

## 4.0 OPPORTUNITIES AND CONSTRAINTS

### 4.1 Introduction

The conservation planning process established by the guidelines to the *Burra Charter* of Australia ICOMOS (and set out in the NSW Heritage Manual) and the *Australian Natural Heritage Charter* requires that relevant opportunities and constraints be identified as part of the process for developing conservation policies for places of significance. They are as follows:

- Opportunities identified from the detailed analysis of the history and the fabric;
- Constraints arising from significance;
- Physical constraints of the place;
- External factors, including relevant council statutory and non-statutory controls; and
- Feasible uses and Trust requirements.

This section of the report sets out the key opportunities for areas within the Centennial Parklands which can be adapted or developed with greater freedom and constraints on future action that affect Centennial Parklands.

The following sections are observations relevant to the circumstances of the Centennial Parklands and matters that require consideration and resolution. Opportunities and constraints do not in themselves form a conservation policy. Conservation policy is a result of the careful comparative assessment of the various values and issues represented in the Statement of Significance and the opportunities and constraints.

### 4.2 Opportunities, Constraints and Issues Arising from Significance

The following general heritage opportunities and constraints arise from the assessed significance of Centennial Parklands as a whole:

- Centennial Parklands is a place of exceptional heritage significance that should be conserved and managed in accordance with accepted conservation principles and practice;
- The social significance of Centennial Parklands is linked to its past and present use as a place of public recreation. This use should be continued and facilitated within the physical constraints of the place;
- Decisions about works, maintenance, repairs or more extensive adaptation works are necessarily constrained by needing to take into account the impact on the significance of the place, both as a whole and on individual components;
- An opportunity exists for the removal or alteration to fabric and features having little significance so as to reveal the greater significance of the Parklands;
- The significance of the place and items within the place should be accessible and effectively communicated and interpreted to the public within the constraints of visual amenity and impact mitigation.

### **4.3 Opportunities, Constraints and Issues Arising from the Burra Charter of Australia ICOMOS**

The Burra Charter (the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance) contains principles on conservation of significant places. The Charter provides nationally accepted principles for the conservation of places of cultural significance.

Opportunities and Constraints that relate to The Burra Charter include:

#### **Aboriginal**

- There is an opportunity to conserve Aboriginal connections with the parklands via further employment opportunities, involvement in the Parklands development and educating the public on the use and importance of the Parklands to Aboriginal people.

#### **Archaeological**

- An opportunity exists to provide interpretation of areas with archaeological potential such the Busby's Bore and shafts and dams from former water reserve phases.

#### **Landscape Heritage**

- The essential Victorian character of the Parklands needs to be retained through replacement of dying trees, ideally with the same stock. Community awareness should be raised about this issue.
- Opportunity to conserve vistas in, through and around the Parklands.
- Limitation of vehicular access to prevent soil compaction and speeding.

#### **Built Heritage**

- Opportunity to reinvigorate areas through re-use of built elements in the Parklands.
- Opportunity for use of built heritage of lesser significance by organisations directly related to Parklands user groups and services.
- Should Sydney Water operational and structural constraints permit, there may be an opportunity to reinstate Reservoir No.1 area for recreation and within funding constraints, consider potential reconstruction of the former tennis pavilion. A more feasible option in the short term may be to provide interpretation of the previous use of this area.
- Operational constraints of servicing utilities such as water and sewer services, and opportunity to relocate and/or upgrade old services to protect the Parklands' heritage from maintenance works.

### **4.4 Opportunities, Constraints and Issues Arising from the Australian Natural Heritage Charter**

The *Australian Natural Heritage Charter* is intended to achieve a consistent approach to the conservation of places of natural significance in Australia that can be applied to public and privately-owned places, to terrestrial, marine or freshwater areas, and to protected and unprotected areas.

Fundamental to natural heritage is its association with dynamic ecological processes, ongoing natural evolution, and the ability of ecosystems to be self-perpetuating.

