken without development consent.

4.15 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides for certain infrastructure developments to be exempt development, complying development or development that is permitted with consent. Division 12 of the SEPP applies to parks and other public reserves.

In relation to Mackay Park, the SEPP provides for development for the purposes of implementing an adopted plan of management by or on behalf of a reserve trust to be carried out without consent. The SEPP also provides for any of the following development to be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
- recreation areas and recreation facilities (outdoor), but not including grandstands,
- visitor information centres, information boards and other information facilities,
- lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
- landscaping, including landscape structures or features (such as art work) and irrigation systems,
- amenities for people using the reserve, including toilets and change rooms,
- food preparation and related facilities for people using the reserve,
- maintenance depots,
- environmental management works,
- demolition of buildings so long as the footprint of the building covers an area no greater than 250 square metres.

The SEPP provides for the following development to be exempt development, subject to the specific requirements of the SEPP:

- construction or maintenance of:
 - walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates, or
 - bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths), or

- handrail barriers or vehicle barriers, or
- ticketing machines or park entry booths, or
- viewing platforms with an area not exceeding 100m², or
- sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or
- play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or
- seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures,
- routine maintenance of playing fields and other infrastructure, including landscaping,
- routine maintenance of roads that provide access to or within those playing fields, including landscaping.

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

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 identifies certain development that is exempt from requiring development consent or can be approved with a complying development certificate. This SEPP will apply in relation to certain temporary structures and signage for events undertaken at Mackay Park, including:

- Temporary event signs
- Community notice and public information signs
- Tents, marquees or booths for community events
- Stage or platforms for community events

The SEPP will also apply to the installation of certain sculptures and artworks at Mackay Park.

4.17 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies certain State and regionally significant development that requires the approval of either the Independent Planning Commission or the Joint Regional Planning Panel. In relation to Mackay Park, the proposed Regional Aquatic, Arts and Leisure Centre is considered to be regionally significant development, meeting the criteria of 'council related development over \$5m'. A development application for the Regional Aquatic, Arts and Leisure Centre will be determined by the Joint Regional Planning Panel.

4.18 Eurobodalla Local Environmental Plan 2012

Under Eurobodalla Local Environmental Plan 2012 (ELEP 2012), Mackay Park is predominantly zoned RE1 Public Recreation and RE2 Private Recreation. Some small areas are zoned E2 Environmental Conservation and W1 Natural Waterways. The adjoining wetland area is zoned W1 Natural Waterways.

ELEP 2012 identifies land uses that are permitted without consent, with consent or prohibited in the relevant zone. Provisions of ELEP 2012 that are relevant to Mackay Park include those relating to Acid Sulfate Soils, Biodiversity and Wetlands.

4.19 South East and Tablelands Regional Plan

The South East and Tablelands Regional Plan sets the broad strategic directions for the region. Directions 9 and 12 of the Regional Plan are directly relevant to Mackay Park. Directions 14, 16, 17 and 22 are also relevant. Included in the Regional Plan are 'local government narratives'. Included in the Eurobodalla local government narrative is a priority to redevelop the Mackay Park Precinct in Batemans Bay.

Direction 9 relates to growing tourism in the region and states that *"the variety of experiences can be expanded through the sustainable use of national parks, Crown Lands, agricultural lands and other assets. This can attract people interested in nature and eco-based experiences, agri-tourism, adventure experiences (such as canoeing and mountain biking) or arts and cultural activities such as those offered on the Bundian Way"*. The planned development of a Regional Aquatic, Arts and Leisure Centre at Mackay Park, incorporating a visitor centre, will provide opportunities to improve the way tourists are informed about the facilities, experiences and attractions in the Eurobodalla and the wider region.

Direction 12 relates to promoting business activities in urban centres and states that *"strategic and local centres will be the focus for more intensive employment uses, public space improvements, and technology and transport connections to Canberra and Sydney. This will encourage investment, housing, job opportunities and services. Strategic and local centres also support tourism. Centres should be places of commercial and retail activity that are attractive for community and recreational activities to encourage visitors"*. Batemans Bay is defined as a strategic centre in the Regional Plan. Mackay Park is the largest area of public space in or adjoining the town centre and has significant potential to provide for sporting, recreational and cultural opportunities for the community and visitors, to support the economic development of Batemans Bay.

Direction 14 relates to protecting important environmental assets. Consistent with the aims and requirements of the Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018), a key action of the Regional Plan is to *"minimise potential impacts arising from development on areas of high environmental value, including groundwater dependent ecosystems and aquatic habitats, and implement the 'avoid, minimize and offset' hierarchy"*. Given the land adjoins significant wetlands, this will be a key consideration in the assessment of any development at Mackay Park.

Direction 16 relates to protecting the coast and increasing resilience to natural hazards. Two key actions relate to developing, updating or implementing flood studies and floodplain risk management plans, and coastal zone management programs. Eurobodalla Shire Council is currently preparing a Coastal Zone Management Program.

Direction 17 relates to mitigating and adapting to climate change and states that *"the infrastructure built today must consider the climate projections for the near future and, in some cases, the far future"*. Given the land is low lying, subject to flooding and coastal hazards, this will be a key consideration in the planning and assessment of any development at Mackay Park.

Direction 22 relates to building socially inclusive and healthy communities and states that *"the design and location of recreation facilities, sporting infrastructure, parks and public buildings should encourage people to be physically active where they work and in their neighbourhoods"*. Two key actions of the Regional Plan in relation to this direction are to *"integrate walking and cycling networks into the design of new communities to encourage physical activity"* and to *"promote energy efficiency in new development proposals"*. The design of new development at Mackay Park will promote physical activity and be energy efficient.

4.20 Eurobodalla Community Strategic Plan

The 2017 Eurobodalla Community Strategic Plan outlines the following nine outcomes for the future of Eurobodalla:

1. Strong communities, desirable lifestyle
2. Celebrated creativity, culture and learning
3. Protected and valued natural environment
4. Sustainable living
5. Vibrant and diverse economy
6. Responsible and balanced development
7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership

Mackay Park has an important role to play in helping to achieve many of these outcomes. In particular, the development of the Batemans Bay Mackay Park Precinct is identified as a key project in Council's 2017-21 Delivery Plan to assist in achieving a vibrant and diverse economy.

4.21 Eurobodalla Recreation and Open Space Strategy

Mackay Park is identified in the 2018 Recreation and Open Space Strategy as a district level sports park. The following commentary is included in the Strategy with regard to Mackay Park:

"Mackay Park has received recent upgrades with a quality sporting amenities building overlooking the two fields. The Park is currently fenced, and is often locked by the club using the Park. As it is dedicated as community open space, it is important that the public are able to access the Park when the club is not using the facility for formal activities. Concerns about the public using the playing surface have been raised by the club.

