



# The Bible Garden – Palm Beach

## Plan of Management

Under the Local Government Act, 1993  
Prepared by Pittwater Council  
December 2006

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# FORWARD

A Plan of Management (POM) is a document that provides the framework for managing a land resource. It explains the 'why, how and whom' of how the subject area should be managed.

In consultation with the Friends of the Bible Garden Memorial Inc. (the 'Friends'), Council as the land owner has prepared a POM for the Bible Garden ('the garden'), being community land.

The main reason for preparing the POM for the garden is to deal with issues affecting the study area and to ensure that the plan complies with the *Local Government Act 1993* ('the Act').

The POM describes acceptable usage of the garden. After Council approves the Draft Plan of Management (DPOM), it will then be placed on public exhibition for public comment and then recommended back to Council for adoption. Once adopted by Council, Council and the Friends should only undertake uses, activities, or developments consistent with the adopted POM.

# ACKNOWLEDGEMENTS

In 2001 Angus Gordon, then General Manager of Council, suggested the possibility of a 'friends' and Council partnership, to be developed under the framework of a heads of agreement between Council and the then owners of the Bible Garden, the Trustees of the Bible Garden Memorial Trust. This encouragement was critical at a time when it was unclear whether the Bible Garden could be saved.

The Trustees and Friends acknowledge the warm and helpful assistance offered by so many Council staff and Councillors. In particular they thank former Mayor Cr Patricia Giles, current Mayor Cr Alex McTaggart, tireless liaison officer with the Trustees over many years Steve Rawe, planning and development team leaders Lindsay Dyce and Steve Evans, and Reserves and Recreation Planner Sarah Rees.

The subcommittee of the Friends that contributed to the drafting of this plan comprised Tempe Beaven (committee member), Julie Bennett (Curator), David Robinson (President), Herminie Swainston (Vice-President), and Jill Taylor (committee member).

# EXECUTIVE SUMMARY

This POM provides a framework for the conservation and improvement of the Bible Garden. It aims to recognise the cultural, spiritual and heritage values of the garden, while providing for local community needs and amenity.

The *Local Government Act, 1993* requires a POM to be prepared for 'community land', such as the Bible Garden. In accordance with the legislation, this draft will be placed on public exhibition for public comment, submissions will be considered and any amendments made, then the resulting plan is submitted to Council. Once adopted by Council, Council and the Friends should only undertake uses, activities, or developments consistent with the adopted plan of management.

In accordance with these broader objectives, this POM aims to provide the following strategic outcomes for the Bible Garden: -

- Identify and assess the values and local significance of the garden;
- Define the role of the garden within its Local Government Area and regional context;
- Address current and future permitted uses and purposes for the garden;
- Address any future leases/licences attached to the garden;
- Identify and assess key management issues affecting the garden;
- Establish management strategies and the resource implications;
- Include a master plan and works programme.

# INTRODUCTION

## 1.1 LAND TO WHICH THIS PLAN APPLIES

This Plan of Management (POM) applies to the land known as the Bible Garden (Lot 2 in DP 1086858), located at 6A Mitchell Road, Palm Beach. The Location Plan (Figure 2) shows the Bible Garden in relation to the surrounding locality.

The Bible Garden is nestled within the sandstone escarpment at the southern end of Palm Beach. The site has a north-westerly aspect and slopes away steeply from the highest point at Mitchell Road, which forms the southern boundary to the site. Residential properties border the site to the north, east and west.

A cliff forms the natural boundary between the garden and the residential property to the north of the Bible Garden.

The Bible Garden consists of a series of lawn terraces between slopes and garden beds. The garden affords views over Palm Beach and Pittwater toward Barrenjoey Headland. The best outlook is from the lower terrace and also includes an ornamental pond, plaque with précis of biblical portions, seating, table and a bible. The upper terrace levels also provide seating amongst the trees and garden beds.



Figure 1 | Bible Garden and views toward Barrenjoey Headland

## 1.2 PURPOSE OF PREPARING THIS PLAN

The main purpose of this POM is to provide the community, the Committee of the Friends of the Bible Garden Memorial Inc (the 'Committee') and Pittwater Council ('Council') with a clear direction regarding future use and management of the garden.

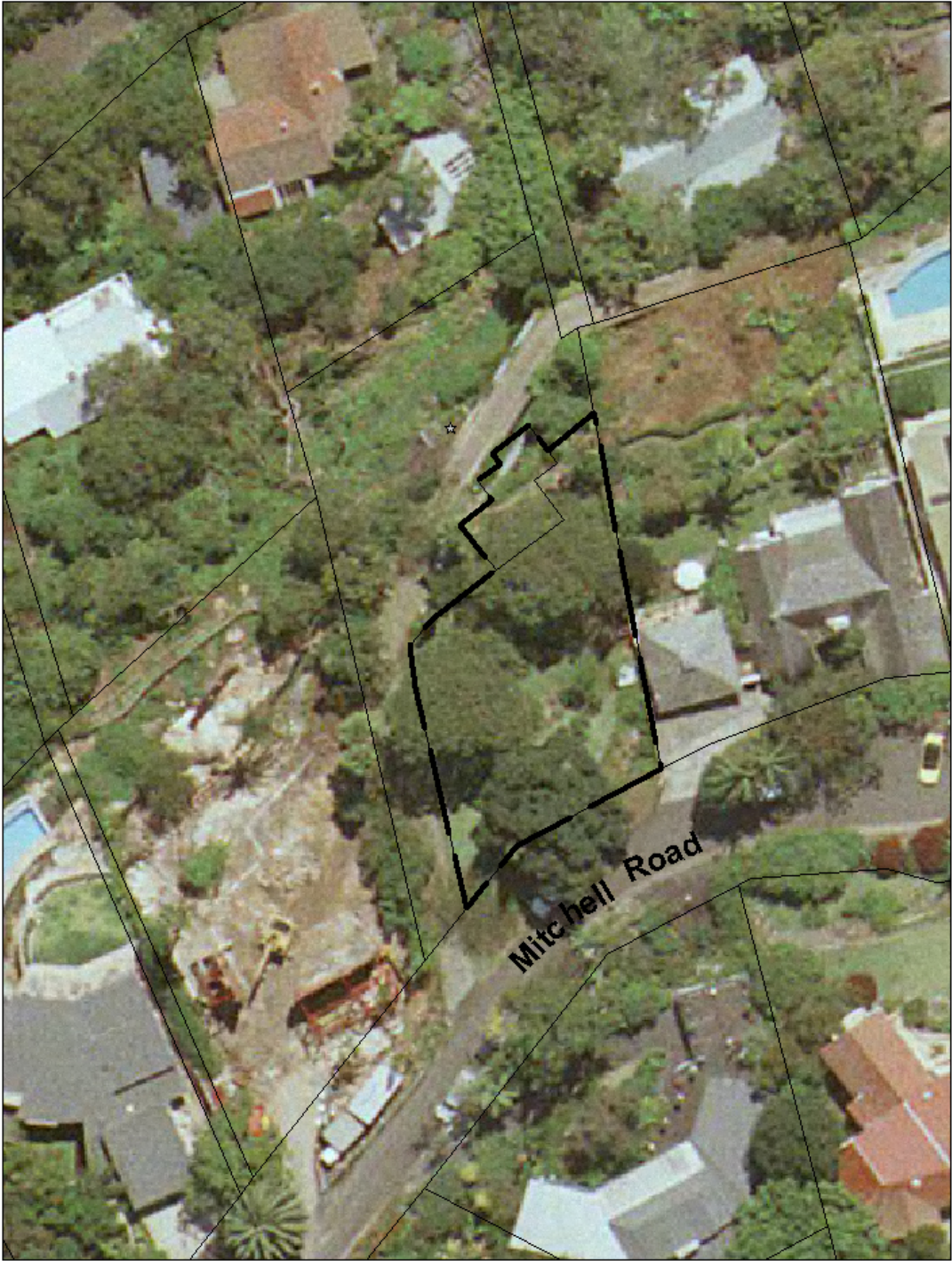
The effective management of the garden is essential if its significant value to the community is to be maintained and enhanced.

Thereby the purpose of preparing this POM is to:

- Comply with the *Local Government Act 1993* (and recent amending legislation) regarding preparation of POM's for community land (refer **Attachment 1**);
- Provide a framework for consistent management of the garden over the next ten (10) years;
- Provide a basis for effective day-to-day and longer-term decision making regarding the use and management of the garden;
- Set guidelines for permissible uses of the garden;
- Accommodate and integrate the needs of Council (as land owner/manager), the Committee (as manager), the community - including the Friends of the Bible Garden (as neighbours and garden users), and current and future users of the garden.



Figure 2 | Location Plan



— Site Boundary

# The Bible Garden

### 1.3 PROFILE OF THE BIBLE GARDEN

TABLE 1

PROFILE OF THE BIBLE GARDEN	
<b>Site Name</b>	Bible Garden
<b>Address:</b>	6A Mitchell Road, Palm Beach
<b>Reserve:</b>	Community Land
<b>Ownership:</b>	Pittwater Council
<b>Management:</b>	<p>Gerald Hercules Robinson purchased the subject land in 1957 and the Bible Garden was officially opened by Justice Richardson on Saturday 26 March 1966.</p> <p>In 1972 GH Robinson settled 6 Mitchell Road in a charitable trust, the Bible Garden Memorial Trust.</p> <p>The Friends of the Bible Garden Memorial Trust was incorporated in 2003 under the Associations Incorporation Act 1984.</p> <p>Council and the Trustees entered into a heads of agreement on 9 February 2004. Following subdivision approval by Council in April 2005, the Bible Garden was vested in Pittwater Council in February 2006.</p>
<b>Manager:</b>	Committee of the Friends of the Bible Garden Memorial Inc in partnership with Pittwater Council
<b>Open Space Hierarchy:</b>	Local Reserve
<b>Area:</b>	560.8 square metres
<b>Zoning:</b>	6(a) Existing Recreation – Pittwater LEP
<b>Conditions:</b>	The reserve is well maintained and considered to be in an overall good condition.
<b>Maintenance:</b>	<p>Friends:</p> <ul style="list-style-type: none"> <li>- Gardening – including weeding, planting, pruning and general garden maintenance</li> <li>- Labelling of biblical and other plants</li> </ul> <p>Pittwater Council:</p> <ul style="list-style-type: none"> <li>- General maintenance e.g. grass mowing</li> <li>- Rubbish (including green waste) removal</li> </ul>
<b>Assets:</b>	<ul style="list-style-type: none"> <li>- Bible (in waterproof box)</li> <li>- Plaque</li> <li>- Inscribed thanks giving box</li> <li>- Wooden cross</li> <li>- Garden furniture</li> <li>- Bible plants</li> <li>- Signage</li> </ul>
<b>Existing Uses:</b>	Community land, managed as a Bible Garden
<b>Leases/ Licences:</b>	Temporary licence agreements (e.g. weddings)
<b>Income:</b>	Temporary licence agreements

# VALUE STATEMENT

## 2.1 BIBLE GARDENS

Chris Betteridge of Musecape Pty Ltd. states that in their book *Sacred Gardens* (Piatkus, 2000) authors Martin Palmer and David Manning categorise Christian gardens in three main types – symbolic, thematic and pragmatic.

*‘Symbolic gardens are exemplified by the monastic gardens developed by the monks of the Benedictine and other religious orders in Britain from the 6<sup>th</sup> century onwards. These gardens, for quiet reflection were created through the fusion of ‘space and place, plants and symbolism, usefulness and beauty, all caught up in a vision of nature, humanity and God as being in a unity of purpose and intention’.*

*Thematic Christian gardens tell a story and are exemplified by monastic gardens in which healing and economic plants are grown, and by churchyards in which the dead lie buried or are commemorated in what is often referred to as ‘God’s acre’. The recent popularity of gardens of Biblical plants or the creation of Biblically themed gardens, demonstrates the long and continuing relationship between Christianity and the garden.*

*The Bible Garden at Palm Beach is both symbolic and thematic – its location and magnificent views symbolise the wonders of God’s creation, while the plantings illustrate many of the themes of the Bible’. (Betteridge, Chris – ‘The Bible Garden’, 6 Mitchell Road, Palm Beach – Proposed subdivision Heritage Assessment & Heritage Impact Statement, page 15, March 2001).*

## 2.2 LOCAL AND STATE HERITAGE SIGNIFICANCE

GH Robinson envisaged the Bible Garden as encouraging 'comprehensive reflection of biblical meanings as well as to serve as a collection of Holy Land plants' (Unknown source, c. 1972).

Surrounded by residential housing, the Bible Garden is the only place where the northerly, open, panoramic and iconic view of the full crescent of Palm Beach, Barrenjoey, Pittwater, the national parks and the central coast can be enjoyed by the public. It is a favoured destination and valued place for locals and visitors to the area.

The Bible Garden, with its impressive views over Palm Beach and Pittwater, is well landscaped and provides a tranquil setting, which is well known in the Pittwater region as a place for weddings, and as a public garden offering a lookout in a contemplative setting.



**Figure 3 | View north from the Bible Garden**

The Bible Garden warrants inclusion on the State Heritage register. 'It is the result of the creativity of Gerald Hercules Robinson, who was inspired to construct a garden of biblical plants in a magnificent natural setting. As a rare example of its type of designed landscape it had and continues to provide inspiration to visitors of all beliefs as a place of quiet contemplation of the wonders of creation. The garden has special associations with the Christian community for spiritual reasons and has considerable educational potential arising from its special plant collection and the natural environment in which it is located. The significance of the Bible Garden warrants appropriate statutory protection and active management to retain and enhance its value to the community' (*Chris Betteridge, Musecape Pty Ltd. The Bible Garden – Heritage Assessment and Heritage Impact Statement, 2001*).

The Bible Garden has a value in promoting community cohesion. Friends of the Bible Garden get to know each other, particularly through working together and attending Friends' picnics and meetings.

### **2.3 CHARACTER OF THE BIBLE GARDEN**

The Bible Garden is a quiet, contemplative, garden made up of a series of gently descending, intimate grassed terraces that lead down to a viewing area providing spectacular views. The pond contributes to its tranquillity and provides a water habitat for biblical plants.

The Garden has both an inclusive and distinctly Christian character:

- It welcomes people holding a wide range of world views, both visitors and supporters.
- The Garden includes distinctively Christian references: its naming as the 'Bible Garden'; plants of the Bible with labels and biblical references; the plaque with Bible verses and references; the Bible centrally located in a weatherproof box; the inscribed 'thank offering box' and the wooden cross.

Man-made elements have been kept to a minimum to allow nature to dominate. A plaque to commemorate the donation of the land from the Bible Garden Memorial Trust to Pittwater Council with management by the Committee of the Friends of the Bible Garden was unveiled at the handover of the Bible Garden on 18 March 2006. However, in order to maintain the uncluttered simplicity of the garden, further plaques and fixtures in addition to what is already there, unless proposed in this POM and associated master plan, are seen as inappropriate. The table, benches, garden shed and garden utility area are sufficient. The proposed toilet facilities, to be incorporated into the new shed and locked most of the time, will not detract from the character of the Garden.

### **2.4 HISTORY SINCE 1957**

Gerald Hercules Robinson purchased the subject land in 1957. Robinson, who was the managing director of a car-distributing firm, was inspired by a bible garden established by a Professor Tatum Whitehead in the grounds of Bangor Cathedral in North Wales.

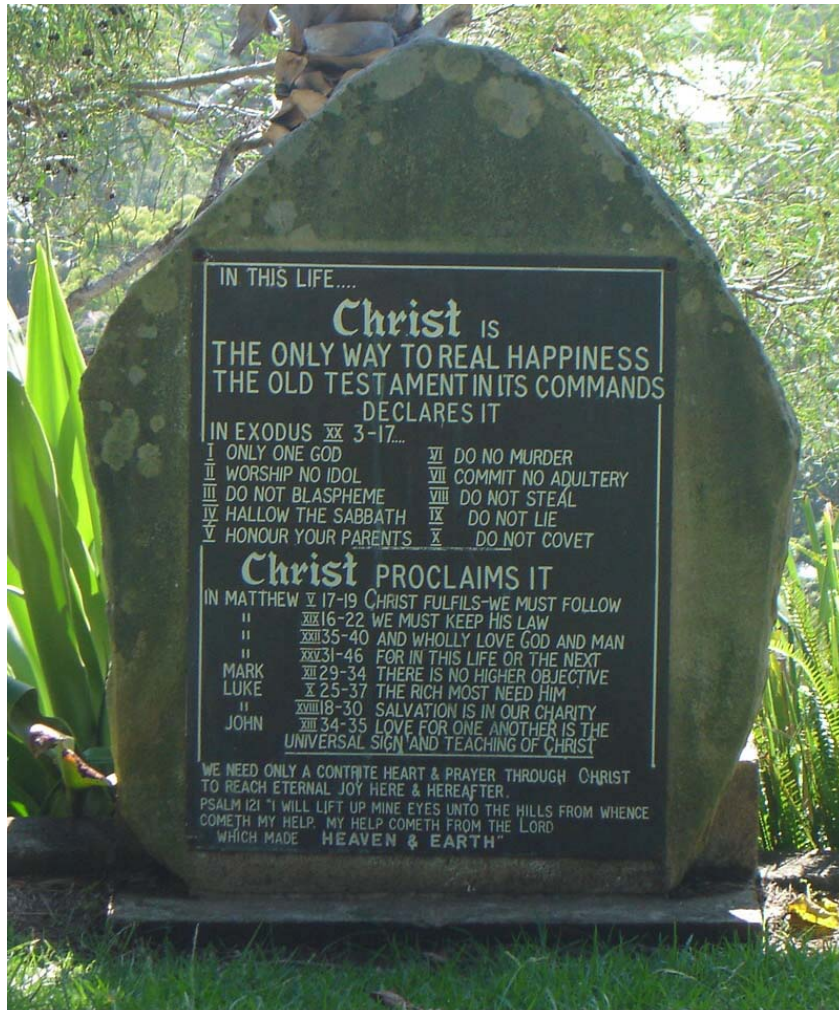
Having visited the Welsh bible garden in 1963, Robinson decided to create a bible garden on his land in Palm Beach and commenced work on establishing the garden devoted to the plants in the Old and New Testaments in the Bible. Robinson, who was already in his seventies, did most of the initial work of terracing the steep land and creating garden beds.

The Palm Beach Bible Garden was designed and laid out in a similar fashion to the Welsh bible garden – with plantings laid out in biblical chronological order, commencing with the plants mentioned in the book of Genesis and ending with a plant to represent immortality. Of the 148 plants mentioned in the Old and New Testaments, it is believed 143 were planted in the Bible Garden. Plants were given numbered markers, keyed to a 15-page brochure compiled by G.H. Robinson.

These plantings were based on research findings available at the time and on Robinson's choice of plants similar to those mentioned in the Bible, if the exact species were not available or were unlikely to survive in the humid coastal environment of Palm Beach. While many of the original plants and labels have disappeared, Bible plants have continued to be planted and labelled. Scholars are not unanimous about the identity of every biblical plant, so the choice is sometimes conjectural. Sometimes a biblical plant is represented by another species from the same genus. For example, Crocus represents Saffron and Mustard is represented by another member of the *Brassica* family which grows wild in the area.

Justice Richardson officially opened the Bible Garden on Saturday 26 March 1966. G.H. Robinson declared 'the garden and the view behind it [to] provide a perfect example of the glory of God's creation'. The garden was open to the public free of charge, with a box at the entrance for 'thank offerings' to support the teaching work of St. David's. As warden he was involved with maintenance and gardening of the church.