**Opportunities and constraints that relate to the Australian Natural Heritage Charter include:**

- The Trust is required to protect and manage the remnant vegetation and indigenous species found in the Parklands.
- The Trust's stewardship responsibilities also include the effective minimisation of impacts on the Parklands and the head of the Botany Bay catchment.
- There may be opportunities to increase the diversity of indigenous fauna species by encouraging fauna habitats particularly those consistent with the flora of the Botany Sands system (in accordance with best practice genetic protocols)
- Depending on technical advice and within the constraints of a precautionary approach, define areas of the Parklands that are appropriate for indigenous planting (in accordance with best practice genetic protocols) to represent identified ecologies.
- Opportunity for encouragement of tree planting and restoration programmes in surrounding local government areas to extend fauna corridors and improve catchment quality within and around the Parklands and to reinstate the originally intended avenue links to the Parklands.
- Opportunity to relocate and/or upgrade old services such as water and sewerage to protect sensitive areas such as remnant vegetation and waterbodies from maintenance works and leaks.
- To represent a variety of ecologies whilst maintaining and conserving the essential Victorian character of the Parklands.

#### **4.5 Opportunities, Constraints and Issues Arising from the Statutory Requirements**

There are a number of statutory controls which may affect future options for Centennial Parklands. These are discussed below:

##### **The Centennial Park and Moore Park Trust Act 1983**

Centennial Park & Moore Park Trust (Trust) administers and manages Centennial Parklands as a whole. The primary requirement of the Trust is to comply with the Act (weblink provided at Vol. 3, Appendix N). Some of the objectives of the Trust prescribed within the Act include:

- Maintain, protect, improve, encourage use and enjoyment of Trust lands.
- Increase recreational, historical, scientific, educational, cultural and environmental value of the Trust lands.
- Maintain right of public use and appropriate use for public events.
- Establish effective community consultation procedures;
- To not sell or otherwise dispose of any original land;
- Have an approved Plan of Management by the Minister;

In addition, the role of the Trust is to recognise and accommodate the heritage significance of the site. The Trust also seeks to ensure that there is the possibility to adapt Centennial Parklands in accordance with changes over time in the objectives and needs of a large number of user

groups. Some of the issues that have arisen for the Trust include the following:

- Ensure continued and improved access to the Parklands;
- Conserve the essentially late nineteenth century character landscape;
- Manage vehicular traffic;
- Manage increasing sport and recreational uses; and
- Carry out certain revenue generating activities and research activities, disseminate research materials for educational purposes, maintain the Trust property or subcontract to others to carry out these functions.

### **The Trust's Opportunities and Constraints**

- Constraints include conserving previous and subsequent layers of the essential Victorian period landscape character of each of the parks in order to manage the Parklands as a single entity
- Opportunity to investigate new traffic flows to reunite portions of the Parklands and enhance pedestrian and cycle access, safety and mobility within the Parklands.
- Opportunity to encourage uses that protect integrity, character or balance within the Parklands.
- The overall unique landscape character and natural carrying capacity of the place should inform the nature and quantity of use.
- The Parklands has an opportunity to accommodate changes in sports and leisure activities where these uses are compatible and do not increase impact on the Parklands and its heritage.
- The Trust must carry out management of the Parklands within the constraints of external and self-generated funding resources, however there may be opportunities for these resources to be reviewed.
- Management of Parklands should be holistic towards its individual components.
- To promote the natural, Indigenous, historical, recreational, scientific, educational, cultural and environmental uses of the Parklands with minimal impact and without exclusivity of use.
- To encourage an increased awareness and understanding of the Parkland's Natural, Indigenous and Cultural significance and heritage value through the process of interpretation.
- Opportunity to make Centennial Parklands more cohesive by planting and strengthening entry points to counteract the incremental loss of Parkland and planting and re-establish their importance
- Opportunities may exist, within funding and legal constraints, to incorporate and recover alienated land into Centennial Parklands.
- There may be an opportunity, within operational and land tenure constraints and in partnership with Sydney Water, for the Trust to access the existing water reservoirs and adaptively reuse them should they no longer be required for water storage.
- Opportunity to interpret the connection of the natural and cultural water systems within and beyond the Parklands.
- There is an opportunity to maintain the individual identity of Centennial, Moore and Queens Parks and outlying lands such as

Tay Reserve and York Road Remnant while promoting connections and links between these areas.