At the time of developing this Strategy, planning for the development of the Mackay Park precinct, which includes the Batemans Bay Aquatic Centre, mini golf facility and former bowls facility, is underway. While Mackay Park (sports park) will remain open space, the concept plan for the precinct includes the potential for a combination of a new aquatic and leisure centre, arts and cultural facility, conference and event space, tourism accommodation, residential accommodation, restaurants and cafes, and a gateway visitors centre. It is intended that these outcomes will be achieved via a mix of public and private sector investment."

The Strategy contains the following numbered actions with respect to Mackay Park:

- N15 Continue the planning and development process for the provision of an indoor aquatic centre at the Mackay Park precinct that addresses community needs in an affordable manner, taking into consideration independent professional advice as to how best to achieve the desired project outcomes.*
- N16 Ensure the pedestrian gates at Mackay Park, Batemans Bay, remain open to the public when not in use by sporting clubs.*

A number of Eurobodalla-wide recommendations are included in the Recreation and Open Space Strategy that are relevant to Mackay Park and this Plan of Management, including:

- E10 Install "Smoking Prohibited" notices as per legislation and as part of 'grouped' signage at priority playgrounds and sportsground spectator areas.*
- E18 Ensure the promotion of bushland reserves and waterways provides visitors (and*

residents) with an understanding of the focus for conservation management, traditional owner requirements, facilities and services offered.

- E32 Work with community and Council stakeholders to establish a strategy for protecting vulnerable environments adjacent to Council managed open space across the Shire.*
- E33 Ensure that native drought-resistant plant species are used when renewing or developing new garden beds and landscaping where appropriate.*

4.22 Batemans Bay Town Centre Structure Plan

A Structure Plan for the Batemans Bay Town Centre was adopted by Council in 2008. While Mackay Park was identified as part of the Town Centre, providing open space and recreation facilities, it was not included within any of the precincts in the town. Recommendations in the Structure Plan relating to open space focus mainly on the town foreshore and the Watergardens. The Structure Plan did identify Mackay Park as providing alternative parking for the town centre.

The Structure Plan was prepared prior to the planning for a Regional Aquatic, Arts and Leisure Centre at Mackay Park. Council is currently preparing an Integrated Land Use and Transport Study for Batemans Bay that will look more closely at the integration of Mackay Park with the Batemans Bay Town Centre.

4.23 Batemans Bay Parking Study

The Batemans Bay Parking Study, completed in 2011, analysed the adequacy of parking in the Batemans Bay Town Centre. The study found that, at that time, there was a surplus of parking in the northern part of Batemans Bay Town Centre, but a shortfall in the southern part.

The study was undertaken prior to the planning for a Regional Aquatic, Arts and Leisure Centre at Mackay Park. Therefore, the adequacy of parking in Batemans Bay will need to be further considered as part of the detailed design of the Regional Aquatic, Arts and Leisure Centre and the Integrated Land Use and Transport Study referred to above. This study will also need to clearly define the needs and potential management and operational issues associated with ensuring the successful operation of the Regional Aquatic, Arts and Leisure Centre and customer parking.

4.24 Batemans Bay Traffic and Transport Studies

The Batemans Bay Traffic and Transport Study, completed in 2011, analysed the impacts of potential redevelopment in the Batemans Bay Town Centre on traffic, parking, walking, cycling and public transport in the town. The study found that some congestion issues would arise if no modifications of the current road configurations were undertaken. Recommendations of the study included upgrades to Beach Road at the intersection of the Princes Highway and signalling the intersection of Beach Road and Perry Street.

A separate Northern Area of Eurobodalla Shire Traffic Study was undertaken in 2011. A key recommendation of that study was to complete a southern Batemans Bay Bypass to take pressure off Beach Road in Batemans Bay. Much of this work is now completed, however the connection to the Princes Highway is subject to NSW Government design and funding.

These studies were undertaken prior to the planning for a Regional Aquatic, Arts and Leisure Centre at Mackay Park and a new bridge over the Clyde River. Therefore, the adequacy of traffic and transport in Batemans Bay will need to be further considered as part of the detailed design of the Regional Aquatic, Arts and Leisure Centre and the Integrated Land Use and Transport Study for Batemans Bay referred to above.

5.0 COMMUNITY AND STAKEHOLDER CONSULTATION

5.1 Preliminary Consultation with User Groups

Council staff have undertaken preliminary consultation with the following user groups to provide input into the development of the Plan of Management. Extensive community consultations have also been undertaken with regard to the planning of the Regional Aquatic, Arts and Leisure Centre at Mackay Park.

The issues raised in these consultations are outlined below. Further consultation will be undertaken when a draft Plan of Management has been considered by Council.

Batemans Bay Tigers Rugby League Club (Senior and Junior)

Rugby League is undertaken at Mackay Park from January through to September. The main issue raised by the clubs relates to the change rooms in the amenities and grandstand building. The toilets are over 30 years old and there is a lack of female friendly change options. There are also reported management issues regarding the cost of lighting, the cleanliness of the facility and impacts on the playing fields from general community use and events.

Euro-Coast Athletics Club

The Euro-Coast Athletic Club have entered into a Memorandum of Understanding with Eurobodalla Shire Council to use Mackay Park for their 2018-19 season, while a more permanent location is resolved. The 2018-19 season runs from September to March. The biggest issue for the club is lack of storage space for large items, such as high jump mats. Should Mackay Park become the permanent home for the club, they would like to install a permanent throw cage in an appropriate location. Ultimately, wherever is the clubs future permanent home, they would like to be operating all year round at a facility with a synthetic 400m track.

Batemans Bay Cricket Club

The Batemans Bay Cricket Club has historically used Mackay Park as an overflow/back-up oval, and for semi-finals and finals where a correctly sized field is mandatory. The other ovals used for cricket at Surfside and Hanging Rock are undersized. Mackay Park is also used when the other grounds are booked for other sporting or community activities or when improvements to the other grounds are undertaken during the summer cricket season.

Issues raised by the Cricket Club in relation to Mackay Park include the following:

- Lack of replacement of concrete cricket pitch following recent field re-surfacing works.
- Grass cover not cut short enough for cricket matches.

Batemans Bay Touch Football

Touch football competitions were previously undertaken at Mackay Park, however they were relocated to Surfside ovals during the implementation of the recent field upgrades to the Mackay Park ovals. The club has indicated to Council that they would like to relocate back to Mackay Park in the future should the opportunity arise. The touch football season runs from October to March and games are played on Wednesday nights.