GH Robinson included a plaque in the Bible Garden in a prominent position, as pictured in Figure 4 below.



**Figure 4 | Bible Garden Plaque**

Robinson also included a thank offering box, bearing a brass plate inscribed:

*'The Heavens declare the Glory of God: and the firmament sheweth his handywork'. Psalm 19:1*

*As a thank offering for this view, you are asked to give a donation to the work of teaching in St. David's church, Palm Beach*

*'The earth is the Lord's, and the fullness thereof, the World, and they that dwell therein '. Psalm 24:1*

G. H. Robinson said of the Bible Garden "I thought of naming it 'Ecumenical Garden', but opted for 'Bible Garden' as 'ecumenical' was too much of a mouthful". In the 1960s and 1970s the word 'ecumenical' referred to Christian unity, therefore it is likely that GH Robinson would have used the word 'ecumenical' to refer specifically to Christianity.

Wishing to secure the perpetuity of the Bible Garden, in 1972 GH Robinson settled 6 Mitchell Road in a charitable trust, the Bible Garden Memorial Trust. The Trust was to continue the Bible Garden at 6 Mitchell Road and to create any other bible gardens in such a way as to further the teachings of Jesus Christ in the Scriptures, and 'for the construction

use and maintenance of Bible Gardens for all Christians, particularly young Christians and the teaching of and the creation of an expanding interest in the Holy Bible through the cultivation and study of all the plants mentioned in the Holy Bible and in any way practicable to support the teaching of the Holy Testament'. The founding trustees were GH Robinson and his daughter Deaconess Beatrice Robinson. The Right Reverend F. O. Hulme-Moir and Gerald Lacey Robinson (a son of the founder) joined Bea as trustees in the 1970s.

G. H. Robinson envisaged the Bible Garden as encouraging 'comprehensive reflection of biblical meanings as well as to serve as a collection of Holy land plants' (unknown source, c.1972). He included distinctively Christian components in the Bible Garden; naming the garden as the 'Bible Garden', plants of the Bible with labels and biblical references, a plaque with Bible verses and references (refer Figure 4), the Bible contained in the weatherproof box and the inscribed thank offering box. Bea maintained these and included a wooden cross. The Christian symbols and G. H. Robinson's intentions are regarded as integral and central in the Bible Garden.

In recognition of the public status of the land, in 1974 the land at 6 Mitchell Road was granted exemption from local council rates.

Bea served as curator of the Bible Garden until her death in 1994. She lived in a cottage 'Tree Tops' built for her by her father underneath the elevated section of the concrete driveway to the north of the Bible Garden. During Bea's occupation, 'Tree Tops' included a display room in which visitors could study bible plant illustrations and books, material describing the Bible Garden and other items of Christian literature. Bea was a Deaconess of the Church of England, an active member of the Movement for the Ordination of Women and ministered at St David's, Palm Beach. Despite being a pensioner she was able to leave approximately \$30,000 for the upkeep and continuation of 6 Mitchell Road through a life insurance policy. This provided a vital source of maintenance funding for the decade following her death.

Another family member Barbara Robinson, wife of Gerald Lacey Robinson, served as curator 1994-2004, with help from other members of the Robinson family, and friends. Barbara carefully maintained the Garden. Donations from weddings and christenings helped to pay for lawn mowing.

In July 2000 6 Mitchell Road was assessed for land tax for \$214,481.40. Upon appeal the assessment was withdrawn, however the Trustees considered that the possibility of future land tax liability, and the burden of maintaining the elevated driveway and cottage posed intolerable problems for the continuation of the dual Bible Garden and residential uses of 6 Mitchell Road.

In March 2001, following consideration from the Trustees, a draft proposal to subdivide 6 Mitchell Road was lodged with Council. This was to create two lots, one for residential and the other to enable the



conservation of the Bible Garden. The proposal included a Heritage Assessment and Heritage Impact Statement.

On 30 April 2001 Pittwater Council resolved 'That Council authorise the General Manager to enter into negotiations with the owner/owner's representatives of 6 Mitchell Road, Palm Beach – 'Bible Garden' to develop a draft 'Heads of Agreement' document for the proposed subdivision and dedication of land to the Council and report back to Council with a draft Agreement once a document has been prepared.' Council and the Trustees entered into a Heads of Agreement on 9 February 2004.

Project manager for the trustees David Robinson, son of Gerald Lacey Robinson and an environmental lawyer, commissioned survey, geotechnical and landscaping plans to be prepared. The ingenuity of architect Luke Playoust and Trust solicitor Margaret Hole was critical. They evolved the concept of the stratum subdivision that could provide access and car parking to the residential portion of the land, as well as preserve the view from the Bible Garden. The residential lot owner owns the double car garage area up to the height of an eventual load-bearing roof, and Council owns the airspace above 74.5 metres Australian Height Datum (the top of the eventual roof), landscaped as an extension of the Bible Garden's viewing area.

The subdivision application was lodged with Pittwater Council in November 2004, and approved by Council in April 2005. Meanwhile the supporters of the Bible Garden had obtained the incorporation of 'Friends of the Bible Garden Memorial' under the *Associations Incorporation Act 1984*. Membership grew and by the end of 2004 there were 127 memberships of the 'Friends' which represented about 169 people (due to family memberships). An active Friends group was always critical to the proposal to save the Bible Garden, as gardening and maintenance would be provided by the Friends, easing the financial burden of Council as landowner.

Early in 2006 Council became landowner of the Bible Garden (Lot 2 DP1086858) upon registration of the plan of subdivision and the trustees Gerald Lacey Robinson, Derek Lacey Robinson and David Gerald Robinson entered into contracts for the sale of the residential portion of the land (Lot 1 DP1086858).

On 18 March 2006 the handover of the Bible Garden to Council and the Friends was celebrated at a ceremony in the Garden attended by over one hundred Friends and citizens.

# LEGISLATION AND POLICY

## 3.1 LAND OWNERSHIP AND TENURE

This POM applies to the land known as the Bible Garden, 6A (formerly 6) Mitchell Road, Palm Beach. The legal description of the land comprising the Reserve is Lot 2 in DP 1086858.

Ownership of the Bible Garden was transferred from the trustees of the Bible Garden Memorial Trust to Pittwater Council in February 2006.

## 3.2 ADJOINING LAND USES

Residential properties border the site to the north, east and west. A cliff forms the natural boundary between the Garden and the residential property on the northern boundary below.

Mitchell Road defines the southern boundary to the Garden and provides vehicular and pedestrian access to the Garden. The residential housing on the northern boundary adjoins Florida Road. Palm Beach Surf Beach is located to the north of the Bible Garden.

## 3.3 LEGISLATION APPLYING TO STUDY AREA

### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

The *Environmental Planning and Assessment Act, 1979* (EPA) (which can be accessed at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) forms the basis of statutory planning in New South Wales, including the preparation of Local Environmental Plans (LEP) by Councils which regulate land use and development.

### Local Environmental Plan (LEP)

Pittwater Council, as the consent authority under the current *Pittwater Local Environmental Plan 1993* (PLEP), and the *Pittwater 21 draft Local Environmental Plan* (P21) controls development and activities on parks and reserves in Pittwater.

The purpose of the LEP is to define what purpose land may be used for and how permission (consent) can be obtained for the use. The LEP expresses the Council's broad land use strategy.

This POM defines permissible activities and developments, and establishes a structure that identifies when development consent is required in Section 5 'Permitted Future Use and Development'.

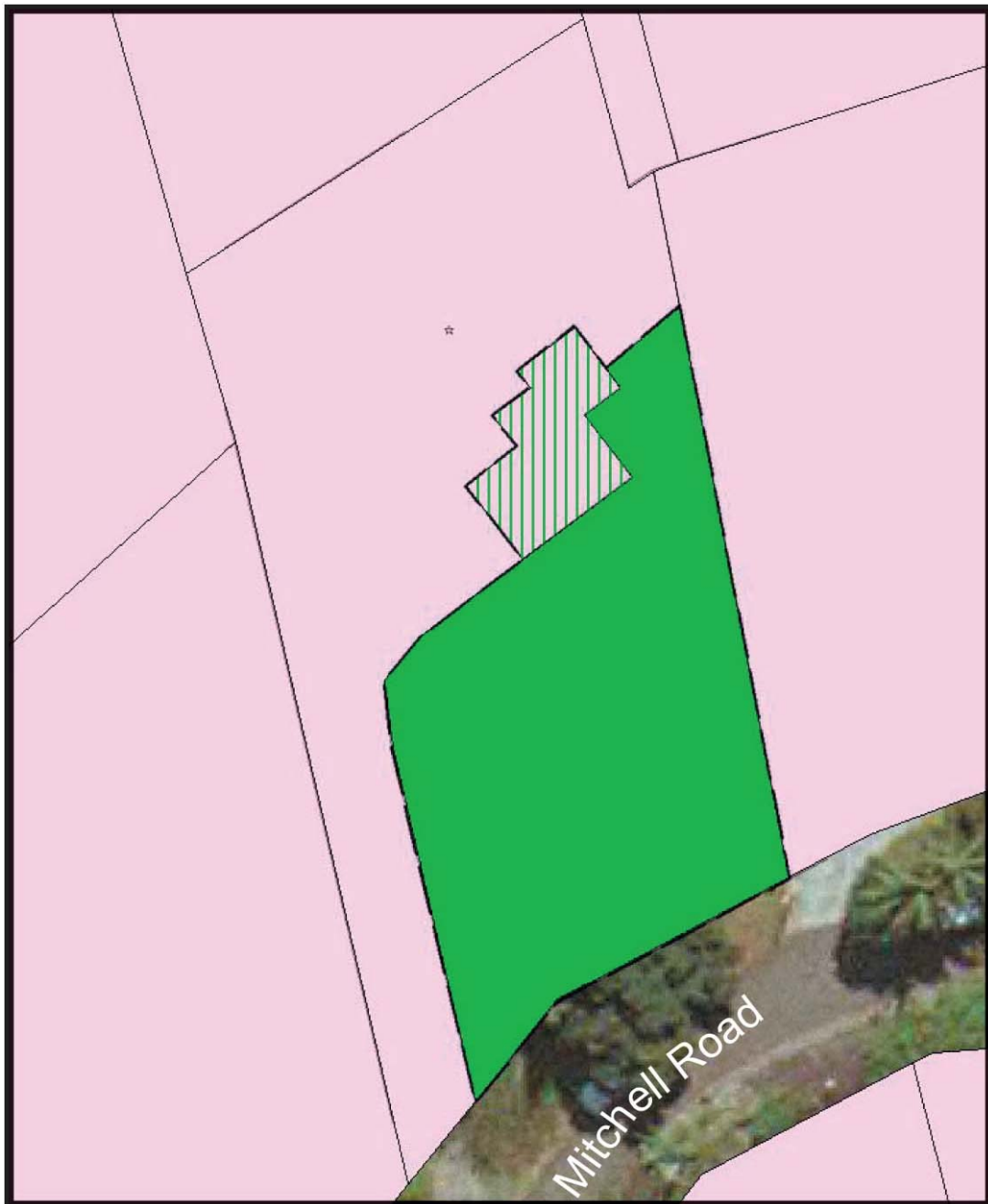
## Zoning





The Bible Garden is situated within an established residential area, which is zoned 2(a) (Residential Protection). In 2005 the proposal to rezone the Bible Garden from 2(a) Residential Protection to 6 (a) Existing Recreation was placed on public exhibition. The rezoning is in accordance with the Heads of Agreement between the trustees of the Bible Garden Memorial Trust and Council.

Upon completion of the rezoning process, underway at the time of writing this draft POM, the subject land will be zoned 6(a) – Existing Recreation “A” under the current PLEP and P21. (Refer **Figure 5** – Zoning Map).

Both the PLEP and P21 state that the uses permissible on community land zoned 6(a) are those set out in any POM, which has been prepared and adopted by Council under the *Local Government Act* or the *Crown Lands Act*. **Table 3** comprises a schedule of Permissible Uses (requiring/not requiring development consent) and Prohibited Uses for land zoned 6(a) Existing Recreation at the Bible Garden, in accordance with the relevant statutory requirements under the *Local Government Act*.

Figure 5 | Zoning Map



-  2(a) Residential 'A'
-  Proposed 6(a) Existing Recreation 'A'
-  Below 74.5m AHD - 2(a) Residential 'A'  
Proposed Above 74.5m AHD - 6(a) Existing Recreation 'A'
-  Site Boundary

## LOCAL GOVERNMENT ACT 1993

### Community Land

The *Local Government Act, 1993* (LGA) requires that all public land owned by Council be classified as either 'community' or 'operational' land.

The Bible Garden is classified as community land, which means that it is intended to be managed for use by the community and may not be leased for more than 21 years and cannot be sold.

### Preparing a Draft Plan of Management

Section 36 of the LGA requires Council to prepare a POM for community land. This Act provides Councils with a specific approach to the management of community land. The preparation and contents of this POM is in accordance with the requirements of the LGA and the *Local Government (General) Regulation, 1999*. Refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) for access to these Acts and Regulations. (Refer **Attachment 1** for relevant information on the Act and Regulations).

A range of legislation, policies and other planning instruments are relevant to the management of the Reserve and have been considered in the formulation of the POM, as detailed below.

The draft POM must be placed on public exhibition for a minimum period of 28 days, with a further 14 days permitted to enable all interested members of the community to make written submissions to Pittwater Council.

Council may then adopt the final POM, having regard to the relevant provisions contained in the LGA.

### Land Categorisation

Section 36 of the LGA requires that a category be allocated to all Community Land (refer **Attachment 1**). Categorisation of the subject land is required to be carried out as part of the process of preparing POM's.

Consistent with the guidelines for categorising community land in the *Local Government (General) Amendment (Community Land Management) Regulation 1999*, the Bible Garden is proposed to be categorised as an 'Area of Cultural Significance' in accordance with **Figure 6** – Categorisation Map.

The category of 'Cultural Significance' reflects its social significance, because of its association with a contemporary community for social and spiritual reasons, as well as its aesthetic significance (clause 105 of the *Local (General) Regulation 2005*). Guidelines of particular relevance to the Bible Garden appear on page 40 and 41 of this draft POM under Local Government (General) Regulation 1999 – Section 13(b) and (f).

For the core objectives under the LGA of this category refer to **Attachment 1**. The permissible uses for the Reserve have been set out in a table; refer Table 3 - Section 5.

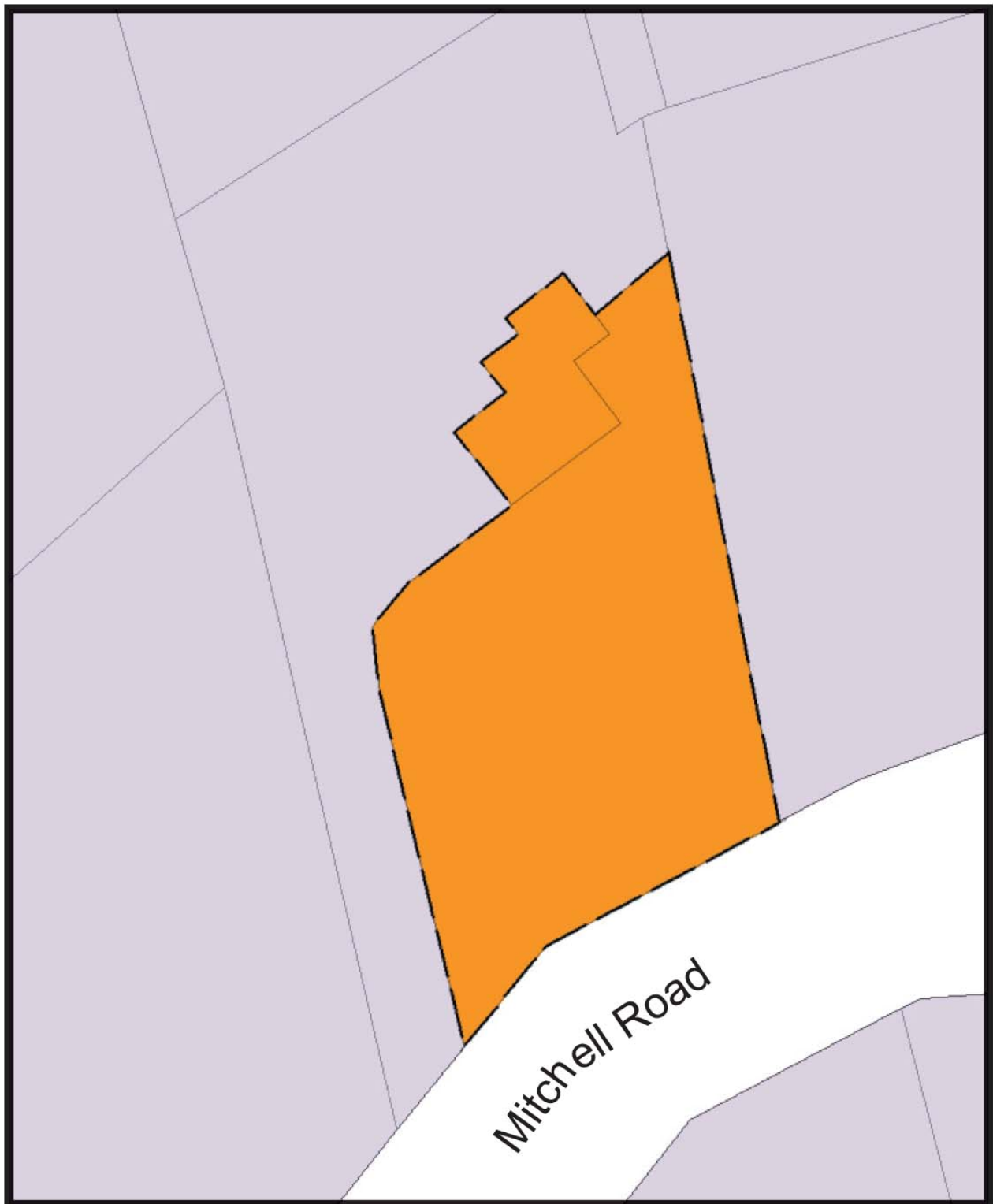
Section 40A of the LGA requires that Council conduct a Public Hearing with regard to categorisation of the land. This Public Hearing is to be held during the public exhibition period of the draft POM.




### **3.4 COUNCIL'S LAND MANAGEMENT POLICIES AND PLANS**

#### **Open Space, Bushland and Recreation Strategy, 2000**

Plans of Management for parks and reserves in Pittwater are also guided by various plans, strategies and policies prepared by Council. The '*Open Space, Bushland and Recreation Strategy*' for Pittwater local government area, sets out priorities for future provision of open space, bushland and recreation facilities and opportunities. The Section 94 Contributions Plan for Open Space, Bushland and Recreation (2000) draws on these identified priorities and outlines how they can be funded by developer contributions.

Figure 6 | Categorisation Map



-  Bible Garden area proposed to be categorised as an 'Area of Cultural Significance'.
-  Private Residential Lots
-  Site Boundary

# MANAGEMENT

## 4.1 BACKGROUND

The Friends of the Bible Garden Memorial Inc was incorporated in 2003 under the *Associations Incorporation Act 1984*.

On 9 February 2004 Council entered into a Heads of Agreement with the trustees of the Bible Garden Memorial Trust in their capacity as owners of 6 Mitchell Road Palm Beach. The purpose of the Heads of Agreement was to enable investigation of subdivision of 6 Mitchell Road in order to save the Bible Garden from residential redevelopment and enable the Bible Garden to continue in perpetuity. The Heads of Agreement anticipated that the Bible Garden area (now being lot 2 in DP 1086858) would be vested in Pittwater Council as public reserve (Bible Garden) and would be managed by the Friends and Council in partnership, and that Council would recognise the Committee of the Friends as a Committee of Council.