### **Lease Agreements with Centennial Park & Moore Park Trust**

Section 20 of the *Centennial Park and Moore Park Trust Act 1983* prescribes how the Trust should deal with property including easements, granting of easements and licenses. All lease agreements should comply with the Act.

## **Other Statutory Controls**

### **The Australian Heritage Commission Act 1975**

The Australian Heritage Commission is a Commonwealth agency which maintains the *Register of the National Estate*, an inventory of places of significance. The whole of Centennial Parklands is listed on this Register and five items were previously individually listed. These items are noted in Volume 3, Appendix O. Listing imposes no legal restrictions, except on Federal authorities, which must consult the Commission prior to carrying out any work, which will impact on the heritage value of a place in the Register. No action may be taken which will adversely affect a place on the Register if there are alterations, which are 'prudent' and 'feasible'. Whilst the survival or otherwise of the Australian Heritage Commission has been the subject of some speculation, the Parklands' national heritage significance will remain subject to Commonwealth heritage controls.

### **NSW Heritage Act 1977**

The purpose of the NSW Heritage Act is to ensure cultural heritage in NSW is adequately identified and conserved. Centennial Park, Moore Park and Queens Park were listed as items of environmental heritage on the State Heritage Register (reference number: 01384; Gazette date: 27 March 2000). Other relevant listings to this study include Busby's Bore and Woollahra Reservoir. Amendments were made in 2000. Exemptions have been granted to the Trust in addition to standard exemptions (refer Vol. 3 Appendix O and [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au) respectively). Excavation Permits are necessary in areas with archaeological potential.

Centennial Parklands has been listed on the Section 170 Heritage and Conservation register of the NSW Premier's department. The implications of this listing are that if an item on the Register is proposed for demolition it must be referred to the Heritage Council.

### **Threatened Species Conservation Act, 1995**

The first part of this Act provides for the listing of threatened species, threatened communities and critical habitats. The Act includes a list as well as the means to make additions. The second part of the Act provides for measures that the NPWS can take to protect listed items. These measures consist of a threat abatement plan, recovery plan, stop work order and joint management agreement. The Parklands contains significant and threatened species and ecological communities and at least four key threatening processes are considered to be active within the Parklands.

### **Environment Protection and Biodiversity Conservation (EPBC) Act, 1999**

The EPBC Act replaces five Commonwealth statutes: the Environment Protection (Impact of Proposals) Act 1974; Endangered Species Protection Act 1992; National Parks and Wildlife Conservation Act 1975; World Heritage Properties Conservation Act 1983; and Whale Protection Act 1980.

The Act currently identifies six matters of national environmental significance and proposals that may have a significant impact on these matters require referral to Environment Australia. Under the Act the Trust needs to identify key threatening processes and protect the habitats of threatened species and ecological communities, such as the remnants of Eastern Suburbs Banksia Scrub and some threatened or migratory birds on Trust lands.

### **Environmental Planning and Assessment (Amendment) Act 1997**

Under this Act it is necessary in most cases to submit a Development Application to the local council for permission to erect or alter a building, demolish a building; or change the use of an existing building. This does not apply to a building proposal defined as an "Exempt Development". Six categories of development are defined by the new legislation: Exempt Development, Complying Development, Local Development, Integrated Development, Designated Development or State Significant Development. For more detail on local council statutory controls, refer to Vol.3, Appendix P).

### **National Parks and Wildlife Act, 1974 - Aboriginal Sites and Relics**

In addition to a range of other environmental and land management matters, the National Parks and Wildlife Act also includes provisions that apply to Aboriginal sites and relics. The National Parks and Wildlife Act protects all Aboriginal relics (Section 90).

### **Aboriginal and Torres Strait Islander Heritage Protection Act, 1984**

The stated purposes of this Act include the preservation and protection from injury or desecration of areas and objects of particular significance to Aboriginal people in accordance with Aboriginal tradition. The Act provides for the Minister to make emergency declarations in response to applications by, or on behalf of, Aboriginal groups seeking to protect areas from desecration or injury.