Batemans Bay Swimming Club

A number of meetings have been held with the swimming club with regards to the development of a Regional Aquatic, Arts and Leisure Centre at Mackay Park. Issues raised by the club during the previous concept design stage for the new facility, such as the need for storage space and club facilities, will be taken into account in the detailed design stage and there will be further consultation with the club and the broader community during the detailed design.

Mini Golf Operator

Council has been keeping the licensee regularly updated on progress of the Regional Aquatic Arts and Leisure Centre development and this is continuing.

Swimming Pool Contractor

Council has been keeping the contractor regularly updated on progress of the Regional Aquatic Arts and Leisure Centre development and this is continuing. At least three (3) months prior to the agreed closure of the Batemans Bay swimming pool, Council will advise the current pool contract manager that the existing contract for management of Council's three swimming pools at Batemans Bay, Moruya and Narooma will be amended to delete all references to the Batemans Bay swimming pool.

5.2 Preliminary Consultation on Events Management

Mackay Park is used for a range of minor and major events throughout the year. The grandstand and amenities building is used as a function centre for a number of activities, such as training programs, weekly classes, weddings and other functions. These activities are arranged through Council's booking office.

Mackay Park is also identified as a priority venue for major events, such as the Red Hot Summer Tour and has previously been used for major events such as the Caravan and Camping Show, Circuses and Carols by Candlelight.

Discussions with Council's bookings and events management staff have raised the following issues with regard to the ongoing and potentially increased use of Mackay Park as an events venue:

- Permanent marking of underground services
- Additional power and water outlets separate to mains supplies, including more 15amp, 32 amp and 3 phase power around the fields to allow various set up options
- Improvements to toilets and change rooms
- The need to consider the impacts events can have on regular users, including the time that some major events need for setting up and decommissioning the event.

In addition to the above, a review of waste disposal facilities at Mackay Park should be undertaken to ensure adequate services are provided for events and other activities at Mackay Park.

5.3 Community Consultation on Regional Aquatic, Arts and Leisure Centre

Council has undertaken a range of community engagement activities over many years to gain an understanding of community needs and wants in relation to aquatic and arts facilities in Batemans Bay. The consistent messages from the community in all of the community engagement activities, were the need for an indoor year-round aquatic centre and new purpose-built performance and arts spaces in Batemans Bay. The feedback from the community from previous and ongoing community engagement activities will be considered in the detailed design phase for the Regional Aquatic, Arts and Leisure Centre at Mackay Park.

5.4 Consultation on Draft Plan of Management

This draft Plan of Management will be placed on public exhibition for review and comment by user groups, the general community, government agencies and other key stakeholders. Interest groups that Council will consult with will include, but will not be limited to the following:

- the Mackay Park Sunset Committee
- Mackay Park user groups
- Council's Advisory Committees (Youth, Aboriginal, Disability, Sports Forum and Public Art)
- local indigenous groups
- local business groups
- relevant government agencies
- the general community.

Note: This section is to be completed following the public exhibition of a draft Plan of Management.

6.0 MANAGEMENT OF MACKAY PARK

6.1 Introduction

The purpose of this section of the Plan of Management is to outline the role that Mackay Park plays as an open space asset in Batemans Bay, to set objectives for management of the park and to establish future development outcomes consistent with those objectives.

6.2 The Role of Mackay Park

Mackay Park is and will continue to play a significant role in providing recreational, cultural and social opportunities for the Batemans Bay community and the wider region. The availability of a large area of open space immediately adjoining the Batemans Bay Town Centre presents enormous opportunities for community activities associated with the economic development of the town to be undertaken at Mackay Park. This potential will be significantly enhanced through improved physical and visual links from the town centre to Mackay Park.

The primary activities currently undertaken on Mackay Park are rugby league, swimming and events. Other sporting activities, including touch football, cricket and athletics have from time to time used Mackay Park as an alternative venue when needed. Mackay Park is also used as overflow car parking for the Batemans Bay town centre in busy holiday periods. A small portion of the site is currently leased for a mini golf facility.

Mackay Park will continue to have a mix of sporting, recreational, cultural and social activities. The main activities currently undertaken at Mackay Park will continue and rugby league will remain the principal sporting activity from January to September. The use of the ovals from September to April for a range of community and commercial events will be prioritised.

Swimming activities will be enhanced while arts, cultural and other leisure activities will be introduced as primary activities at Mackay Park through the development of the Regional Aquatic, Arts and Leisure Centre. The inclusion of visitor information services in this development provides opportunities for the exploration of a range of educational opportunities across Mackay Park, including local Aboriginal cultural heritage, European settlement heritage and environmental heritage.

Greater opportunities for informal recreation will be explored. This potentially includes greater access both physically and visually to the adjoining wetlands and the environmental and educational opportunities that provides. The future of mini golf at Mackay Park will be determined through the detailed design phase of the Regional Aquatic, Arts and Leisure Centre proposal.

Subject to availability, capacity and a demonstrated need, Mackay Park may continue to be an alternative venue for other sporting activities.

The area surrounding the old bowling club site is used for parking for activities within Mackay Park including sports and events. Mackay Park and the supporting central business district also currently make use of the parking area around the old bowling club site for parking, including long vehicle parking. This is used daily with significantly higher demand during the peak periods. For the peak summer periods, this area is signposted for use for overflow parking to minimise traffic flow and meet parking demand, helping support the use of Mackay Park and the economy of the Batemans Bay CBD.

Any future proposal for the development of the old bowling club site should recognise the current and growing use of the surrounding areas. This will be important to the success of the Mackay Park

Aquatic and Arts Precinct, Mackay Park sporting and events, any proposed private development on the bowling club site and the vibrancy of the central business district. The car parking proposed around the Regional Aquatic, Arts and Leisure Centre will be quarantined from use as CBD overflow parking to ensure the customer parking requirement of users and members can be met at all times.

6.3 Proposed Categorisation of Mackay Park

Mackay Park currently has an initial category of 'park'. This was applied to the land under the *Crown Lands Management Act 2016* and the *Local Government Act 1993*, as the most appropriate category that reflected the original purpose for the dedication of the land.

This Plan of Management proposes that the land be re-categorised as 'general community use'. The proposed uses of the land as outlined in Section 6.5 of this plan will meet the core objectives for land categorized as 'general community use'.

Notwithstanding the proposed new category, the intent of this Plan of Management is to ensure that the existing and planned primary uses of Mackay Park, being for a range of public recreation purposes and events and a Regional Aquatic, Arts and Leisure Centre, continue and are enhanced. Some additional uses are also envisaged by this Plan of Management, but only where they are ancillary and complementary to the primary uses.