In accordance with the Heads of Agreement, the Bible Garden was vested in Pittwater Council in February 2006, upon registration of the plan of subdivision.

## 4.2 APPOINTMENT OF COMMITTEE OF THE FRIENDS AS A COMMITTEE OF COUNCIL, AND DELEGATION OF FUNCTIONS

In furtherance of the Heads of Agreement, it is proposed that Council appoint the elected Committee of the Friends of the Bible Garden Memorial Inc, plus the two ex-officio representatives of Council described in the following paragraph, as a committee of Council. That committee will operate according to the rules of the incorporated association, except that it will include the two additional members. It is also proposed that council delegate its functions in relation to the conservation, management, maintenance and enhancement of the Bible Garden to the committee in accordance with this plan. Refer **Attachment 3**.

The Council representatives will be an elected Councillor and a Council Officer as nominated by the General Manager.



### **4.3 ROLE OF THE COMMITTEE OF THE FRIENDS**

The role of the Committee of the Friends of the Bible Garden is to conserve and enhance the Bible Garden at Mitchell Road, Palm Beach and to promote the enjoyment of the Bible Garden by:

- gardening, including weeding, planting, pruning and general garden maintenance;
- supporting the booking system described in section 4.5 (below);
- preparing and implementing periodic landscaping and planting plans;
- liaising with Council regarding Council's role as project manager for the implementation of the major landscaping improvements set out in the Master Plan (Figure 7). This liaison role includes representation on the project management team responsible for the selection of a tenderer and the implementation of the building works.
- planting and labelling of biblical and other plants in accordance with periodic plans, and providing interpretive signage;
- upon request from Council, providing prompt advice or other assistance to Council on any matter relating to the Bible Garden;
- fundraising in order to run the Friends and undertake capital improvements to the Bible Garden;
- applying for grants for capital improvements, as agreed with Council when opportunities arise;
- publishing a newsletter;
- providing Council with copies of business and financial reports soon after its annual general meetings;
- promoting good relationships with neighbours and nearby residents. In this regard a Deed of Management exists in respect of the Bible Garden and the residential lot to the north (Lot 1 DP 1086858). Refer Attachment 4, being the document as applicable at the time of writing;

Note: This POM expressly authorises the updating of the Deed of Management from time to time, as deemed appropriate by the parties to the Deed;

- Any other activities to support the Bible Garden.

### **4.4 ROLE OF COUNCIL**

The role of Council is to assist the committee of the Friends to care for the Bible Garden by:

- Mowing lawns, whipper-snipping and removing tree loppings and any other green waste in accordance with Council's normal schedule for maintenance of its reserves;
- Supporting the booking system described in section 4.5 (below);

- Maintaining public liability insurance in respect to the Bible Garden;
- Paying water rates and any power bills;
- With the prior agreement of the committee, providing directional signage at the entrance to Mitchell Road and providing regulatory or safety signage regarding the terms of usage of the Bible Garden, parking and safety when visiting the Bible Garden;
- With the prior agreement of the committee, helping to publicise the Bible Garden and the activities of the Friends, for example through a Bible Garden page or pages on Council's website, and any print publications;
- Applying for grants for capital improvements, as agreed with the Friends when opportunities arise;
- Providing such staff, funding and/or equipment assistance as may be agreed with the Friends from time to time.
- Project managing the implementation of the major landscaping improvements set out in the Master Plan (Figure 7), including obtaining more detailed construction drawings based on the concept drawings comprising the Master Plan (Figure 7), conducting a tender process, contract management and maintaining close liaison with the Committee of the Friends through its representative on the project management team.

#### **4.5 BOOKINGS**

- a) All bookings for the hire of the Bible Garden for weddings, baptisms and other events will be in accordance with the Permissible Uses Table (refer Table 3);
- b) Bookings will be managed by Council's Reserves and Recreation Booking Officer;
- c) All booking payments will be received by Council;
- d) The Friends shall make recommendations to Council annually regarding rates for booking the Bible Garden;
- e) When determining the rates for booking the Bible Garden, Council shall consider recommendations of the Committee. The adopted rates shall be included in Council's Annual Management Plan and shall be in accordance with Council's adopted policy regarding booking reserves current from time to time. At the time of writing, this policy is *Policy No. 93 'Reserves, Beaches and Headlands Booking Policy'*.
- f) All income received from bookings shall be held by the Council in a separate account for specific allocation to the ongoing maintenance and improvements to the Bible Garden. Upon request from time to time Council will provide statements to the Committee

of Friends, setting out the transactions relating to the account and the account balance;

- g) Income received by Council from bookings shall be allocated to specific maintenance and improvements to the Bible Garden in consultation with the Committee. The Friends may recoup their reasonable expenses in the maintenance of the Bible Garden as determined by the Committee. Council may also recoup its reasonable expenses for preparing the Bible Garden for booked events.
- h) From time-to-time Council and the Friends will make decisions about appropriate use for bookings for the Garden. In the event of doubt about a proposed booking, Council's Reserves and Recreation Officer will consult with the Friends;
- i) Friends of the Bible Garden events, meetings and activities do not require a permit or booking fee but the Friends will notify Council's Reserves and Recreation Booking Officer of a planned event to prevent double bookings. Booked events (either by the public or the Friends) will take priority;
- j) Council's Reserves and Recreation Booking Officer will keep the Friends informed of bookings so that they can be listed on the gardening roster.

Note: Council's practice is to schedule maintenance visits in preparation for bookings. When bookings are fewer (for example in winter), maintenance will occur as deemed appropriate by Council and the committee of the Friends in consultation.

#### 4.5 MANAGEMENT ACTION TABLE

The following management action table sets out the management objectives for the Bible Garden, actions to achieve those objectives, and suggests performance measures.

**TABLE 2**

Objectives	Action	Performance Measures
To maintain the existing landscape character of the Garden	Carry out routine garden maintenance such as mowing and vegetation management	Landscape character maintained: well-maintained and attractive.
Conserve the Bible Garden	Observe the Conservation Policy prepared by the heritage consultant, Chris Betteridge (Muescape Pty. Ltd) – refer <b>Attachment 2</b> Continue the Bible Garden as GH Robinson and BV Robinson intended	Conservation Policy observed Bible Garden included on the State Heritage Register
Maintain and enhance the collection and appreciation of Bible plants	Research, source, plant and tend Bible plants.  Develop and maintain a database of existing and feasible Bible plants. Develop and maintain plant labels, including plant name and Bible reference.  Material about Bible plants written, kept up to date, and made available in the Garden.	Number of bible plants  Quality of interpretive resources regarding bible plants and references.
Undertake landscape improvements to the Garden including provision of Mitchell Road car parking (with garden shed and toilet underneath) and dedicated pedestrian access from Mitchell Road, stairs and retaining walls and, on the northern boundary, a rooftop viewing area as proposed in the master plan – refer <b>Figure 7</b> .	Carry out the work proposed in the Master Plan (Figure 7).	Landscape improvements implemented in accordance with the master plan.
Provide simple garden furniture such as benches and table.	Maintain and upgrade furniture as required.	Number and quality of facilities maintained and upgraded.
Maintain Christian distinctiveness	Bible in waterproof box, plaque, thanks giving box, cross and other Christian components maintained	Plaque, Bible and cross and all components in central place and in good condition.
Maintain sense of welcome	Ensure rules, conditions associated with permits, signage and extraneous material do not detract from the natural, simple and open character of the Bible Garden	Bible Garden remains a place where all feel welcome

Maintain the heritage values of the Bible Garden.	Ensure that the history of the Bible Garden, G.H. Robinson's intentions for the Bible Garden and the role of the Friends and Council in its current management are explained.	Informative material available to those interested.  Ongoing records, including photographic records, of the Bible Garden are kept and appropriately archived.
Upgrade adequacy of parking	Implement the Master P (Figure 7) lan and, in the meantime, maintain the safety and road condition of the Mitchell Road road reserve adjacent to the Bible Garden	Car spaces available
Establish a low key, effective signage and interpretive system in keeping with the Garden's character	Design, install and maintain compliance, interpretive and identification signage, including directional signage (at the junction of Mitchell Road with Pacific Road). Erect safety signage to highlight the steep terrain and the need to carefully manage the risk of personal injury. All signage needs to be discreet so as not to interfere with the beauty and ambiance of the Garden.	Appropriate signage provided.
Maintain good relationships with nearby residents	Ensure terms and conditions of use, particularly for bookings, are communicated and observed  Maintain contact details of nearby residents to facilitate communication.  Implement Deed of Management with neighbours to the north (refer <b>Attachment 4</b> ).	Good relationships maintained.  Contacts list up-to-date and available to Committee of Friends as needed.
Address risk management issues	Formulate and implement a periodic inspection checklist to identify potential safety issues, and follow-up as required.  Council to maintain third party property and personal injury liability insurance over both the Bible Garden and the adjacent driveway (over the southern part of which visitors to the Garden have a pedestrian right of way).	Safety maintained.  Insurances maintained

# PERMITTED FUTURE DEVELOPMENT AND USES

This section defines the range of activities that can occur and the facilities and structures that can be constructed and operated and the extent or intensification of any development permitted at the Bible Garden. It specifies the leases, licences and other interest in land, which are expressly authorised and also identifies the need for development consent for a proposed activity, and provides guidelines to assist Council in determining any Development Applications required for proposed structures and activities.

This section of the POM outlines the direction for the management of the Bible Garden.

## 5.1 PERMISSIBLE USES

### Community Land

Both PLEP 1993 and Pittwater 21 require POM's for community land (Refer Section 3.3) to specify the uses, activities and developments that will be permitted on the subject land that is zoned 6(a) (Existing Recreation "A"), both with and without development consent.

### Permissible Uses Table

A Permissible Uses Table (the "Table") outlines the permissible and prohibited activities and developments on the subject land. Whilst the Table cannot specify every likely proposed activity, the listed land use types will assist Council in determining whether an activity is appropriate at the subject area. Council will also consult with the committee of the Friends as appropriate.

Generally, developments and activities that will be permissible at the garden will be those that are consistent with the Bible Garden and guidelines and core objectives for the category of 'Cultural Significance' under the *Local Government Act, 1993* (refer **Attachment 1**) and listed as permissible (with or without development consent) in the Permissible Uses Table for the subject area.

The Permissible Uses Table outlines:

- 'Permissible Uses Exempt' which do not require development consent through the Development Assessment process outlined in Part 4 of the Environmental Planning and Assessment Act 1979,

but may, nevertheless, require assessment under Part V of the Environmental planning and Assessment Act 1979.

- 'Permissible Use only with Development Consent' requires Development Assessment in accordance with Part 4 of the Environmental Planning and Assessment Act 1979.
- 'Prohibited Uses' include all those land uses listed as prohibited as well as any purpose other than a purpose for which development may be carried out without development consent or only with development consent.

TABLE 3

<b>PERMISSIBLE USES NOT REQUIRING DEVELOPMENT CONSENT (These may require approval under Part V of the EPA Act 1979)</b>	
<b>USE/ ACTIVITY</b>	<b>POLICY DETAILS / EXAMPLES</b>
Feral animal control and eradication	Treat as required
<p>Filming and still photography (low impact only) that meets the following criteria:</p> <ul style="list-style-type: none"> <li>o Has been booked and a permit paid for;</li> <li>o Occurring between the hours of 8am to sunset;</li> <li>o The number of participants and/or spectators on any one-day of an event does not exceed 10, or such other number as the Committee may recommend to Council from time-to-time;</li> <li>o Does not require sound amplification;</li> <li>o Does not take more than 3 hours; and</li> <li>o Is consistent with the character of the Bible Garden.</li> </ul>	<p>In accordance with <i>Council Policy No.96 'Film Permit Policy and Conditions – Amended September 2005'</i> and additional requirements as specified in this table.</p> <p>Filming and still photography of booked events should be conducted on a scale that is consistent with the character of the Bible Garden.</p> <p>Note that weddings, baptisms and other organised events must be booked with Council's Reserves Booking Officer.</p>
Informal visits to admire the garden and view.	The impact of group visits will be monitored so that action can be taken if amenity is lost.
Maintenance, Landscaping and Building Works	<p>In accordance with the master plan (<b>Figure 7</b>) and including (but not limited to) the following examples:</p> <ul style="list-style-type: none"> <li>- Building works as identified on the Master Plan – including provision of car parking and dedicated pedestrian access from Mitchell Road, construction of retaining walls and stairs, and on the northern boundary a rooftop viewing area.</li> <li>- Earthworks to construct structures identified on the Master Plan, including filling, levelling, grading and topdressing;</li> <li>- Fire hazard reduction activities;</li> <li>- Gardening, including weed removal and arboricultural work in accordance with <i>Council's Tree Preservation and Management Order</i></li> <li>- Landscaping works, including mounding &amp; turfing – in accordance with the Master Plan;</li> <li>- Minor drainage, stormwater, erosion and sediment control works.</li> <li>- Temporary fencing.</li> </ul>
<p>Temporary activities or events that require a casual booking or permit from Council, or a lease or licence under the <i>Local Government Act, 1993</i>, that meet the following criteria:</p> <ul style="list-style-type: none"> <li>o The number of participants and/or spectators on any one-day of an event does not exceed 60, or such other number as the Committee may recommend to Council from time-to-time;</li> <li>o Activities do not occur outside the period of 8am to sunset;</li> <li>o Do not require sound amplification;</li> <li>o Do not take more than 3 hours; and</li> <li>o Activity or event is consistent with the character of the Bible Garden.</li> </ul>	<p>Note that weddings, baptisms and other organised events must be booked with Council's Reserves Booking Officer.</p> <p>In accordance with current <i>Council Policy No. 93 'Reserves, Beaches and Headlands Booking Policy'</i> unless otherwise prohibited by this Plan of Management.</p> <p>The reserve is small, narrow and adjoins residences. Temporary activities will be vetted to ensure that the amenity of adjoining residences and of casual users to the reserve is maintained at all times.</p> <p>Examples of temporary activities include weddings, christenings, baptisms, memorial services, cultural events and religious gatherings.</p>
Signage – compliance, directional, interpretive, identification.	In accordance with <i>Council Policy No. 129 'Signs – Council's Facilities'</i> and in keeping with the Garden's character.



## PERMISSIBLE USES REQUIRING DEVELOPMENT CONSENT

USE/ ACTIVITY	POLICY DETAILS / EXAMPLES
Major Works	Major works not specified in the POM, including but not limited to the following: - <ul style="list-style-type: none"> <li>- Drainage and stormwater works (major, such as detention basin)</li> <li>- Filling or cutting greater than 1000mm in depth (other than in relation to implementing master plan)</li> </ul>
Temporary activities or events that require a casual booking or permit from Council, or a lease or licence under the <i>Local Government Act, 1993</i> , that meet one or more of the following criteria: <ul style="list-style-type: none"> <li>o The number of participants and/or spectators on any one-day of an event exceeds 60, or such other number as the Committee may recommend to Council from time-to-time; or</li> <li>o Requires sound amplification.</li> </ul>	In accordance with current <i>Council Policy No. 93 'Reserves, Beaches and Headlands Booking Policy'</i> . The reserve is narrow and adjoins residences. Temporary activities may require development consent to ensure that the amenity of adjoining residences and of casual users to the reserve is maintained at all times and that it is consistent with the character of the Bible Garden. Note that weddings, baptisms and other organised events must be booked with Council's Reserves Booking Officer, in addition to the development consent requirement for events involving more than 60 people or sound amplification.

## PROHIBITED USES (Including but not limited to the following)

- Advertising – permanent and temporary
- Agriculture
- Busking
- Campfires
- Domestic drainage outlets
- Equestrian activities
- Erection of permanent structures other than specified in this Plan of Management
- Erection of memorial plaques other than specified in this Plan of Management
- Extractive industries
- Fireworks
- Gaming
- Granting of leases
- Lighting and/or floodlighting of Reserve
- Marquee functions or shade structures for booked events
- Private alienation or encroachment
- Recreational motor vehicles, including four-wheel driving, motorbike or trail bike riding, or similar
- Residential
- Unauthorised dumping of refuse including building materials, soil, fill, garden wastes and the like (other than importing of fill for permitted works)
- Vegetation removal not in accordance with Council's Tree Preservation and Management Order, or this POM
- Waste disposal
- Wedding receptions
- High impact events and activities
- High impact photography and filming
  
- And otherwise any activity inconsistent with the quiet enjoyment of the Bible Garden or structure not specified in the Master Plan

## **5.2 LEASES, LICENCES AND OTHER ESTATES**

### **What are leases, licences and other estates?**

A *lease* will be typically required where exclusive use or control of all or part of a reserve is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in the Reserve justify such security of tenure.

*Licences* allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of an ocean beach reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

An assessment of each Lease, Licence or other estate granted would be carried out in terms of environmental quality and public access.

### **Existing Leases, Licences & Other Estates**

At the time of preparing this POM there are no existing leases or licence agreements for the Bible Garden.

### **Authorisation of Future Leases, Licences & Other Estates**

To comply with the LGA, a POM for community land must clearly specify the leases, licences and other estates that are authorised on the land. Terms and conditions of a lease or licence should reflect the interest of the Council, the Friends, protect the public, and ensure proper management, conservation and maintenance of the Bible Garden.

### **Proposed Future Leases, Licences and Other Estates**

This POM specifically authorises the leasing, licensing or granting of an estate in the land that is the subject of POM, as follows:

#### Temporary Activities

This POM expressly authorises Council to grant permits for the temporary use of the reserve only as specified in the Permissible Uses Table.

### **5.3 MASTER PLAN**

The Master Plan (refer **Figure 7**) has been developed to illustrate the works and improvements to the Bible Garden that are required to address the key management issues and objectives.

Drafts were exhibited in 2003-2004 with the Heads of Agreement, and again with the application to subdivide the land to the north of the Bible Garden. Council granted consent to subdivide this land with consent conditions that anticipated implementation of the master plan.

The proposed works and improvements to the Bible Garden and the adjacent road reserve on Mitchell Road as set out in the Master Plan, make provision for improved Mitchell Road car parking and dedicated pedestrian access from Mitchell Road, stairs and retaining walls, and on the northern boundary a rooftop viewing area.

The Master Plan is also exhibited to give public notice of an application for Council's consent under s.138 of the *Roads Act, 1993* to erect that part of the landscaping improvements (entrance stairs and car spaces etc..) identified on the master plan that are completely in the Mitchell Road road reserve, or that straddle the boundary with the Bible Garden lot.

It is intended that the master plan be interpreted with flexibility to enable any appropriate modification of detail.

### **5.4 WORKS PROGRAMME**

It is intended that in 2006 the main elements of the Master Plan, as discussed above and illustrated in the Master Plan (Figure 7), will be funded by the Bible Garden Memorial Trust from a \$500,000 donation to the Friends from the proceeds of sale of the lot to the north of the Bible Garden.

Subsequent major works (upon completion of the main elements described in the Master Plan) for the Bible Garden will be subject to the priorities and budget allocations assigned for each action by Council as a part of the annual review for the Pittwater Management Plan. The Friends and Council will collaborate to seek funding for subsequent major works from a range of government, Council and community sources.

### **5.5 IMPLEMENTATION**

On adoption of the POM by Council, it is incumbent on Council to implement the POM. Council may not allow any operations or development that is not permitted by the POM.