### **Aboriginal Land Rights Act, 1983**

This Act establishes that Land Councils have a say over protection of Aboriginal places and sites. Sites Officers of La Perouse and/or Metropolitan Local Aboriginal Land Council should be informed of any Aboriginal heritage studies being conducted, and should be contacted if a site or relic is discovered.

### **Native Title Act 1993 (Commonwealth)**

Native Title Act recognises and protects native title and communal rights and interests in land and waters, where the Indigenous people have a connection with those land and waters, where the rights and interests are recognised under Australian common law and where they are possessed under traditional laws and customs.

The Native Title Act 1993 provides native title holders and registered native title claimants with the right to negotiate about protecting, managing and securing access to heritage areas. Registered native title

claimants for Centennial Park, Moore Park, Queens Park and other places in the area have participated in this study.

#### **4.6 Opportunities, Constraints and Issues Arising from Statutory Controls - Local Councils**

The Trust is required to comply with Local Environmental Plans (LEPs) with Councils covering Trust lands. Some are dealt with in Part 4 and Part 5 of the Environmental Planning and Assessment Act.

There are four Councils that incorporate or border Centennial Parklands. These are Randwick City Council, South Sydney City Council, Waverley Council and Woollahra Municipal Council. The Local Environment Plans from each council area will have an impact on the Parklands.

In May 2003 part of South Sydney local government area was included within the City of Sydney local government area as part of a range of actual and potential amalgamations. These changes, while not immediately involving any of Centennial Parklands, highlight the need for Parklands staff to extend liaison with local government beyond the immediate Centennial Parklands area to the City of Sydney. Given the natural catchment connections with Botany Bay, there may be opportunities to strengthen relationships with local government in that area also.

#### **4.7 Opportunities, Constraints and Issues Arising from the Non-Statutory Listings**

There are a number of non-statutory listings which have implications for conservation management in Centennial Parklands.

##### **National Trust of Australia (NSW)**

There are twelve items listed on the National Trust Register. These are listed as items within the Centennial Parklands Landscape Conservation Area. These are itemised in Volume 3, Appendix Q.

##### **Royal Australian Institute of Architects (RAIA)**

One item is registered on the RAIA Register of 20th Century Buildings of Significance. This is itemised in Volume 3, Appendix Q.

##### **The Institution of Engineers, Australia**

The Institution of Engineers Australia does not maintain an official register of heritage items. However, the Heritage Committee has an informal list of buildings or structures considered to have heritage value. Five items are thus listed with the Institution of Engineers and are itemised in Volume 3, Appendix Q.

##### **Randwick and District Historical Society (independent study)**

This study contains thirty-four items relevant to Centennial Parklands and are itemised in Volume 3, Appendix Q.

##### **Waverley Heritage Study (independent study)**

This study contains seven items that are relevant to Centennial Parklands and are itemised in Volume 3, Appendix Q.

## **4.8 Opportunities, Constraints and Issues Arising from Non-Statutory Requirements**

### **Principles of Ecologically Sustainable Development (ESD)**

The Environment Protection Authority, NSW defines ESD as *using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life now and in the future, can be increased.*

There are opportunities for the Trust to implement ESD principles in all aspects of planning, design, development and management in Centennial Parklands and minimise deleterious environmental impacts and misuse of natural resources. By embracing ESD principles across all site activities, Centennial Parklands can demonstrate Best Practice techniques for large urban park management. See Volume 3, Appendix R which includes examples of existing ESD recommendations.