It is considered that the proposed category best reflects the existing and planned uses of Mackay Park and provides maximum flexibility for design options. The core objectives in the NSW Local Government Act 1993 for land categorized as General Community Use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The NSW Department of Industry Guideline for categorisation of Crown Land identifies the following purposes, amongst others, as being appropriate for the category General Community Use:

- Access, including access to water
- Community and sporting club facilities
- Community centre, youth centre and other community purposes
- Parking
- Public buildings
- Tourist facilities and services and tourist information centre

All of the existing and potential future uses of Mackay Park outlined in this plan of management will meet the core objectives for 'general community use' as outlined above.

6.4 Objectives for Management of Mackay Park

Having regard to the above statements about the role of Mackay Park, the objectives for future management of Mackay Park are:

- (a) to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - i. in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

- ii. in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities),
- (b) to enhance the role Mackay Park plays as a significant open space asset adjacent to the regional centre of Batemans Bay and as a central hub for visitor information services and education about Batemans Bay and the Eurobodalla,
- (c) to ensure that Mackay Park is well connected to the Batemans Bay town centre and is understood by the community to be an integral component of the town,
- (d) to explore how existing sport and recreation facilities, other than the existing pool, can be improved to integrate with new development both at Mackay Park and on the adjoining former Bowling Club site, and with the Batemans Bay town centre,
- (e) to explore opportunities to enhance Mackay Park as a regional event centre to attract appropriate major sporting, commercial and community events,
- (f) to explore opportunities to physically and visually connect Mackay Park to the wetlands of McLeods Creek while continuing to improve the environmental values of the wetlands and other important native vegetation with high conservation values on the fringes of Mackay Park,
- (g) to ensure new development at Mackay Park reflects and is sympathetic to its surroundings and location as a northern gateway to Eurobodalla and an important public space at the edge of the Batemans Bay Town Centre,
- (h) to ensure new development at Mackay Park is undertaken in a manner that considers the impacts to existing facilities and activities and to the environment,
- (i) to ensure new development at Mackay Park takes into consideration public safety and provides appropriate access, facilities and services to protect life and assets in the event of an emergency or disaster,
- (j) to balance competing interests for the use of Mackay Park,
- (k) to facilitate the appropriate use of leases and licenses for the operation and management of certain facilities at Mackay Park,
- (l) to provide certainty for future development and potential leases and licenses,
- (m) to maintain the land and its facilities to agreed service standards,
- (n) to design and operate the Regional Aquatic, Arts and Leisure Centre to maximise the Council's return on investment and reduce the annual operating costs to the community.

6.5 Future Development Outcomes for Mackay Park

For Sporting and Recreation Activities

As noted above, Mackay Park will continue to have a mix of sporting, recreational, cultural and social activities. Rugby league will continue to be the primary sport activity undertaken at the park. To facilitate the growth of rugby league, the ovals at Mackay Park will be maintained by Council in consultation with the local rugby league clubs.

Subject to the findings and recommendations of a future Mackay Park Master Plan, Council may assess, prioritise and seek external funds for a range of assets at Mackay Park, including amenities, flood lighting, spectator seating, permanent line-marking of underground services and additional power and water outlets. In the long-term a new grandstand and amenities building will be needed. Existing corporate sponsorship signage around the playing fields will be reviewed.

Mackay Park will continue to be available as an alternative venue for a range of sporting activities and be open to the general public for passive recreation when not in use for scheduled sports and events.

Permissibility of Sporting and Recreation Activities

The use and development of Mackay Park for sport and recreation activities fall under the definitions of 'recreation areas' or 'recreation facilities (outdoor)' under *Eurobodalla Local Environmental Plan 2012* and is permissible with consent in the RE1 Public Recreation Zone and RE2 Private Recreation Zones.

A wide range of infrastructure developments for sport and recreation activities on parks and public reserves are permitted without consent or are exempt development under *State Environmental Planning Policy (Infrastructure) 2007*, including:

- uses permitted in a Plan of Management
- recreation areas and recreation facilities (outdoor), but not including grandstands
- lighting
- amenities for people using the reserve, including toilets and change rooms
- food preparation and related facilities for people using the reserve
- construction or maintenance of:
 - walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates, or
 - bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths)
 - handrail barriers or vehicle barriers
 - ticketing machines or park entry booths
 - viewing platforms with an area not exceeding 100m²
 - sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal
 - play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence
 - seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures
- routine maintenance of playing fields and other infrastructure, including landscaping
- routine maintenance of roads that provide access to or within those playing fields, including landscaping.

For Community and Commercial Events

Mackay Park will also continue to be used for large and small events and the amenities building will continue to be available for functions and other activities. The park will be available for general public recreation when not in use for sporting activities or events.

To facilitate growth in the use of Mackay Park as an events venue, the following upgrades will be undertaken in the short to medium term, subject to funding:

- Permanent marking of underground services
- Additional power and water outlets separate to mains supplies, including more 15amp, 32 amp and 3 phase power around the fields to allow various set up options
- Improvements to toilets and change rooms.

In addition to the above, a review of waste disposal facilities at Mackay Park should be undertaken to ensure adequate services are provided for events and other activities at Mackay Park.

Permissibility of Community and Commercial Events

Clause 65 of *State Environmental Planning Policy (Infrastructure) 2007* provides for development for the purpose of implementing a plan of management for Crown land managed by a council to be permitted without consent.

In addition, Division 1 of Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides for a range of activities to be exempt including:

- Temporary event signs
- Community notice and public information signs
- Tents, marquees or booths for community events
- Stage or platforms for community events

For Aquatic, Arts and Leisure Activities

The Batemans Bay swimming pool will be demolished and replaced with a Regional Aquatic, Arts and Leisure Centre that includes the following components:

A regional aquatic program and leisure centre with facilities for all ages and for locals and visitors:

- 25m by 10-lane indoor heated pool
- 17m by 10m warm water program pool for a wide range of aqua therapy and fitness classes, with spa and access ramps
- Purpose-built learn to swim indoor heated pool
- Toddlers and leisure pool
- A water play splash pad with interactive water features
- Tower and waterslides
- Gymnasium, fitness program rooms and wellness area

Purpose-built arts, cultural and community facilities:

- Front entrance and foyer
- Main auditorium for performance and conference with seating for 350-400 people
- Gallery and exhibition space
- Wet and dry arts workspaces
- Soundproofed rehearsal/dance studio
- Industry standard audio visual equipment
- Back of house facilities
- Large and small multipurpose breakout rooms
- Kitchen and storage facilities
- Café and retail space
- Visitor information services
- Outdoor public plaza and leisure spaces

The ultimate components and layout of the facility will be determined through the detailed design phase and community consultation during this phase. A set of design principles have been established by Council with the assistance of the Mackay Park Steering Committee and these are provided at Appendix 1 of this Plan of Management.

The location and size of the facility, including car parking areas, as determined through the detailed design and community consultation phase will impact on existing facilities at Mackay Park, such as the existing pool and the mini golf facility. It may also impact on the size and/or layout of the

existing ovals. All stakeholders and other interested parties will need to be consulted before a final design is endorsed by Council.

Permissibility of Aquatic, Arts and Leisure Activities

The Regional Aquatic, Arts and Leisure Centre is defined as a 'community centre' under the *Eurobodalla Local Environmental Plan 2012* and is permissible with consent in the RE1 Public Recreation Zone and RE2 Private Recreation Zones on which the facility is proposed to be located. The use is considered to be regionally significant development, meeting the criteria of 'council related development over \$5m' under *State Environmental Planning Policy (State and Regional Development) 2011*. A development application for the Regional Aquatic, Arts and Leisure Centre will be determined by the Joint Regional Planning Panel.

For Other Activities and Developments

During the detailed design of the Regional Aquatic, Arts and Leisure Centre, Council will work with the operator of the Batemans Bay Mini Golf facility to determine the future of this facility. A mini golf facility is defined as 'recreation facility (outdoor)' and is permissible with consent in the RE1 Public Recreation and RE2 Private Recreation zones under *Eurobodalla Local Environmental Plan 2012*.

In any redevelopment of Mackay Park or the adjoining former Bowling Club site, the availability of overflow car parking for the Batemans Bay town centre will be considered, should this be determined to be appropriate following a broader integrated land use and transport study of the Batemans Bay town centre. Electric vehicle charging stations will also be considered for installation at Mackay Park. Car parking that is ancillary to a permissible use (including space for electric vehicle charging) is permissible under *Eurobodalla Local Environmental Plan 2012*. Single-storey car parks are also permissible without consent on a public reserve under *State Environmental Planning Policy (Infrastructure) 2007*.

Council will continue to undertake environmental works along the fringes of Mackay Park as part of implementing the 2005 Batemans Bay and Clyde River Estuary Management Plan. These works are undertaken in the E2 or W1 zones, in which 'environmental protection works' are permitted without consent under *Eurobodalla Local Environmental Plan 2012*. Environmental management works are also permitted without consent on parks and public reserves under *State Environmental Planning Policy (Infrastructure) 2007*.

Council will also continue to undertake general improvements to landscaping at Mackay Park to improve the visual amenity and for shade in appropriate locations. Landscaping is permitted without consent on parks and public reserves under *State Environmental Planning Policy (Infrastructure) 2007*.

Council will investigate as part of the broader Integrated Land Use and Transport Study for Batemans Bay, ways to improve vehicular and pedestrian access throughout the town and specifically to and from Mackay Park. This will include consideration of a boardwalk along part or all of the boundary of the site with the adjoining wetlands. Roads, pedestrian pathways, cycleways, viewing platforms and pedestrian bridges are permissible without consent on a public reserve under *State Environmental Planning Policy (Infrastructure) 2007*.

Council will investigate opportunities for the implementation of public art and other installations, including information boards and other facilities to tell the story of Mackay Park and Batemans Bay. Sculptures and artworks are exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Information boards and other information

facilities are permitted without consent on public reserves under *State Environmental Planning Policy (Infrastructure) 2007*.

6.6 Leases, licenses and other estates

Mini golf facility

This Plan of Management authorises Council, as part of a competitive process, to enter into new lease arrangements for the mini golf or similar leisure activities, subject to the outcomes of the detailed design of the Regional Aquatic, Arts and Leisure Centre and negotiations with the operator.

Components of the Regional Aquatic, Arts and Leisure Centre

This Plan of Management authorises Council to investigate and enter into the most appropriate management arrangement for the Regional Aquatic, Arts and Leisure Centre based on an assessment of:

- The proposed management model's capacity to demonstrate current and future community benefit.
- The proposed management model's capacity to respond to the facility's:
 - Long term asset maintenance requirements
 - Appropriate staffing structures and associated considerations.
- The most favourable financial performance that can be achieved by Council that can be obtained from time to time when considering the operational management arrangements of the centre in its entirety or by segregation of the respective cost centres operated within the facility.

As described above, Council may at its discretion (but subject to its procurement policies and legislative requirements, including the *NSW Local Government Act 1993*), also enter into leases or licenses with community or commercial operators for one or all of the following components of the Regional Aquatic, Arts and Leisure Centre (subject to the outcomes of the detailed design process):

- Aquatic centre
- Café and retail space
- Front entrance and foyer space
- Auditorium
- Gallery and exhibition space
- Wet and dry arts workspaces
- Rehearsal/dance studio
- Meeting rooms
- Kitchen and storage facilities
- Outdoor public plaza and leisure spaces
- Gymnasium
- Wellness and health rooms
- Occasional child care facilities

Events

This Plan of Management authorises Council to enter into temporary or long-term licenses with operators of commercial events at Mackay Park.

Electric vehicle charging stations

This Plan of Management authorises Council to enter into licenses for the installation of electric vehicle charging stations at Mackay Park.

6.7 Approvals for activities on the land

Section 68, Part D of the NSW Local Government Act provides for Council to issue approvals on community land for the following kinds of activities:

- 1 Engage in a trade or business
- 2 Direct or procure a theatrical, musical or other entertainment for the public
- 3 Construct a temporary enclosure for the purpose of entertainment
- 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device
- 6 Deliver a public address or hold a religious service or public meeting.

From time to time, Council may issue approvals for any of the above activities at Mackay Park.

Council will continue to approve a range of private functions, sporting activities and events at Mackay Park in accordance with the Sporting and Recreational Facilities Seasonal Hire Policy and Events Policy.

Activities covered in Council's Street Activities Policy, including street stalls, mobile businesses, mobile community services and busking may be approved from time to time at Mackay Park in accordance with that Policy.

Council will comply with all approval and consultation requirements in accordance with the relevant legislation, including those listed in Section 3 of this plan.

6.8 Control of activities on the land

Existing signage at Mackay Park, as shown in the picture below, to prohibit the sale or advertising of motor vehicles or articles from the reserve, will be retained in appropriate locations.



In accordance with the recommendation of the Eurobodalla Recreation and Open Space Strategy, Council will install "Smoking Prohibited" notices, where appropriate, as part of 'grouped' signage at sportsground spectator areas in Mackay Park. "Dogs Prohibited" signs will also be installed.

6.9 Contact in relation to the use or management of the land

The contact at Eurobodalla Shire Council in relation to the use or management of the land is the Recreation Planning Team on 02 4474 1000.

In relation to events, enquiries should be directed to Council's Events Team on 02 4474 1000.