Alteration of the adopted POM may be undertaken under s.40 of the LGA and may be required after a period of five (5) years to keep abreast of government policy, to cater for the changing expectations and requirements of the community and to ensure the POM remains useful and

relevant. It is integral however, that any future plan of management or variations ensure that the Bible Garden continue as the Bible Garden established by Gerald Hercules Robinson and as described in sections 2.2, 2.3 2.. Continuation of the Bible Garden was the basis of the land transfer from the Bible Garden Memorial Trust to Pittwater Council.

All those associated with the management of the land must continue its use as a Bible Garden in perpetuity.

# 7 | Master Plan

## Key Design Features

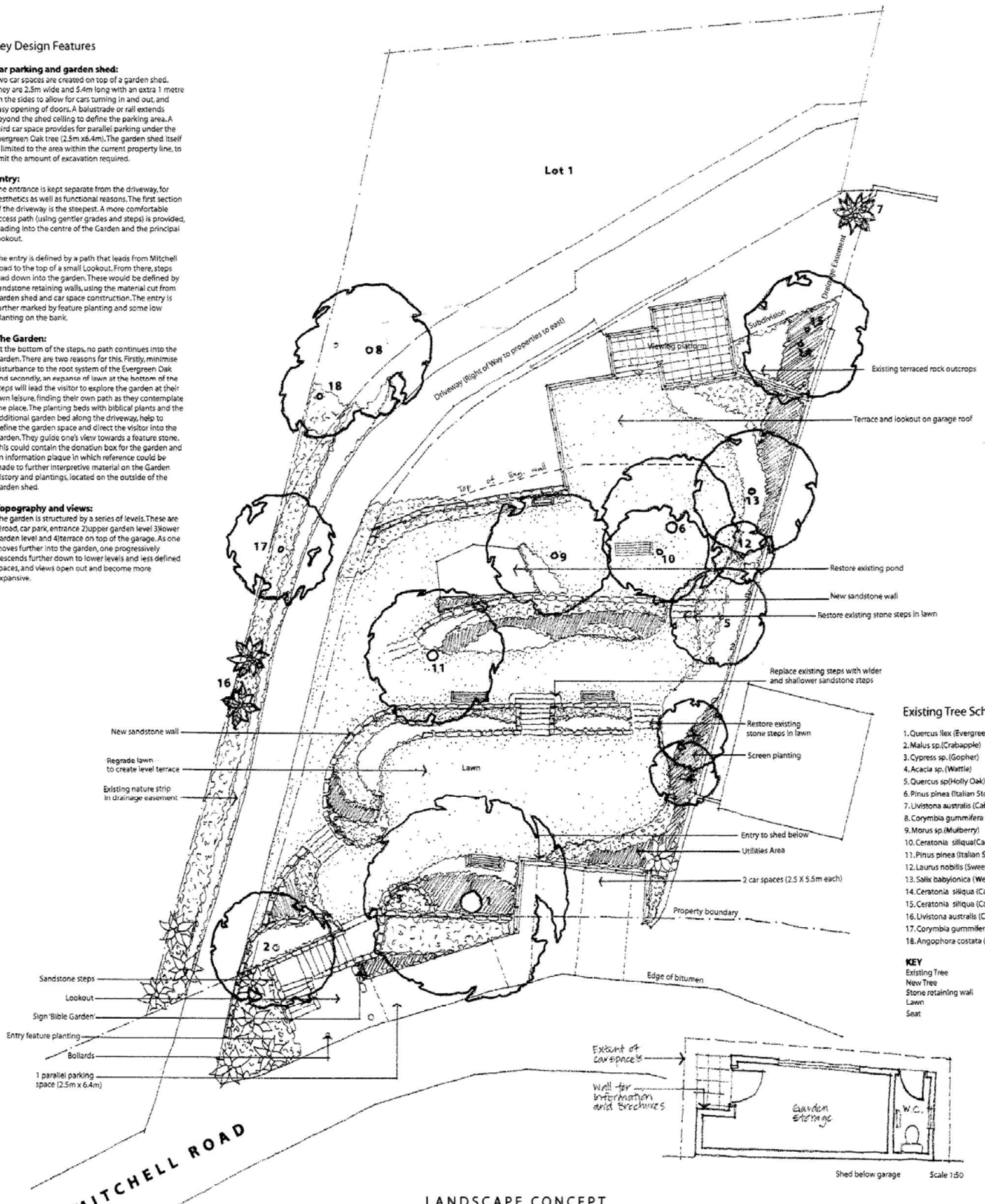
**Car parking and garden shed:**  
Two car spaces are created on top of a garden shed, which are 2.5m wide and 5.4m long with an extra 1 metre on the sides to allow for cars turning in and out, and a 1 metre opening of doors. A balustrade or rail extends beyond the shed ceiling to define the parking area. A third car space provides for parallel parking under the Evergreen Oak tree (2.5m x 6.4m). The garden shed itself is limited to the area within the current property line, to limit the amount of excavation required.

**Entry:**  
The entrance is kept separate from the driveway, for aesthetics as well as functional reasons. The first section of the driveway is the steepest. A more comfortable access path (using gentler grades and steps) is provided, leading into the centre of the Garden and the principal lookout.

The entry is defined by a path that leads from Mitchell Road to the top of a small Lookout. From there, steps lead down into the garden. These would be defined by sandstone retaining walls, using the material cut from garden shed and car space construction. The entry is further marked by feature planting and some low planting on the bank.

**The Garden:**  
At the bottom of the steps, no path continues into the garden. There are two reasons for this. Firstly, minimise disturbance to the root system of the Evergreen Oak and secondly, an expanse of lawn at the bottom of the steps will lead the visitor to explore the garden at their own leisure, finding their own path as they contemplate the place. The planting beds with biblical plants and the additional garden bed along the driveway, help to define the garden space and direct the visitor into the garden. They guide one's view towards a feature stone. This could contain the donation box for the garden and an information plaque in which reference could be made to further interpretive material on the Garden history and plantings, located on the outside of the garden shed.

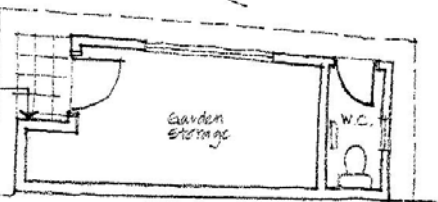
**Topography and views:**  
The garden is structured by a series of levels. These are 1) road, car park, entrance 2) upper garden level 3) lower garden level and 4) terrace on top of the garage. As one moves further into the garden, one progressively descends further down to lower levels and less defined spaces, and views open out and become more expansive.



### Existing Tree Schedule

1. Quercus ilex (Evergreen Oak)
2. Malus sp. (Crabapple)
3. Cypress sp. (Gopher)
4. Acacia sp. (Wattle)
5. Quercus sp. (Holly Oak)
6. Pinus pinea (Italian Stone Pine)
7. Livistona australis (Cabbage Tree)
8. Corymbia gummifera (Red Bloodwood)
9. Morus sp. (Mulberry)
10. Ceratonia siliqua (Carob)
11. Pinus pinea (Italian Stone Pine)
12. Laurus nobilis (Sweet Bay)
13. Salix babylonica (Weeping Willow)
14. Ceratonia siliqua (Carob)
15. Ceratonia siliqua (Carob)
16. Livistona australis (Cabbage Tree)
17. Corymbia gummifera (Red Bloodwood)
18. Angophora costata (Sydney Blue Gum)

**KEY**  
 Existing Tree  
 New Tree  
 Stone retaining wall  
 Lawn  
 Seat



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# ATTACHMENT 1

LOCAL GOVERNMENT ACT, 1993 (RELEVANT SECTIONS) AND THE  
LOCAL GOVERNMENT GENERAL REGULATION 1999 (SECTIONS 9, 13, 21)



## Relevant sections of the Local Government Act 1993

Sections of the *Local Government Act 1993* that relate to community land, Plans of Management, categorisation of community land and public hearings are provided below.

For more information on the Local Government Act and other NSW government legislation, refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), [www.austlii.edu.au/au/legis/nsw](http://www.austlii.edu.au/au/legis/nsw), or contact the NSW Government Bookshop.

### LOCAL GOVERNMENT ACT 1993 -SECT 25

All public land must be classified in accordance with this Part.

### LOCAL GOVERNMENT ACT 1993 -SECT 26

There are 2 classifications for public land "community" and "operational".

Note. On the commencement of this Part, certain land that is vested in or under the control of a council is taken to have been classified as community land by the operation of clause 6 of Schedule 7.

### LOCAL GOVERNMENT ACT 1993 -SECT 35

What governs the use and management of **community land**?

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

"the plan of management applying to the land

"any law permitting the use of the land for a or otherwise regulating the use of the land

"this Division.

### LOCAL GOVERNMENT ACT 1993 -SECT 36

**Preparation** of draft plans of management for community land:

(1) A council must prepare a draft plan of management for community land.

(2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.

(3) A plan of management for community land must identify the following:

(a) The category of the land;

(b) The objectives and performance targets of the plan with respect to the land.

(c) The means by which the council proposes to achieve the plan's objectives and performance target's

(d) The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.

(3A) A plan of management that applies to just one area of community land:

(a) Must include a description of:

(i) The condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and

(ii) The use of the land and any such buildings or improvements as at that date, and

(b) Must:

(i) Specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and

(ii) Specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and

(iii) Describe the scale and intensity of any such permitted use or development.

(4) For the purposes of this section, land is to be categorised as one or more of the following:

(a) A natural area, (b) a sportsground, (c) a park,

(d) An area of cultural significance, (e) general, community use.

(5) Land that is categorised as a natural area is to be further categorised as one or more of the following:

(a) Bushland

- (b) Wetland
- (c) Escarpment
- (d) Watercourse
- (e) Foreshore
- (f) A category prescribed by the regulations.

(6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:

- (a) Defining any expression used in subsection (4) or (5), and
- (b) Prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.

## **LOCAL GOVERNMENT ACT 1993 - SECT 36H**

### **Core objectives for management of community land categorised as an area of cultural significance**

(1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

(2) Those conservation methods may include any or all of the following methods:

- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
  - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
  - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
  - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
  - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

## **LOCAL GOVERNMENT ACT 1993 -SECT 40**

### **Adoption of plans of management**

(1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.

(2) If the council decides to amend the draft plan it must either:

- (a) Publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or:
- (b) If it is of the opinion that the amendments are not substantial, adopt the amended draft
- (c) Plan without public exhibition as the plan of management for the community land concerned.

(2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.

(3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.

## **LOCAL GOVERNMENT ACT 1993 -SECT 40A**

### **Public hearing in relation to proposed plans of management**

(1) The council must hold a public hearing in respect of a proposed plan of management if the proposed plan would have the effect of categorising or recategorising community land under section 36(4) or (5).

(2) However a public hearing is not required if the proposed plan would merely have the effect of recategorising the land under section (5).

### **LOCAL GOVERNMENT ACT 1993 – SECT 47G**

In this section, public hearing means any public hearing required to be arranged under this Part.

The person presiding at a public hearing must not be:

- A councillor or employee of the council holding the public hearing, or
- A person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

### **LOCAL GOVERNMENT (GENERAL) REGULATION 1999-SECT 9**

Application of this Division

(1) This Division sets out guidelines for the categorisation of community land.

(2) A council that is preparing a draft plan of management under section 36 of the Act must have regard to the guidelines set out in this Division.

(3) Although this clause imposes a duty on councils, thing in this clause gives rise to, or can be taken into account in, any civil cause of action. -

### **LOCAL GOVERNMENT (GENERAL) REGULATION 1999- SECT 13**

**Guidelines** for categorisation of land as an area of **Cultural Significance**

Land should be categorised as an area of cultural significance under section 36 (4) of the Act if the land is:

(a) an area of Aboriginal significance, because the land:

- (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or
- (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or
- (iii) is of significance or interest because of Aboriginal associations, or
- (iv) displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or
- (v) is associated with Aboriginal stories, or
- (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or

(b) an area of aesthetic significance, by virtue of:

- (i) having strong visual or sensory appeal or cohesion, or
- (ii) including a significant landmark, or
- (iii) having creative or technical qualities, such as architectural excellence, or

(c) an area of archaeological significance, because the area contains:

- (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or

- (ii) any other deposit, object or material that relates to the settlement of the land, or
- (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or
- (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or
- (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.

**LOCAL GOVERNMENT (GENERAL) REGULATION 1999- SECT 21**

Preparation of draft plan of management where land is categorised in more than one category

A draft plan of management that categorises an area be community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

# ATTACHMENT 2

REVISED STATEMENT OF SIGNIFICANCE FOR THE BIBLE GARDEN AND CONSERVATION POLICY

## **Revised Statement of Significance for the Bible Garden and Conservation Policy**

Chris Betteridge (Musecape Pty. Ltd.)  
Draft February 2006

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### **Part A: Revised Statement of Significance**

#### **Introduction**

To be assessed for listing on the State Heritage Register (SHR) an item will, in the opinion of the Heritage Council of New South Wales, meet one or more of seven criteria relating to historical, aesthetic, associational or research / educational values and rarity, threat or interpretive potential. Given the extraordinary quality of the setting of and view from the Bible Garden, its unusual nature and the comparative rarity of this type of designed landscape in an Australian and international context, the significance of the item has been assessed in accordance with the SHR criteria for State heritage listing.

#### **Compliance with Assessment Criteria**

It is considered that the Bible Garden at Palm Beach is important in demonstrating aesthetic characteristics and a high degree of creative achievement in NSW (Criterion c). The garden has strong association with a particular community i.e. members of the Palm Beach community and Christians in NSW generally for spiritual reasons (Criterion d). As one of the few such gardens in Australia, the Bible Garden at Palm Beach possesses uncommon and rare aspects of the cultural history of NSW (Criterion f). The garden is also important in demonstrating the principal characteristics of a class of cultural places in NSW i.e. special-interest designed landscapes. It also has potential to help demonstrate to visitors the physical and aesthetic attributes of the natural environment of Palm Beach and Broken Bay (Criterion g).

#### **Summary Statement of Significance**

The Bible Garden at Mitchell Road, Palm Beach is an item of State heritage significance for New South Wales. It is the result of the creativity of Gerald Hercules Robinson, a devout Christian who was inspired to construct a garden of biblical plants in a magnificent natural setting. As a rare example of its type of designed landscape it has provided and continues to provide inspiration to visitors of all religions as a place for quiet contemplation of the wonders of creation. The garden has special associations with the Christian community for spiritual reasons and has considerable educational potential arising from its special plant collection and the natural environment in which it is located. The social values of the Bible Garden have been enhanced by ongoing efforts by Gerald Robinson's descendants and by interested 'Friends' of the Garden in collaboration with the local government authority to ensure that this special place is protected in perpetuity and that its original philosophy and character are retained. The significance of the Bible Garden warrants appropriate statutory protection at both local and State levels and active management to retain and enhance its value to the community.

## Part B: Conservation Policy, Strategies & Actions

The Plan of Management provides for the conservation of the following:

- the overall curtilage and layout of the Bible Garden
- the landscape and setting, including significant views and vistas to, within and from the place
- significant design features, details and structures
- significant historical plantings, particularly any surviving symbolic plantings of bible plants
- significant historical associations
- other physical evidence, particularly archives
- community accessibility

The Plan also allows for sympathetic new developments to improve visitor facilities and to interpret the Bible Garden so that present and future generations can have a better understanding of its philosophy and design intent and a greater appreciation of its heritage values.

Set-out below are general conservation policies / management recommendations for the Bible Garden.

### **The Basis for Management**

The conservation of a heritage place should be primarily driven by the need to retain cultural significance.

### **Recommendations**

- *The Statement of Significance and general Conservation Policies set out in this Plan, should be accepted as the basis for future management of the landscape at the Bible Garden.*
- *The place should be managed to retain, conserve and enhance its significance in accordance with the Statement of Significance and the Conservation Policies in this Plan.*

### **Best Practice Management**

Current best practice conservation methods and processes that relate to the assessed level of significance and intactness should be used to guide conservation of the place.

### **Recommendations**

- *Conservation methods and treatments should, where possible, be reversible and should not diminish the significance of fabric.*
- *The place should be managed in accordance with ICOMOS principles and guidelines, as embodied in the Australia ICOMOS Charter for Places of Cultural Significance (the 'Burra Charter').*
- *All conservation works (maintenance, research, materials conservation and reconstruction) should be undertaken by suitably qualified and / or trained persons, in accordance with accepted professional conservation charters (e.g. the Burra Charter), guidelines and methods, and should involve appropriate consultation with relevant individuals and organisations.*

### **Responsibility for Decision-making**

It is important that responsibility for conservation management of a heritage place be clearly defined.

### **Recommendation**

- *Responsibility for decision-making in relation to the place will rest with the committee of the Friends of the Bible Garden Memorial Inc, assisted by the land owner Pittwater Council. The Friends and Council should comply with relevant requirements under the heritage provisions of Pittwater Council planning instruments and any other relevant statutory controls.*

### **Statutory Protection & Compliance**

It is important that the owners / managers of heritage places comply with relevant statutory controls.

### **Recommendations**

- *Pittwater Council should ensure that the Bible Garden is accurately and appropriately listed as a place of heritage value in the Pittwater LEP.*
- *The Bible Garden be nominated for listing on the State Heritage Register.*
- *All works and activities should comply with applicable heritage conservation and environmental planning controls e.g. obtaining development application consents where necessary.*
- *Management should comply with all relevant legislation and Occupational Health and Safety requirements.*

### **Appropriate Training**

Conservation of heritage places requires an understanding of significance and the application of appropriate expertise.

### **Recommendation**

- *All Council staff, contractors and volunteers working in the Bible Garden should be trained in the appreciation of the cultural values of the place and in the techniques recommended for implementation of the management recommendations of this Plan.*

### **Public Safety and Risk Management**

The managers of heritage places have statutory obligations to maintain a safe environment for workers and visitors. There may also be significant implications in terms of public liability insurance if risks are not adequately managed.

### **Recommendation**

- *Management should be committed to a policy of maximising public safety, managing risk and minimising public liability within the constraints imposed by the physical environment of the place and conservation of its heritage significance.*

### **Landscape Management**

The management of significant heritage gardens and landscapes requires skills which may be more specialised than those necessary for the maintenance of less important sites. For instance, an understanding of the history of the place and of biblical plants should be a prerequisite for management of the Bible Garden.



## **Recommendations**

- *Management of the landscape of the Bible Garden should be carried out only by suitable qualified and / or trained personnel. The work should conform to relevant Australian standards and current best practice in arboriculture and horticulture as recommended by relevant industry representative groups.*
- *Decisions on whether to retain or remove particular trees and other plants should be based on their safety, relative significance, amenity value and contribution to the landscape and significance of the Bible Garden as a whole.*
- *Weeds and problem species should be controlled and / or removed under ongoing maintenance programs in collaboration with adjoining landholders.*
- *If any biblical plants in the Garden are considered potentially invasive, decisions on their retention or replacement with suitable alternatives should include consideration of the risk to nearby bushland reserves and the possibility of management to reduce such risk (e.g. pruning at appropriate times to prevent seed set and dispersal).*

## **Financial & Human Resources**

Historic landscapes with high public visitation levels, complex spaces and planting require financial and human resources sufficient to retain their significance, safety and function.

## **Recommendations**

- *Investigate means of increasing the size and reliability of the financial resources applicable to the Bible Garden, including a regular annual budgetary allocation for conservation works, in addition to any recurrent budget for routine maintenance.*
- *Seek to broaden the skills available to the place. Specialist consultants and contractors, engaged for specific projects may be required on a periodic basis.*

## **Services**

It is important that services to heritage places be provided in a sensitive manner.