## **4.9 Opportunities, Constraints and Issues Arising from the Physical Conditions of Centennial Parklands**

- The present boundary and area of the Parkland has resulted from the alienation of land from the designation of the Sydney Common in 1811 to the present. This gradual encroachment is a major constraint.
- Existing configuration of roads has created a major obstacle in presenting a unified Parklands. Roadways within and surrounding the Parklands have alienated sections and created fragmented areas.
- Some trees and landscape elements are in a state of gradual deterioration due to water stress, age and pest problems.
- Disturbance to the original soil profiles through cut-and-fill during road construction and long-term car parking within the root zones of trees are creating problems for plantings and causing structural defects.
- Problems have arisen associated with siltation and pollution of ponds. A natural floating peat island has appeared on Busby's Pond caused by the breakup of pond edges. The anticipated gradual breakdown of the peat island poses siltation problems.
- Some amenities are in a poor condition. Some palisade fencing and gateways are in need of maintenance to prevent further deterioration. Fences surrounding Moore Park are generally in good condition, however, there is an overlay of differing styles and levels of heritage significance. There is a need for planned, cyclical and on-going maintenance.
- With over five million visits to Centennial Parklands each year and with use increasing, there are high demands from a variety of users. At times this has resulted in conflicts of use and requires judicious management by the Trust.

## **4.10 Opportunities, Constraints and Issues Arising from Community Expectations**

Centennial Parklands attracts thousands of visitors who are local, regional and from further a field. It has been highly valued and vigorously protected by the community since the mid-nineteenth century.



Centennial Parklands is a unique People's Park and symbol of Australian Federation and contributes to the community's sense of identity.

The Community Consultative Committee is an advisory body whose role is to represent a broad range of community interests to the Trust. One Trustee is appointed to the Trust Board for a two-year term based on the recommendation of the Trust's Community Consultative Committee. This ensures there is community representation within Centennial Parklands management.

The key objectives of the CCC are:

- To provide advice in the development and review of Trust strategic plans, policies and guidelines as and when required;
- To provide advice to the Trust on appropriate mechanisms to consult with the general community and key stakeholder groups;
- To provide a mechanism for conveying community issues to the Trust;
- To assist the Trust with the evaluation and monitoring of its performance;
- To advise the Trust on possible new and/or modified services and facilities;
- To act as an ambassador for Centennial Parklands.

The community has a broad range of expectations and concerns that include:

- Further alienation of open space;
- Appearance of the Parklands, in particular, the trees and ponds;
- Perceived high level of concern over tree removals and the replacement with new plantings;
- Public's sense of ownership of the Parklands;
- Car parking and the resultant impacts on trees;
- Methods of effective communication with public in the light of likely changes to appearance of the Parklands over the next few decades
- Free access to Parklands;
- Fauna protection;
- Traffic management including cyclists;
- Development impact within and surrounding the Parklands;
- Availability of open space for a diversity of leisure and passive recreation including dog walking and children's play areas and picnic areas;
- That the Parklands cater for a variety of sports users, including through the maintenance of existing sporting facilities;
- Access to the Parklands for people with a disability;
- Clean and safe environment;
- Provision of adequate access for the public within the limitations of health, safety and quality of experience of the Parklands;
- Improvements in the appearance of the Parklands including the trees, ponds and structures (eg toilets) including the re-siting of amenities, where appropriate;
- Desire for conservation of ecology and landscaping of the Parklands and the interpretation and communication of its values;
- Requirement to raise funds to adequately manage, maintain and improve the Parklands;

- Management practices of adjoining agencies;
- Minimise impacts on neighbouring residential areas (eg noise, safety, traffic and parking); and
- Minimise impacts of events on the Parklands, park users and residents.

**Opportunities associated with community expectations include:**

- As a rare open space resource within the Eastern Suburbs and greater regional, Centennial Parklands provides opportunity for sport and leisure and a place of respite and good health. While sports have changed with fashion they have generally had a minor physical impact on the Parklands, eg by using markings on ground rather than constructing buildings, fences, grandstands, etc. There is an opportunity to encourage this diversity of recreational use but still maintain the heritage value and significance of the Parklands.
- There should be opportunities for people to have ready access throughout Moore Park and Queens Park without impacting on other activities. There are opportunities to provide pedestrian, cycle and visually aesthetic linkages through to open spaces and use for informal recreation.
- Opportunities are available to the Centennial Parklands which respect the heritage of the place and celebrate it through the encouragement of music, drama and art events; the training for and holding of athletic events using temporary structures, the increased access to and enhancement of leisure pursuits and the protection of an increasingly rare resource, a rural idyll.

**4.11 Specific Opportunities, Constraints and Issues for Management of Leisure and Sport**

This section is designed to specifically address the need for a balance between the constraints and the potential opportunities in the management of Centennial Parklands as a leisure and sporting resource.

<b>Constraints</b>	<b>Opportunities</b>
Whilst Centennial Parklands is large, it has a limited capacity. If the Parklands is utilised beyond its capacity, there will be greater risk of conflict between users and impacts on the Parklands.	There is an opportunity and a need to adopt a flexible management approach to meeting present and future needs and ensuring activities are appropriate and compatible.
The demand for car parking is high due to the regional catchment of the Parklands and nearby venues, and the large proportion of people who travel by motor vehicle (particularly to Centennial Park). There is limited space for car parking across the Parklands, including around the sporting areas.	Manage traffic and modify road systems in accordance with the recommendations of the Transport, Access and Parking Plan, including encouraging the use of public transport and other alternatives to car-based transport. Continue to investigate and promote alternatives to minimise the impact of on-park car parking for nearby venues.
Centennial Parklands is relatively segmented. In particular, there is little connection between Queens Park and the rest of the Parklands and Moore Park is divided by major roads.	Consideration could be given to improving the links from the outer areas to the central part of the Parklands (including pedestrian and cycle links). This would be consistent with the Transport Access and Parking Plan and the Moore Park South Master Plan.

Constraints	Opportunities
<p>Due to the large number of Parkland users and the emphasis on informal recreation, there is demand for additional recreation facilities such as picnic and barbecue facilities, shelters and seating (including an additional shelter for larger groups), play areas and other activity areas such as informal ball game areas. These needs have been raised in previous surveys. However, there is limited space for additional recreation facilities without impacting on sporting needs and visual amenity.</p>	<p>Integrate informal recreation facilities with sporting facilities, eg trees, seating, pathways and picnic settings around sporting grounds, so that these areas are more appealing for informal use when not in use for sport. Also, enhance the edges of Moore Park (the golf course and sporting fields) to create more appealing informal spaces as proposed in the Moore Park South Master Plan.</p>
<p>The philosophy of Centennial Parklands is to minimise fencing. This creates some safety issues, such as the risk of children in playground areas running onto roadways.</p>	<p>Adopt other practices that address safety, such as landscaping or natural features that create a barrier.</p>
<p>Due to limitations on water availability, some areas within the Parklands are not irrigated and can be less appealing and more susceptible to wear and tear.</p>	<p>Options to enhance the appeal of non irrigated areas could include selective irrigation in sections of areas, additional plantings and/or managing use to minimise the impacts (given that the natural features and greenness of the Parklands are of great appeal to people). There are also opportunities to investigate how groundwater resources may be most efficiently and sustainably used.</p>
<p>The large open spaces (eg event areas and sporting grounds) can only sustain a certain level of use before declining in quality.</p>	<p>Monitor and manage the use of large open spaces to minimise the impacts (eg rotation of sporting and informal activities and/or rejuvenation periods) particularly in Centennial Park where the demand for activities is higher.</p>
<p>There are limited resources to upgrade built facilities and as such they are declining in quality, eg ES Marks, the Moore Park Golf Club and amenity buildings in general.</p>	<p>There may be potential to upgrade facilities in partnership with user groups and/or possibly with private sector involvement. As such, there needs to be some flexibility in the type of facilities that can be provided. For example, any redevelopment of the ES Marks facility may need to incorporate sporting facilities beyond athletics in order to be viable.</p>
<p>The location and relatively low lying topography of Centennial Parklands limits the potential for views</p>	<p>The few areas that are elevated, eg Mount Steele, Queens Park cliffs and Reservoir No. 2 could incorporate key viewing areas to enhance significant visual links between Trust lands and Botany Bay, the Blue Mountains, the City and the surrounding heritage conservation areas. These viewing points also provide interpretation and education opportunities.</p>