In relation to the hiring of the oval or the grandstand and amenities building, the contact at Eurobodalla Shire Council is the Facilities Booking Officer on 02 4472 3153.

6.10 Mackay Park Management Action Plan

Management Issues	Objectives and Performance Targets (what do we want to achieve?)	Means of achievement of objectives (what will be done to achieve objective?)	Manner of assessment of performance (how will success be measured?)
<p>A. Maintain and grow the primary uses of Mackay Park:</p> <ul style="list-style-type: none"> • Rugby League • Events • Aquatic Arts and Culture 	<p>Objectives (from Section 5.4): (a), (b), (d), (e), (m)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> • Mackay Park becomes a regular venue for regional sporting events, such as a NRL or NRC competition game. • Mackay Park attracts more major commercial events. • The Regional Aquatic, Arts and Leisure Centre is developed and well patronized. 	<p>Subject to the findings and recommendations of a future Mackay Park Master Plan (which will form an attachment to the POM), Council may assess, prioritise and seek external funds for the following assets:</p> <p>A1 Upgraded flood lighting</p> <p>A2 External portable tiered seating and bench seats</p> <p>A3 Permanent line marking of underground services</p> <p>A4 Additional power and water outlets</p> <p>A5 Upgrade of amenities in the grandstand building</p> <p>A6 Development of the Regional Aquatic, Arts and Leisure Centre.</p>	<ul style="list-style-type: none"> • Increased number of regional sporting events held at Mackay Park. • Increased number of major events held at Mackay Park. • Number of visitors to Regional Aquatic, Arts and Leisure Centre meets expectations.
<p>B. Manage competing interests (as an alternative venue for other sports) and manage congestion at peak periods</p>	<p>Objectives (from Section 5.4): (a), (i), (j)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> • Mackay Park is well used throughout the year with minimal use conflicts. • Users of Mackay Park are safely evacuated in the event of an emergency. 	<p>B1 Council will maintain a booking system to ensure activities are undertaken at appropriate times to avoid conflict.</p> <p>B2 Council will ensure operators of major activities have adequate evacuation plans in place.</p> <p>B3 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre takes into consideration all safety requirements.</p>	<ul style="list-style-type: none"> • Reduced number of complaints regarding access and use of Mackay Park. • All evacuation events are completed successfully.

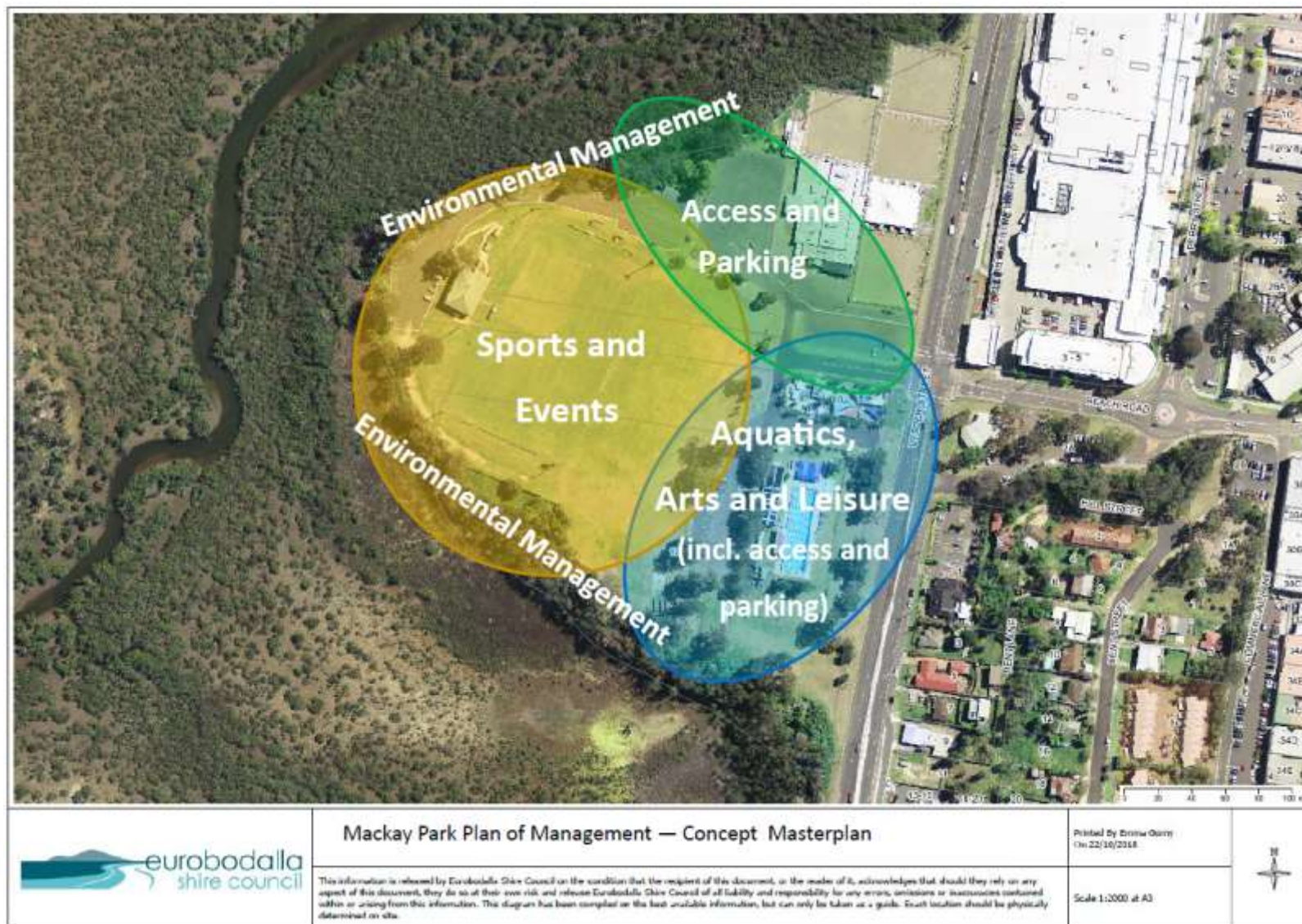
Management Issues	Objectives and Performance Targets (what do we want to achieve?)	Means of achievement of objectives (what will be done to achieve objective?)	Manner of assessment of performance (how will success be measured?)
C. Define roles and responsibilities with user groups	Objectives (from Section 5.4): (k), (l), (n) Performance Targets <ul style="list-style-type: none"> Mackay Park is well managed and user groups have a clear understanding of their roles and responsibilities 	C1 Council will ensure that the future management arrangements for all or designated components of the Regional Aquatic, Arts and Leisure Centre clearly define and outline the roles and responsibilities of the management entity(s) appointed by Council.	<ul style="list-style-type: none"> Contracts with future operators of the Regional Aquatic, Arts and Leisure Centre successfully implemented.
D. Maintain and increase public access and use of Mackay Park	Objectives (from Section 5.4): (b), (c), (e), (m) Performance Targets <ul style="list-style-type: none"> Mackay Park is increasingly used as a venue for passive recreation by residents and workers of Batemans Bay and the wider region and by visitors to Eurobodalla. With increasing use, adequate services and facilities, such as waste disposal facilities are provided. 	D1 Council will increase public awareness of opportunities for public access and use of Mackay Park. D2 Council will ensure the design and management of the Regional Aquatic, Arts and Leisure Centre supports the objectives of this Plan of Management. D3 Council will undertake a review of waste disposal facilities at Mackay Park to ensure adequate services are provided for events and other activities.	<ul style="list-style-type: none"> Increased number of bookings of Mackay Park ovals and grandstand building. Reduced number of complaints regarding cleanliness of Mackay Park.
E. Improve vehicular and pedestrian access to Mackay Park and provide sufficient car parking, including long-vehicle parking	Objectives (from Section 5.4): (c), (g) Performance Targets <ul style="list-style-type: none"> Mackay Park is understood by the community to be an integral part of the Batemans Bay Town Centre and is easily accessible. 	E1 Council will undertake an Integrated Land Use and Transport Plan (ILUTP) for the Batemans Bay Town Centre that takes into consideration vehicular and pedestrian access to Mackay Park and car parking, including for long-vehicles. The ILUTP will consider sufficient road reserve width into Mackay Park and adequate room for bus and other long-vehicle manoeuvring and parking, amongst other matters. E2 Council will seek funding, or other means to implement relevant recommendations of the ILUTP relating to access to Mackay Park.	<ul style="list-style-type: none"> Number of recommendations of ILUTP relating to access to Mackay Park successfully implemented. Increased level of user satisfaction with ease of access to and parking within Mackay Park (determined through responses to user feedback forms).

Management Issues	Objectives and Performance Targets (what do we want to achieve?)	Means of achievement of objectives (what will be done to achieve objective?)	Manner of assessment of performance (how will success be measured?)
F. Integrate existing facilities with Regional Aquatic, Arts and Leisure Centre	Objectives (from Section 5.4): (d), (h) Performance Targets <ul style="list-style-type: none"> All facilities at Mackay Park are connected, providing flexible opportunities for a variety of uses and activities. 	F1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre provides opportunities for integration with existing facilities at Mackay Park, other than the existing pool, with potential future development of the former Bowling Club site and with the Batemans Bay Town Centre.	<ul style="list-style-type: none"> Increased level of user satisfaction with the integrated design and use of spaces within Mackay Park (determined through responses to user feedback forms).
G. Install public art and signage within Mackay Park	Objectives (from Section 5.4): (g) Performance Targets <ul style="list-style-type: none"> Mackay Park contains appropriate public art and signage that tell the stories of the place and increase community awareness of our heritage, our environment and our town. Corporate sponsorship signage at Mackay Park is provided in appropriate locations and does not diminish the visual appeal of the place. 	G1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre incorporates and provides opportunities for public art and signage that is sensitive to the location of Mackay Park, its history and its use as an important public open space asset. G2 Council will review existing corporate sponsorship signage at Mackay Park. G3 Council will install “Smoking Prohibited” notices, where appropriate, as part of ‘grouped’ signage at sportsground spectator areas in Mackay Park. G4 Council will install “Dogs Prohibited” notices.	<ul style="list-style-type: none"> Increased level of user satisfaction with the quality of public art and signage within Mackay Park (determined through responses to user feedback forms)
H. Improve the visual presentation of Mackay Park from other public spaces, and improve visual and physical connections with the surrounding wetlands, while protecting environmental values	Objectives (from Section 5.4): (c), (f), (g) Performance Targets <ul style="list-style-type: none"> Mackay Park is an attractive and comfortable place to visit, containing landmark buildings that are visible from important vantage points. From within Mackay Park, users are connected to their surroundings and can appreciate the natural beauty of the place. 	H1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre has a strong visual presence when viewed from all vantage points, including from the new Batemans Bay bridge, the Princes Highway and Beach Road, and from within Mackay Park. H2 Council will investigate opportunities for increasing public access to and awareness of the adjoining wetlands.	<ul style="list-style-type: none"> Increased level of user satisfaction with the visual presentation and the landscape of Mackay Park and the adjoining wetlands. Weed control management program successfully implemented.

Management Issues	Objectives and Performance Targets (what do we want to achieve?)	Means of achievement of objectives (what will be done to achieve objective?)	Manner of assessment of performance (how will success be measured?)
		<p>H3 Council will continue to implement weed and pest control management programs on and adjoining Mackay Park as required and as funding is available.</p> <p>H4 Council will ensure that landscaping of Mackay Park uses native drought-resistant plants where appropriate.</p>	
I. Manage flooding and adapting to climate change	<p>Objectives (from Section 5.4): (j)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> Users of Mackay Park are safely evacuated in the event of an emergency. 	I1 Council will ensure that any new development at Mackay Park takes into account the potential impacts of flooding and climate change and is designed appropriately having regard to the safety of users.	<ul style="list-style-type: none"> All evacuation events are completed successfully.
J. Manage disruption during construction of Regional Aquatic, Arts and Leisure Centre	<p>Objectives (from Section 5.4): (h), (j)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> The Regional Aquatic, Arts and Leisure Centre is constructed with minimal disruption to users of Mackay Park. 	J1 Council will ensure plans are in place to minimise disruption to users of Mackay Park and the general public during construction of the Regional Aquatic, Arts and Leisure Centre.	<ul style="list-style-type: none"> Construction management program successfully implemented.
K. Manage public safety in the event of an emergency or disaster	<p>Objectives (from Section 5.4): (j)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> Users of Mackay Park are safely evacuated in the event of an emergency. 	K1 Council will ensure relevant emergency management plans are in place and regularly updated and tested.	<ul style="list-style-type: none"> All evacuation events are completed successfully.

Management Issues	Objectives and Performance Targets (what do we want to achieve?)	Means of achievement of objectives (what will be done to achieve objective?)	Manner of assessment of performance (how will success be measured?)
L. Leases and licenses are issued for specific uses	<p>Objectives (from Section 5.4): (k), (l), (n)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> Appropriate uses of Mackay Park are undertaken in accordance with relevant legislative requirements. 	<p>L1 Council will ensure appropriate management systems (in house, leases, licenses or other arrangements) are in place to facilitate, where required and appropriate, the following types of activities and uses at Mackay Park:</p> <ul style="list-style-type: none"> Commercial events Aquatic centre Café and retail space Front entrance and foyer space Auditorium Gallery and exhibition space Wet and dry arts workspaces Rehearsal/dance studio Meeting rooms Kitchen and storage facilities Outdoor public plaza and leisure space Gymnasium Wellness and health rooms Occasional child care facilities Electric vehicle charging stations Mini golf (potentially, but subject to final determination of future requirements) 	<ul style="list-style-type: none"> Legislative requirements are met.
M. Clarify the boundaries of Mackay Park	<p>Objectives (from Section 5.4): (l)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> The boundaries of Mackay Park are accurately defined. 	<p>M1 Council will undertake a full survey of Mackay Park and prepare a new Deposited Plan or Plans in accordance with Crown Land requirements.</p> <p>M2 Through the survey process, Council will rectify any encroachments onto the former bowling club site and any encroachments into Mackay Park from the former bowling club site, such as through boundary adjustments, easements or rights of way.</p>	<ul style="list-style-type: none"> Survey of Mackay Park completed and new Deposited Plan approved.

6.11 Mackay Park Concept Masterplan



Appendices

1. Design principles for Regional Aquatic, Arts and Leisure Centre

A. For how the centre sits in the Mackay Park Precinct:

The site of the proposed facility is a key landmark site in Batemans Bay, connecting the wetlands and sportsground to the west to the town centre to the east. The site will also play an important role as the gateway into an important new recreation, community and tourism precinct for the town. It is, and will increasingly be, a key destination in Batemans Bay and the region for residents and visitors and a significant community asset. The design of the new Regional Aquatic, Arts and Leisure Centre should recognise and respond to the site's location and surrounds, and its important role and function, through:

- A1 Sensitive integration of development with the adjoining wetlands.
- A2 Physical and visual connections to the Batemans Bay Town Centre, including vistas to enhance the visual connection between the waterfront/wetlands and the central business area.
- A3 Strong physical and visual relationships with existing and future uses on surrounding and adjoining lands, including the Mackay Park ovals and any future use of the former Bowling Club site.
- A4 High quality visual presentation to public spaces, including the Princes Highway (and from the new elevated bridge over the Clyde River that is currently being designed), that demonstrates to passing travellers and local residents that artistic and cultural activities, as well as health and sporting activities, rank highly in the priorities of the local community.
- A5 Excellence in architecture that enhances the streetscape and complements the existing waterfront character of the town.
- A6 Design that reflects in an appropriate manner elements of Batemans Bay's history (natural and cultural) and its present coastal character, while also looking to its future, through building form and materials, landscaping and public art.
- A7 Landscaping that adds to the unique setting and contributes positively to the development of a landmark building on a landmark site.
- A8 Activation of public spaces, including streets and public open space, creating meeting places and other opportunities for social interactions.
- A9 High levels of pedestrian amenity both day and night in relation to daylight, and lighting, water views, wind, sunlight, safety and visual interest.
- A10 High levels of accessibility for people of all ages and abilities (universal design).
- A11 Ensuring the development contributes to a night time economy by enhancing the streetscape at night through illumination that supports safety and accessibility.
- A12 All buildings, car parks, walkways, cycleways and their immediate environs shall be designed to incorporate Crime Prevention through Environmental Design (CPTED) concepts and strategies.
- A13 The location and design of car parks, loading bays and services areas do not dominate the public domain.

B. For the design of the centre:

The Regional Aquatic, Arts and Leisure Centre will be a high quality facility that is attractive and welcoming, while being affordable and fit for purpose. The design needs to work for the key components/services within the centre (arts, aquatic, leisure, visitor information, community) and also operate and flow successfully as a whole. The design of the centre will achieve this through:

- B1 Innovation in the design of the centre to ensure that both the arts and the aquatic components are prominent and identifiable, and that neither appear as an “add-on” to the other.
- B2 Integration and combination of the two main uses (aquatics and arts) in a manner that accommodates the needs of all potential users of the facility (including community users and visitors seeking tourist information) and provides for the sharing of ‘front of house’ and ‘back of house’ uses.
- B3 Maximising flexibility in the design of the internal spaces – including potentially through the provision of moveable walls and the allocation of meeting and storage spaces, to make programming of the centre easy and maximise use to meet the needs of users of both aquatic and arts components.
- B4 Internal design that reflects in an appropriate manner elements of Batemans Bay’s (and the wider region’s) history (both natural and cultural) and its present coastal character, while also looking to its future, through internal building form, materials, colours and through opportunities for public art.
- B5 Internal design that reflects the primary uses of the different spaces within the centre, as follows:
 - The aquatic centre components should reflect health, fitness, fun and adventure;
 - The arts centre components should reflect creativity, learning, new and engaging experiences, cultural expression, imagination and exploration;
 - The foyer areas, including the gateway visitor centre, should reflect a sense of welcome and discovery in relation to Eurobodalla, Batemans Bay, and the facilities in the Mackay Park precinct,with common design elements throughout that identify each component is part of one combined centre and where appropriate indicates the connections and relationships between the different spaces in the centre.
- B6 Foyer size and width to be chosen to allow for high-level use periods, circulation, and multiple uses. Foyer design to be flexible to facilitate the gathering of arts patrons before and after events in a relaxed and comfortable setting suitable for a performing arts venue. Consideration to be given to shared and/or separate entrances to the major components of the centre.
- B7 Building legibility – ready identification of entry/ access points, CPTED, effective way finding.
- B8 High levels of accessibility for people of all ages and abilities (universal design).
- B9 Minimising any sense of isolation and locating facilities such as toilets in areas of high circulation and natural surveillance.
- B10 Ensuring the size and scale of the centre and the components within are appropriate having regard to the needs of the community, the available project budget and the long term financial sustainability of the centre.
- B11 Facilitating the appropriate staging of construction of the facility, if required, and maximizing

potential opportunities for expansion of the centre in the future (potentially through an expanded footprint and/or additional stories).

- B12 Allowing transition from within the centre to the outdoors (including potentially to external gardens, decks, outdoor eating areas, outdoor performance spaces and the existing sports fields) to support activities requiring indoor/outdoor space.
- B13 Incorporating appropriate (and emerging) technologies, including communications, acoustics and lighting, suitable for the intended use of the various components of the centre.
- B14 The use of innovative, best practice, urban design and building techniques, plant and materials that incorporate environmentally sustainable design principles.
- B15 Managing acoustics & odour issues between the two main uses of the centre, aquatics and arts, and between the centre and surrounding uses, considering user's needs in relation to comfort and working environments.
- B16 Orientation and positioning of building and location of windows to facilitate appropriate solar control, maximise natural lighting to the interior where appropriate and take advantage of views from the building.