## **Recommendation**

- *Services such as water supply, sewerage connection, drainage works, power and phone supply, if deemed necessary, should be provided in a manner which poses minimal environmental impact on the historic fabric or aesthetic qualities of the place.*

## **Encouragement of Further Research**

Heritage places such as the Bible Garden often have considerable research potential in a wide variety of fields.

## **Recommendations**

- *Research of the Bible Garden, its landscape and the lives of those associated with it should be encouraged; to improve understanding of the place's history and cultural significance and research should be coordinated to ensure use of available resources to maximum effect.*
- *A research plan should clearly identify priority areas for further research, methodology and approximate time frame.*
- *Although some of the individuals instrumental in the establishment of the Bible Garden are no longer living, an oral history program could be a good way to record the ongoing history and maintenance of the place. The program should be conducted in a culturally appropriate manner and intellectual property rights should be respected and copyright negotiated accordingly.*

## **The Need for Interpretation**

There is a need for a clear identity for the place and its landscape, in the context of the cultural landscape history of Pittwater local government area and Sydney generally.

## **Recommendations**

- *The stories of the Bible Garden should be conveyed through unobtrusive signage and other interpretive media in accordance with an adopted Interpretive Plan for the place.*
- *Interpretation should be provided in a manner that is consistent with the policies in this Conservation Policy and the Plan of Management for the Bible Garden generally.*
- *Interpretive media such as on-site signage should communicate the history and cultural values of the Bible Garden and those associated with it in the context of Pittwater LGA, Sydney and New South Wales.*
- *On-site interpretation policy should provide for a program which involves the use of consistent, well-designed, vandal-resistant and visually unobtrusive media. These devices should not dominate, obscure or reduce the cultural significance of the interpreted fabric or place.*
- *On-site interpretation should be supplemented where possible by other media, which may include printed and electronic media which can be available for the public either by purchase or reference in public libraries.*
- *Ensure that accurate and reliable information about the place is made available to visitors.*
- *Investigate the feasibility of producing merchandise including an illustrated history of the Bible Garden, booklets, postcards and other items.*

## **Developing Education & Cultural Tourism Opportunities**

Several bible gardens overseas, notably in the United Kingdom, the USA and Israel are promoted as tourist attractions. While the Bible Garden at Palm Beach has considerable constraints of size and access, its educational and cultural tourism potential should be investigated. However, development of such opportunities must not be to the detriment of the garden's philosophy as a place of quiet contemplation and reflection.

## **Recommendations**

- *Consult with local primary and secondary education authorities and with relevant tertiary colleges and universities to promote the development of the educational opportunities of the Bible Garden.*
- *Consult relevant tourism organisations with a view to exploring cooperative marketing opportunities with other local heritage places.*
- *Give consideration to developing a self-guided walk in the Bible Garden.*

## **Community Participation**

Many people have an emotional link to the Bible Garden, for a variety of personal reasons and others in the community will value the place for its heritage significance. Management can take advantage of these links by encouraging community participation in programs related to the conservation of the place. Support should be encouraged for the 'Friends' group who help with research, maintenance and fund-raising for special projects. Such initiatives help to promote community goodwill and tap into a considerable resource of expertise and labour.

## **Recommendations**

- *Every effort should be made to involve the local community in activities such as maintenance, research and conservation.*
- *Support the 'Friends' group for the Bible Garden.*
- *Inform the community about conservation programs through regular newsletters, press releases and other suitable media.*

## **The Need for Documentation**

Documentation is an important part of conservation, not only for recording what has been done but also to guide future management as to the success or otherwise of particular works and programs.

## **Recommendations**

- *In areas of exceptional and high significance all major conservation works and activities should be investigated and researched prior to commencement and fully and accurately recorded and documented for archival purposes and as a guide for future works.*
- *Original documents and records of maintenance and restoration should be conserved and safely stored in fire-rated premises, with copies in secure premises elsewhere as a local studies collection e.g. in Pittwater Library.*

## **Management of Change**

Conservation of heritage places, particularly landscapes, inevitably involves change as plants go through their life cycle. It is important that the limits of acceptable change be defined prior to major works.

## **Recommendations**

- *New works and other activities should be well justified and should comply with relevant statutory requirements, professional charters, heritage standards and guidelines.*
- *New works and activities should only be permitted if they do not detract from the heritage significance, aesthetic values, established character and ambience or traditional materials and construction techniques.*
- *Any new developments should be designed in keeping with the existing significant landscape and landscape elements, with design and materials consistent with or at least not in conflict with the affected part of the place. (e.g. new retaining walls and steps may be constructed of sandstone rather than the concrete originally used)*
- *Care should be taken to ensure that sites are left in good condition after construction works. Waste material such as excess cement and other rubbish should be removed by the monumental mason or contractor.*
- *Any new stonework should be constructed in accordance with relevant industry and safety standards.*

## **Guidelines for Repairs and Maintenance**

It is important that repairs and restoration work to existing and future structures be carried out in accordance with the guidelines in this Plan, the Burra Charter, appropriate industry conservation standards and relevant publications.

Routine grounds maintenance is an essential part of the conservation process, enabling retention of significant fabric and landscape character.

## **Recommendations**

- *Damaged fabric should be repaired by suitably skilled and / or qualified tradespersons.*
- *Materials used for repairs or reconstruction should preferably be traditional materials that will blend with the landscape (e.g. stone, iron, timber, brick).*
- *Priority for conservation should be assessed primarily according to relative degree of significance. However, public safety is paramount and works should be prioritised to minimise risks.*
- *The following criteria should also be taken into account:*
- *Further deterioration likely if not repaired.*
- *Cost-effectiveness*
- *Routine maintenance actions should be carried out in accordance with the general and specific guidelines in this Plan.*
- *Appropriate maintenance procedures should be developed, documented and implemented to ensure the ongoing retention of the cultural significance of the Bible Garden. A pro-active program of cyclical planned maintenance should be developed.*
- *Records should be kept for all major repairs and maintenance to landscape and built elements.*

## **New Developments**

The Bible Garden was experimental in concept although the underlying religious philosophy was clear from the outset. To establish a garden of plants mentioned in the Bible i.e. those growing in the Mediterranean climate of countries in or near the Holy Land was always going to be a challenge in the more humid warm temperate climate of coastal Palm Beach. Continued experimentation with the cultivation of biblical plants in the Bible Garden, the conservation of significant fabric and the development of new facilities to enhance the place for future generations should be supported within the limitations imposed by statutory and physical constraints.

## **Recommendations**

- *Location and design of new developments including storage and visitor facilities and interpretive devices should be done in ways that do not detract from the heritage significance of the place.*
- *Interpretive devices should be chosen and located in accordance with adopted management guidelines and in such a way that they do not detract from the significance of heritage garden areas.*
- *New plantings should include to species and cultivars with a proven association with the Bible and locally endemic Australian species and which can be managed to minimise restrictions to pedestrian access and to minimise the risk of weed invasion.*
- *Given the importance of the views to, from and within the site, new plantings should be selected and located in such a way that they enhance views, not block or detract from them.*
- *Choice of species for new plantings should be based on the relative significance of the area, appropriateness for the period, suitability for the location, ease of maintenance and use (e.g. screening, visitor control, floral display). The placement and selection of larger specimen trees should be carefully planned to avoid problems such as root damage,*

*blocking of views, inappropriate mature dimensions, or incompatibility with the established character of the garden.*

### **Storage and Disposal of Rubbish, Garden Waste and Building Materials**

Careful control of waste storage and disposal is important in the management of a heritage landscape. Poorly located rubbish receptacles and untidy compost heaps can have a negative visual impact on a significant garden.

#### **Recommendations**

- *Receptacles for rubbish, if provided, should be located in such a way that they do not detract from the aesthetic values of the Bible Garden.*
- *Contractors engaged in restoration work should be required to clean up and remove all surplus materials such as cement, adhesives, drop sheets, packaging materials from site when they have completed their work.*

### **Public Access**

Conservation issues related to public access include the need for safe pedestrian and vehicular access to the site, provision for car parking, and direction of visitors within the site. It is noted that no wheelchair ramp is proposed because the terrain is too steep and the available land area is too small for a ramp.

#### **Recommendations**

- *Public access should be encouraged, provided it does not impact negatively on or detract from the cultural significance or fabric of the Bible Garden.*
- *Safe and visually unobtrusive parking for the Bible Garden should be provided within a reasonable walking distance, subject to the limitations imposed by the area's topography, road network and any other relevant environmental and planning factors.*
- *Directional signage should be provided in a practical but visually discreet manner.*

### **Protection of Setting & Management and Development of Adjoining Lands**

The protection of the setting of heritage places is an essential part of significance retention, recognised by Australia ICOMOS in the most recent revision of the Burra Charter. Proposed changes in land use or development of adjoining lands need to be carefully examined by management for any potential impacts on the quality of setting.

#### **Recommendations**

- *Pittwater Council should liaise with adjoining land holders and any other relevant stakeholders to ensure that lands adjoining the Bible Garden are developed and managed to conserve the heritage significance of the place generally and the setting of the Bible Garden Gardens in particular.*
- *Monitor proposed developments or infrastructure projects to ensure that any new adjoining development is sympathetic to the Bible Garden and the conservation of its heritage values.*

### **Monitoring of Visitor Use and Site Condition**

Regular monitoring of visitor use and site condition is a useful management tool enabling resources to be targeted in the most cost effective and pro-active way.

#### **Recommendation**

- *Monitor visitor use and site condition on a regular basis as a guide to the success or otherwise of the Plan's implementation and to obtain feedback on any issues or problems that need to be dealt with.*

### **Conservation of Significant Elements**

Significant landscape elements in the Bible Garden will require specific conservation actions.

#### **Recommendations**

- *Statements of Heritage Impact should be prepared for major works in the Bible Garden such as new visitor facilities. Suitably qualified and / or experienced persons, such as conservation architects / landscape specialists, should prepare these statements. Any recommendations made to mitigate negative impacts should be implemented.*
- *The original philosophy and design intent of the Bible Garden should be conserved in spirit although sympathetic changes necessitated by or arising from the subdivision of the site and the need for improved facilities may be permitted, provided that they do not compromise the overall significance of the place.*
- *The garden and its significant elements should be maintained in a weed-free condition and devoid of public safety hazards.*
- *Significant views and vistas to, within and from the Bible Garden should be conserved.*

### **The Future**

As time passes and those originally associated with the development or conservation of a heritage place are no longer able to continue their association with it, there may be a temptation by others to alter the place in ways that are at odds with its original philosophy and design intent. The recognition of significance and the retention of heritage values must be the overriding factors in decision-making about the future of such a place. Following the recommendations of an endorsed Plan of Management is the best way to ensure that such values are retained. In the case of the Bible Garden its present use as a place of reflection, quiet contemplation and respect for the founder's Christian beliefs is considered the most appropriate use for the place.

#### **Recommendations**

- *The existing use of the place as a Bible Garden is considered to be the most appropriate use and should be continued and supported by Pittwater Council.*

### **Adoption, Implementation & Review of the Plan**

Management plans need to be formally adopted by management authorities and endorsed as necessary by control authorities so that there is a clear understanding of the policies, strategies and actions applicable to a place.

#### **Recommendations**

- *This Plan should be adopted as the basis for future conservation management and development of the Bible Garden.*
- *It should be reviewed after a period of 5 and not more than 10 years. The review should take into account any changes arising from implementation of the Plan and any external factors such as changes of statutory requirements or natural events such as fires or major storms.*

## General Maintenance Schedule

The following Maintenance Schedule recommends general maintenance regimes considered applicable to the landscape elements found in the Bible Garden.

<b>Landscape Element</b>	<b>Maintenance actions</b>
<b>Trees and Major Shrubs</b>	<p>Check every 6 months for signs of disease, rot, dead wood and treat as necessary, in accordance with conservation policies. Repair storm damage as necessary.</p> <p>Prune to lift crowns as necessary every 12 months and mulch with leaf mulch.</p> <p>Carry out tree husbandry operations such as staking, protection and replacement during June.</p> <p>Prune as necessary to maintain shape and retain vistas</p>
<b>Minor Shrubs</b>	<p>Check minor shrubs every 6 months for signs of disease, rot, and dead wood and treat as necessary, in accordance with conservation policies.</p> <p>Repair storm damage as necessary.</p> <p>Prune as necessary, in accordance with species requirements, to improve shape, flowering or fruiting.</p> <p>Check for fungal attack during humid weather months and spray as necessary.</p> <p>Prune roses during July, or June if onset of dormancy is earlier due to cold weather.</p>
<b>Herbaceous plantings</b>	<p>Prune as necessary, in accordance with species requirements, to improve shape, flowering or fruiting.</p> <p>Check for fungal attack during humid weather months and spray as necessary.</p>
<b>Lawn areas</b>	<p>Aerate worn areas in September if necessary and reseed or turf if necessary.</p> <p>Condition soil and top dress and fertilise turf in September eg with combined topdressing and organic fertiliser.</p> <p>Spray lawn weeds with selective herbicide if necessary at start of active growth season.</p> <p>Spray to control seasonal insect pests as necessary.</p> <p>Increase frequency of mowing if necessary, depending on growth.</p> <p>Gradually increase frequency of watering and mowing to full summer program during October.</p> <p>Taper off mowing and watering during March and fertilise if necessary.</p> <p>Spray winter lawn weeds during late October if necessary.</p>
<b>Fences and gates</b>	<p>Check condition and operation of any fences and gates 3 monthly and repair damage as necessary.</p> <p>Schedule major repairs and maintenance for July or other periods of lower visitation.</p>
<b>Views and vistas</b>	<p>Check regularly and prune intruding vegetation as necessary to maintain views and vistas, subject to Council requirements.</p>

<b>Landscape Element</b>	<b>Maintenance actions</b>
<b>Hard surfaces, roads, paving</b>	Inspect hard surfaces weekly and repair any damage as necessary. Inspect paving surfaces for wear Inspect for trip hazards regularly Respond immediately to any safety hazards identified by staff, contractors, volunteers or visitors.
<b>Buildings and other Structures</b>	Maintain buildings and other structures in accordance with recommendations in endorsed Plan of Management, current best practice in conservation (e.g. Burra Charter) and any guidelines published from time to time by the NSW Heritage Office.
<b>Historic plaques and signs</b>	Conserve and maintain in accordance with generic conservation guidelines in the Plan of Management and any specific recommendations.
<b>Drainage lines and pits</b>	Inspect and clear drainage lines and any inspection pits after each period of heavy rain or at least monthly.
<b>Signs</b>	Inspect signs every 6 months and repaint/repair as necessary. Remove any graffiti as soon as practicable after it has been applied.
<b>Miscellaneous items</b>	Service and maintain gardening equipment during winter months. Arrange maintenance check and service as necessary of any reticulation equipment during late autumn/winter. Check operation of reticulation equipment prior to warmer months.
<b>Weed eradication and control</b>	Remove weed species in accordance with detailed guidelines in the Plan of Management and advice from Pittwater Council. Liaise with adjoining landholders to ensure consistency of approach and cost-effectiveness.



# ATTACHMENT 3

PROPOSED APPOINTMENT OF THE COMMITTEE 'FRIENDS OF THE BIBLE GARDEN COMMITTEE'  
AND DELEGATION OF FUNCTIONS

**APPOINTMENT OF THE FRIENDS OF THE BIBLE GARDEN COMMITTEE AND  
DELEGATION OF FUNCTIONS**

1. That pursuant to Sections 355 and 377 of the *Local Government Act 1993* Council hereby appoints a Committee to be called the 'Friends of the Bible Garden Committee' comprising the Committee from time to time of the incorporated association 'Friends of the Bible Garden Memorial Inc' and representatives of Council as set out in Point 4.
2. That Council note that rules of conduct for the committee are the model rules for associations incorporated under the Associations Incorporation Act 1984.
3. That Council hereby delegates to the Committee the carrying out of the conservation, management, maintenance and enhancement tasks with respect to the Bible Garden at 6A Mitchell Road, Palm Beach that are consistent with the draft plan of management.
4. That Council nominates an elected councillor, the General Manager's representative for the time being (or his or her nominee, being a Council officer) as members for the committee.

Adopted by Council at its Meeting of ..... 2006.

Dated this                                      day of                                      2006.

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General Manager

# ATTACHMENT 4

MANAGEMENT DEED

**Management Deed in respect of the Bible Garden and the Residential Lot to the north of the Bible Garden at Mitchell Road Palm Beach**

**Parties**

1. Pittwater Council of Unit 11, 5 Vuko Place Warriewood ('Council')
2. Friends of the Bible Garden Memorial Inc, an association incorporated under the Associations Incorporation Act 1984 ('Friends')
3. Cooe Properties Sydney Pty Ltd, being the owner of Lot 1, DP 1086858 ('Owner of the Residential Lot')

**Circumstances of the deed**

- A. A declaration of Trust by Gerald Hercules Robinson and Beatrice Violet Robinson dated 5 April 1972 created the Bible Garden Memorial Trust.
- B. The objects of the Trust were to hold land 'for the construction use and maintenance of Bible Gardens for all Christians particularly young Christians and for the teaching of and the creation of an expanding interest in the Holy Bible and in the any other way thereby practicable to support the teaching of the Holy Testament'.
- C. Gerald Hercules Robinson vested the land at 6 Mitchell Road Palm Beach (being lot 2 in Deposited Plan 213975, now being lot 1 in DP 1086858 (the 'Residential Lot') and lot 2 in DP 1086858 (the 'Bible Garden Lot') in the Bible Garden Memorial Trust.
- D. A Bible Garden at 6 Mitchell Road was officially opened on 23 June 1966.
- E. The trustees kept the Bible Garden open to members of the public for marriage ceremonies, baptisms and informal visits continuously since 1966 until they vested the land in Pittwater Council in 2005 with the intention that such access to the public should continue.
- F. In approximately 2000 the trustees formed the view that the possibility of future land tax liability, the burden of maintaining the Bible Garden as a voluntary initiative of the Robinson family alone, and the burden of maintaining the elevated driveway and cottage posed intolerable problems for the continuation of the dual Bible Garden and residential uses of 6 Mitchell Road.
- G. On 26 September 2003 'Friends of the Bible Garden Memorial' was incorporated under the Associations Incorporation Act 1984. The objects of the Friends are 'to support the conservation, maintenance and enhancement of the Bible Garden at Mitchell Road, Palm Beach as a place of ecumenical contemplation and a place that promotes consideration of God's creation, the Bible and the teachings of Jesus Christ.' The principal activities of the Friends are:
  - assisting Pittwater Council to conserve and enhance the Bible Garden, and to promote the public enjoyment of the Bible Garden;
  - providing gardening and other services, including:
    - i) coordinating bookings of the Bible Garden for wedding and christening ceremonies;
    - ii) preparing and implementing periodic landscaping and planting plans;
    - iii) planting and labelling of biblical and other plants in accordance with periodic plans; and
    - iv) maintaining the garden;

- v) fundraising;
  - vi) publishing a newsletter; and
  - vii) any other activities to support the Bible Garden.
- H. On 9 February 2004 Council and the trustees entered into a heads of agreement in relation to the future management of 6 Mitchell Road.
- I. Under the heads of agreement, the trustees of the Bible Garden envisaged making application to Council to subdivide 6 Mitchell Road so as to create separate lots for the existing Bible Garden and residential uses of the land:
- i) The proposed Bible Garden Lot would be vested in Council as 'Public Reserve (Bible Garden)' and managed by the Friends of the Bible Garden
  - ii) The proposed Residential Lot would continue to be used for residential purposes, and subject to development parameters consistent with protection of the view from the Bible Garden.
- J. The trustees accordingly lodged a development application with Council, and on 7 April 2005 Council consented to the subdivision in consent no N0824/04.
- K. The Friends acknowledge that conservation of the Bible Garden at 6 Mitchell Road was achieved through the subdivision, as without subdivision the whole of the land at 6 Mitchell Road would have been sold for residential development. The Friends also acknowledge that the development envelope proposed in DA N0824/04 is largely based on the concept design for a new home on the Residential Lot of Playoust Churcher, a copy of which set of drawings is annexed hereto and marked with the letter 'A'.
- L. The subdivision included a stratum portion to enable a garage and entrance to be built on the Residential Lot, the roof of such structure providing a landscaped viewing area for the Bible Garden Lot, as indicated in the 'Preferred Landscape Concept – Plan' and the 'Preferred Landscape Concept – Cross-Section' of Landscape Architect Judith Fritsche dated 9 October 2004 being part of the subdivision application, a copy of which plan and cross-section is annexed to this deed and marked with the letters 'B' and 'C' respectively.
- M. In February 2006 the Bible Garden Lot vested in Pittwater Council upon registration of DP 1086858.
- N. Council intends to resolve that the committee of the Friends be recognised as a committee of Council.
- O. The pre-existing easements and covenants registered on the land title to 6 Mitchell Road (being lot 2 in deposited plan 213975) prior to the 2005 subdivision, and the additional easements and covenants registered on the land titles to the Bible Garden Lot and the Residential Lot upon subdivision in 2005 are described in 'Easements and Covenants Affecting 6 Mitchell Road Palm Beach' as annexed hereto and marked with the letter 'D'.
- P. The Friends intend making application to Pittwater Council to carry out improvements to the Bible Garden, particularly in relation to parking and access and the landscaped viewing area referred to in paragraph L (above), as generally set out in the Landscape Concept Plan of landscape architect Judith Fritsche dated February 2001, a copy of which is annexed hereto and marked with the letter 'E'.
- Q. Council intends to make the Bible Garden Lot an item of local environmental heritage by amending Pittwater Local Environmental Plan 1993.
- R. The Friends intend to nominate the Bible Garden Lot for inclusion in the State Heritage Register under the Heritage Act 1977.
- S. The Bible Garden Lot must be managed as community land in accordance with a plan of management under the Local Government Act 1994.

- T. The parties do not intend to create legal obligations under this deed. Rather, the parties wish to enter a deed of management for the purpose of promoting:
- good communication between the parties;
  - public safety, and
  - redevelopment and ongoing management of the Residential Lot and the Bible Garden Lot which is sympathetic to the private amenity of the former and the public amenity and distinctive character of the latter.

#### **Operative Part**

##### *1. Representatives of the parties*

Each party appoints the person named in Schedule 1 as their respective representative for matters relating to this deed. Any party may change their representative by notice in writing to the other parties. Each party will notify the other parties of changes as soon as practicable.

##### *2. Consultation and cooperation to facilitate development of the Residential Lot*

- a) The parties will seek to cooperate during the design, construction and occupancy phases for any new dwelling on the Residential Lot, particularly regarding the stratum portion of the Residential Lot (in which the garage and entrance is to be constructed, capable of supporting the landscaping and viewing area in the Bible Garden Lot above).
- b) In particular the Owner of the Residential Lot will consult the Friends in the design and construction of the garage and entrance, so that the roof and walls of the garage provide suitable support for the balustrades, landscaping and viewing area above.
- c) Whenever consulted the Friends undertake to give prompt comment to the Owner of the Residential Lot.
- d) The Friends recognise that short-term disturbance of the amenity of the Bible Garden Lot is inevitable during the redevelopment of the Residential Lot.
- e) The Friends will seek to cooperate with the Owner of the Residential Lot to facilitate the redevelopment of the Residential Lot in accordance with the requirements of Council.

##### *3. Informal discussion and meetings*

The parties will seek to maintain good neighbourly relationships through informal discussion as the need arises. The parties agree to meet from time to time, and in any event at least annually, for the purpose of reviewing matters of mutual interest arising out of this deed including, but not limited to:

- a) Safety issues;
- b) Plans and proposals for redevelopment; and
- c) Issues associated with development works, such as access, parking and delivery and stockpiling of materials.

The representatives of the parties will appoint a minute-keeper for meetings so that a written record exists for the information of the parties and their future representatives.

##### *4. Insurance*

The owner of the Residential Lot and Council will obtain and maintain suitable insurance in respect of any personal injury or property damage that a third party may suffer in relation to the Residential Lot and the Bible Garden Lot respectively.

*5. Pedestrian right of way over driveway*

The Friends intend to provide stairway access direct to the Bible Garden allotment from Mitchell Road, as set out in the Landscape Concept Plan of Judith Fritsche annexed hereto and marked with the letter 'E'. In addition, the parties understand that some visitors to the Bible Garden may, now and in the future, wish to access the Garden or admire the view from the driveway, utilizing the pedestrian right of way described in the easement described on page 12 of 'Easements and Covenants Affecting 6 Mitchell Road Palm Beach' (annexure D). The parties will review from time to time any need to erect signage informing visitors to the Bible Garden lot not to proceed down the driveway beyond the extent of the right of way.

*6. Signage*

The parties will consult each other regarding the nature, location and wording of any informative signage that affects both the Bible Garden Lot and the Residential Lot.

*7. Nature strip to west of the driveway.*

Under the covenant described at page 7 of 'Easements and Covenants Affecting 6 Mitchell Road Palm Beach' (annexure D), the Owner of the Residential Lot must maintain the 1metre wide nature strip to the west of the driveway as a native plant area for native vegetation that does not exceed a height of 5 metres. As replacement or additional plants become necessary over time, the parties will consult each other regarding the choice of native plants to be grown in the nature strip.

*8. Fencing*

Under the covenant described at page 13 of 'Easements and Covenants Affecting 6 Mitchell Road Palm Beach' (annexure D), the Owner of the Residential Lot must not erect fencing along or within a metre of the common boundary of the Bible Garden Lot and the Residential Lot without the approval of Council. The parties recognize the desirability of not fencing the eastern side of the driveway in order to maintain views. Regarding the northern area of the common boundary, the parties will discuss the nature of safety fencing during construction phase prior to its erection.

*9. Plan of Management*

The parties recognize that the detailed arrangements for the use of the Bible Garden Lot are to be set out in or under the authority of a plan of management required under the Local Government Act 1994 in respect of community land owned by Council. The Owner of the Residential Lot and any citizen may participate in the process of drafting and reviewing the plan of management for the Bible Garden Lot. The Council will refer to the existence of this deed in the Plan of Management under the Local Government Act and in any subsequent Plan of Management in order to fully describe the management arrangements for the land at 6 Mitchell Road.

*10. Weddings*

The parties recognize that the arrangements by which weddings, baptisms and other formal ceremonies are conducted on the Bible Garden Lot should be dealt with in the above plan of management. The Council and the Friends never intend the Bible Garden to be a place for wedding receptions. In accordance with the plan of

management, the parties will review wedding ceremony arrangements from time to time so as to minimise disturbance to the Owner of the Residential Lot.

**11. Successors of the Owner of the Residential Lot.**

The Owner of the Residential Lot will advise any purchaser or successor in title to the Residential Lot of the existence of this ongoing deed of management.

**12. Amendment**

By unanimous agreement in writing the parties may amend, expand, update or replace this deed of management.

**Schedule 1**

Representatives of the parties (Clause 1)

The representative of Council is *Les Munn*  
title *Manager, Reserves and Recreation*  
telephone *9970 1354*  
email address *les\_munn@pittwater.nsw.gov.au*

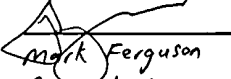
The representative of Friends is *Herminie Swainston*  
title *Vice President*  
telephone *02-9974 4420*  
email address *johnswm@ozemail.com.au*

The representative of Owner of the Residential Lot is **Nicholas Playoust**  
title *DIRECTOR*  
telephone *(02) 9252 5595*  
email address *nplayoust@aehgroup.com.au*

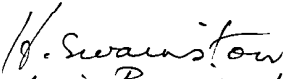


Dated 23rd March 2006


Signed, sealed and delivered )  
by Pittwater Council )  
in the presence of: )

  
Mark Ferguson  
General Manager

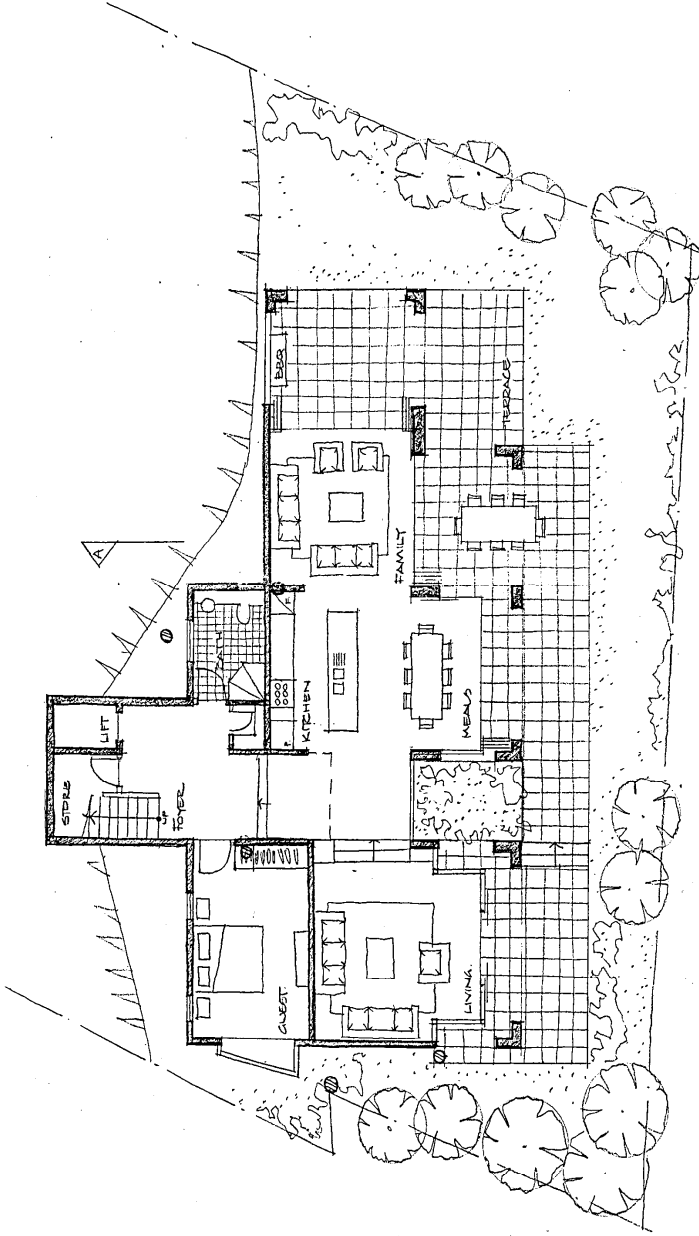
Signed, sealed and delivered )  
by the Friends )  
in the presence of: )  
S.Sholl Sarah Sholl

  
Vice-President  
Herminie Swainston

Signed, sealed and delivered )  
by the Owner of the Residential Lot )  
in the presence of: )

  
Nicholas Playoust  
DIRECTOR

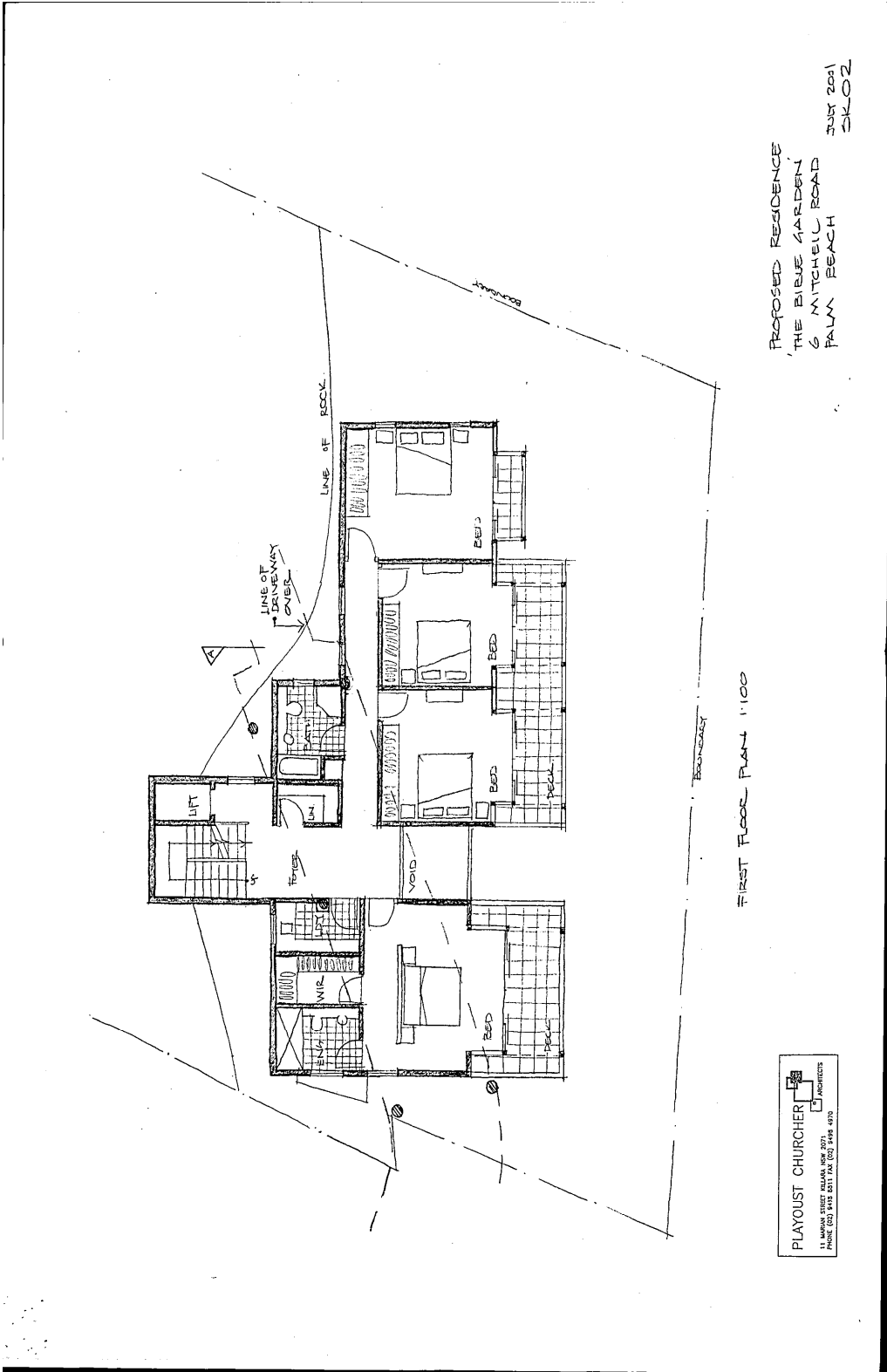
"A"



GROUND FLOOR PLAN 1:100

PROPOSED RESIDENCE  
THE BIBLE GARDEN  
6 MITCHELL ROAD  
PALM BEACH  
JULY 2001  
SK 01

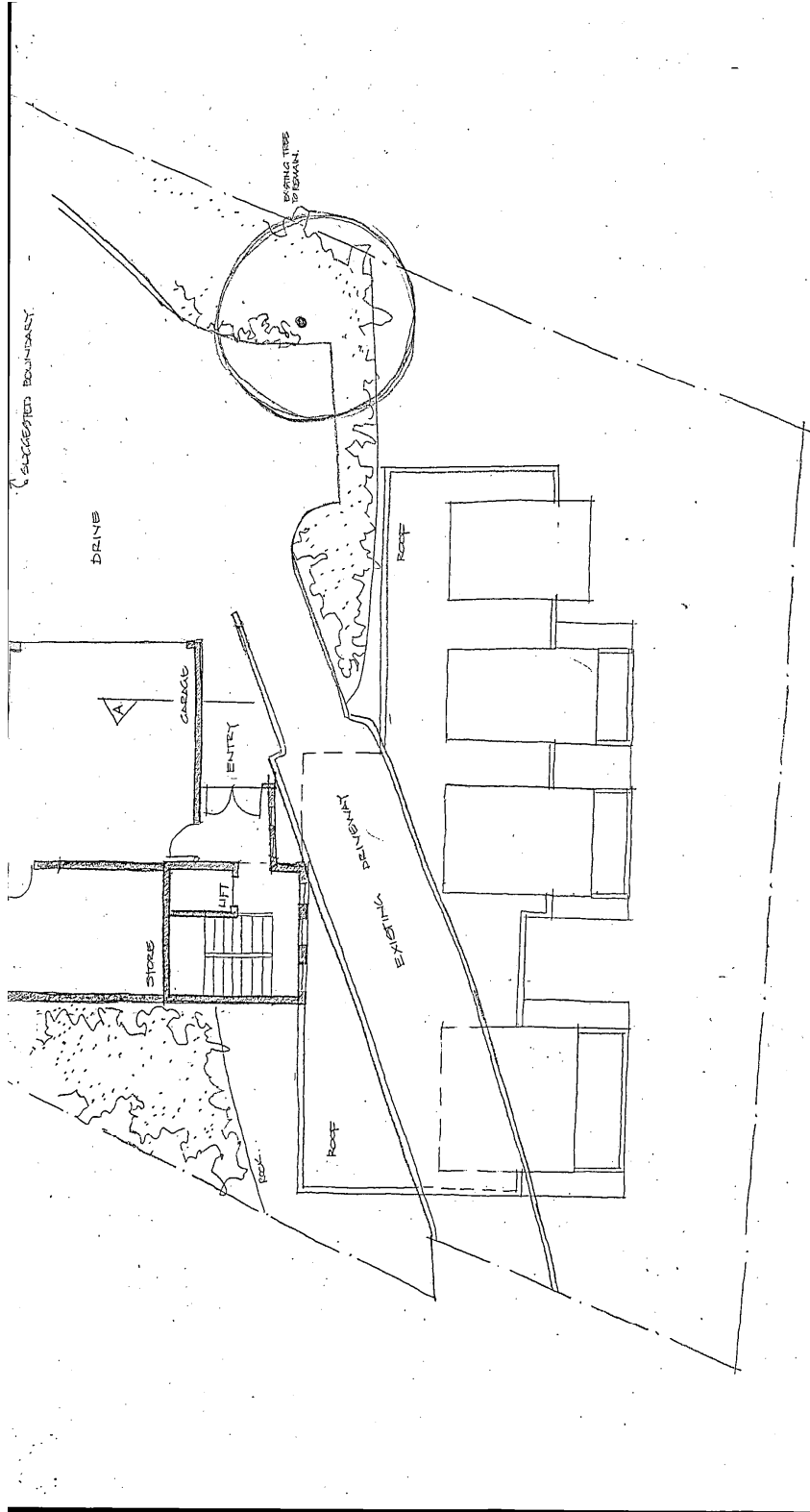
PLAYOUST CHURCHER ARCHITECTS  
11 MARINA STREET, MELBOURNE, VIC 3000  
PHONE (03) 9438 2511 FAX (03) 9438 4075



FIRST FLOOR PLAN 1:100

PROPOSED RESIDENCE  
 'THE BIRCH GARDEN'  
 6 MITCHELL ROAD  
 PALM BEACH  
 JULY 2001  
 SKL02

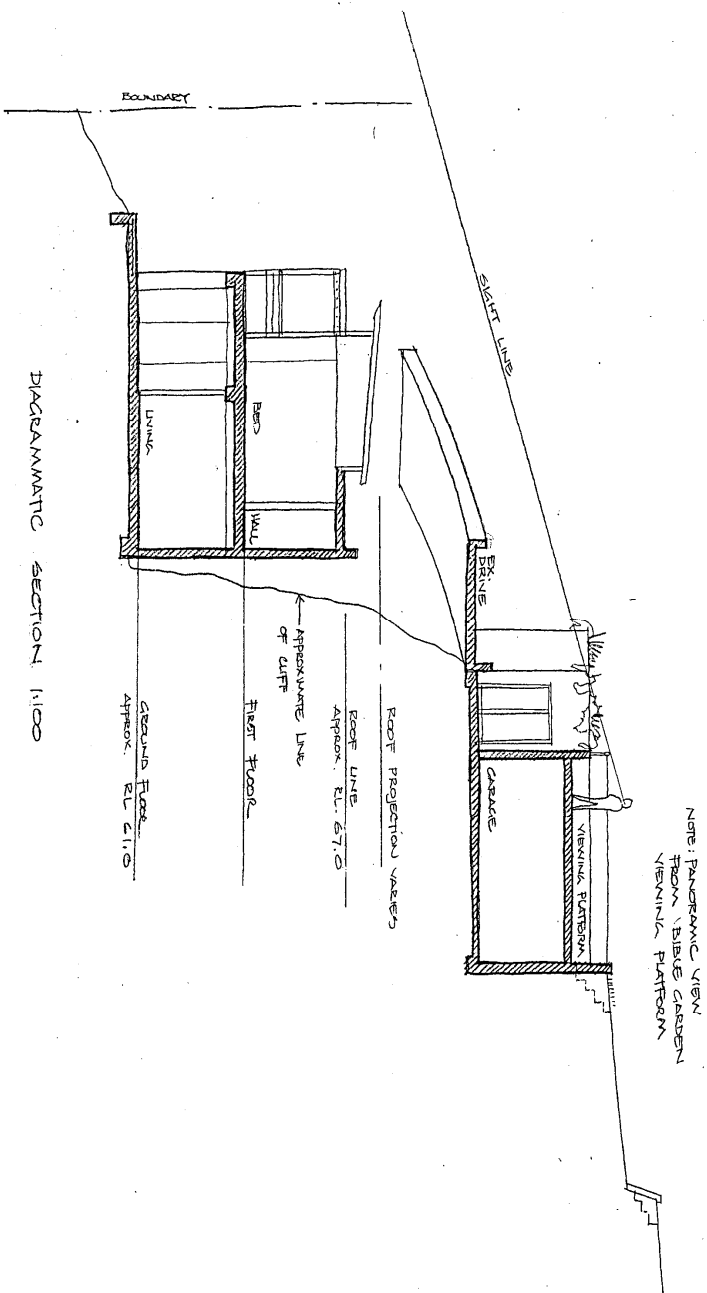
PLAYOUST CHURCHER  ARCHITECTS  
 11 MARSH STREET, PALM BEACH, QLD 4701  
 PHONE (08) 5415 2011 FAX (08) 5415 4970



PLAYOUST CHURCHER ARCHITECTS  
 11 MONY STREET MILWAUKEE NSW 2011  
 PHONE (02) 9438 8511 FAX (02) 9438 4199

PROPOSED RESIDENCE  
 THE BLUE GARDEN  
 6 MITCHELL ROAD  
 PALM BEACH  
 JULY 2001  
 SLO 13

PLAYOUST CHURCHERT  
 11 LAMON STREET MELBURN VIC 3001  
 PHONE (03) 9498 8811 FAX (03) 9498 4710  
 ARCHITECTS

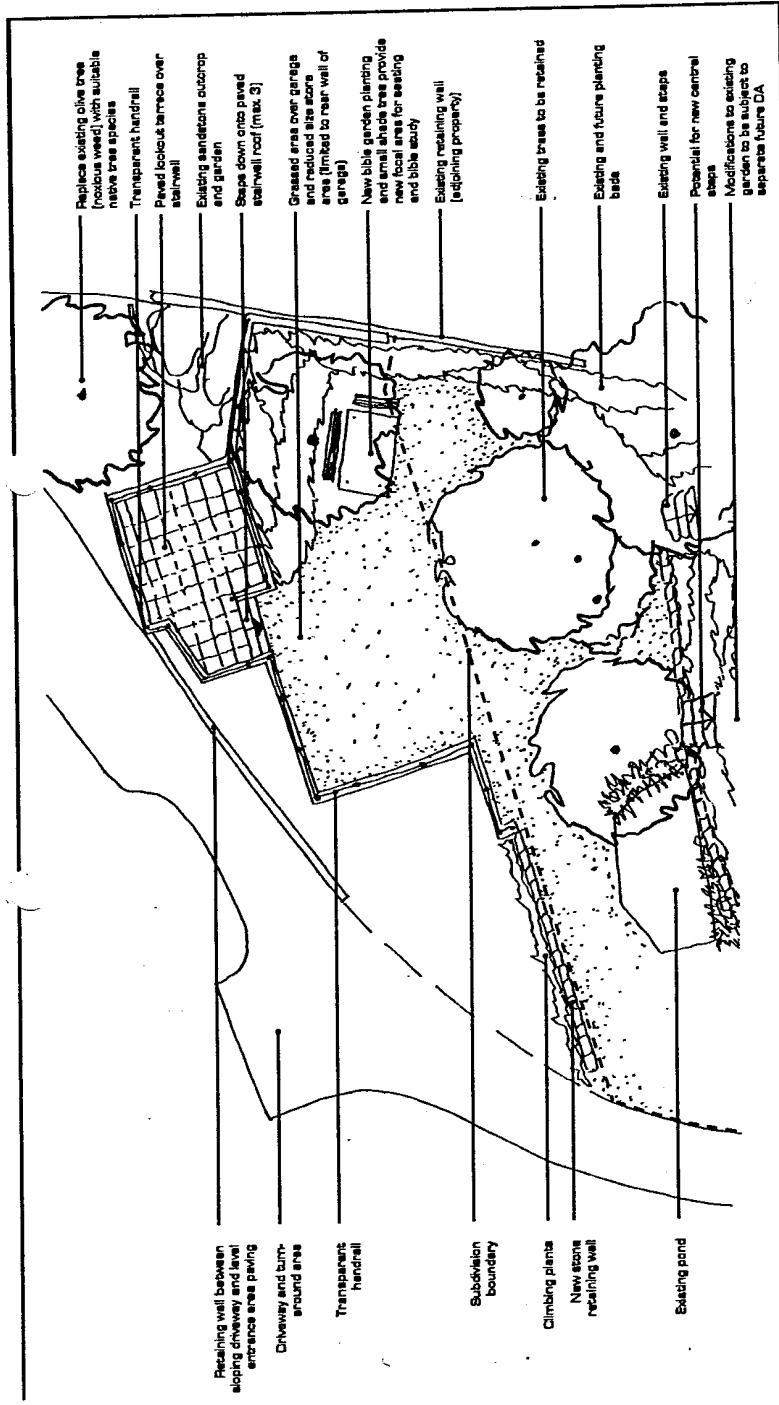


DIAGRAMMATIC SECTION 1:100

NOTE: PANORAMIC VIEW FROM BIBLE GARDEN VIEWING PLATFORM

PROPOSED RESIDENCE THE BIBLE GARDEN & MITCHELL ROAD PALM BEACH

JULY 2001  
 SK04



Replac existing olive tree (noxious weed) with suitable native tree species  
 Transparent handrail  
 Paved lookout terrace over stair/wall  
 Existing sandstone edicrop and garden  
 Slope down onto paved stair/wall roof (max. 3)  
 Grassed area over garage and reduced site score area (limited to rear wall of garage)  
 New bible garden planting and small shade tree provide new focal area for seating and bible study  
 Existing retaining wall (adjoining property)  
 Existing trees to be retained  
 Existing and future planting beds  
 Existing wall and steps  
 Potential for new central steps  
 Modifications to existing garden to be subject to separate future DA

Retaining wall between sloping driveway and level entrance area paving  
 Driveway and turn-around area  
 Transparent handrail  
 Subdivision boundary  
 Climbing plants  
 New stone retaining wall  
 Existing pond

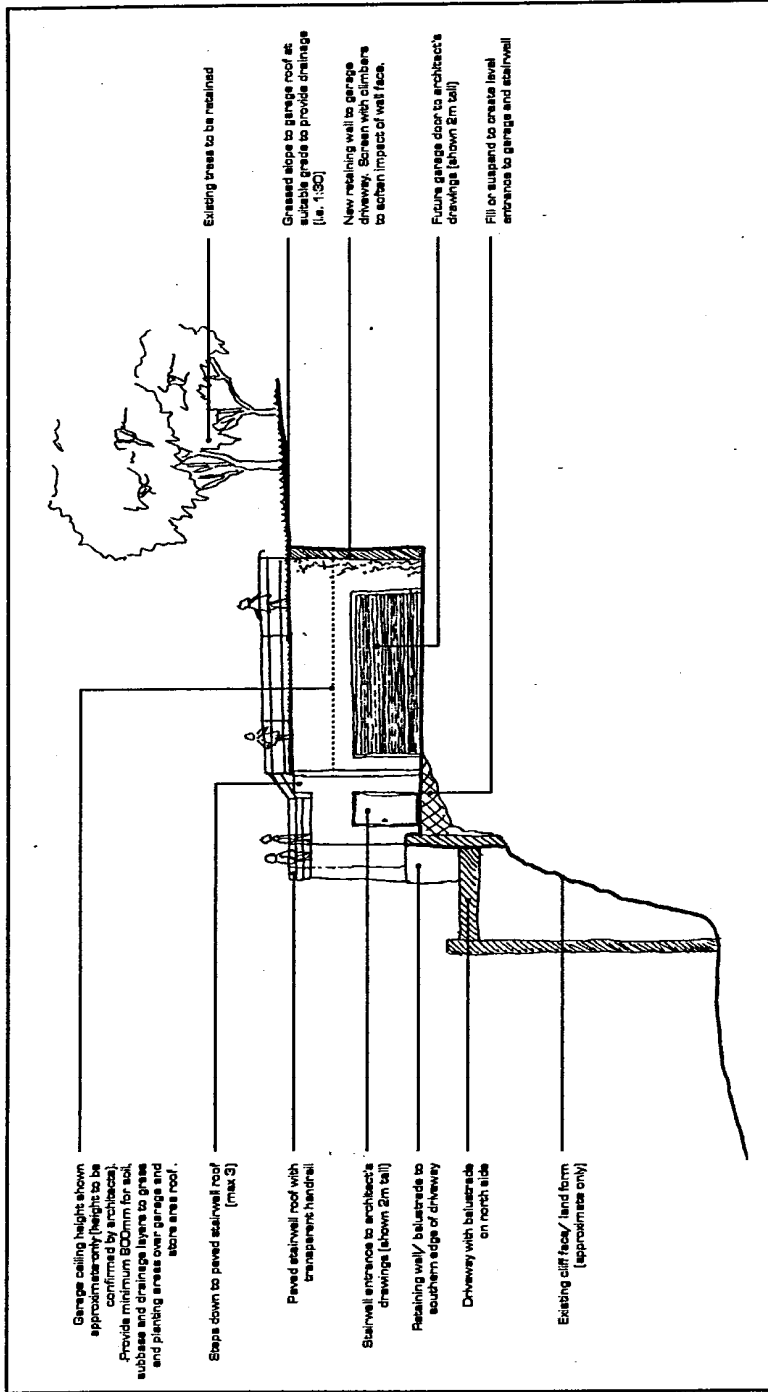
**Preferred Landscape Concept - Plan**  
**Garden Development and Use Rights over Future Residential Lot**

Scale 1:100 @ A3

The Bible Garden - Terraces Options  
 8 Mitchell Road, Palm Beach

Judith Fritsche  
 Landscape Architect  
 28 October 2004  
 A9106 072 070 008





**Preferred Landscape Concept - Cross Section**  
 Garden Development and Use Rights over Future Residential Lot

Scale 1:100 @ A3

The Bible Garden - Terrace Options  
 8 Mitchell Road, Palm Beach

Judith Fritsche  
 Landscape Architect  
 08 October 2004  
 A/N 98 075 670 068



" D "

Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

#### Easements and Covenants Affecting 6 Mitchell Road Palm Beach

The pre-existing easements and covenants registered on the land title to 6 Mitchell Road (being lot 2 in deposited plan 213975) prior to the 2005 subdivision were:

- i) D485602. This covenant made in 1946 relates to the design and location of a toilet and prohibits the use of lot 9 in DP 19437 as a quarry. The covenant has no present relevance;
- ii) H140958. This instrument created a four foot drainage reserve along the western boundary of 6 Mitchell Road (see page 3 of this annexure), then connecting with the drainage reserve owned by Council commencing in the north-east corner and contained in DP 101167;
- iii) J90967. This positive covenant made in 1962, prior to the construction of the private driveway between 15 Florida Road and 6 Mitchell Road, required proper engineering plans for any road, an adequate guardrail on the northern boundary of any road, and ongoing maintenance of the road and guardrail. The covenant burdens the Residential Lot and benefits 17 Florida Road (lot 1 DP 213975); and
- iv) K26304, K26305, K723759, K7230759 and L619130 give the landowners over which the driveway passes rights of way to pass in a southerly direction with vehicles (see page 4 of this annexure), or on foot in either direction. Each landowner covenants in respect of their land not to allow the right of way to fall into disrepair. (These easements do not affect the right of the Owner of the Residential Lot to drive up and down the section of the driveway on the Residential Lot. Rather the easements affect the landowners to the northeast of the Residential Lot who do not have street frontage to Mitchell Road.)

The additional easements and covenants registered on the land titles to the Bible Garden Lot and the Residential Lot upon subdivision in 2005 were:

- v) [Insert registered dealing no.] and [Insert registered dealing no.] provide a 1 metre wide easement for drainage of stormwater and sewage (see page 5 of this annexure) from the northeast corner of the Bible Garden Lot along the eastern boundary of the Residential Lot to the drainage reserve owned by Council between 15 and 17 Florida Road contained in DP 101167;
- vi) [Insert registered dealing no.] relates to the area to be retained as private open space at the northern boundary of the Residential Lot delineated on the plan by "L, M, N, P" (see page 6 of this annexure). Any new dwelling on the lot must retain that area as open space with a maximum height at 60.5 metres AHD, and the Owner of the Residential Lot must prevent the growing of any vegetation in that area that could exceed 67 metres AHD;
- vii) [Insert registered dealing no.] requires the Owner of Lot 1 to maintain a 1 metre wide area to the west of the driveway for native plants that do not exceed a height of 5 metres (see page 7 of this annexure);
- viii) [Insert registered dealing no.] requires any new house on the Residential Lot (other than the garage and entrance described in Diagram B on DP [Insert registered no.], and any structure associated with the driveway) to be contained within the building envelope marked 'M4, M3, P1, P2, W, V, U, T, S, R' on the plan (see page 8 of this annexure), the height limit for such envelope being 67.5 metres AHD at the eastern boundary of the envelope, and for any given point to the west of that boundary the height limit is the lesser of the height of the closest part of the elevated driveway to that point (measured to the bottom of the slab) and 69.5 metres AHD. In other words, the height limit is defined by the height of the existing driveway up to a maximum of 69.5 metres AHD;
- ix) [Insert registered dealing no.] relates to the provision of a vehicle turning area to enable forward, southerly exit to Mitchell Road from the Residential Lot, geotechnical requirements in building a new dwelling on the Residential Lot, and



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

- the maintenance of third party liability insurance by the Owner of the Residential Lot;
- x) [Insert registered dealing no.] enables an encroachment of up to 0.3 metres onto the Bible Garden Lot in constructing the footings for any garage and entrance in the area of the Residential Lot described in Diagram B of DP [Insert registered no.] (see page 9 of this annexure);
  - xi) [Insert registered dealing no.] requires the north-west corner of the Residential Lot to be planted out with local native plants and maintained as a habitat for such plants (see page 10 of this annexure);
  - xii) [Insert registered dealing no.] relates to the proposed garage and entrance envelope on the Residential Lot (Diagram B of DP [Insert registered no.] - see page 11 of this annexure). The Owner of the Residential Lot must build a garage in that envelope to a height of 74.5 metres AHD (or any lower height as Council may agree to in writing). The roof must be capable of bearing the load of landscaping and pedestrians as described in the restrictive covenant. The Owner of the Residential Lot must not allow the eventual structure to fall into disrepair or for third party liability insurance in respect of the Residential Lot to lapse. The Owner of the Residential Lot must not erect any aerial, antenna, satellite dish, solar heater or similar protrusion in a place that detracts from the view or amenity of the Bible Garden Lot;
  - xiii) [Insert registered dealing no.] enables landscaping to be lawfully placed on the roof of the proposed garage described in the preceding paragraph in the event that the roof is below 74.5 metres AHD;
  - xiv) [Insert registered dealing no.] enables visitors to access the Bible Garden Lot on foot from part of the driveway corridor of the Residential Lot (see page 12 of this annexure), the owner of the latter being liable for maintenance of the driveway;
  - xv) [Insert registered dealing no.] places a restriction on the future use of the Bible Garden Lot, in favour of the Residential Lot. The Bible Garden Lot must be conserved as a public reserve (Bible Garden); and
  - xvi) [Insert registered dealing no.] prevents the Owner of the Residential Lot from erecting any fence on or within 1 metre of the common boundary of the Residential Lot with the Bible Garden Lot (see page 13 of this annexure) without the prior written approval of Council.

The location of the easements and covenants referred to above is indicated in colour on the following pages.



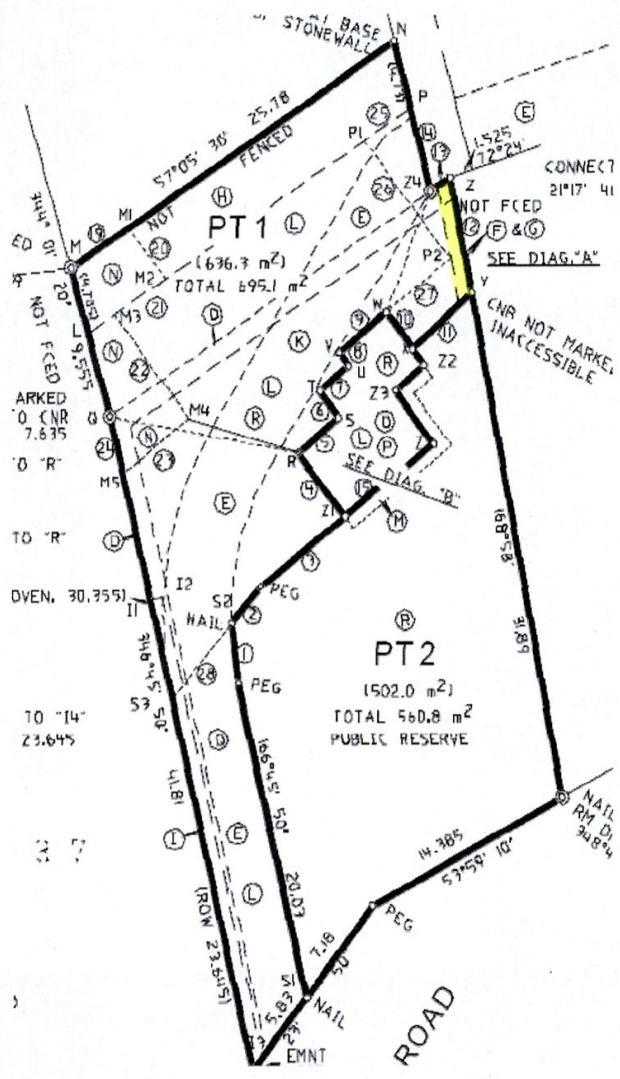


Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

### Easements and Covenants Affecting 6 Mitchell Road Palm Beach

The additional easements and covenants registered on the land titles to the Bible Garden Lot and the Residential Lot upon subdivision in 2005 were:

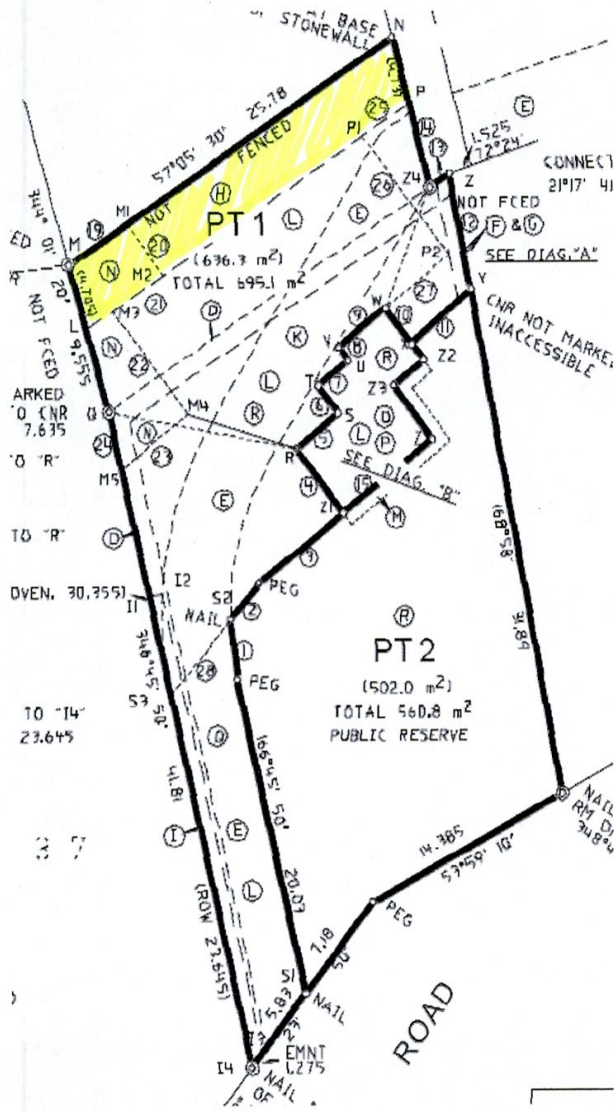
[Insert registered dealing no.] and [Insert registered dealing no.] provide a 1 metre wide easement for drainage of stormwater and sewage (as indicated in colour on the diagram below) from the northeast corner of the Bible Garden Lot along the eastern boundary of the Residential Lot to the drainage reserve owned by Council between 15 and 17 Florida Road contained in DP 101167:



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

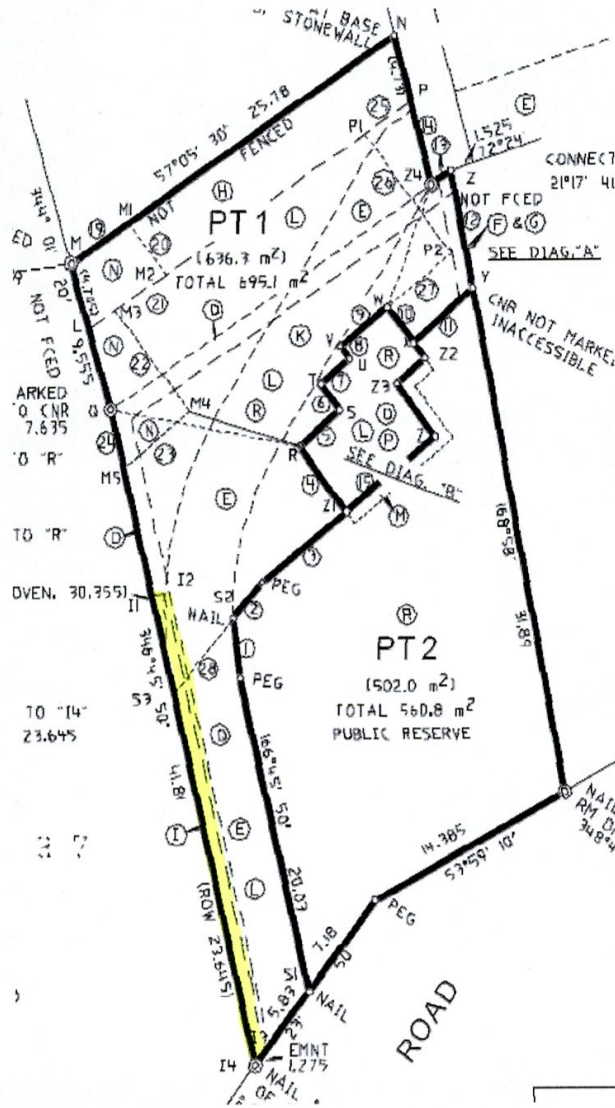
[Insert registered dealing no.] relates to the area to be retained as private open space at the northern boundary of the Residential Lot delineated on the plan by "L, M, N, P", as indicated in colour on the sketch below. Any new dwelling on the lot must retain that area as open space with a maximum height at 60.5 metres AHD, and the Owner of the Residential Lot must prevent the growing of any vegetation in that area that could exceed 67 metres AHD:



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

### Easements and Covenants Affecting 6 Mitchell Road Palm Beach

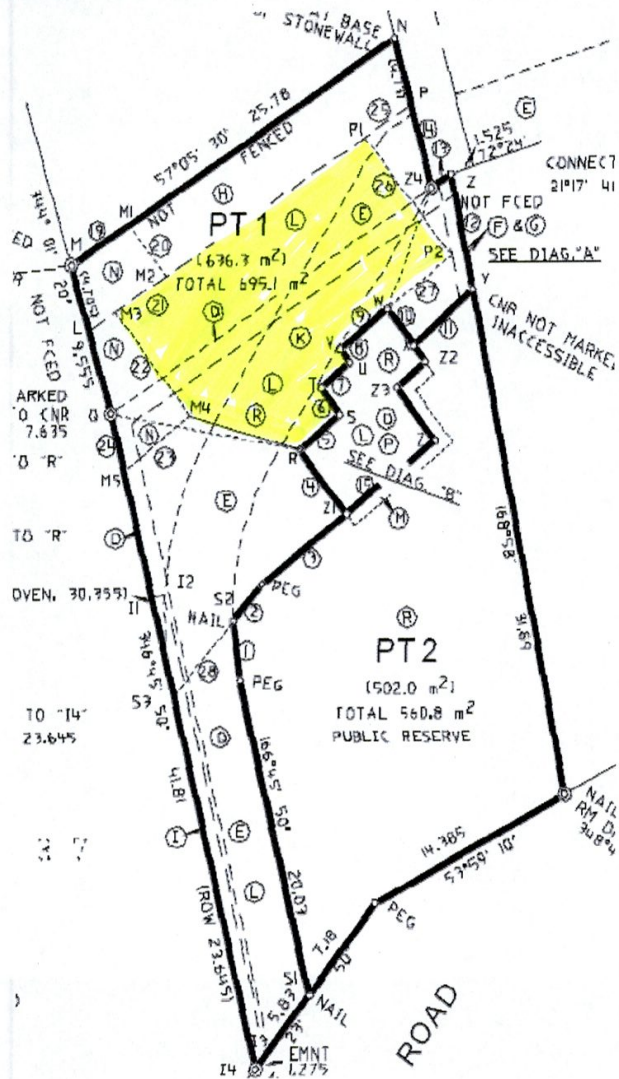
[Insert registered dealing no.] requires the Owner of Lot 1 to maintain a 1 metre wide area to the west of the driveway for native plants that do not exceed a height of 5 metres, as indicated in colour on the plan below:



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

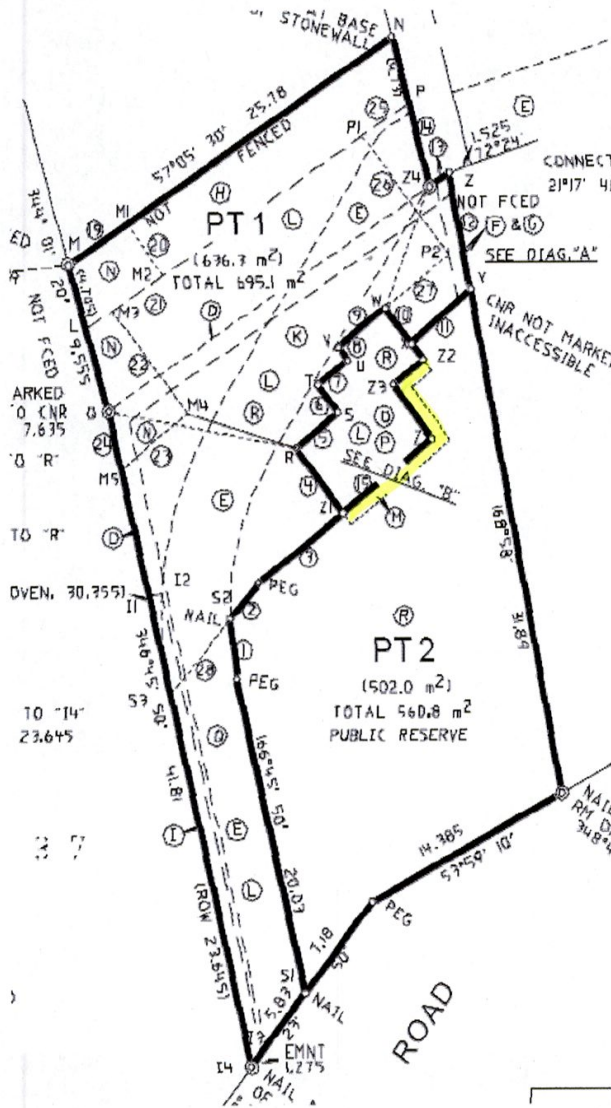
[Insert registered dealing no.] requires any new house on the Residential Lot (other than the garage and entrance described in Diagram B on DP [Insert registered no.], and any structure associated with the driveway) to be contained within the building envelope marked 'M4, M3, P1, P2, W, V, U, T, S, R' on the plan (see page 8 of this annexure), the height limit for such envelope being 67.5 metres AHD at the eastern boundary of the envelope, and for any given point to the west of that boundary the height limit is the lesser of the height of the closest part of the elevated driveway to that point (measured to the bottom of the slab) and 69.5 metres AHD. In other words, the height limit is defined by the height of the existing driveway up to a maximum of 69.5 metres AHD;



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

[Insert registered dealing no.] enables an encroachment of up to 0.3 metres onto the Bible Garden Lot in constructing the footings for any garage and entrance in the area of the Residential Lot described in Diagram B of DP [Insert registered no.], as indicated in colour on the plan below:

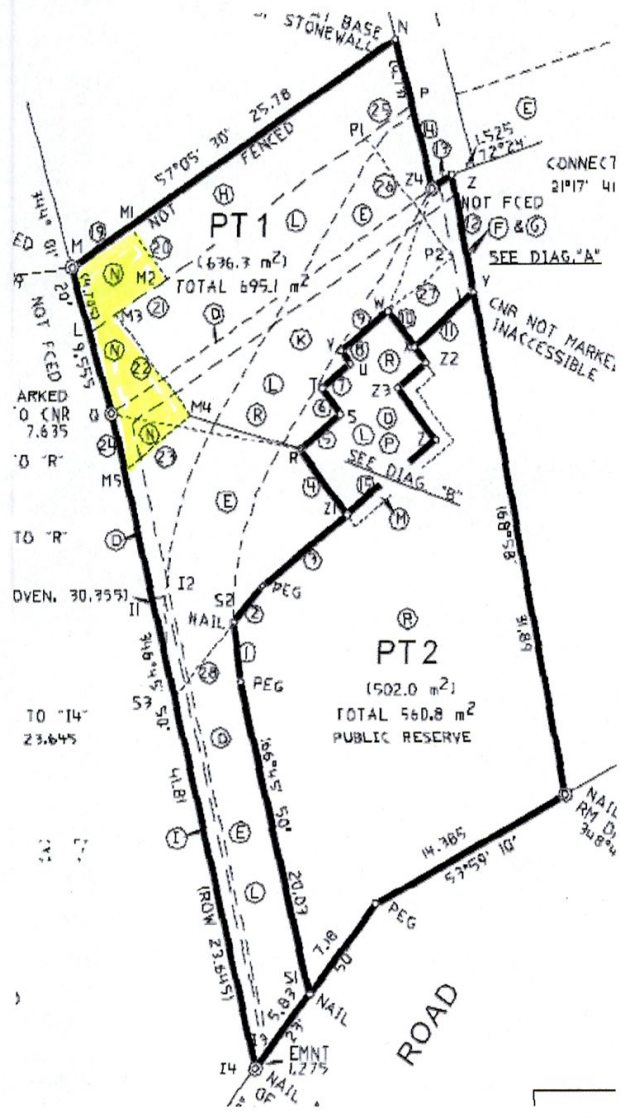




Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

[Insert registered dealing no.] requires the north-west corner of the Residential Lot (as indicated in colour on the plan below) to be planted out with local native plants and maintained as a habitat for such plants:

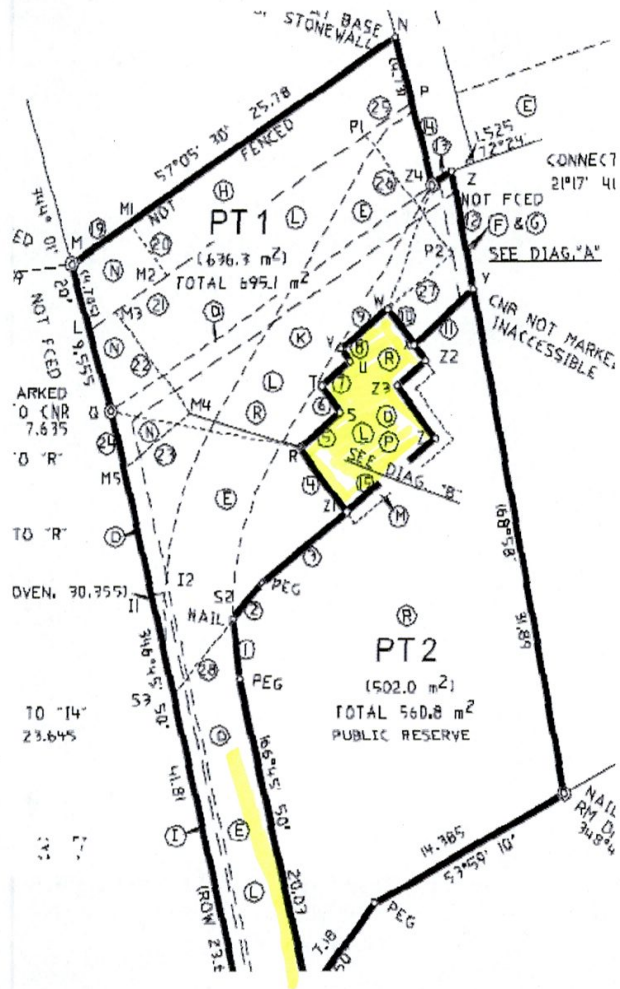


Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

[Insert registered dealing no.] relates to the proposed garage and entrance envelope on the Residential Lot (Diagram B of DP [Insert registered no.] ), as indicated in colour on the plan below. The Owner of the Residential Lot must build a garage in that envelope to a height of 74.5 metres AHD (or any lower height as Council may agree to in writing). The roof must be capable of bearing the load of landscaping and pedestrians as described in the restrictive covenant. The Owner of the Residential Lot *must not allow the eventual structure to fall into disrepair or for third party liability insurance in respect of the Residential Lot to lapse.* The Owner of the Residential Lot must not erect any aerial, antenna, satellite dish or solar panel in a place that detracts from the amenity of the Bible Garden Lot;

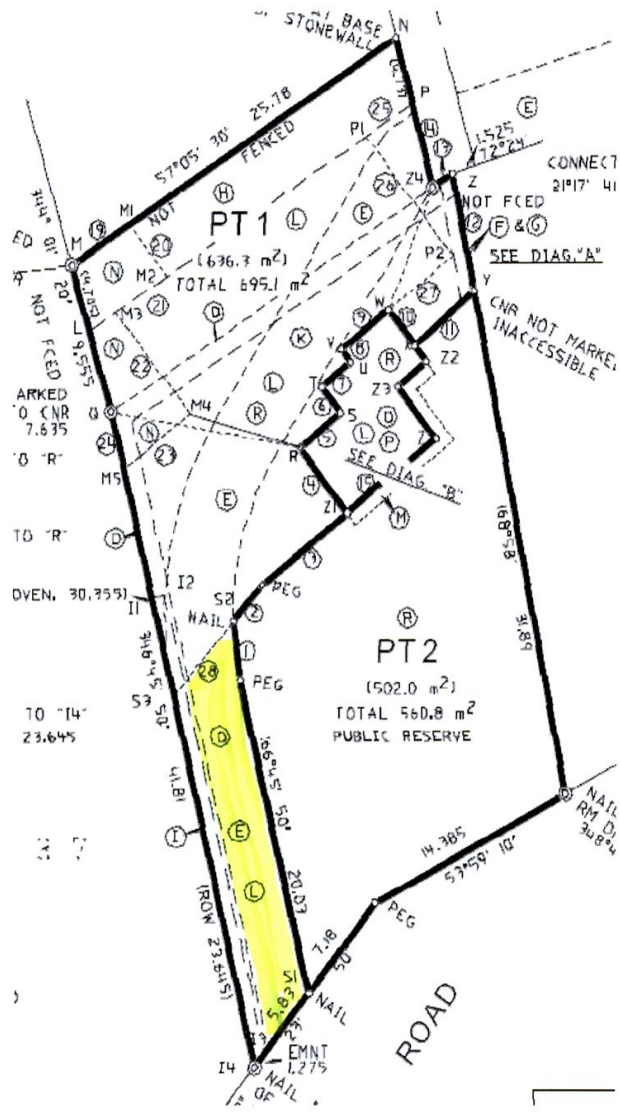
[Insert registered dealing no.] enables landscaping to be lawfully placed on the roof of the proposed garage described in the preceding paragraph in the event that the roof is below 74.5 metres AHD:



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

**Easements and Covenants Affecting 6 Mitchell Road Palm Beach**

[Insert registered dealing no.] enables visitors to access the Bible Garden Lot on foot from the part of the driveway corridor of the Residential Lot indicated in colour on the plan below, the owner of the latter being liable for maintenance of the driveway:



Annexure to Deed of Management Between Pittwater Council, Friends of the Bible Garden and Owner of the Residential Lot to the North of the Bible Garden

Easements and Covenants Affecting 6 Mitchell Road Palm Beach

[Insert registered dealing no.] prevents the Owner of the Residential Lot from erecting any fence on or within 1 metre of the common boundary of the Residential Lot with the Bible Garden Lot (as indicated in colour on the plan below) without the prior written approval of Council:

