



northern
beaches
council

AGENDA

Notice is hereby given that an Extraordinary Meeting of Council will be held at Manly Council Chambers on

Tuesday 8 August 2017

Beginning at 6:30pm for the purpose of considering and determining matters included in this agenda.

A handwritten signature in black ink, appearing to read 'Mark Ferguson'.

Mark Ferguson
Chief Executive Officer

Issued: 3/08/2017

OUR VALUES

Trust

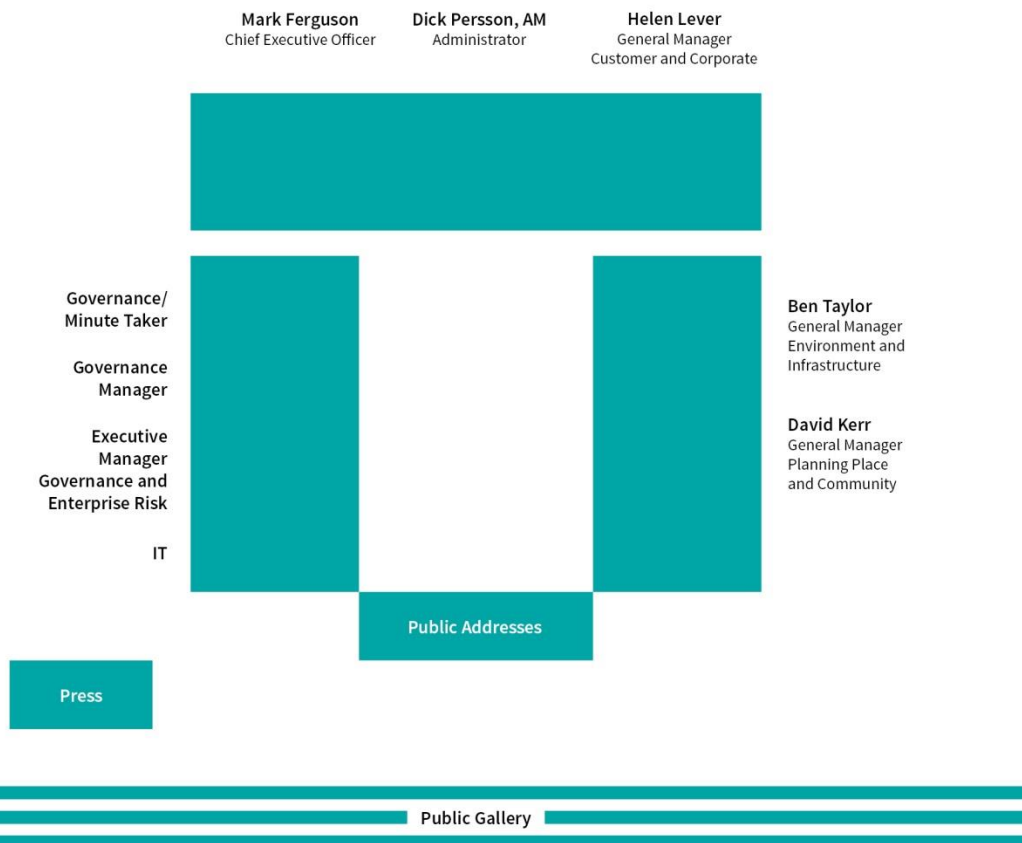
Teamwork

Respect

Integrity

Service

Leadership



**Agenda for an Extraordinary Meeting of Council
to be held on Tuesday 8 August 2017
at Manly Council Chambers
Commencing at 6:30pm**

ACKNOWLEDGEMENT OF COUNTRY

1.0 APOLOGIES

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

3.0 PUBLIC FORUM

There will be no public forum at this extraordinary meeting.

4.0 ADMINISTRATOR'S MINUTES

- 4.1 Administrator Minute No 12/2017 - Cultural Trust Business Case
(Report will be made available on Tuesday 8 August)

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Bushland on Private Property 49

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- 7.8 Graham Street Clontarf - Proposed Road Reserve Closure and Sale of Land
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- 7.10 Walk Avalon - Pedestrian Access and Mobility Plan 72

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| 10.0 | REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION | |

5.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

| | |
|--------------------------|---|
| ITEM 5.1 | STATUS OF THE DEVELOPMENT DEEDS FOR MANLY OVAL AND WHISTLER STREET CARPARK |
| REPORTING MANAGER | CHIEF EXECUTIVE OFFICER |
| TRIM FILE REF | 2017/244168 |
| ATTACHMENTS | NIL |

EXECUTIVE SUMMARY

PURPOSE

To update Council on the status of the Development Deeds for Manly Oval and Whistler Street carpark.

SUMMARY

At the first meeting of Northern Beaches Council on 19 May 2016, the Administrator undertook to review the Manly Oval project and the Whistler Street project in light of community concerns. A report on the independent reviews that were conducted for Council into the Manly Oval project and the Whistler Street project was provided to the Council meeting of 23 August 2016. At this meeting, Council resolved to terminate the Development Deed with Abergeldie Contractors Pty Ltd (Abergeldie) and the Development Deed with Built Development (Manly) Pty Ltd (Built) and Athas Holdings Pty Ltd (Athas).

Council and Abergeldie reached agreement to terminate the Development Deed for the Manly Oval project.

On 15 November 2016, Council provided notice of termination of the Development Deed for the Whistler Street project to Built and Athas. On 25 November 2016, Built and Athas provided to Council a notice under the Development Deed disputing the validity of the termination. Council entered into negotiations with Built and Athas regarding the Whistler Street project and the disputed termination, under a Negotiations Deed. These negotiations were without prejudice. The negotiations have come to an end without agreement, with Built and Athas providing Council with a letter dated 25 May 2017 terminating the Negotiations Deed effective on or about 25 June 2017. There are no ongoing negotiations.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council notes that Built Development (Manly) Pty Limited and Athas Holdings Pty Limited terminated the Negotiations Deed in respect of Whistler St project.

REPORT

On 23 August 2016, Council resolved to terminate the Development Deed with Built Development (Manly) Pty Ltd (Built) and Athas Holdings Pty Ltd (Athas) and the Development Deed with Abergeldie Contractors Pty Ltd (Abergeldie).

Progress with Built and Athas

Following Council's resolution, Council representatives met with Built and Athas representatives on a without prejudice basis. On 15 November 2016, Council provided notice of termination of the Development Deed to Built and Athas. On 25 November 2016, Built and Athas provided to Council a notice under the Development Deed disputing the validity of the termination (Dispute).

In early 2017, a Negotiations Deed was executed between Council, Built and Athas. The Negotiations Deed sought to facilitate without prejudice negotiations between the parties, with an aim, without obligation:

- a) to agree on the form of a project for the redevelopment of the Whistler Street site on terms that are acceptable to the parties; and
- b) to resolve the Dispute.

A report to the Council meeting of 31 January 2017 foreshadowed the proposed negotiations under the Negotiations Deed. At the meeting, Council resolved that a progress report in respect of the Negotiations Deed be brought to Council in or before August 2017.

Negotiations were undertaken under the Negotiations Deed with oversight by a probity advisor. By notice dated 25 May 2017, Built and Athas terminated the Negotiations Deed, effective on or about 25 June 2017. Negotiations have come to an end without agreement. There are no ongoing negotiations.

Progress with Abergeldie

Following the Council resolution of 23 August 2016, Council and Abergeldie reached agreement to terminate the Development Deed for the Manly Oval project. The termination of the Development Deed in no way reflects adversely on the good conduct and performance of Abergeldie or its partners during the development of the Manly Oval project.

TIMING

No further action is required in relation to the Negotiations Deed.

FINANCIAL IMPACT

No costs are payable by Council under the Negotiations Deed. The total financial impact in relation to the Whistler Street project will be dependent on the final outcome of any settlement.

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

6.0 CUSTOMER & CORPORATE DIVISION REPORTS

| | |
|--------------------------|--|
| ITEM 6.1 | POWER OF ATTORNEY TO CHIEF EXECUTIVE OFFICER AND GENERAL MANAGERS |
| REPORTING MANAGER | EXECUTIVE MANAGER GOVERNANCE & ENTERPRISE RISK |
| TRIM FILE REF | 2017/257752 |
| ATTACHMENTS | 1 ↓ Revocation of Power of Attorney 2 ↓ Power of Attorney |

REPORT

PURPOSE

To revoke the existing Power of Attorney and grant Power of Attorney to the Chief Executive Officer and General Managers.

REPORT

It is appropriate that Council grants to its Chief Executive Officer (who acts in the statutory capacity of General Manager under the *Local Government Act 1993*) and the General Managers, Planning, Place & Community; Customer & Corporate; and Environment & Infrastructure (who are not the Council's statutory General Manager under the *Local Government Act 1993*) the authority to execute all documents which give effect to resolutions of Council or which give effect to its functions delegated to them.

On 8 November 2016 Council adopted a Power of Attorney which was registered on 9 November 2016 in Book 4716 No 740 and operated from 10 November 2016. The Power of Attorney appointed interim General and Deputy General Managers at that time, to be Council's attorneys. A permanent Council structure has now been finalised and it is necessary for Council to revoke the Power of Attorney and grant a new Power of Attorney appointing, as attorneys, the persons now holding the positions of Chief Executive Officer and the 3 General Managers roles referred to above.

FINANCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

SOCIAL IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council:

- A. Revoke Power of Attorney Book 4716 No 740 which operates from 10 November 2016, and give any necessary notice of revocation to the relevant Attorneys.
 - B. Affix the Common Seal of Council to the Revocation of Power of Attorney.
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- C. Grant Power of Attorney to Mr Mark Ferguson, Chief Executive Officer; Mr David Kerr, General Manager Planning, Place & Community; Ms Helen Lever, General Manager Customer & Corporate; and Mr Benjamin Taylor, General Manager Environment & Infrastructure, effective on and from 9 August 2017 to execute documents, dealings and instruments relating to the matter detailed in the draft instrument attached to this report.
 - D. Affix the Common Seal of Council to the Power of Attorney.
 - E. Attend to registration of the new Power of Attorney.
-

REVOCAION OF POWER OF ATTORNEY

NORTHERN BEACHES COUNCIL of 1 Park Street, Mona Vale hereby revokes the Power of Attorney dated 8 November 2016 and registered on 9 November 2016 Book 4716 No 470 appointing Mark Ferguson, General Manager, of 1 Park Street, Mona Vale; John Warburton, Deputy General Manager Corporate Services, of 1 Park Street Mona Vale; Lisbeth Lawsen Deputy General Manager Public Affairs and Public Officer, of 1 Park Street Mona Vale; Benjamin Taylor, Deputy General Manager Environment & Infrastructure, of 1 Park Street, Mona Vale.

IN WITNESS WHEREOF the Council has hereunto set its Seal.

The Common Seal of NORTHERN BEACHES
COUNCIL }

Was hereunto affixed on the day of August 2017 } Dick Persson, Administrator
1 Park Street Mona Vale NSW 2103

pursuant to the resolution of Council made } Mark Ferguson, Chief Executive Officer
8th day of August 2017 1 Park Street Mona Vale NSW 2103

GENERAL POWER OF ATTORNEY

Part 1

THIS POWER OF ATTORNEY is made on the _____ day of _____ 2017
by NORTHERN BEACHES COUNCIL (the Council) of 1 Park Street, Mona Vale.

As principal, the Council of 1 Park Street, Mona Vale hereby appoints Mark Ferguson, Chief Executive Officer, of 1 Park Street, Mona Vale; David Kerr, General Manager Planning, Place & Community, of 1 Park Street Mona Vale; Helen Lever, General Manager Customer & Corporate, of 1 Park Street Mona Vale; Benjamin Taylor, General Manager Environment & Infrastructure, of 1 Park Street, Mona Vale to be its attorneys, jointly and severally, to exercise, subject to the conditions and limitations specified in Part 2 of this Instrument, the authority conferred on them by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything it may lawfully authorise an attorney to do.

This Power of Attorney operates on and from 9 August 2017.

Part 2

This Power of Attorney is limited to the execution of documents which give effect to:

- (a) resolutions of the Council where resolutions are required for the exercise of a function; or
- (b) functions which have been delegated to the Attorney.

This Power of Attorney does not operate as a delegation of any function of the Council for the purposes of section 377 of the Local Government Act 1993.

IN WITNESS WHEREOF the Council has hereunto set its Seal on the date abovementioned.

The Common Seal of NORTHERN BEACHES COUNCIL }

Was hereunto affixed on the _____ day of August } Dick Persson, Administrator
1 Park Street Mona Vale NSW 2103

2017 pursuant to the resolution of Council made on }

the 8th day of August 2017 in the presence of } Mark Ferguson, Chief Executive Officer
1 Park Street Mona Vale NSW 2103

Note: General Attorney Responsibilities

Attorneys must do the following as applicable:

- (a) *Keep principal's money and property separate from the attorney's money and property.*
- (b) *Keep reasonable accounts and records of principal's money and property.*
- (c) *Not benefit from being an attorney, unless expressly authorised by the principal.*
- (d) *Always act in the principal's best interests.*
- (e) *Always act honestly in all matters concerning the principals legal and financial affairs.*

Failure to do so may incur civil and/or criminal penalties.

7.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

| | |
|--------------------------|--|
| ITEM 7.1 | TENDER FOR COUNCIL WASTE PROCESSING AND RESOURCE RECOVERY |
| REPORTING MANAGER | GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE |
| TRIM FILE REF | 2017/258623 |
| ATTACHMENTS | NIL |

EXECUTIVE SUMMARY

PURPOSE

To advise Council of the outcome of the Kimbriki Resource Recovery Project tender and make recommendations for the future management of Council's waste.

SUMMARY

In 2009 the then Warringah, Pittwater, Manly and Mosman Municipal Councils established Kimbriki Environmental Enterprises Pty Ltd (KEE) to operate a resource recovery centre at Kimbriki Rd, Terrey Hills. At the time, it was proposed that the development of an alternate waste technology facility (AWT) for putrescible waste at Kimbriki could achieve greater resource recovery of household waste for the community.

The formation of the Northern Beaches Council in 2016 enabled the final details of the project to be resolved so that it could proceed to tender.

In September 2016 KEE, on behalf of Northern Beaches Council and Mosman Municipal Council, issued a public tender seeking offers from a Project Company to move away from the current situation of landfill disposal of municipal waste to sustainable waste processing and recovery facility. To achieve this a new resource recovery facility was proposed to be built at Kimbriki.

A total of fourteen (14) tender responses from three (3) tenderers were received. Following the tender process consistent with the PPP Guidelines as outlined in Confidential Item 9.1, the Preferred Tenderer has been identified as is recommended to Council for approval.

The Preferred Tender offers processing using a proven technology that delivers consistent, high order, environmental performance backed by stable end markets for recyclables and organics recovered for beneficial re-use.

The Preferred Tender provides an alternative solution to that envisaged by KEE in preparing this tender as it does not offer to build a new resource recovery facility at Kimbriki.

However this is considered a far superior result as it provides a significantly better environmental outcome at a lower cost to the community. The solution will result in a diversion of greater than 71% by weight of waste from landfill, well above current diversion levels, and is value for money as the price is broadly in line with the price Councils are currently paying for Municipal Solid Waste disposal to landfill. It also eliminates significant risk to Councils, provides flexibility for future technologies and extends the life of the Kimbriki landfill by up to twenty years.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council approve the recommendation contained in Item 9.1 of the Confidential Agenda –

Tender for Council Waste Processing and Resource Recovery.

REPORT

BACKGROUND

In 2009 the then Warringah, Pittwater, Manly and Mosman Municipal Councils established Kimbriki Environmental Enterprises Pty Ltd (KEE) to operate a resource recovery centre at Kimbriki Rd, Terrey Hills. At the time, it was proposed that the development of an alternate waste technology facility (AWT) for putrescible waste at Kimbriki could achieve greater resource recovery of household waste for the community.

The formation of the Northern Beaches Council in 2016 enabled the final details of the project to be resolved so that it could proceed to tender.

In September 2016 KEE, on behalf of Northern Beaches Council and Mosman Municipal Council, issued a public tender seeking offers from a Project Company to move away from the current situation of landfill disposal of their municipal waste to sustainable waste processing and recovery facility. To achieve this a new resource recovery facility was proposed to be built on site at Kimbriki.

Given the nature of the procurement, the tender was conducted under the NSW Government Private Public Partnership (PPP) structure. This required a specific governance structure and legal requirements required under the Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships (PPP Guidelines). The PPP Guidelines were established pursuant to the *Local Government Amendment (Public-Private Partnerships) Act 2004* which amended the *Local Government Act 1993*.

A total of fourteen (14) tender responses from three (3) tenderers were received. Following the tender process consistent with the PPP Guidelines as outlined in Confidential Item 9.1, the Preferred Tenderer has been identified as is recommended to Council for approval. .

The Preferred Tender offers processing using a proven technology that delivers consistent, high order, environmental performance backed by stable end markets for recyclables and organics recovered for beneficial re-use.

The Preferred Tender provides an alternative solution to that envisaged by KEE in preparing this tender as it does not offer to build a new resource recovery facility at Kimbriki.

However it is recommended for Council endorsement as it provides a significantly better environmental outcome at a lower cost to the community.

The technology is designed to recover recyclables and organics from the waste stream and will divert between 55% and 60% by weight of material that would have otherwise been disposed of to landfill. Combined with materials currently recovered by Council through kerbside recycling, this would result in a diversion greater than 71% by weight of waste from landfill, exceeding the NSW State Government's Waste Avoidance and Resource Recovery Strategy target of 70%.

In summary, the benefits of the Preferred Tender are as follows:

- Environmental outcomes consistent with the intention of the Invitation to Tender, including resulting in a diversion greater than 71% by weight of waste from landfill
- A "value for money" offer as compared with the other tenders, with a price which is broadly in line with the price Councils are currently paying for Municipal Solid Waste (MSW) disposal to landfill (but with a significantly enhanced diversion rate which is 55% better than the current diversion rate and without the need for millions of dollars in capital investment)
- An elimination of the risks associated with the design, construction and commissioning of a resource recovery facility on-site at Kimbriki

- A lower operational risk with Municipal Solid Waste (MSW) being processed in existing facilities using proven technologies that deliver consistent, high order, environmental performance
- Continued processing of Garden Organics (GO) at the Kimbriki site
- No change to Councils' kerbside collection and delivery arrangements, including garden organics
- A time-based opportunity for new waste processing technologies to emerge and/or mature before committing to new capital investment, thereby providing flexibility in the near-to-medium term in respect of the use of the Kimbriki site
- A significant reduction in the demand on landfill disposal at the Kimbriki site resulting from the diversion from landfill through the UR-3R Processing Facility, thereby significantly extending the Kimbriki landfill life by up to twenty years
- Reduced amenity impacts to adjoining properties at Kimbriki that could have otherwise occurred through with the construction and operation of a facility on site at Kimbriki.

The Preferred Tender will deliver considerable environmental, social and financial benefits to the Northern Beaches Council and the community.

The Preferred Tender offers a competitive price that is only slightly higher than that which is currently offered for a landfill solution delivers "value for money" for Northern Beaches Council.

CONSULTATION

This project has been the subject of significant community consultation during its development. The recommended outcome is consistent with the outcomes of community engagement in that it achieves significantly higher resource recovery rates at a lower cost to that originally forecast.

TIMING

The new contract is due to commence July 2019.

FINANCIAL IMPACT

The financial implications of an alternative waste processing solution have been considered by Council in its forward financial planning and will be covered in the Domestic Waste Management Charge.

SOCIAL IMPACT

The community of the Northern Beaches is strongly supportive of measures to increase resource recovery and this proposed outcome achieves this without significant change to the domestic waste management collection service.

ENVIRONMENTAL IMPACT

A proven technology, which delivers consistent, high order, environmental performance backed by stable end markets for recyclables and organics recovered for beneficial re-use. The technology is designed to recover these products from the garbage stream and will divert between 55% and 60% by weight of material that would have otherwise been disposed of to landfill.

Combined with materials currently recovered by Council through kerbside recycling, this would result in a diversion greater than 71% by weight of waste from landfill, exceeding the NSW State Government's target of 70%.

| | |
|--------------------------|--|
| ITEM 7.2 | IVANHOE PARK BOTANIC GARDEN LANDSCAPE MASTERPLAN |
| REPORTING MANAGER | EXECUTIVE MANAGER PARKS AND RESERVES |
| TRIM FILE REF | 2017/235980 |
| ATTACHMENTS | 1 ↓ Ivanhoe Park Botanic Gardens Landscape Masterplan |

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval for the adoption of the Ivanhoe Park Botanic Gardens Landscape Masterplan.

SUMMARY

Following the gazettal of Ivanhoe Park as a Botanic Garden in 2006 there has been a strong desire to upgrade the existing open space and gardens to a standard appropriate with that status and to improve the amenity of the site for accessibility and recreation.

Northern Beaches Council has prepared a Landscape Masterplan for the site that celebrates its heritage, improves accessibility and ensures that the open spaces and gardens are inclusive and attractive to the community.

Following engagement with key stakeholders including Greater Manly Residents' Forum, Council publically exhibited the Landscape Masterplan for a period of four weeks from 15 May 2017 to 12 June 2017. Council received 42 submissions that were generally very favourable of the masterplan proposals.

Upon adoption of the Landscape Masterplan, Council will prepare a management plan for the Garden to represent the proposed botanical structure: comprising of a Canopy Garden, Rainforest Garden, Native Bush Garden and a Formal Interactive Garden; as well as prepare a detail design plan for the Open Space, for implementation of the scope of works required in accordance with the Landscape Masterplan.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council adopt the Ivanhoe Park Botanic Gardens Landscape Masterplan.

REPORT

BACKGROUND

In 2014 the former Manly Council resolved to prepare a landscape masterplan for the Ivanhoe Botanic Gardens (including possible change to use of current buildings). A draft landscape masterplan for Ivanhoe Park was produced, however this draft was not progressed.

Northern Beaches Council decided to revisit the project in late 2016 and commenced engagement with Greater Manly Residents' Forum and other key stakeholder groups. Early engagement with these groups enabled the design team to produce a draft landscape masterplan that met the aspirations of key stakeholders and the community at large, that is affordable to implement and celebrates and incorporates the retention of the cultural and environmental heritage of the site within the landscape masterplan.

The key elements of the Ivanhoe Park Botanic Gardens Landscape Masterplan (the Landscape Masterplan) comprise the physical and visual connections between the Botanic Gardens and Open Spaces internal to the site, as well as the surrounding built environment, and the use of those spaces for the benefit of the community.

The Landscape Masterplan proposes improvements to the existing botanic structure to enhance public amenity, and identify and protect the botanical species of historical significance.

The Landscape Masterplan for the Open Spaces proposes improvements to the existing open spaces to enhance opportunities for recreation and community interaction. The Landscape Masterplan proposes pedestrian connections to the site and within the site, embracing the historic elements within Ivanhoe Park, such as the Merrett Historic Gate, the old Tramway alignment, and the ANZAC Memorial.

Accessibility throughout the Botanic Gardens and Open Spaces of Ivanhoe Park has been improved by the Landscape Masterplan to encourage safe and desirable use of the botanical gardens and open spaces.

The Landscape Masterplan proposes to explore the option for additional community uses at the existing Scout Hall, where an entire level is currently unoccupied. Additionally, open space recreation is proposed at the location of the existing Ivanhoe Park Preschool, that enhances community interaction and passive recreational use to a location that proposes a large central lawn area, small playground, natural pond, and a boardwalk, that are all connected to a proposed building to be used for the communities social and recreational benefit.

The proposal for a proposed building as shown on the Landscape Masterplan, replacing the existing Ivanhoe Park Preschool use, is subject to the places of the existing Preschool firstly being relocated to Kangaroo St Preschool.

CONSULTATION

Council publicly exhibited the draft Landscape Masterplan from 15 May 2017 until 12 June 2017. On 24 May a community drop in session was held attracting 40 residents and passers-by who all responded favourably to the draft Landscape Masterplan.

In total 42 formal submissions were received through the Your Say Northern Beaches engagement platform. A summary of the key issues is contained in the table below.

| Issue | Response | Change to masterplan |
|-----------------------------------|---|---|
| Lack of accessibility to Park Ave | Proposed change supported as it increases accessibility | Accessible path access to Park Avenue has been included |

| Issue | Response | Change to masterplan |
|--|---|---|
| Lack of lighting along path | Proposed change supported as it improves safety for pedestrians using the path network at night | A note regarding upgrade of lighting to main paths and spaces has been added. |
| Lack of accessibility for amphitheatre | The proposed change is supported as it improves accessibility for this focal point of the park | Path access has been added in natural amphitheatre area to replace previous stairs design. |
| Lack of connection to Manly CBD | Create a boulevard through Manly Oval to draw people into the Botanic Gardens | Recognise the Merrett Gate as the main entrance to the park and to upgrade the path to the Botanic Gardens to create a boulevard. |
| Perceived loss of trees | The Ivanhoe Park Landscape Masterplan is seeking to celebrate the environmental and cultural heritage of the site. A key component is the existing mature trees. The landscape masterplan has been developed to preserve trees of botanical significance. During the implementation of the landscape masterplan Council will ensure that adequate tree protection measures are in place to ensure this. It is noted that to facilitate some of the objectives of the landscape masterplan some vegetation will be removed to improve safety and facilitate new works but this will offset by replanting in other areas of the park. | No change to Landscape Masterplan |
| Relocation of preschool | The Ivanhoe Landscape Masterplan proposes to relocate the existing preschool and replace the use with a The proposal for a proposed building as shown on the Landscape Masterplan, replacing the existing Pre School use with a new building to incorporate an information kiosk, café or other community focused use. This is subject to the places of the existing preschool firstly being relocated to Kangaroo St Preschool. | No change to Landscape Masterplan |
| Inclusion of amphitheatre - there has been mixed reaction to the amphitheatre. Some comments have identified it as a good addition however there has been some | The use of the amphitheatre will be restricted to events and bookings that are in keeping with the character and nature of the Park. | No change to Landscape Masterplan |

| Issue | Response | Change to masterplan |
|---|--|-----------------------------------|
| concern that the ability to hold events in the space will change the tranquil and peaceful nature of the Park | | |
| Aboriginal heritage | The Landscape Masterplan offers a structure to celebrate the heritage of the Park and area. A key component of the implementation of the landscape masterplan will be to identify and recognise aboriginal heritage of the site in particular and the area in general. | No change to Landscape Masterplan |
| Park to be considered for State Heritage listing | <p>Council recognises the heritage significance of this park.</p> <p>Ivanhoe Park and the old tram line known as the Ivanhoe Loop are locally listed items in the Manly LEP. Council has commenced a process to update the State Heritage Inventory forms for the Manly LEP. This will include an update to the Ivanhoe Park listings.</p> <p>For an item to be included on the State Register it must be important for the whole of NSW. Council is able to support the proposed listing however, ultimately any decision on whether an item will be added to the State Heritage Register is a matter for the Office of Environment and Heritage.</p> | No change to Landscape Masterplan |

TIMING

Council has budgeted for the implementation of the priority actions of the Landscape Masterplan over the next three years. The following schedule has been proposed:

| Financial Year | Proposed works | Budget |
|----------------|---|-----------|
| 2017/2018 | Environmental assessment, detail landscape design and Rainforest Gardens (item C on the landscape masterplan) | \$50,000 |
| 2018/2019 | Stage one works: Formal and interactive gardens (item E) Open Space (item B) and access paths | \$450,000 |
| 2019/2020 | Stage two works: Sun Lawn (item F), Native Bush Garden (item D) and Canopy Garden (item A) | \$250,000 |

FINANCIAL IMPACT

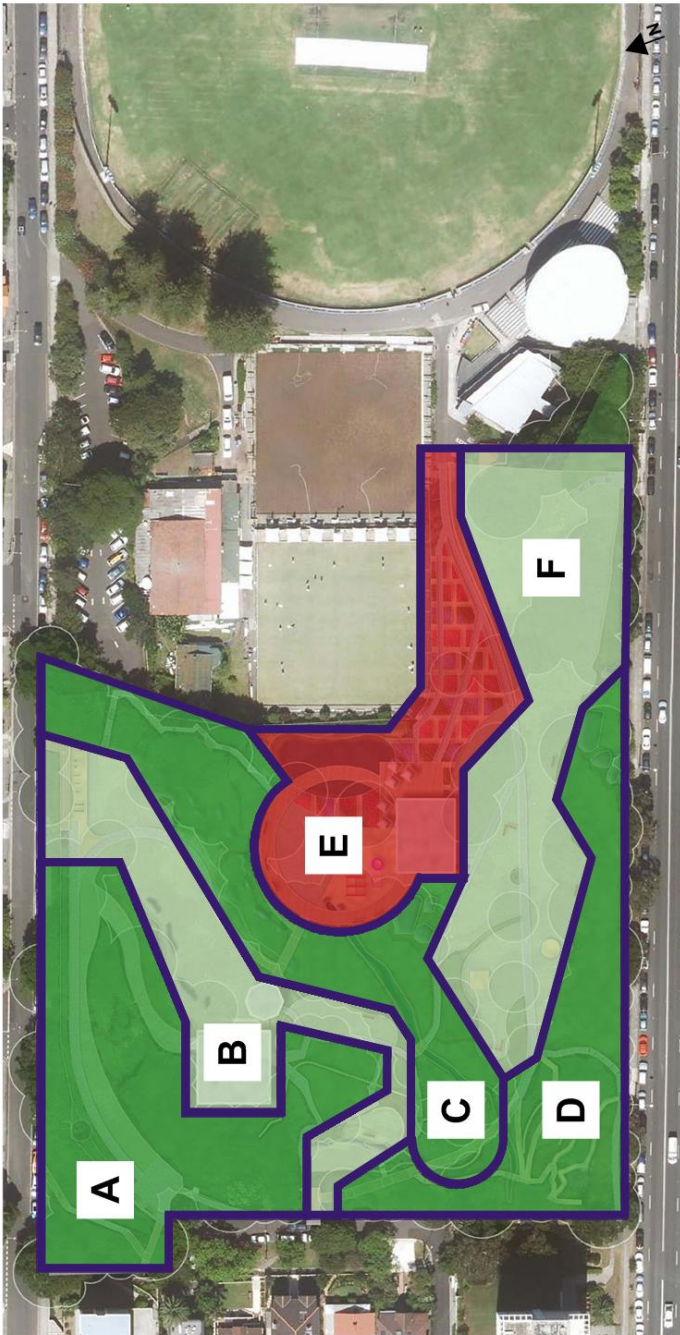
Council has budgeted for the works in the forward capital expenditure program per the schedule above to commence components of the landscape masterplan. Additional funding in financial years beyond year 2019 and year 2020 will be sought to complete the landscape masterplan.

SOCIAL IMPACT

The project will provide a positive community benefit by building on the existing ambience to provide a safe and inclusive space for the community to come together to enjoy this iconic park.

ENVIRONMENTAL IMPACT

The project will result in positive environmental amenity as the park is developed sustainably to recognise and celebrate the environmental, cultural and social heritage of the Park.



| | | | | | |
|--|--|--|---|--|--|
| <p>A</p> <p>Canopy Garden</p> <ul style="list-style-type: none"> • Manage tree canopy structure and distribution. • Develop plan to manage flora structure. • Use botanical identification labels for significant planting. • Remove areas of understory planting to allow open views through gardens. • Access path along former tramway line incorporating historic interpretation. | <p>B</p> <p>Open Space</p> <ul style="list-style-type: none"> • Maintain open grass areas. • Provide activation elements such as outdoor fitness equipment, stage and amphitheatre. • Provide seating. • Provide physical and visual connection to surrounding botanical and open space areas. | <p>C</p> <p>Rainforest Garden</p> <ul style="list-style-type: none"> • Manage canopy structure and distribution. • Develop plan to manage flora structure. • Use botanical identification labels for significant planting. • Connect to pedestrian access where terrain permits. | <p>D</p> <p>Native Bush Garden</p> <ul style="list-style-type: none"> • Enhance typical bushland planting. • Manage tree canopy distribution. • Use botanical identification labels for significant planting. • Informal walking trails. • Feature sandstone rock outcrops as typical of a native bush garden. | <p>E</p> <p>Formal and Interactive Gardens</p> <ul style="list-style-type: none"> • Array of garden beds for formal displays. • Represent historic Wildflower Show theme in parts. • Sensory garden, seasonal displays, etc. • Pathways (soft) between beds to allow greater access. • Central lawn • Playground | <p>F</p> <p>Sun Lawn</p> <ul style="list-style-type: none"> • Open lawn for passive recreation. • Specimen trees with botanical identification labels. • Seating options. • Enhance the historic significance of the ANZAC Memorial. |
|--|--|--|---|--|--|



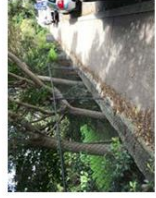
2. Tramway
Provide interpretation and path along alignment of old tramway.



1. Entry Plaza
Create entry space with signage, surface treatment and seating.



4. Outdoor Fitness Area
Provide area of outdoor fitness equipment to provide for community recreation and help activate the park.



3. Raglan Street Access
Provide accessible link from tramway path to Raglan Street.



6. Top Lawn & Viewpoint
Maintain clear lines of sight from lawn to the sea. Removal of selected insignificant tree removal may be required.



5. Vegetation Management
The and remove selected insignificant vegetation to create more visibility into the area and open views.



14. Park Ave Access
Provide accessible ramp access from Park Ave.



13. Raglan St Access
Provide ramp access to Raglan St.



12. Native Edge
North facing sloping lawn allowing for formal gardens and bowling club.



11. Boundary Fencing
Replace with heritage style picket fence to match oval fencing.



10. Native Zone
Maintain the city native bush character with informal path and rock outcrops.



9. Rainforest Zone
Enhance and manage area to display rainforest species.



8. Small Lawns
Quite zones overlooking rainforest gardens. Potential use for low key wedding ceremonies or similar community functions.



7. Scout Hall
Renovate and explore options for additional community uses and venue hire.



17. Merrett Historic Gate
Identify as main entrance to Ivanhoe Park Botanic Gardens to provide better connection to Manly Town Centre.



16. Oval Path Access
Consider surface treatments to reinforce main access path into Ivanhoe Park Botanic Gardens.



15. Accessible Access
New path and bridge structure to provide accessible access into park from Park Ave.



B. Gazebo Stage
Performing stage positioned to take advantage of natural grass amphitheatre.



A. Path Access
Path access to upper lawn area.



D. Existing Paths
Maintain (mostly) existing paths and repair any trip hazards.



C. Relocate Path
Remove and relocate path to create better alignment and more inviting space.



F. Boardwalk
Elevated boardwalk to provide safe connection over water runoff area.



E. Memorial Zone
Maintain ANZAC memorial and integrate to connected paths.



O. Sun Lawn
North facing sloping lawn allowing for seating including the formal gardens and bowling club.



N. Formal Gardens
Allowing for seasonal displays and planting including interpretation of historic Wildflower Show.



Reclined Seating
Include reclined seating for relaxation within the gardens.



Seating
Provide seating throughout gardens including arrangements to facilitate group conversation.



M. Deck Area
Building to incorporate deck to take advantage of views over pond, garden and central lawn.



L. Building
Remove existing building and construct new building incorporating cafe, kiosk, cafe or other community focused use.



K. Wetland Pond
Wetland and pond created in area of natural site runoff.



J. Boardwalk
Accessible boardwalk as a feature and to connect and frame central lawn.



H. Central Lawn
Open space area. Main recreation open space activity focus for the gardens.



G. Small Playground
Replace small playground with equipment to suit surroundings



Signage - Botanical
Provide botanical information signage for specimen trees, shrubs and garden areas.



Signage - Interpretation
Provide information signage for key elements such as tramway and garden historic items.



Signage - Wayfinding
Provide signage throughout the gardens.



Lighting
Improve lighting to main paths and recreation areas.



Q. Main Boulevard
Widen and reprofile path to provide main pedestrian boulevard through the park.



P. Entry Points
Reintegrate with new signage and plantings.

| | |
|--------------------------|--|
| ITEM 7.3 | PALM BEACH (SOUTH) LANDSCAPE MASTERPLAN |
| REPORTING MANAGER | EXECUTIVE MANAGER PARKS AND RESERVES |
| TRIM FILE REF | 2017/246764 |
| ATTACHMENTS | 1 ↓ Palm Beach (South) Landscape Masterplan |

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval for the adoption of the Palm Beach (South) Landscape Masterplan.

SUMMARY

The Palm Beach (South) Draft Landscape Masterplan (the Masterplan) was presented to Council at its meeting on 27 June 2017 where it was approved for public exhibition. The Draft Masterplan was advertised in the Manly Daily, site posters, customer service centres, libraries and Council's website.

The community were encouraged to make submissions through a combination of online submissions and drop in events that were held on Saturday 15 July and Tuesday 18 July 2017. About 80 people attended the events.

The community is generally supportive of the Masterplan particularly the aim to adopt a 'less is more' approach with minimal interventions. The community also supports the provision of a safe pedestrian path from Governor Philip Park to the ocean pool.

Council received 32 submissions in response to the Draft Masterplan. The main issue raised in the submissions is the loss of approximately 10 to 12 parking bays at the southern end of the beach to accommodate a short boardwalk. However, it is recommended to retain the boardwalk to address pedestrian safety in this area, particularly for elderly people and children.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council adopt the Palm Beach (South) Landscape Masterplan.

REPORT

BACKGROUND

The Palm Beach (South) Draft Landscape Masterplan was presented to Council at its meeting on 27 June 2017 where it was approved for public exhibition.

The Draft Masterplan was based on feedback including that the community value Palm Beach for its unique natural setting, seclusion and cultural heritage. The Draft Masterplan aims to improve the amenity, function and access at Palm Beach, while adopting a ‘less is more’ approach with minimal interventions.

CONSULTATION

The Draft Masterplan was placed on exhibition from 28 June to 30 July 2017 with submissions closing on 30 July. Exhibition included a project webpage with an online submission form, e-mail notifications, letters to residences opposite the beach and park in Ocean and Beach Roads, notices in the Manly Daily, displays at Council’s customer service centres and libraries, posters at Palm Beach (South) notifying drop in events on Saturday 15 July and Tuesday 18 July.

Drop in events were well attended by approximately 80 people who generally approved of the Draft Masterplan. Some members of the community reinforced that they would like the proposed upgrade to be as low impact as possible. Thirteen submissions opposed the removal of parking to accommodate the proposed boardwalk. This will result in the loss of 10 to 12 parking bays. Objections were based on the boardwalk restricting direct access to the beach in this area. Older residents, some with disabilities are regular users of the rock pool and need parking in this area. However, the majority of residents requested safe pedestrian access along the full length of the beach.

At completion of the public exhibition, the project webpage received a total of 696 page visits, with 376 document downloads and 32 submissions. A summary of submissions is provided below:

| Issue | Response | Change to Landscape Masterplan Plan |
|--|---|---|
| <p>Oppose the proposed boardwalk in the shared pedestrian/traffic zone. Parking is needed for families, events, Manly surf School and people with disabilities.</p> <p>Request safer pedestrian access from Governor Philip Park to the ocean pool. Safety is currently compromised due to reverse parking. This is placing pedestrians at risk, particularly elderly people and children.</p> | <p>Provide an additional disabled parking bay and a time limited drop off zone at the southern end of Ocean Road.</p> <p>Provide low impact delineation of existing parking areas on the western side of Ocean Road to increase the number of parking bays.</p> <p>Opportunities will be provided for service providers to drop of equipment in the proposed ‘drop off’ zone.</p> | <p>Masterplan amended to reflect suggested changes.</p> |

| Issue | Response | Change to Landscape Masterplan Plan |
|---|--|---|
| <p>Provide double vehicular access for events from the carpark opposite Palm Beach Road and near the boardwalk. Provide single vehicular access adjacent to the pavilion and opposite the SLSC.</p> | <p>Provide additional removal bollards adjacent to the pavilion, opposite the SLSC, adjacent to the pavilion and at the carpark north of the pavilion.</p> | <p>Masterplan amended to reflect suggested changes.</p> |
| <p>Retain free flow pedestrian access from the road onto the beach.</p> <p>Object to temporary fencing south of the pavilion.</p> | <p>Support free flow access at the southern end of the beach.</p> <p>Conserve and enhance the turf cover on the reserve south of the pavilion where it meets the beach.</p> <p>Fencing will be used where necessary, north of the pavilion to protect vegetation.</p> <p>Fencing south of the pavilion has been removed.</p> | <p>Masterplan amended to reflect suggested changes.</p> |
| <p>Object to the boardwalk because it will change the appearance and natural look of the beach.</p> | <p>The boardwalk is low impact and as short as possible.</p> | <p>No change to Masterplan.</p> |
| <p>Request for a separate bicycle path.</p> | <p>There is insufficient room on Ocean Road for a separate bicycle lane.</p> | <p>No change to Masterplan</p> |
| <p>The sand banks / dunes and drainage need to be addressed.</p> | <p>Council will methodically work along Ocean Road to address drainage issues.</p> <p>The storm water pits north of 'Black Rock' are currently being adjusted to prevent water runoff from the road eroding the sand dune. Once the pit work is complete the dune will be restored.</p> <p>The dish drain is scheduled to be installed along the western side of Ocean Road in the 2017/18 financial year.</p> | <p>No change to Masterplan.</p> |

| Issue | Response | Change to Landscape Masterplan Plan |
|---|---|-------------------------------------|
| <p>Retain free flow pedestrian access from the road onto the beach.</p> <p>Object to pop-up irrigation.</p> | <p>Any fencing to establish vegetation south of Black Rock would be temporary. Access stairs will provide access to the beach North of Black Rock.</p> <p>Irrigation is necessary to maintain higher quality turf coverage in high use areas, such as foreshores.</p> | <p>No change to Masterplan.</p> |
| <p>Leave as natural as possible, no overly intrusive design elements</p> | <p>The design criteria has taken a minimalistic approach using natural materials where possible.</p> | <p>No change to Masterplan.</p> |
| <p>Provide bench seating with back support.</p> <p>Provide small group seating at the southern end of the beach where the single seat is currently located.</p> <p>Provide handrails at steps.</p> | <p>These elements will be included when detailed design is carried out.</p> | <p>No change to Masterplan.</p> |
| <p>Provide a dog hitching rail at the southern end of the beach.</p> | <p>Dogs are required to be on a leash and under the effective control of a competent person, unless in a designated off leash area. This is a requirement of the Companion Animals Act, 1998.</p> | <p>No change to Masterplan</p> |
| <p>Concern the proposed crushed sandstone path will be difficult for people with bare feet.</p> | <p>People can continue to walk on the turf and sand. There was strong community support for minimal hard surfaces. Consideration will be given to the type of crushed sandstone path.</p> | <p>No change to Masterplan</p> |
| <p>Request sign near the bus stop to direct people to swim at the flags.</p> | <p>Provide a bin near the bus stop and carpark with the message to 'swim between the flags' or similar. (The new bin designs accommodate posters/signage).</p> | <p>No change to Masterplan</p> |
| <p>Hordern Park:</p> <p>Support the concept of installing picnic shelters.</p> <p>Request for steps through the park to exit next to 32 Florida Road.</p> <p>Upgrade the sign 'Cabbage Tree Boat Harbour'</p> | <p>Noted.</p> <p>The existing access is adequate in its current location and configuration. Some of the steps are of hand cut stones.</p> <p>The sign is being updated with a new Perspex cover and frame around the edge.</p> | <p>No change to Masterplan</p> |

| Issue | Response | Change to Landscape Masterplan Plan |
|---|--|-------------------------------------|
| Concerns regarding climate change and sea level rise. | The coastline is in a constant state of flux. The impact of climate change is expected to increase risks. The proposed works may be washed out by a severe storm / king tide in the distant or near future. This is a risk we take at all coastal locations. | No change to Masterplan |
| The Masterplan addresses what we already have; can we better accommodate Sydney's growing population? We need more versatile parking, points of interest, ferries, additional short bus routes at weekends and holidays. | The Masterplan improves the amenity and pedestrian safety of the location for the benefit of local residents and visitors. Technology is increasingly assisting with these issues such as Transport NSW and Walking Pittwater phone apps. | No change to Masterplan |
| Provide signage for Indigenous heritage | The masterplan references Indigenous heritage. | No change to Masterplan |

TIMING

Council has budgeted for implementation of priority actions from the Palm Beach (South) Landscape Masterplan over the next three years as outlined below.

| Financial Year | Proposed Works | Budget (operational plan 2017/18) |
|----------------|---|---|
| 2017/2018 | Develop and prioritise the works program for the Palm Beach (South) Landscape Masterplan. Dish drain installed along the western side of Ocean Road. | \$50,000 Funded through operational budget |
| 2018/2019 | Commence works on the pathway at the turning circle at the southern end of the beach and along the beachfront, excluding the proposed boardwalk. Repairs and upgrades to the pavilion. | \$550,000 (Funded by Council in partnership with the State Government). \$30,000 |
| 2019/2020 | Repairs and upgrades to the pavilion. | \$170,000 |

FINANCIAL IMPACT

Any additional funding required for implementation of the Landscape Masterplan will be sought through Council's annual budget process.

SOCIAL IMPACT

The project will provide a positive community benefit by improving the amenity and function at Palm Beach as befitting an important Sydney landmark and destination for Australian and overseas visitors.

ENVIRONMENTAL IMPACT

The project will result in positive environmental amenity as the masterplan area will be developed sustainably and sympathetically to enhance the environmental, cultural and social heritage of Palm Beach.

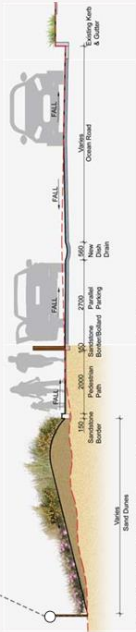
PALM BEACH (SOUTH) LANDSCAPE MASTERPLAN REPORT

Palm Beach is highly valued for its unique natural setting, seclusion, and cultural heritage. The masterplan aims to:

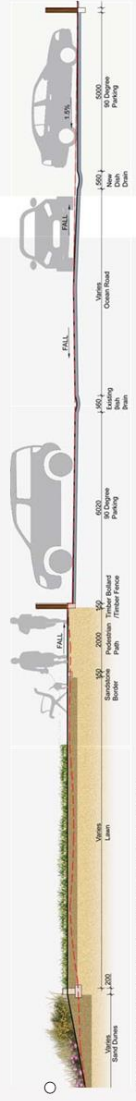
- Improve the aesthetics, function and access at Palm Beach (south) as befitting an important Sydney landmark and destination for Australian and overseas visitors.
 - Provide an accessible pathway at the northern end of the popular 'Bicentennial Coastal Walkway'.
 - Adopt a 'less is more' approach with minimal interventions, high quality materials and finishes - timeless, classic.
 - Integrate the shared pedestrian / traffic zone with the beach reserve.
- (Note: Mountages tend to look structured and include more elements in a concentrated space than what is intended).

1 Vision Statement

Low temporary sediment fencing (0.3m high)



2 Section AA - Northern Ocean Road looking South



3 Section BB - Southern Ocean Road looking South



4 Perspective Montage, Looking South

PALM BEACH (SOUTH)

LANDSCAPE MASTERPLAN








LEGEND

- Existing Norfolk Island Pine trees to be retained and protected
- Fencing Type 1 - Low Post & Rail Hardwood
- Fencing Type 2 - Temporary Dune Protection
- Fencing Type 3 - Hardwood bollards
- Fencing Type 4 - Sandstone Blockbollards
- Proposed Dunes Upgrade/Planting
- Proposed Managed Lawn Upgrade
- Proposed 2m crushed sandstone pedestrian promenade
- Formalise existing parking with new asphalt
- Proposed stone feature paving
- Proposed Shareway Paving
- Existing bus stop locations to be retained

-  New ditch drain to match existing southern drainage condition.
-  Reshape the sand in front of the road, plant with grasses and low growing native plantings to stabilise wind-blown sand, provide protective fencing where required and beach access at regular intervals.
-  Provide stairs for beach access at regular intervals.
-  Install paving as a change in road surface adjacent to Black Rock to calm traffic for improved pedestrian safety.
-  Retain existing kerb and gutter, upgrade all vegetation. Provide fencing only where necessary to establish setbacks and stabilise the sand around the footwall. Install sandstone headwalls to drainage outlets.
-  Provide crushed sandstone 2000mm wide pedestrian pathway with sandstone bollards along beach front.
-  Consolidate and relocate existing furnishings (benches, signage, outdoor heaters, fencing and bollards) along central pedestrian path.
-  Re-profile sand dunes, level where required, upgrade turf and install irrigation. Provide vehicle access for events from the carpark area opposite Beach Road.
-  Install parking changes in sections of the road to highlight the road is a shared pedestrian traffic zone and communicate pedestrian priority.

- Install picnic shelters in Waters and Hotent Potent.
- Replenish and reshape the sand up to the pathway and extend the existing turf. Extend the burnen road to provide pedestrian access with bollards as required. Provide additional disabled parking.
- Investigate underground On-site Detention Tanks (OSD), to capture, store and control the release of stormwater, within Wetsshire Park.
- Upgrade the area opposite the SLSAC - increase the height of existing retaining wall and sandstone landscaping and position furniture for a 'lively' aesthetic. Provide vehicle access opposite the SLSAC and next to the pavilion. Provide low impact delineation of the existing parking areas on the western side of Ocean Road to increase the number of parking bays.
- Install parking changes in sections of the road to highlight the road is a shared pedestrian traffic zone and communicate pedestrian priority.
- Re-profile sand dunes, level where required, upgrade turf and install irrigation. Provide vehicle access for events from the carpark area opposite Beach Road.
- Consolidate and relocate existing furnishings (benches, signage, outdoor heaters, fencing and bollards) along central pedestrian path.
- Provide crushed sandstone 2000mm wide pedestrian pathway with sandstone bollards along beach front.
- Install sandstone headwalls to drainage outlets. Setbacks and stabilise the sand around the footwall. Provide fencing only where necessary to establish vegetation.
- Retain existing kerb and gutter, upgrade all vegetation.
- Install paving as a change in road surface adjacent to Black Rock to calm traffic for improved pedestrian safety.
- Provide stairs for beach access at regular intervals.
- Reshape the sand in front of the road, plant with grasses and low growing native plantings to stabilise wind-blown sand, provide protective fencing where required and beach access at regular intervals.
- New ditch drain to match existing southern drainage condition.
- Install sections of sandstone paving at key points and transitional places along the pathway, including stair landings, road crossings, bus stop, pathway junctions, furnishings / seating areas.

-  OCEAN ROAD ARRIVAL
-  BLACK ROCK
-  THE PAVILION
-  OCEAN PLACE
-  KIDS CORNER

Plan Scale = 1:1500 @ A1, 1:3000 @ A3

PALM BEACH (SOUTH)

DESIGN DETAILS BY AREA

The proposed works are outlined below according to sections of Beach Road and Ocean Road. Ensure consistent design and materials throughout the site as suggested in the Design Elements and Materials on Page 3. The final choice of materials and design specifics are subject to detailed design work prior to construction.

BEACH ROAD - BARRENJOEY ROAD TO OCEAN ROAD

Pedestrian upgrades along Barrenjoey Road and at the eastern end of Beach Road will provide a flat pathway from one end of Palm Beach to the other as part of the Bicentennial Coastal Walkway with links to the beach, Barrenjoey headland and the historic lighthouse.

- Install a meandering concrete footpath two metres wide (sand coloured with aggregate) through Governor Phillip Park, behind the playground
- Upgrade the existing footpath in front of the golf course where required to link with Pitwater Esplanade and Barrenjoey Road.
- Retain the pedestrian crossing in its existing location opposite Palm Beach Golf Club.

OCEAN ROAD - FROM THE CORNER OF BEACH ROAD TO BLACK ROCK

- Experienced surfers use this area for surfing, swimmers should use the area between the flags.
- Replenish or replace the sand dune adjacent to the beach with aggregate.
- Replenish and reshape the sand dune adjoining the road, stabilise with native plants and install a pathway with stone or timber edging, east of the parallel parking.
- Provide pedestrian access onto the beach at regular intervals (Figure 17).
- Upgrade the existing maintenance/emergency vehicle ramp onto the beach with timber treads and bollard.
- Improve drainage near the Norfolk Island Pines.
- Install bins with signs directing users to swim between the flags.



Figure 13
Crushed sandstone or granite



Figure 14
Herwood bollards



Figure 15
Sandstone flagging

Consistency in design and materials - stone and timber

OCEAN ROAD: BLACK ROCK TO THE PAVILION

- This area contains the bus stop, carpark and a popular area of elevated lawn with views over the beach.
- Reshape the sand bank and stabilise with plantings.
- Provide a pathway east of the parking area between Black Rock and the Pavilion.
- Incorporate a stone headwall around the drainage outlet, reshape and stabilise the sand around the headwall.
- Retain the existing layout of the carpark, reseat, line-mark, landscape and install low railing fence.
- Reinforce the link between the bus stop and the beach.



Figure 19
Boardwalk at the southern end



Figure 20
Improve signage at shared zone - similar design but different colour and smaller scale

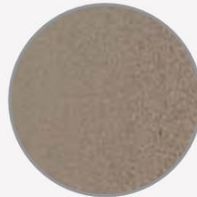


Figure 21
Shared zone sand coloured asphalt

OCEAN ROAD: PAVILION TO OCEAN PLACE

This area contains the heritage listed Palm Beach Pavilion that provides unique open-air public amenities for the public. It is used by the lifeguards for storage and shelter. The western side of Ocean Road contains several cafes / retail outlets.

- Undertake restoration works on the pavilion in accordance with the Palm Beach Conservation Management Strategy, 2004. This work is scheduled for the 2017-2018 financial year.
- Install bollards next to the Pavilion where required to prevent vehicles driving onto the beach from this area.
- Install low timber fences, stone edging to carparks and garden beds, mass plant, regrade and repair the lawn.
- Provide vehicle access onto the beach opposite Ocean Place, with removable bollards.
- Retain the existing turf on the beach around the Pavilion to reinforce the existing heritage / garden setting at this end of the beach.



Figure 16
Low post and rail fencing



Figure 17
Retain heritage style lighting (and remove excess posts/signage etc)



Figure 18
Stairs onto the beach

Integrate the shared pedestrian traffic zone into the beach reserve, rather than a road next to a beach

OCEAN ROAD: OCEAN PLACE TO THE OCEAN POOL

The southern end of the beach contains a small sheltered bay named Cabbage Tree Boat Harbour. It is informally known as 'Kiddies Corner'. It is the safest place to swim or learn to surf. It contains the flags and is well monitored during the day when the lifeguards and lifesavers patrol the beach. A surf school conducts formal lessons here.

There is a shared traffic/pedestrian zone in place. The Traffic and Pedestrian Study Ocean Road, South of Ocean Place, Palm Beach, April 2003 was undertaken prior to the starred road and the village strips being built.

- Provide a pathway from the Pavilion to the northern side of Wilsahire Park.
- Install a short boardwalk on the beach - in alignment with the northern side of Wilsahire Park to Hordern Park (Figure 19).
- Provide suitable surface material for the pedestrian walkway (to match the road) to the eastern side of the turning circle. Repair and extend the existing sandstone boulder revetment to stabilise the slope against wave action.
- If possible, retain the existing 10km/hr shared pedestrian/traffic section of Ocean Road. Provide 10km/hr markings on the road and highlight signage (Figure 20). (Additional signage is not supported).
- Regardless of whether it is possible to retain the 10km/hr zone, reinforce that this area is part of the beach reserve, rather than a beach with a road beside it. Investigate sand coloured asphalt or other suitable surface material or stone sets to form 'thresholds' for sections of road. At the entrance to the shared zone, mass plant both sides of the road for a stronger park-like aesthetic.
- Provide additional disabled parking and a five minute drop of zone.
- Retain the existing paved area on the western side of Ocean Road. Remove the clay soil as soon as possible. Install a dish drain. If possible, inlet dish drains (existing and proposed) with stone sets or materials to match the proposed road 'thresholds'. Funding has been allocated for a dish drain in the 2017-2018 financial year.
- Upgrade the shady area opposite the SLSC building. Raise the sandstone wall and extend along the sides to form a level base, top with crushed sandstone or granite. Consider several safe-style tables and chairs (Figure 22) to maximise the use of this area. Increase functionality, provide social opportunities and improve conditions along the Bicentennial Coastal Walkway.
- Upgrade the authorised vehicle access onto beach with removable bollard opposite the SLSC.
- Upgrade existing carparks, renew line marking, install low post and rail fencing and extend sandstone edging.
- Improve the three drainage outlets in this area.
- Retain and reinforce the existing guzmaia as ground covers adjacent to the turf in keeping with the heritage garden style.
- Upgrade the existing paved area on the western side of Ocean Road. Remove the clay soil as soon as possible. Install a dish drain. If possible, inlet dish drains (existing and proposed) with stone sets or materials to match the proposed road 'thresholds'. Funding has been allocated for a dish drain in the 2017-2018 financial year.
- Upgrade the ocean pool floor and walk paving surrounds and provide accessible access the pool (Figure 23).
- Install picnic shelters in Hordern and Wilsahire Parks with hip roofs similar to the heritage shelters in Governor Phillip Park (Figure 24) but



Figure 22
Several small-seated settings under Norfolk Island Pines (Bolted down)



Figure 23
Upgrade the ocean pool and provide accessible access



Figure 24
Provide picnic shelters in Wilsahire and Hordern Parks (with green roofs)

| | |
|--------------------------|--|
| ITEM 7.4 | UNLEASHED DOG EXERCISE AREAS, OUTCOMES OF COMMUNITY ENGAGEMENT MAY AND JUNE 2017 |
| REPORTING MANAGER | EXECUTIVE MANAGER PARKS AND RESERVES |
| TRIM FILE REF | 2017/246885 |
| ATTACHMENTS | 1 Review of Unleashed Dog Exercise Areas on the Northern Beaches, Community Engagement Report, July 2017 (Included In Attachments Booklet) 2 Map of the proposed Unleashed Dog Exercise Area, Avalon Beach Reserve, July 2017 (Included In Attachments Booklet) 3 Map of the proposed timed restricted section of the Unleashed Dog Exercise Area, Lagoon Park, Queenscliff (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To report on the outcomes of community engagement undertaken in May and June 2017 on the four proposed new unleashed dog exercise areas and the adequacy of Lagoon Reserve, Queenscliff to continue functioning as an unleashed dog exercise area.

SUMMARY

At the meeting held 28 March 2017 Council considered a report on the review of the adequacy of unleashed dog exercise areas on the Northern Beaches. Council resolved to:

- Begin a public consultation process with a view to having the following reserves declared as unleashed dog exercise areas:
 - Warriewood Valley Detention Basin, Warriewood
 - Avalon Beach Reserve, adjacent to Central Road and west of the drainage canal, Avalon
 - Munnumba Reserve, Belrose
 - South Creek Reserve, Wheeler Heights
- Review the adequacy of Lagoon Reserve, Queenscliff to function as an unleashed dog exercise area and engage with the community with a view to possibly rescinding the declaration or introducing restricted hours of usage as used in some of council's other unleashed dog exercise areas.

Council at this meeting also resolved to approve increased funding for capital and management improvements to unleashed dog exercise areas across the LGA with the allocation of \$100,000 per year for the next four years in Council's annual budget for improvements.

In May and June 2017 community feedback was sought on the four proposed unleashed dog exercise areas and the adequacy of Lagoon Reserve to continue as an unleashed dog exercise area. Feedback received has been captured in a Community Engagement Report developed by Parkland Planners for Council (see attached report). 894 submissions and 4 petitions with a total of 712 signatories were received and more than 130 people attended a community drop-in session.

The majority of respondents were supportive of more and improved unleashed dog exercise areas and to retain Lagoon Reserve as an unleashed dog exercise area. However some residents living nearby to the existing unleashed dog exercise area at Lagoon Reserve were not supportive of retaining this area. Also, residents living nearby to the proposed new areas at Warriewood Valley Detention Basin, Munnumba Reserve and South Creek Reserve were generally not supportive of these new areas. In analysing the feedback regarding the proposed new areas, greater weighting has been given to responses from nearby residents as it appears that many of the respondents supporting the declaration of the new unleashed dog exercise areas are supportive of the concept of more unleashed dog exercise areas but may not actually use these particular areas.

Reasons for supporting unleashed dog exercise areas included; benefits to dogs and owners from regular exercise and social interaction and current overcrowding of existing areas. Reasons for not supporting unleashed dog exercise areas included regular conflicts with unleashed, uncontrolled dogs, ongoing impacts on amenity from for example persistent barking, increased demands for parking and less area for other recreational use.

The recommendation below is in response to the community feedback received.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Avalon Beach Reserve (north western section) is declared as an unleashed dog exercise area on a trial basis for 6 months and that a review of the trial be the subject of a future report to Council. Temporary fencing, signage and other requirements are to be installed and key stakeholders and nearby residents appropriately notified before implementation.
 - B. Lagoon Reserve is retained as an unleashed dog exercise area and
 - a) Timed restrictions apply, in the area from the western side of the playground to the eastern most part of the reserve, on weekends (Saturday and Sunday) and public holidays as follows:
 - Friday 9pm to Saturday 9am (on leash)
 - Saturday 9pm to Sunday 9am (on leash)
 - Night before public holidays weekend restricted times apply - 9pm to 9am (on leash)
 - b) The timed restrictions are to be implemented following installation of signs and other required infrastructure and appropriate notification of key stakeholders and nearby residents.
 - c) A facility plan will be developed and implemented in response to operational issues raised during this community engagement including for signage. This plan is to be developed with key stakeholders and nearby residents.
 - d) An audit and analysis of the use of Lagoon Reserve is undertaken in 2017/18 and the findings to be considered for relevant policies and the facility plan.
 - e) Council's education and advice initiatives which support responsible dog ownership have a focus on Lagoon Reserve in 2017/18.
 - C. The Warriewood Valley Detention Basin, Munnumba Reserve and South Creek Reserve are not supported as unleashed dog exercise areas.
 - D. Community engagement is to be carried out with key stakeholders including the Manly Dogs and Pittwater Unleashed groups about upgrades to existing unleashed dog exercise areas
-

and other initiatives to be undertaken in 2017/18.

REPORT

BACKGROUND

In response to requests from the community, Council resolved at its meeting held 9 August 2016 to conduct a review of the adequacy of current off leash dog areas and present the results back to Council. A review was then undertaken that involved:

- Background research including; a literature review, statistical analysis of Council data, comparison with some other local government areas and internal consultation.
- An audit of existing unleashed dog exercise areas on the Northern Beaches.
- Discussions with key user groups including; Manly Dogs, the Manly and District Dog Obedience and Training group, Pittwater Unleashed and some sports groups that use sportsfields that are also unleashed dog exercise areas.
- Analysis of the background research, audit and feedback.

The findings of this review were reported to the Council meeting held 28 March 2017. At this meeting, Council resolved to:

- Prepare an integrated policy for unleashed dog exercise areas and dog management.
- Endorse development and implementation of education and training programs.
- Begin a public consultation process with a view to having the following reserves declared as unleashed dog exercise areas:
 - Warriewood Valley Detention Basin, Warriewood
 - Avalon Beach Reserve, adjacent to Central Road and west of the drainage canal, Avalon
 - Munnumba Reserve, Belrose
 - South Creek Reserve, Wheeler Heights
- Review the adequacy of Lagoon Reserve, Queenscliff to function as an unleashed dog exercise area and engage with the community with a view to possibly rescinding the declaration or introducing restricted hours of usage as used in some of council's other unleashed dog exercise areas.

In May and June 2017 community feedback was sought on the four proposed new unleashed dog exercise areas and the adequacy of Lagoon Reserve to continue functioning as an unleashed dog exercise area. Community engagement involved:

- An online feedback form available on Council's website via Your Say Northern Beaches.
- Seven community drop-in sessions.
- Written submissions to Council.

Council reports, maps of the unleashed dog exercise areas and a project overview were all made available on Council's website. Community engagement opportunities were publicised on Council's website and social media and widely promoted through local media. E-mails were also sent to; key stakeholders, people who registered an interest and to the Northern Beaches What's On registered members. Letters were also sent to nearby residents.

Community Feedback

Community feedback received has been captured in a Community Engagement Report developed by Parkland Planners for Council (see attached). A summary of responses is outlined below:

- 870 responses to the Your Say Northern Beaches online feedback form
- 24 submissions sent directly to Council and not via Your Say Northern Beaches
- 4 petitions with a total of 712 signatories.
 - *Retain Manly Lagoon as an unleashed dog exercise area*, 381 signatures.
 - *Keep Queenscliff Lagoon Park as an unleashed dog area*, 275 signatures.
 - *Manly Lagoon Petition for the Restriction of Dog Off-Leash Areas*, 28 signatures.
 - *Opposition to the proposed new unleashed dog exercise area at Munnumba Reserve*, 28 signatures.
- Over 130 people attended a community drop-in session

Analysis of the 870 responses to the online feedback form indicated that about 90% of respondents were supportive of establishing new unleashed dog exercise areas, and 10% were not supportive.

1. Reasons for supporting new unleashed dog exercise areas included:

- Conflict between dogs and with other open space users would be reduced.
- The community building aspect of owning a dog through meeting, interacting and forming friendships with other dog owners at unleashed dog exercise areas.
- Dogs are beneficial to people; exercising dogs is part of a healthy lifestyle, children learn about responsibility and dogs provide companionship particularly for older people.
- Dogs require safe off-leash exercise opportunities in urban areas. Unstimulated and bored dogs can cause nuisance.
- Some respondents who didn't own dogs recognised the need to exercise dogs so they don't become a nuisance.
- People are increasingly living in apartments with either no private open space or a small courtyard/backyard which is too small to exercise a dog. There is a need for places to exercise a dog near to where people live.
- There are not currently enough unleashed dog exercise areas for the high and increasing population of dogs on the Northern Beaches.
- Existing unleashed dog exercise areas are overcrowded, overused and not well distributed.
- An unleashed dog exercise area facilitates more acceptable behaviour from dogs and promotes responsible dog ownership.

The benefits of owning a dog and dog exercise areas were also outlined in the report to Council 28 March 2017, including that:

- Owning a dog increases the likelihood of achieving recommended levels of exercise.
- People walking a dog are more likely to have conversations with other people whilst children with pets have been shown to have higher self-esteem and are less likely to be overweight.
- The benefit of pets for companionship particularly older people has also long been recognised.
- Having well designed and maintained dog exercise areas provides dogs and their owners with opportunities to exercise and socialise.
- Regular off-leash exercise helps dogs relieve boredom and release pent-up energy. It may also reduce unwanted behaviour.

2. Reasons for not supporting new unleashed dog exercise areas included:

- Repeated, regular conflicts with unleashed dogs such as; being chased and threatened, persistent barking, stepping in dog faeces and verbal abuse from dog owners.
- That some dog owners; ignore signs restrictions, don't control their dog, take dogs into prohibited areas, cause conflicts with other users and wildlife, have dogs that are not trained and do not obey instructions, do not put their dog on a lead in places where they should be on a lead.
- Impacts on public health from dog faeces and urine.
- Unleashed dog exercise areas alienate space from other users.
- There are enough unleashed dog exercise areas.

Some of the issues highlighted in the community feedback were also identified in consultation undertaken for the report to Council 28 March 2017, including the impacts on public health and dog owners not always complying with restrictions and conditions of use of unleashed dog exercise areas.

Some respondents also offered their views on locations for other unleashed dog exercise areas particularly access to beaches. The Administrator has determined that consideration of access to beaches is not the subject of this review and community engagement.

Desirable features of unleashed dog exercise areas were also put forward by some respondents. These ideas will be considered in the ongoing program to upgrade existing areas.

Council recognises both the benefits of unleashed dog exercise areas to community well-being and the importance of managing impacts on the amenity of nearby residents and other park users. In response to the community feedback Council will continue to support, promote and reinforce responsible pet ownership in a positive way through education and information and to deliver a consistent integrated approach to carrying out Council's responsibilities.

In regards to the matter of persistent barking, Council supports a proactive approach including:

- Providing community education and training for dog owners.
- Investigating reports of persistently barking dogs and taking appropriate action to remove nuisance caused by barking.

Council has already committed to improving existing and considering new unleashed dog exercise areas, developing education and advice initiatives which support responsible dog ownership and to implementing a single consistent approach to managing unleashed dog exercise areas and pets. These initiatives will be developed and implemented from 2017/18 and in partnership with key stakeholders. Other initiatives in 2017/18 include:

- Creation of a new position whose role includes; patrolling and regulating dog related matters, delivering education programs, advising dog owners of their responsibilities and community liaison. It is envisaged that there will be on-site visits to unleashed and dog prohibited areas to meet users and residents, to discuss issues and answer questions and provide for example free microchip checking.
- Provision of education opportunities for non-pet owners and children about animal behaviour and safety around other people's pets.

Analysis of the four proposed new unleashed dog exercise areas is outlined below:

Between 80 and 90% of respondents to the online feedback form were supportive of each of the four proposed unleashed dog exercise areas. Whilst supporting the principle of new unleashed dog areas some respondents stated that they had no intention of using the area.

Council's recommendations have been developed following consideration of the feedback received for each of the locations.

In analysing the feedback regarding the proposed new areas, a greater weighting given to responses from nearby residents who will be impacted most, as it appears that many of the respondents supporting the declaration of the new unleashed dog exercise areas are supportive of the concept of more unleashed dog exercise areas but may not actually use these particular areas.

1. Warriewood Valley Detention Basin

The table below summarises the comments from 5 people that made positive comments and 8 people that made negative comments in relation to this location.

| Comments | Council responses |
|---|--|
| 1. Negative comments include: a) Potential conflict between dogs and pedestrians along pathways. b) Limits the informal open space and recreation area for those living nearby. c) It is small, limited parking. | 1. (a) There is a potential risk of conflict between unleashed dogs and pedestrians without fencing. 1. (b) Fencing would segregate users, reduce open space for informal and passive recreation and impact the effectiveness of this area for flood mitigation. 1. (c) There is some on-road parking nearby that is limited particularly during the week and times when local businesses are operating. |
| 2. Positive comments include: (a) The increasing population in Warriewood Valley requires an unleashed dog exercise area. (b) It is; safe for dogs being away from the road, quiet and less busy area. | 2. (a) Currently there are unleashed dog exercise areas at Progress Park, North Narrabeen and at Rowland Reserve, Bayview. There may need to be a further review as the population density increases. 2. (b). Nearby residents indicate that the use of this small park as an unleashed dog exercise areas would compromise the use for families with small children. |

Recommendation:

Upon consideration of the community feedback particularly the opposition from nearby residents it is recommended that the Warriewood Valley Detention Basin is not supported as an unleashed dog exercise area. While the majority of respondents supported the proposal it appears that these are largely supportive of the concept of more unleashed dog exercise areas but may not actually use these particular areas. There may need to be a further review of this park as the population density increases.

2. Avalon Beach Reserve

The table below summarises the comments received from 5 people that made positive comments and 54 people that made negative comments in relation to this location.

| Comments | Responses |
|--|---|
| <p>1. Negative comments include:</p> <p>a) Reserve is used by Maria Regina Primary School and other local schools for netball, other sport and play.</p> <p>b) Poor drainage results in muddy conditions and a dustbowl in dry weather.</p> <p>c) Close to the busy road, beach, skatepark, swings and well used pathways (yellow brick road), unleashed could spill over into adjoining area – there is potential for conflict.</p> <p>d) Too small, lack of parking.</p> | <p>1.(a). Netball courts are located at the southern end of this reserve. The northern part of this reserve could be used as an unleashed dog exercise area without encroaching on the current netball space. A fence would be required to separate the two uses.</p> <p>1.(b). If approved as an unleashed area appropriate maintenance would be required.</p> <p>1.(c). If approved as an unleashed area, potential conflicts would be minimised by fencing.</p> <p>1.(d). There is some parking available south of the park near the surf live saving club.</p> |
| <p>2. Positive comments include:</p> <p>(a) Avalon needs an unleashed dog exercise area and there are only two unleashed areas between Mona Vale and Palm Beach.</p> <p>(b) It is not high value public space.</p> <p>(c) It is accessible for families with children and dogs, an underused space and not a through pedestrian route.</p> | <p>2. (a). There are only two unleashed areas between Mona Vale and Palm Beach at Dearin Reserve, Newport and Hitchcock Park, Careel Bay.</p> <p>2. (b). The northern section of this park is not well used as it is not used for sport, informal or community activities as there are other more suitable parks nearby. Fencing would have a negative impact on this type of use.</p> <p>2. (c). The northern section of this park is accessible to a pathway that links to the pathway network that connects to nearby beach areas, public amenities, car parks and other facilities.</p> |

Recommendation:

Upon consideration of the community feedback it is recommended that the north western section of the Avalon Beach Reserve is declared as an unleashed dog exercise area on a trial basis for 6 months and that a review of the trial is the subject of a future report to Council. Temporary fencing, signage and other requirements are to be installed and key stakeholders and nearby residents appropriately notified before implementation.

3. Munnumba Reserve

The table below summarises the comments received from 3 people that made positive comments and 18 people that made negative comments in relation to this location.

A petition was also submitted which strongly opposed this proposal, with 28 signatures from nearby residents. There are homes located on three of the four sides of this reserve. In analysing the feedback greater weighting has been given to responses from residents who live adjoining or close to the reserve who would be directly impacted.

| Comments | Responses |
|---|--|
| <p>1. Negative comments include:</p> <p>(a) Potential conflict between dogs and pedestrians along the well-used thoroughfare in the park</p> <p>(b) It is a quiet, densely populated residential area with houses surrounding the perimeter of the proposed area. The proposed dog park will cause nuisance barking, disturbing local residents.</p> <p>(c) Limits the informal open space and recreation area for those living nearby. The reserve is too small.</p> | <p>1. (a).(c). There is a potential risk of conflict between unleashed dogs and pedestrians without fencing. Fencing would segregate users, reduce open space for informal and passive recreation.</p> <p>1. (b).(d). A new unleashed area in this park would increase the intensity of use of this park and impact on the amenity of adjoining residents including from noise from barking dogs and increased demand for parking.</p> |

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| <p>(d) The proposed dog park will lead to an increase in traffic and will be dangerous for local residents walking and backing out of driveways. There is no off street parking which will cause an increase in congestion.</p> <p>(e) An unleashed area will have a negative effect on neighbouring house prices.</p> | |
| <p>2. Positive comments include: a) It is close to home. b) Provides another option for unleashed dog exercise in Belrose.</p> | <p>2. Upon consideration of the community feedback particularly from adjoining residents it is recommended that Munnumba Reserve is not supported as an unleashed dog exercise area.</p> |

Recommendation:

Upon consideration of the community feedback particularly from adjoining residents it is recommended that Munnumba Reserve is not supported as an unleashed dog exercise area.

4. South Creek Reserve

The table below summarises the comments received from 10 people that made positive comments and 9 people that made negative comments in relation to this location.

| Comments | Responses |
|---|---|
| <p>1. Negative comments include: (a) It is a quiet, less busy area. (b) The reserve is used for recreational activities by families such as for kicking balls, flying kites, children's birthday parties, playing volleyball and picnics. Conflicts between dogs and children would result, and droppings would be left. (c) The path and the reserve are used by elderly residents at the RSL Anzac Village at Narrabeen who would fear for their safety. (d) The bike path through the reserve is busy with cyclists passing through and children learning to ride bikes and scooters. Mixing dogs with children and cyclists will result in accidents. A fence along path would wreck the natural amenity.</p> | <p>1.(a). A new unleashed area in this park would increase the intensity of use of this park and impact on the amenity of nearby residents including from noise from barking dogs and increased demand for parking.</p> <p>1.(b), (c), (d) There is a potential risk of conflict between unleashed dogs and pedestrians and other uses, particularly considering the increasing high use of the path to access the Narrabeen Lagoon trail. A fence would be required to manage this risk. However, if fencing was installed to segregate the area from the Narrabeen Lagoon Multi Use trail there will be an impact on the aesthetic quality of the reserve and will limit access for other recreational use.</p> <p>Upon consideration of the community feedback particularly from nearby residents it is recommended that South Creek Reserve is not supported as an unleashed dog exercise area.</p> |
| <p>2. Positive comments include: (a) It is close to home, not close to a busy road, the park is already used as a dog play area (b) Dog owners use the connecting Narrabeen Lagoon walkway for on-lead walking, and the reserve can be used for off lead play.</p> | <p>2.(a). There is a potential risk of conflict between unleashed dogs and pedestrians and other users, particularly considering the increasing high use of the path to access the Narrabeen Lagoon Multi-use trail. A fence would be required to manage this risk. However, if fencing was installed to segregate the area from the Narrabeen Multi Use Trail there will be an impact on the aesthetic quality of the reserve and will limit access for other recreational use.</p> |

In analysing the feedback greater weighting has been given to responses from nearby residents. While there was support for the proposal it appears that this is from respondents largely supportive of the concept of more unleashed dog exercise areas but may not actually use these particular areas.

Recommendation:

Upon consideration of the community feedback particularly opposition from nearby residents it is recommended that South Creek Reserve is not supported as an unleashed dog exercise area.

Analysis of the adequacy of Lagoon Reserve at Queenscliff to function as an unleashed dog exercise area.

89% of respondents were supportive of retaining the Lagoon Park unleashed dog exercise area and 81% of respondents were not supportive of restricted hours. However there was strong opposition to retaining the areas from local residents, particularly related to early morning noise and this has been taken into account when forming the recommendation on this area.

1. Retention of the unleashed area at Lagoon Reserve

The table below summarises the comments received from 295 people that made positive comments and 141 people that made negative comments in relation to this proposal.

Also a petition with 656 signatures was supportive of retaining this unleashed area and a petition with 28 signatures was not supportive.

| Comments | Responses |
|---|---|
| <p>1. Negative comments include:</p> <p>a) Dogs barking continuously from early morning and throughout the day.</p> <p>b) Dog poo is not picked up</p> <p>c) Abuse or indifference from dog owners when undesirable behaviour of their dogs is called out.</p> <p>d) Dogs running across the path of cyclists, joggers and skaters. Dogs are not under effective control. Fights between dogs.</p> <p>e) Residents have requested a fence on the northern bank to prevent dogs from being on the northern bank.</p> <p>f) Erect a fence at the point between the onleash and offleash areas at Lagoon Park.</p> <p>g) Consider the narrow bottleneck at the playground is too congested for dogs, children, picnickers, cyclists, pedestrians and training groups.</p> <p>h) Use by dogs is eroding the sand bank along the lagoon.</p> | <p>1. (a) Council supports a proactive approach to matters such as barking including; providing community education and training for dog owners, investigating reports of persistently barking dogs and taking appropriate action to remove any nuisance caused by barking. In response to feedback it is proposed that timed restrictions apply, in the area from the western side of the playground to the eastern most part of the reserve, on weekends (Saturday and Sunday) and public holidays as follows:</p> <ul style="list-style-type: none"> - Friday 9pm to 9am (on leash) - Saturday 9pm to 9am (on leash) - Night before public holidays weekend restricted times apply - 9pm to 9am (on leash) <p>1. (b), (c), (d) Pet owners have an obligation to care for their pets as well as a duty to ensure their dog's activities don't unreasonably disturb neighbours or affect the environment. Council will consider these issues in the development of an integrated policy and education and advice initiatives which support responsible dog ownership. It is proposed that Council's education initiatives in 2017/18 have a focus on this reserve.</p> <p>1 (b), (e), (f), (g), (h) A facility plan is proposed to be developed and implemented that considers the issues raised during this community engagement e.g. dog tidy bags for disposing of dog poo, fencing (including in the reserve and across the lagoon) and fence re-alignment to manage user interactions, educational and information signage. Environmental impacts will be considered through the plan that will be developed with key stakeholders and nearby residents.</p> |
| <p>2. Positive comments include:</p> <p>a) Dog owners like to socialise at Lagoon Park, creating a sense of community.</p> <p>b) People living in units in Queenscliff need an unleashed dog exercise area.</p> <p>c) It is close for local residents who don't have a car.</p> <p>d) The restrictions at LM Graham Reserve has placed more pressure on Lagoon Park.</p> <p>e) Nearby Hinkler Park gives access to water, but it is hard to get to, small, uninteresting, can quickly become overcrowded with professional dog walkers, and is not a natural meeting point like Lagoon Park. Lagoon Park is a</p> | <p>2 (a), (b), (c), (d), (f), (g), (h), (i), (j), (k), (l) Upon consideration of the community feedback it is proposed that Lagoon Reserve is retained as an unleashed dog exercise area.</p> <p>2. (m), (n), (o), (p) A plan is proposed to be developed and implemented that considers the issues raised during this community engagement e.g. dog tidy bags for disposing of dog poo, fencing (including in the reserve and across the lagoon) and fence re-alignment to manage user interactions, educational and information signage. The plan would be developed with key stakeholders and nearby residents.</p> |

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| <p>nearby alternative if Hinkler Park becomes overcrowded.</p> <p>f) Removal or restriction of Lagoon Park as an unleashed dog exercise area will place pressure on Hinkler Park, and dogs are likely to be taken onto Manly Beaches.</p> <p>g) It is a large area, so overcrowding is not an issue.</p> <p>h) It has been an unleashed dog exercise area for many years.</p> <p>i) The inappropriate behaviour by a few dogs and dog owners should not penalise others.</p> <p>j) It is one of the few unleashed dog exercise areas in the Manly area where dogs are allowed in water or on a beach.</p> <p>k) The reserve is part of a circular walking route which can start and finish along the waterfront.</p> <p>l) The vast majority of dog owners are responsible.</p> <p>m) Fence along the sand between the bridge and the far end of the playground.</p> <p>n) Provide two separate paths – one for pedestrians and dog walkers and one for cyclists and joggers bypassing the unleashed area.</p> <p>o) Place signage about shared area and no dogs allowed on the northern bank.</p> <p>p) Signs about education and respect for other users, for example surfing signs.</p> | |
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2. Restricting hours of use of the unleashed area at Lagoon Reserve

The table below summarises the comments received from 16 people that made positive comments and 40 people that made negative comments in relation to this proposal.

| Comments | Responses |
|--|--|
| <p>1. Negative comments include:</p> <p>a) Some people want to exercise their dog whenever they please and not be restricted by times. Similarly others want the lagoon to remain open 24 hours a day 7 days a week.</p> <p>b) Restricted hours will concentrate use, resulting in overcrowding.</p> <p>c) People don't work 9am-5pm anymore. Some people cannot fit in with restricted times.</p> <p>d) Restricted hours will be impractical and difficult to control. People will ignore the time restrictions.</p> <p>e) Rangers need to be there to enforce the restricted hours.</p> <p>f) Proposed restricted hours are not known, and need to be made clear before people can comment.</p> <p>g) There are so few local areas for dogs to swim.</p> | <p>1. 2. Upon consideration of the community feedback it is proposed that Lagoon Reserve is retained as an unleashed dog exercise area and that:</p> <p>Timed restrictions apply, in the area from the western side of the playground to the eastern most part of the reserve, on weekends (Saturday and Sunday) and public holidays as follows:</p> <ul style="list-style-type: none"> - Friday 9pm to 9am (on leash) - Saturday 9pm to 9am (on leash) - Night before public holidays weekend restricted times apply - 9pm to 9am (on leash) <p>The timed restrictions to be implemented following installation of signs and other required infrastructure and appropriate notification of key stakeholders and residents via for example social media, Council's website, letterbox drop and local media.</p> <p>A facility plan is proposed to be developed and implemented that considers the issues raised during this community engagement e.g. information signage about timed restrictions. The plan would be developed with key stakeholders and nearby residents.</p> |
| <p>2. Positive comments include:</p> <p>a) Gives neighbours some quiet time from dogs barking.</p> <p>b) Any time restrictions would need to be clearly communicated, and not disadvantage people who can only exercise</p> | <p>It is also proposed that Council's education and advice initiatives which support responsible dog ownership have a focus on Lagoon Reserve in 2017/18 and an audit and analysis of use be undertaken in 2017/18 and the findings to be considered for relevant policies and the facility plan.</p> |

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| <p>their dogs outside normal working hours. c) Limited times are preferable to losing the unleashed dog exercise area altogether (neutral respondent).</p> | |
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Upon consideration of the community feedback it is recommended that Lagoon Reserve is retained as an unleashed dog exercise area and that:

Timed restrictions apply, in the area from the western side of the playground to the eastern most part of the reserve, on weekends (Saturday and Sunday) and public holidays as follows:

- Friday 9pm to Saturday 9am (on leash)
- Saturday 9pm to Sunday 9am (on leash)
- Night before public holidays weekend restricted times apply - 9pm to 9am (on leash)

The timed restrictions are to be implemented following installation of signs and other required infrastructure and appropriate notification of key stakeholders and nearby residents.

- A facility plan will be developed and implemented in response to the operational issues raised during this community engagement including for signage. The plan is to be developed with key stakeholders and nearby residents.
- An audit and analysis of use is undertaken in 2017/18 and the findings to be considered for relevant policies and the facility plan.
- Council's education and advice initiatives which support responsible dog ownership have a focus on Lagoon Reserve in 2017/18.

CONSULTATION

This proposal has been the subject of significant community consultation as outlined in the attached community engagement report.

In addition, there is \$100,000 available in the 2017/18 budget to upgrade existing unleashed dog exercise areas. Community engagement will be carried out with key stakeholders including the Manly Dogs and Pittwater Unleashed groups about priorities for these upgrades and other initiatives outlined in this report.

FINANCIAL IMPACT

Funds are available from the 2017/18 budget for establishing the Avalon Beach Reserve unleashed dog exercise area and the time restricted section of the Lagoon Reserve unleashed dog exercise area

SOCIAL IMPACT

Council recognises both the benefits of unleashed dog exercise areas to community well-being and the importance of managing impacts on the amenity of nearby residents and other park users. In response to the community feedback Council will continue to; investigate opportunities for new and improved unleashed dog exercise areas, to support, promote and reinforce responsible pet ownership in a positive way through education and information and to deliver a consistent integrated approach to carrying out Council's responsibilities.

ENVIRONMENTAL IMPACT

The development and implementation of initiatives and recommendations in this report will include detailed assessment of environmental impacts.

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|--------------------------|--|
| ITEM 7.5 | DEVELOPMENT OF A SKATEPARK AT TERREY HILLS OVAL, TERREY HILLS |
| REPORTING MANAGER | EXECUTIVE MANAGER PARKS AND RESERVES |
| TRIM FILE REF | 2017/248653 |
| ATTACHMENTS | NIL |

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to proceed with the development of a skatepark at Terrey Hills Oval, Terrey Hills.

SUMMARY

Following the advocacy of a local student and his father, a Terrey Hills resident, which was supported by members of Council's Implementation Advisory Group and the Terrey Hills Progress Association, Council staff have considered a proposal for a skatepark at Terrey Hills.

Council's priority remains the development of the proposed Terrey Hills Oval Landscape Plan scheduled to be undertaken in 2019 to consider all uses of the site. However following meetings on site and consideration of options, a project is proposed that could see the construction of a skate park in the short term that won't limit the options in developing a Landscape Plan. The project consists of building a skatepark using prefabricated skate elements on a concrete slab that would provide a great skatepark for the local community. Minimal rework will be required if an alternative site for the skatepark is ultimately identified as part of this Plan.

Council has resolved to allocate \$200,000 each year for the coming four years, funded by the Council Merger Savings Fund, to develop youth friendly spaces across the Northern Beaches. It is proposed that the first project delivered by this fund is the Terrey Hills Oval Skatepark. This project would replace the proposal to spend this allocation at Lionel Watts this financial year as more work needs to be done to determine scope of the youth spaces and how they will relate to the proposed inclusive playground and synthetic sportsfield.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Proceed with the development of a skatepark at Terrey Hills Oval
 - B. Allocate \$200,000 from the Merger Savings Funded Youth Friendly Spaces Program for the project in 2017/2018.
-

REPORT

BACKGROUND

Terrey Hills Oval is 56 hectare park situated between Yulong Ave and Beltana Ave, Terrey Hills. Together with the adjacent Frank Beckman Reserve the site provides valuable open space, active recreational and environmental opportunities for the Terrey Hills and Duffys Forest community. Among the features of the site are two full size football fields, Terrey Hills Tennis Club, cricket nets, basketball court, large areas of remnant Duffys Forest, Terrey Hills Rugby Club and strong connectivity to Terrey Hills Shops and public transport.

There has been a gap in provision of skate or alternative youth active recreation spaces in Terrey Hills since the removal of the half pipe skate facility in the 2000s. The BMX track at JJ Melbourne Hills Reserve in Terrey Hills is an excellent facility, having recently been renewed by Council in collaboration with Manly Warringah BMX Club and has been recently awarded the State Titles for 2017. However it is considered that the site is too isolated from the major population centre of Terrey Hills to be an effective alternative youth facility.

Council is planning to undertake a Landscape Plan for Terrey Hills Oval and Frank Beckman Reserve in 2019 to identify a long term plan to develop the site to meet the needs of the community, increase its environmental value and maximise the sporting capacity of the site. One of the key features to be included in the Landscape Plan would be the provision of a new skatepark.

Based on the representations of a year five student from the local area, members of Council's Implementation Advisory Group and the Terrey Hills Progress Association, the Administrator asked staff to investigate options for providing a shorter term facility at Terrey Hills as the suburb is isolated from any of Council's other facilities the closest being Mona Vale Skatepark and Forestville Skatepark, both being approximately 11 km away respectively.

Council staff have met on site with the student's father, identified options for a flexible solution that can be implemented in the shorter term, and recommend this for the approval of Council.

The project meets this immediate need without compromising the ability of the proposed Landscape Plan to deliver the best integrated approach to planning for the site. The project consists of building a skatepark using prefabricated skate elements on a concrete slab. These elements can be relocated if the Landscape Plan ultimately finds a more suitable position for a permanent skatepark or the area could be expanded on if the location is deemed appropriate for the long term home for the skate park.

Council has identified the location for the skate park as shown in Figure 1 below.

This location would involve minimal environmental impact, minimise the construction costs and minimise impact on existing users. The site will also offer excellent passive surveillance of the site from across the park and particularly the car park.

It is proposed that Council procure a reputable skateboard park builder to develop an acceptable design and then build a skatepark. The upper limit of the design and construction contract would be the \$200,000 available through the Merger Savings Funded Youth Spaces Program.

Figure 1: Potential locations for Terrey Hills Oval Skatepark.



CONSULTATION

The project has been initiated by widespread community support from the Terrey Hills community for this type of project to be undertaken. This has involved Council receiving strong representations from the Terrey Hills Progress Association, the Council Implementation Advisory Group, and a well thought out submission by Matthew Plunkett, a year five student at Terrey Hills Public School. If the project is approved Council would undertake further more targeted consultation with local residents, users of Terrey Hills Oval and local businesses.

Council would also form a design advisory group consisting of local users of the proposed skatepark and the oval and an experienced skater to help guide the development of the design brief and assist in the selection of the tenders.

TIMING

Project approval by Council: 8 August 2017

Meeting of design advisory group: September 2017

Finalisation of design and construction tender including design brief: October 2017

Engage contractor: November/December 2017

Works commence: January 2018

Works complete, weather permitting: March 2018

FINANCIAL IMPACT

The design and construction contract will be limited to a lump sum contract of \$200,000.

SOCIAL IMPACT

The development of a skatepark at Terrey Hills Oval will provide tremendous recreational and social benefit for young people in the area who are disconnected from similar facilities at Forestville and Mona Vale.

ENVIRONMENTAL IMPACT

The environmental impact will be minimal as the proposed location of the facility is on an already heavily impacted area of the site, the project will not require tree removal and will use existing drainage infrastructure.

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| ITEM 7.6 | ADOPTION OF AMENDMENTS TO DEVELOPMENT CONTROL PLANS FOR TREES AND BUSHLAND ON PRIVATE PROPERTY |
| REPORTING MANAGER | GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE |
| TRIM FILE REF | 2017/250606 |
| ATTACHMENTS | <ol style="list-style-type: none">1 Attachment 1 of Detailed DCP Amendments for Trees and Bushland (Included In Attachments Booklet)2 Attachment 2 Preservation of Trees and Bushland Vegetation (Included In Attachments Booklet)3 Attachment 3 Removal of Tree Tests (Included In Attachments Booklet)4 Attachment 4 Tree Retention Assessment (Included In Attachments Booklet)5 Attachment 5 Class 2-9 Buildings (Included In Attachments Booklet)6 Attachment 6 Tree Protection Plan (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval of amendments to policies and development control plans that will harmonise and bring consistency to the way Council manages Development Control Plans for trees and bushland on private property.

SUMMARY

Northern Beaches Council is currently operating within the 3 existing development control plans, which have differing controls and advisory notes. For Council to have a consistent process across the Northern Beaches local government area and eliminate confusion with the current controls it is necessary to make amendments to the current documents to make them consistent.

Proposed amendments to Development Control Plans and Policies for trees and bushland on private property were approved for public exhibition at the Council meeting of 30 May 2017. During the public exhibition a project webpage was established explaining the changes, advertisements were placed in the local newspaper and information was displayed in all Customer Service Centres and Council's libraries.

The proposed development control plan amendments went on public exhibition for a 4 week period with submissions closing on the 2 July 2017. A total of 19 submissions were received.

The submissions were assessed, and a number related to general feedback in relation to trees. No amendments are required to the proposed DCP clauses. Responses to the submissions are provided in this report.

The proposed amendments to the Development Control Plans for Trees and Bushland will provide a consistent process across the northern beaches, with greater protection for bushland.

The amendments will streamline the assessment of future development applications and will align the Northern Beaches Council approach with New South Wales Government guidelines.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Adopt modifications to the Manly Development Control Plan (2013) as outlined in Attachment 1: Detailed DCP Amendments for Trees and Bushland.
 - B. Adopt modifications to the Warringah Development Control Plan (2011) as outlined in Attachment 1: Detailed DCP Amendments for Trees and Bushland.
 - C. Adopt modifications to the Pittwater 21 Development Control Plan (2014) as outlined in Attachment 1: Detailed DCP Amendments for Trees and Bushland.
-

REPORT

BACKGROUND

Councils prepare Development Control Plans (DCPs) to provide detailed planning and design guidelines. The former Warringah, Pittwater and Manly Councils have different levels of detail in their DCP requirements for managing trees and bushland.

The harmonisation of these tree controls will provide a consistent and clearer understanding of the development control plans relating to trees and bushland.

Trees and bushland are valued very highly by the Northern Beaches community and the focus has been to ensure that bushland and trees are protected.

While much of the integration of this documentation occurring is being undertaken internally, due to the nature and legislative requirements associated with the delivery of the Development Application service, many of these amendments were required to be publicly exhibited prior to being implemented.

What are the proposed changes?

The lack of consistency between the three former Councils creates complexity for the community, contractors and consultants due to differing requirements. This also impacts on resourcing because of the need for staff to maintain currency across three different approaches and methods.

It is proposed to amend the Manly Development Control Plan (2013), Warringah Development Control Plan (2011) and Pittwater 21 Development Control Plan (2014) as set out in Attachment 1. The changes are summarised in the table below.

| DCP Content | Currents DCPs | Proposed DCP amendments |
|---------------------------------|---|--|
| Objectives | Preservation of trees & bushland previously the objectives, requirements for tree development applications, exceptions & notes for the former Pittwater, Warringah & Manly Council areas were similar in intent with wording variations, these will be modified to be consistent. | Common set of objectives for the Northern Beaches focusing on protecting trees for their aesthetic, habitat and other values and effectively managing the risks that come from an urban forest. |
| Definitions | Three slightly different definitions for a "Tree" Definition of bushland as it relates to trees and restriction of removal of trees in bushland. | "Tree" means a palm or woody perennial plant with a single or multi stem greater than five (5) metres in height. The removal or cutting down of any vegetation in Bushland in Urban Areas is prohibited. "Bushland" is defined as vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation; this includes trees irrespective of their height or dimension. |
| When consent is required | Varied height ranges between 3m and 6m. | Consent from Council is required if a tree is over 5 metres in height (subject to other requirements such as distance from an approved dwelling). |

| DCP Content | Currents DCPs | Proposed DCP amendments |
|-------------------------------------|---|--|
| When consent is not required | <p>Three separate exempt species lists.</p> <p>Varied height ranges for trees that can be removed without consent, between 3m and 6m.</p> <p>Setback from buildings for removal of trees varied from 0m to 3m.</p> | <p>One exempt species list for the Northern Beaches.</p> <p>A single consistent control being trees under 5m in height, except in bushland areas, can be removed without consent (full requirements and restrictions in the proposed control).</p> <p>A single consistent control being trees within 2 metres of an approved dwelling can be removed without consent (full requirements and restrictions in the proposed control).</p> |

How would changes affect the community?

The existing Development Controls are proposed to be amended and harmonised to ensure consistent definitions, height ranges and setbacks. The former Councils' Exempt Species lists have been merged with the addition of *Fraxinus griffithii*. Bushland is now protected by the Development Controls throughout the LGA. The removal of trees is prohibited without Development Consent in bushland areas (Attachment 1).

TIMING & CONSULTATION

As per Council resolution 095/17, public exhibition of the proposed amendments was undertaken from 3 June to 2 July 2017. The community were invited to participate in the review of the document through:

- Posting of proposed changes on Council's website with associated description of changes and frequently asked questions
- Displays in the Customer Service foyers and all Council libraries
- Advertisements in the Council Notices section of "The Manly Daily" on:
 - 3 June 2017
 - 18 June 2017

Summary of submissions and Council Responses

During the period 31 May to 2 July 2017 Council sought submissions through the public engagement process on the proposed Development control amendments.

- The total visits to Councils your say page were 434
- Total document down loads 223 links followed or submissions made
- 19 submissions were received from the community, these submissions have been reviewed and the submissions have been considered with regard to the proposed amendments.

| Comment/Questions | Response |
|---|---|
| Do you agree with the amended tree heights making the height range consistent at 5 metres? | |
| Supportive: 11 Non-supportive: 7 | |
| <p>Making the height range consistent is needed, however the reason for a 5 metre height is unclear. 6 metre height aligns with the height nominated in SEPP (Exempt and Complying Development), does that mean that the yes's are only applicable across the State of NSW. Consistency with State Government legislation provides less ambiguity for the community.</p> <p>The State Government is preparing a new SEPP (Vegetation), which will negate Clause 5.9 and 5.9AA in the LEP, and hence the DCP relating to tree preservation. A new DCP will be required to be prepared to address the SEPP (Vegetation). Consistency with the SEPPs would be a logical progression.</p> | <p>5 metres is a consistent height that tree officers consider a well-established tree that would then require approval for removal.</p> <p>Compliant development has its own criteria and explanatory notes in this regard.</p> <p>Council is aware of the proposed changes to the State Government SEPP however the timing on these changes has not been provided at this stage.</p> |
| <p>Request a lower height, of 3metres, for approvals to:</p> <ul style="list-style-type: none"> • Protect well established native species of trees that grow in sandy soils and slow growing trees. • Protect native wildlife habitat (e.g. possum dreys) • Ensure people don't have the opportunity to simply remove trees without any review | <p>5 metres is a consistent height that tree officers consider a well-established tree that would then require approval for removal.</p> <ul style="list-style-type: none"> • Private bushland is protected under the DCP, and a tree DA is required for trees in bushland irrespective of tree height and understorey height. • Clearing of bushland is prohibited without Council consent. |
| <p>The tree height of 5metres should not apply to bushland areas. However, bushland subject to the removal of vegetation for asset protection zone (APZ) purposes may no longer satisfy the definition of "bushland". In this circumstance, the retention of trees is nonetheless important to retain the natural landscape and residual tree coverage, irrespective of height.</p> | <p>The proposed height range of 5metres excludes bushland areas. The removal of trees in bushland is prohibited without a tree DA.</p> <p>The definition of bushland has been clarified in the DCP amendments.</p> |
| <p>Trees on neighbours' property. Trees in backyards shouldn't be higher than 8m. E.g. palm trees and other should be banned as they can become dangerous for people or houses and dismantle fences, so taking part of neighbours' backyard and sun. On footpaths: trees shouldn't be allowed to hang out from properties. They often create a danger for pedestrians and also mess. Trees should be planted at least 3m away from houses and fences.</p> | <p>Council cannot restrict the height of trees on private property.</p> <p>Palm trees will be exempt Under Councils proposed amendments.</p> <p>The government legislation Trees (disputes between neighbours) Act 2006 No 126 deals with civil issues between neighbours and trees.</p> <p>Where there are dangerous trees on private property that affect the public access ways, Council notify the owner of action required and their duty of care.</p> |
| <p>Acceptance of 5 m limit with the addition of a second requirement that limits the trunk thickness to 35 cm circumference, by measuring the circumference at 20 cm above ground level should be added.</p> | <p>Adding secondary measurements to the tree controls is confusing to people and makes it difficult to administer, Councils previously had this criteria years ago and changed it because of that confusion.</p> |

| Comment/Questions | Response |
|---|---|
| Do you agree with the amended tree set back distance from buildings making the distance consistent at 2 metres? | |
| Supportive: 10 Non-supportive: 8 | |
| <p>The only problem remains people who build or extend house and then decide to remove a tree as they have built too close to an established tree. Again there is no process for "making amends" for this. Add the proviso that owners cannot build up to 2m in the hope they then get approval to remove the tree.</p> | <p>The setback distance is for existing dwellings or buildings. New buildings have to comply with a development application process or compliant development criteria.</p> |
| <p>Making the setback range consistent across the Northern Beaches Council is needed, however the reason for a 2 metre height is unclear. 3 metre setback aligns with the setback nominated in SEPP (Exempt and Complying Development), applicable across the state of NSW. Consistency with State Government legislation provides less ambiguity for the community. The State Government is preparing a new SEPP (Vegetation) which will negate Clause 5.9 and 5.9AA in the LEP, and hence the DCP relating to tree preservation. A new DCP will be required to be prepared to address the SEPP (Vegetation). Consistency with the SEPPs would be a logical progression.</p> | <p>The setback distance of 2 metres was chosen as trees will generally cause issues to property within 2 metres of the building. Trees within this zone are considered an issue or danger and are in most instances, approved for removal. Council is reviewing information from the State Government on related SEPP's.</p> |
| <p>Set back would depend on the expected height of the mature tree and the root system. Trees should be planted which are suitable for each development with each development to include reasonable size and type of tree. Remember this is still the Northern Beaches which is supposed to be a kind of bushland area. Should be greater e.g. 3 metre as trees under 5m often have a canopy spread > 2metre.</p> | <p>Where a development application or compliant development is carried out there are criteria and conditions set in the determination with regard to trees and species, with developments a landscape plan is required to be lodged. The setback distance of 2 metres was because generally trees that will cause issues to property usually do so in the 2m zone of the building. Trees within this zone that are considered an issue or danger are approved for removal.</p> |
| <p>As a fire prevention / safety strategy I believe that trees within 3 (three) metres of an approved dwelling be permitted to be removed without consent, i.e. a set back at 3 (three) metres from an approved dwelling should be adopted. The extra 1 (one) metre entitlement setback (referring to trunk) would prevent or slow down the possibility of branches from a tree extending over the roof of a residence. Clearance pruning back to 2 metres to gutter-line of residence should be permissible without consent.</p> | <p>Amendments to the DCP do not override Bushfire fuel management legislation or processes as outlined in the Rural Fire Act. People are permitted to prune up to 10% of a trees canopy without Council consent.</p> |
| <p>I live in an extreme fire zone (open flame) and the fire regulations allow us to clear trees up to 10 metres from the house.</p> | <p>Amendments to the DCP do not over rule or counteract fire prevention legislation or processes.</p> |
| <p>No setback</p> | <p>Could result in unnecessary tree removal.</p> |

| Comment/Questions | Response |
|--|--|
| <p>Do you agree with the proposed Bushland protection measure to protect bushland from in discriminant clearing of trees and understorey vegetation?</p> | |
| <p>Supportive: 16 Non-supportive: 1</p> | |
| <p>The only problem remains people who build or extend house and then decide to remove a tree as they have built too close to an established tree. Again there is no process for "making amends" for this.</p> <p>Add the proviso that owners cannot build up to 2m in the hope they then get approval to remove the tree.</p> | <p>The setback distance is for existing dwellings or buildings. New buildings have to comply with a development application process or compliant development criteria.</p> |
| <p>Council is unable to adequately maintain bushland area. Let the local community do this which should permit clearing of the understorey vegetation.</p> | <p>Clearing and removal of trees and understorey in Bushland areas is prohibited without Council Consent.</p> |
| <p>Whilst I agree with protecting trees and avoiding indiscriminate clearing, we all need to be able to keep our houses safe in the event of a bushfire or simply for sensible access Where trees or vegetation are particularly dense, or where we need to keep access roads or pumps etc. clear , residents on 5 acre bushland blocks should be allowed to manage their own trees and bushland to keep themselves safe and allow access (under the legislation of the Department of the Environment.http://www.environment.nsw.gov.au/vegetation/buffer.htmclear) without referring to Council.</p> | <p>Amendments to the DCP do not override Bushfire fuel management legislation or processes as outlined in the Rural Fire Act.</p> |
| <p>The removal or cutting down of any vegetation in Bushland should be prohibited in non-urban land as well as in urban areas.</p> <p>There has been untold in discriminant removal of bushland to improve views and as a result of previous disastrous laws governing its removal along with that governing tree removal.</p> <p>This is an essential step to keep wildlife corridors and food sources. Also important the owners who purchase properties thinking they can clear bushland realise that they have an important role in keeping the area "green".</p> | <p>Removal of trees and vegetation in Bushland is prohibited without Council consent.</p> |
| <p>Please include deferred lands.</p> | <p>The previous LEP 2000 is a separate LEP and cannot be changed at this point in time until the State Government processes are complete.</p> |
| <p>Do you agree with the proposed exempt tree species?</p> | |
| <p>Supportive: 12 Non-supportive: 4</p> | |
| <p>The tree species listed as exempt include species that provide beauty, grandeur and functional shade. This includes the Illawarra Flame Tree, Black Bean, Camphor Laurel, Mulberry, Plum Peach, and Ficus hillii. The exempt list should not apply to existing well established trees that enhance our suburbs. Trees provide useful shade and contribute to our aesthetic surrounds. Existing well established trees should be valued and retained where possible.</p> | <p>Even though some trees are functional and aesthetically pleasing they are still considered to be exempt for reasons such as impact on bushland. However the exempt category does not prevent people from retaining trees.</p> |
| <p>The list should also include the Native (Sweet) Pittosporum. Sweet Pittosporum has a dense canopy that shades the ground and drops lots of leaves. A chemical inhibitor in the leaves prevents indigenous plants from growing beneath. It has contributed to changes in lizard and bird populations by reducing habitat for these species. It is also fire sensitive and the leaves are very flammable.</p> | <p>Pittosporum is included in the exemption list.</p> |

| Comment/Questions | Response |
|--|---|
| <p>I would like to support the inclusion of the Himalayan Ash (Fraxinus griffithii) on the Exempt Tree Species List.</p> | <p>After consultation with Council's Natural Environment & Climate Change Business Unit, this will be included on Councils Exemption list.</p> |
| <p>Council should also clear exempt species from native bushland.</p> | <p>Council has an active program to reduce weed species in bushland reserves.</p> |
| <p>Additional Comments in the Submissions</p> | |
| <p>What this proposal is lacking is what happens after you remove a tree. One simple suggestion would be "tree replacement scheme". That is, for every tree you remove, you replace one elsewhere in your garden.</p> | <p>Council currently stipulates that tree removals require a replacement tree to be planted.</p> |
| <p>Costs are ridiculous still.</p> <p>I had to have a hedge assessed for removal / trimming. As there were 6 separate trunks I had to pay for 6 trees to be assessed. It's a hedge! Effectively one tree in the space of 5 metres!</p> <p>Also one approval is given for a 10 or 15% trim back it should automatically be allowed each year to bring it back to the same point. No repeat of the ridiculous fee again.</p> | <p>Under the new amendments hedges are exempt.</p> <p>10% of a trees canopy can be pruned each year without Council approval.</p> |
| <p>There is a distinct problem of residents planting vegetation based secondary fencing inside their boundary fences such as Himalayan cane which grows to heights of 10m to 20metres and thus taking sunlight and views of neighbouring properties. A height restriction of say twice the height of boundary fencing needs to be applied. My understanding is that Pittwater Council had a height limit but Warringah does not. We need consistency!</p> <p>Private property tree management is the responsibility of private land owners. The benefit of placing greater restrictions on landowners to manage their land via government intervention is an issue that needs to be further investigated. It's always been an interesting anomaly that you don't need a DA to plant a tree, but you need a DA to remove one.</p> <p>Greater public benefit may be gained from redirecting resources and efforts into public land tree and Bushland management.</p> | <p>Council has no jurisdiction to determine the height of vegetation on private property.</p> <p>The NSW Government legislation Trees (disputes between neighbours) Act 2006 No 126 deals with civil issues between neighbours and trees.</p> |

| Comment/Questions | Response |
|--|---|
| <p>Great to standardise the rules but please don't forget those of us on 5 acre bushland blocks! Current NSW planning legislation http://www.environment.nsw.gov.au/vegetation/buffer.htm gives houses on large blocks (5 acres and over) special rights to keep themselves safe from fire and enable access which these amendments don't seem to take account of. I have cut and pasted these from the website, below. We shouldn't have to apply to Council to cut down a tree or clear bush when the Department of the Environment allows us to do so under the rules described below. Getting arborists' assessments etc. for each tree is prohibitively expensive.</p> <p>Rural infrastructure clearing distances and areas for small holdings and land zoned rural-residential or large lot residential.</p> <p>The types of rural infrastructure that are RAMAs on small holdings and on land in an area zoned as rural-residential or large lot residential are specified in the Regulation and are limited to the construction, operation and maintenance of the following: Clearing type Distance Permanent boundary fence -6 metres either side adjoining landholder agreement is required Permanent internal fence -6 metres either side Temporary fence -3 metre total width of clearing Road or track -6 metres total width of clearing Pipeline -3 metres total width of clearing Buildings other than habitable buildings -20 metres from outer edge of the structure Windmill - 10 metres from outer edge of the structure Bore -10 metres from outer edge of the structure Tank -3 metres from outer edge of the structure Dam -15 metres from outer edge of the structure Stockyards -20 metres from outer edge of the structure Pump -3 metres from outer edge of the structure Water point -3 metres from outer edge of the structure.</p> | <p>Amendments to the DCP do not override Bushfire fuel management legislation or processes as outlined in the Rural Fire Act or other State legislation.</p> <p>.</p> <p>People are permitted to prune up to 10% of a trees canopy without Council consent.</p> |
| <p>I can't see any current or proposed details on tree whether related to height or distances from anything. What I do see in reality is the excellent retention of three large mature trees in the new Dee Why playground in Howard Ave. But what I also see in building developments is a removal of any living thing to fill each site with oversize buildings. This now seems to be standard practice. There are many older style developments which actually have open space for landscaping and trees within the development. Sturdee Pde and Pacific Pde, Dee Why are typical examples of new and old contrasts where some environment (older developments) consideration exist and other (new developments) where NOTHING remains or has been planned for, especially for trees and birds, native animals, etc. The Northern beaches concrete jungle is here. Avon Rd, Dee Why had trees recently "trimmed" under wires only to be totally cut down shortly afterwards. Are these two street trees going to be replaced?</p> | <p>This submission does not refer to proposed changes in the Development control plan for trees.</p> |

| Comment/Questions | Response |
|---|---|
| <p>People live on the Northern Beaches because of the trees (among other things). We have lost so many trees as a result of the new hospital and other development not to mention the wanton destruction of trees that happened after the last attempted change to removals. People who live near trees chose to do so knowing that there is a risk of bush fires. They assume that risk.</p> | <p>The proposed DCP changes will further protect Trees & Bushland.</p> |
| <p>I want to protect our bushland which is rapidly disappearing. Manly Vale public School is a prime example of governments' lack of care for our bushland let alone a special parkland reserve. The new multi storey Harbord public School is an excellent example of how a school should be expanded on limited land.</p> | <p>State Government Developments such as hospital, schools and other government infrastructure or legislations do not come under the jurisdiction of Councils.</p> |
| <p>When and where are the community briefing sessions? Is the feedback from the internal stakeholders publicly available? How will the financial savings be quantified?</p> | <p>Internal stakeholder feedback is contained within the Council report 28 March 2017.</p> <p>Briefing sessions will be provided where requested. No briefing sessions were requested.</p> <p>The amendments proposed in this report support the objective to deliver efficiencies and cost savings. At this stage it is too early to quantify these financial savings, however it is expected that there will be savings in staff time and administration by harmonising the current DCPs.</p> |

FINANCIAL IMPACT

The amendments proposed in this report support the objective to deliver efficiencies and cost savings. At this stage it is too early to quantify these financial savings, however it is expected that there will be savings in staff time and administration by harmonising the current DCPs.

SOCIAL IMPACT

The positive social impact from the proposed amendments will be:

- One exemption list for people to access and to understand what they can remove without Council consent.
- Improved customer service through more timely processing of determinations.

ENVIRONMENTAL IMPACT

A positive environmental impact will be achieved through:

- Clear and consistent guidelines regarding tree height ranges and setbacks providing better understanding for property owners, contract operators and consultants. This is hoped to assist in reducing illegal tree removals.
- Better protection for Bushland trees and understorey vegetation through the requirement of a development application, without removing the rights of people to enact other authorities' legislation such as the Rural Fires Act.
- The ability for people to deal with imminently dangerous trees quickly and effectively to avert an incident.

| | |
|--------------------------|---|
| ITEM 7.7 | PARKES ROAD RESERVE (CROWN RESERVE R7495 - LOT 7051 DP 1051205) - PARKES ROAD, COLLAROY PLATEAU - PROPOSED EASEMENT TO DRAIN WATER IN FAVOUR OF 136 ANZAC AVENUE COLLAROY PLATEAU (LOT 1 DP 235748) |
| REPORTING MANAGER | EXECUTIVE MANAGER PROPERTY MANAGEMENT & COMMERCIAL |
| TRIM FILE REF | 2017/238110 |
| ATTACHMENTS | 1 Draft Easement Plan - Parks Road Reserve - Lot 7051 DP1051205 2 Parkes Road Reserve - Proposed Easement to Drain Water - Draft Section 88B Instrument (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To consider a request for an easement to drain water through a Crown Reserve managed by Council.

SUMMARY

The owner of 136 Anzac Avenue Collaroy Plateau (the applicant) applied for an easement to drain water within the subject Crown Reserve managed by Council. The property is located on the low side of Anzac Avenue and is required to adequately deal with the stormwater overflow generated from the development. The proposed easement to drain water through Parkes Road Reserve (Crown Land) is required for the installation of underground stormwater drainage infrastructure for connection to Council's underground stormwater drainage infrastructure in Parkes Road.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council (as Crown Reserve Trust Manager) authorises an application to Department of Industry - Lands under section 102 of the Crown Lands Act 1989 (the Act) for consent of the responsible Minister under the Act to the granting of an Easement to Drain Water 1.2 metres wide by underground infrastructure within Crown Reserve Lot 7051 DP 1051205 and associated Positive Covenant.
- B. Subject to Council receiving Minister's consent referred to in item A above, Council (as Crown Reserve Trust Manager) authorise the Easement to Drain Water and associated Positive Covenant referred to in item A above for an amount in accordance with Council's adopted Fees & Charges (subject to the responsible Minister's requirements and final negotiations with the applicant, generally on terms and conditions included in the draft Section 88B Instrument included in this report as Attachment 2).
- C. All costs associated with the granting of the proposed Easement and associated Positive Covenant as referred to in item B of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the applicant.

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- D. Council (as Crown Reserve Trust Manager) authorises the Chief Executive Officer to negotiate and execute all documentation necessary in order to give effect to this resolution.
-

REPORT

BACKGROUND

The owner of 136 Anzac Avenue, Collaroy Plateau (Lot 1 DP 235748) (the applicant) lodged a Development Application DA 2010/1136 with Council for subdivision of land and construction of three dwellings in 2010. Council issued its determination in respect to the application on 30 October 2010 (the Development Consent). The Development Consent included Condition 37 as follows:

"An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate."

The Development Consent approved development only within 136 Anzac Avenue. The Development Application did however include plans relating to a stormwater drainage system proposed by the applicant that involved drainage from 136 Anzac Avenue through adjoining properties 31A Parkes Road and 10A Plateau Road to the boundary of the subject Crown Reserve (the Reserve) and then through the Reserve down to Parkes Road (refer to Draft Easement Plan as Attachment 1 to this report).

The applicant has secured easements through the adjoining properties but has not secured an easement through the Reserve. Condition 37 of the Development Consent is therefore yet to be satisfied.

APPLICATION FOR EASEMENT

The applicant has requested an easement to drain water through the Reserve.

Council was appointed Reserve Trust Manager of the Reserve by gazette notice dated 14 October 2011.

Under Section 98 of the Crown Lands Act 1989 (the Act) as Council is Reserve Trust Manager, the Trust has all the functions of a Council under the Local Government Act 1993 in relation to the Reserve.

In accordance with Section 102 of the Crown Lands Act 1989, Minister's Consent is required by Council as Reserve Trust Manager to grant an easement over the Reserve.

Section 102 (1) (a) of the Act also requires Council as Reserve Trust Manager to consider the matter and decide whether it is desirable to grant the easement sought to the applicant and any terms and conditions specified in that decision.

There has been considerable correspondence regarding this matter between the applicant's lawyer, Council and the Department of Industry - Lands (the Department) since 2013.

The Department has had varied views on the proposed easement over time including previously suggesting the proposed easement should be acquired by Council in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. However, a recent meeting between the parties' lawyers and the Department's Principal Lawyer has suggested the formal application to the Department by Council as Reserve Trust Manager under section 102 of the Act.

The meeting was followed with a letter to the Department from Council's external solicitor which sought confirmation of the Department's attitude to an application by Council as Reserve Trust Manager under Section 102 of the Act. The Department was advised that the proposed easement terms would include maintenance obligations of the applicant (consistent with the applicant's

representations) however, reserving the right for the Reserve Trust to undertake any maintenance at the cost of the applicant in the event they failed in their obligations.

The Department's response to Council's solicitor's letter confirmed as follows:

"no objection at this time to the proposed easement as described in your letter. As you will appreciate the Minister cannot decide if Consent should be given until we have seen the terms of the easement and the terms of the decision of Council that the easement should be given."

CONCLUSION

It is considered desirable for the Parkes Road Reserve (7495) Reserve Trust (managed by Council) to grant the proposed easement to drain water on Council's terms for such an easement. This includes an associated Positive Covenant with obligations on the applicant to maintain the underground drainage infrastructure and indemnify Council as Reserve Trust Manager and the Minister. The proposed terms and conditions are outlined in the draft Section 88B Instrument included in this report as Attachment 2 and will be subject to the responsible Minister's requirements and final negotiations with the applicant.

CONSULTATION

The proposed easement is required to be publicly notified in accordance with the Crown Lands Act 1989.

TIMING

The proposed easement may only proceed following receipt of Minister's Consent in accordance with Section 102 of the Crown Lands Act 1989.

FINANCIAL IMPACT

The compensation amount for the proposed easement will be determined by an independent qualified valuer in accordance with Council's adopted Fees & Charges with a minimum amount of \$10,200 + GST (2017-2018).

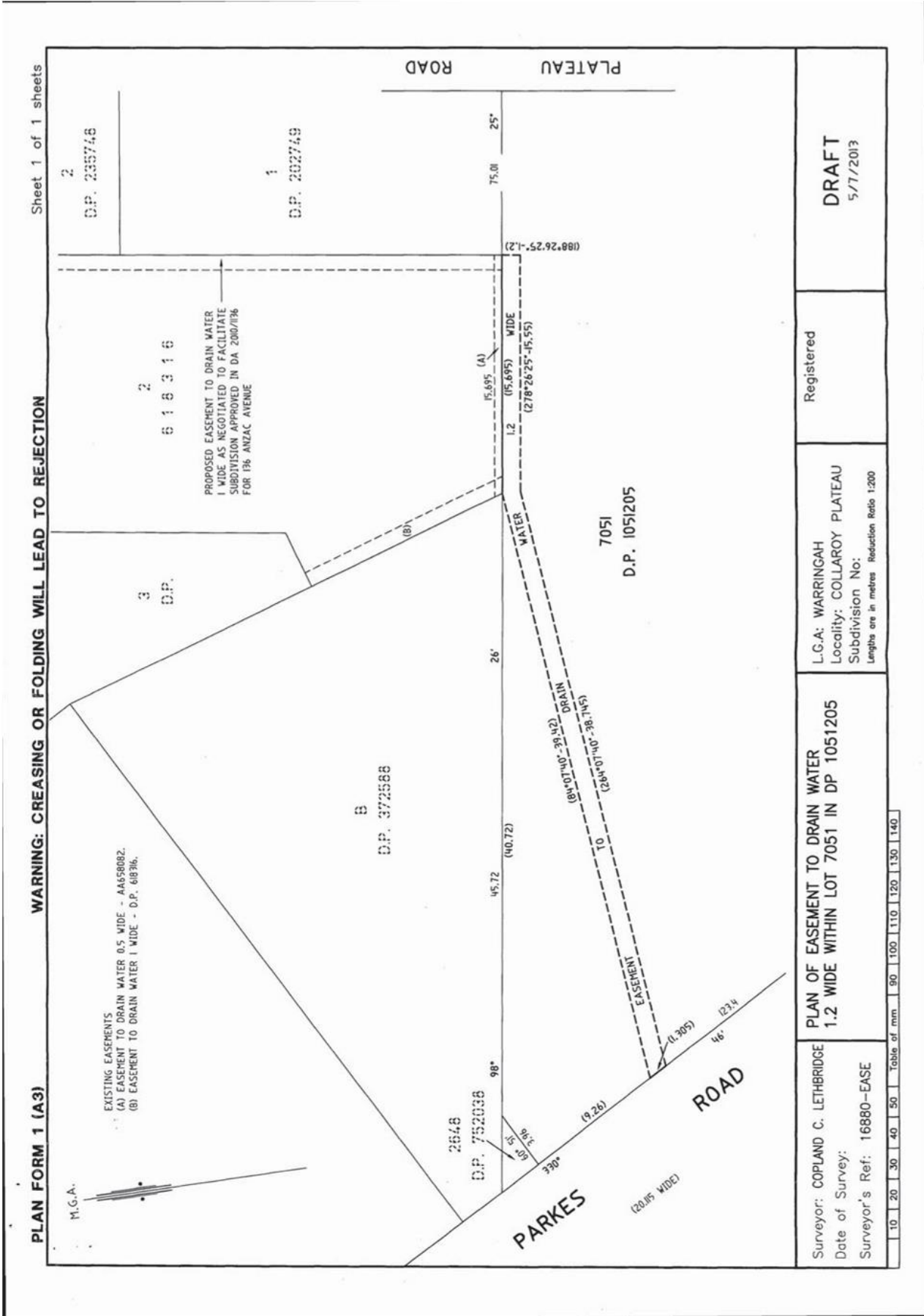
SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

The proposed easement for underground drainage infrastructure will have the effect of minimising overland flow of storm water over the Reserve from adjoining properties, maximising the future use of the Reserve for community activities and enjoyment.

Rectification of the Reserve following installation of the proposed underground stormwater drainage infrastructure will be done by the applicant. The applicant will also be required to submit an appropriate bond prior to the commencement of construction for works within the Reserve.



| | |
|--------------------------|--|
| ITEM 7.8 | GRAHAM STREET CLONTARF - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJOINING 3 HARBOUR VIEW STREET CLONTARF |
| REPORTING MANAGER | EXECUTIVE MANAGER PROPERTY MANAGEMENT & COMMERCIAL |
| TRIM FILE REF | 2017/246962 |
| ATTACHMENTS | 1 ↓ Survey Plan – Proposed Road Reserve Closure and Sale of Land in Graham Street Clontarf adjoining 3 Harbour View Street Clontarf |

EXECUTIVE SUMMARY

PURPOSE

To consider an application for the closure and sale of a portion of unformed road reserve in Graham Street, Clontarf adjoining 3 Harbour View Street, Clontarf.

SUMMARY

The owner of 3 Harbour View Street, Clontarf has applied for a road reserve closure and purchase of land adjoining their property. The majority of the area is currently occupied under a Road Reserve Consent Approval in favour of the adjoining owner.

The subject road reserve area is approximately 70 m². The location of the subject land is shown in Attachment 1 of this report. The purpose of the proposed road reserve land purchase is for a fenced landscaped area.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council authorise:

- A. An application to NSW Department of Industry – Lands for road reserve closure under the provisions of the Roads Act 1993 for the road identified in this report being part Graham Street, Clontarf adjoining 3 Harbour View Street, Clontarf (Lot 101 DP 601939).
 - B. Disposal of the subject land in accordance with Council's Road Reserve, Streetscape Management and Property Management Policy (purchase price subject to independent valuation) and the sale is subject to the land being consolidated with the adjoining land at 3 Harbour View Street, Clontarf (Lot 101 DP 601939).
 - C. The Chief Executive Officer or the authorised delegate to execute all documentation necessary in order to give effect to this resolution.
 - D. All costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.
-

REPORT

BACKGROUND

The subject land is situated on the low side of Harbour View Street, Clontarf and is adjacent to a section of open space and unformed roadway known as Graham Street, Clontarf currently used as vehicular and footway access.

The majority of the subject land has been occupied by the adjoining owner for a number of years under a Road Reserve Consent Approval of approximately 59m² for the purpose of a fenced landscaped area.

The adjoining owner has now sought to purchase the subject land and include a slight adjustment to square off the boundary line, as recommended by Council's Strategic Planners. This will take total area sought to approximately 70m². The location of the subject land is shown in Attachment 1 of this report.

Additionally, it is proposed that the fence encroachment on the Harbour View Street frontage of the property will be relocated to within the boundary line.

The zoning of the subject land is R2 Low Density Residential Use within the Manly Local Environment Plan 2013 (MLEP). This zoning is consistent with the adjoining land zoning.

As the subject land is not a marketable parcel, Council is able to consider the sale of this land to an adjoining owner in accordance with its Policy. Additionally, a requirement of the Policy is that any road reserve that is closed and sold must be consolidated with the adjoining land owned by the purchaser.

CONSULTATION

Council has undertaken the required statutory notification of the road reserve closure proposal in the accordance with the Roads Act 1993 on behalf of the NSW Department of Industry – Lands. This included a notice in the Manly Daily, Council's webpage, letters to adjoining /nearby property owners and service authorities.

The public notification period was for 28 days and Council is required to consider and address all objections received from neighbouring owners, as well as the various authorities. The public notice period commenced on 10 June 2017 and concluded on 9 July 2017.

Submission received

(i) **Service Authorities:**

Fifteen (15) service authorities were consulted and one (1) authority provided an initial objection to the proposed road reserve closure.

Jemena – On 10 April 2017, Jemena confirmed it would require an easement over its infrastructure in order for their objection to be lifted.

(ii) **Adjoining residents:**

Twenty (20) residents were notified. One (1) submission was received and was withdrawn following clarification of the area sought.

Internal Staff Assessment

Council's Strategic Planners, Parks & Reserves staff and Traffic Engineers have inspected and assessed that the subject area of the road reserve will not be required for future public use and have no objections to the road reserve closure and proposed sale.

The proposed closure and purchase of the road reserve land known as Graham Street, Clontarf adjoining 3 Harbour View Street Clontarf is recommended as the subject land is surplus to Council's future requirements and may be sold to the adjoining owner.

The purchaser is required to consolidate the closed road reserve land with the adjacent land currently owned by the applicant within 12 months from the purchase of the land. The terms of the restrictions will form part of the Contract for Sale of Land. Additionally, any required easements will be registered on title prior to sale.

FINANCIAL IMPACT

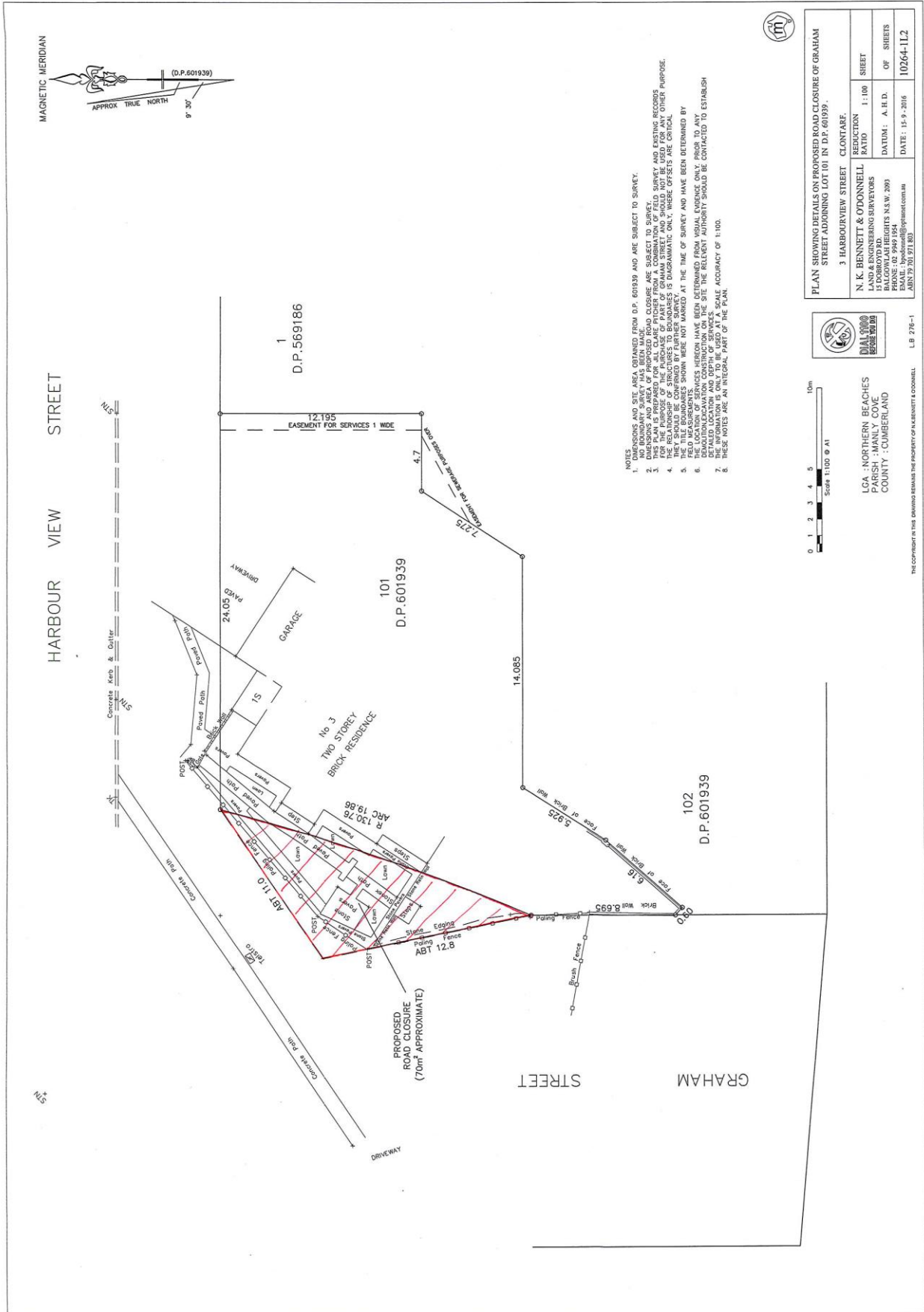
Following Council's resolution, a formal road reserve closure application will be lodged with the Department of Industry – Lands. If the application is supported and successful, Council will proceed to obtain independent qualified valuation advice for the subject land in accordance with its Policy and proceed to sell the subject land at a price in accordance with the valuation advice. The valuation is to take into consideration the adjusted current market value as a whole site as a consequence of the addition of the subject road reserve area and any benefit it provides and any easement imposed by various authorities.

SOCIAL IMPACT

The sale of non-core road reserve land assets provides funding for higher priority road outcomes, in particular for footpath construction. This helps to accelerate the provision of additional high priority pedestrian linkages to connect communities and improve safety and amenity.

ENVIRONMENTAL IMPACT

The formalisation of tenure of use of the road reserve, by way of sale, is seen as a reasonable outcome at this location.



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|--------------------------|--|
| ITEM 7.9 | ACQUISITION OF PROPERTY AT BOONDAH ROAD WARRIEWOOD AS RECOMMENDED IN WARRIEWOOD VALLEY SECTION 94 CONTRIBUTIONS PLAN |
| REPORTING MANAGER | EXECUTIVE MANAGER PROPERTY MANAGEMENT & COMMERCIAL |
| TRIM FILE REF | 2017/253740 |
| ATTACHMENTS | 1 ↓ Land Identified for Purchase for Open Space 2 ↓ Warriewood Valley Open Space & Streetscape Masterplan 3 Memo detailing Market Rate Valuation (Included In Attachments Booklet) (Confidential) |

REPORT

PURPOSE

To seek approval to progress with the purchase of 3 Boondah Road, Warriewood in line with the Warriewood Valley Section 94 Contributions Plan Amendment 16 - Revision 2.

REPORT

The Warriewood Valley Section 94 Contributions Plan Amendment 16 - Revision 2 (the Plan) outlines the need for adequate open space throughout Warriewood Valley to meet the needs of an increased population resulting from the development of the release area. Section 6.2.3 of the Plan identifies land located in the Southern Buffer area, comprising approximately 4.7 hectares, as potentially suitable to meet the forecast demand for active open space. The property at 3 Boondah Road is one of the five properties, as seen in Attachment 1, identified in the plan for purchase for future active open space.

The *Warriewood Valley Open Space & Streetscape Masterplan (p5)* within the *Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) November 2016* as seen in Attachment 2, identifies 3 Boondah Road as Open Space (Sports Fields) with reference number S4. The 3 Boondah Road Property can be seen on the East side of Boondah road in the Open Space & Streetscape Masterplan adjacent to Councils Boondah Depot site.

Council has been negotiating with the owner of 3 Boondah Road, Warriewood for a number of months and in principle agreement has been reached for Council to proceed to buy the property, subject to approval, at market rates. The market rate has been established by an independent valuation commissioned in June 2017 and is detailed in the confidential memo attached to this report (Attachment 3).

FINANCIAL IMPACT

Funds in the Section 94 Plan have been allocated for the purchase of the five properties identified in the Southern Buffer area and hence will be utilised to fund the purchase of 3 Boondah Road, Warriewood.

SOCIAL IMPACT

There is potential to have a positive long lasting recreation, social and environmental impacts. The purchase of this property will provide the Warriewood Valley Community with valuable open space for recreational activities for the years to come whilst enhancing urban amenity and engendering a sense of place amongst the community.

ENVIRONMENTAL IMPACT

The removal of a residential dwelling and conversion to open space provides opportunities for positive environmental impacts.

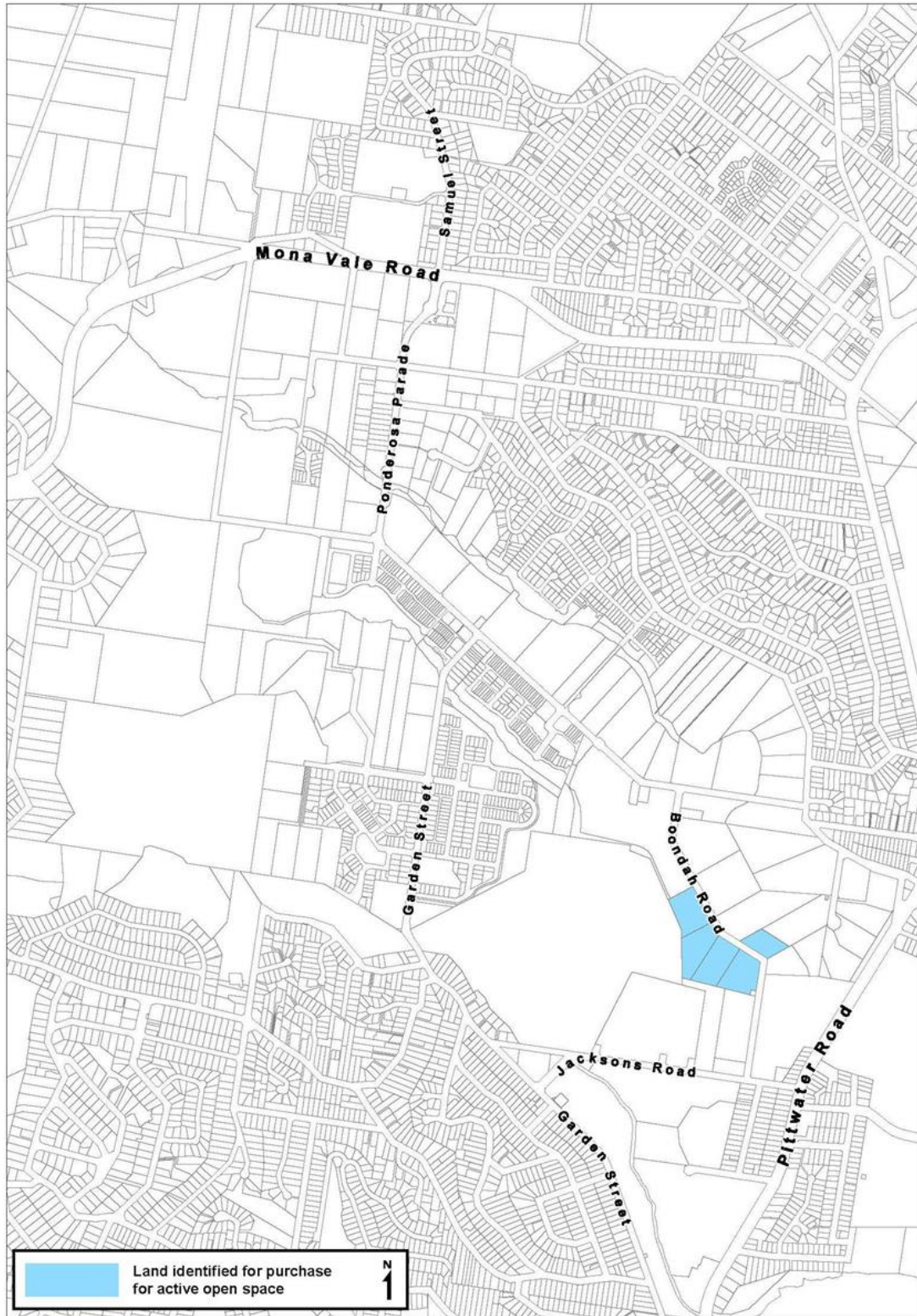
RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Authorise the purchase of 3 Boondah Road, Warriewood NSW 2102 up to the value of the independent market valuation.
 - B. Note the independent market appraisal of the land as outlined in the Confidential Memo attached to this report.
 - C. Give public notice in accordance with the Local Government Act 1993 of the proposal that the land be classified as Community land under the Local Government Act 1993.
 - D. Authorise the Chief Executive Officer to do all things necessary in order to give effect to this resolution.
-

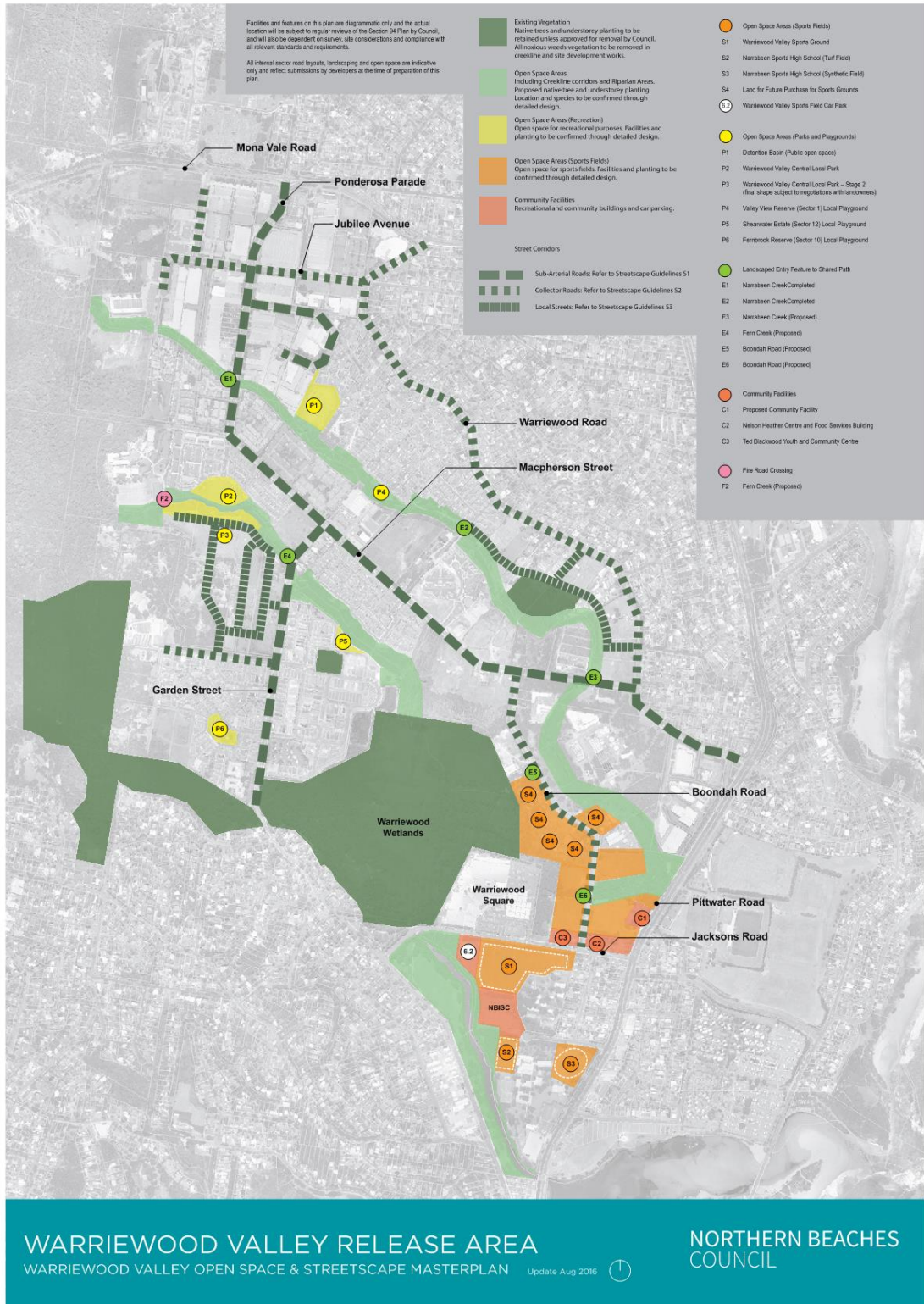
6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Figure 5: Land identified for purchase for future active open space



ADOPTED 31 JANUARY 2017

61



Landscape Masterplan

November 2016
2.0

| | |
|--------------------------|--|
| ITEM 7.10 | WALK AVALON - PEDESTRIAN ACCESS AND MOBILITY PLAN |
| REPORTING MANAGER | EXECUTIVE MANAGER TRANSPORT & URBAN |
| TRIM FILE REF | 2017/201317 |
| ATTACHMENTS | 1 Walk Avalon - Pedestrian Access and Mobility Plan (Included In Attachments Booklet) 2 Walk Avalon Summary of Exhibition Period Community Engagement (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To seek Council adoption of Walk Avalon – Pedestrian Access and Mobility Plan.

SUMMARY

Walk Avalon – Pedestrian Access and Mobility Plan (Walk Avalon) is a comprehensive strategic action plan developed to identify existing pedestrian access needs, manage future demand and enhance pedestrian access for all ages and mobility.

Council endorsed Walk Avalon for public exhibition at the Council Meeting held on Wednesday 26 April 2017. The original 28 day community engagement process was extended by a further 7 days at the request of the community, with thirty-eight (38) submissions received.

Walk Avalon, recommended to be adopted by Council, is based on the following priority principles:

1. Increase use of the pedestrian network for short trips (1.5 - 2 km)
2. Reduce the number of missing links within the pedestrian network
3. Reduce the risk of pedestrian accidents
4. Improve pedestrian connectivity with other transport modes, primarily bus, bicycle and car
5. Provide pedestrian facilities which cater for the needs of all pedestrians, including people with disabilities, commuters, children, seniors and recreational walkers.

It is to be acknowledged that major infrastructure works identified in Walk Avalon will need to be further explored with the community and Roads & Maritime Services (RMS) through the development of the Avalon Place Plan.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Adopt the Walk Avalon – Pedestrian Access and Mobility Plan and commence programming of works in future operational budgets.
 - B. Work with the community to deliver infrastructure outcomes detailed in the Walk Avalon – Pedestrian Access and Mobility Plan.
-

REPORT

BACKGROUND

Connecting people to place by walking ensures a healthy and active community with reduced traffic congestion and parking demand. In order to support this, it is essential that walking networks provide connections to destinations which are convenient, welcoming and safe.

Council prepared Walk Avalon, with financial assistance through the RMS Active Transport Grant Funding Program, to review and audit the pedestrian network within a 400m radius of Avalon Village, and to identify missing footpath links in Avalon for consideration in the Northern Beaches Walking Plan (to be developed 17/18).

Council endorsed Walk Avalon for public exhibition at the Council Meeting held on Wednesday 26 April 2017. At the same meeting Council resolved to bring forward consideration of the Avalon Place Plan. This plan will deliver the outcomes of the Walk Avalon Plan and ensure a coordinated approach for the public domain in Avalon.

COMMUNITY ENGAGEMENT

A 28 day engagement process commenced to seek community comments relating to the draft Walk Avalon. At the request of the community, the exhibition period was extended for a further seven (7) days.

Thirty-eight (38) submissions were received during the exhibition period, which included submissions from Avalon Preservation Trust, Avalon Preservation Association, Northern Beaches Greens Party, and Clareville and Bilgola Residents Association.

Residents from Park Avenue and Sanctuary Avenue submitted a petition and a footpath concept plan with forty-seven (47) letters of support attached requesting a footpath in Park Avenue.

Feedback received during the exhibition period can be viewed in Attachment Two - Walk Avalon Summary of Exhibition Period Community Engagement.

After reviewing the feedback the following amendments to the strategy were made:

- A focus on increased wayfinding signage was added
- A need to consider the recommendations arising from the Walk Avalon plan in conjunction with the Avalon Place Plan was acknowledged and a need for further engagement with the community on major infrastructure improvements
- The extent of the proposed footpath on Ruskin Rowe was reduced to encompass only the section between Avalon Parade and Elouera Road
- An additional footpath link for consideration as added in Park Avenue

TIMING

Council will commence initial investigations relating to the recommended pedestrian facilities upgrades. Works will be prioritised and included in future budgets. Major infrastructure works will be further explored through the Avalon Place Plan process during 2017/2018.

FINANCIAL IMPACT

The Walk Avalon plan identifies work to a preliminary value of \$2,520,000 however \$1,420,000 of that work is footpath reconstruction or improvement, the bulk of which would be funded by existing footpath maintenance budgets. In addition much of the other work is of a minor nature able to be absorbed within existing maintenance budgets.

Larger scale pedestrian network upgrades or traffic facility works recommended in Walk Avalon will be considered through future operational budgets and prioritised with other works across the northern beaches. Major infrastructure upgrades requiring significant levels of funding will be further assessed and refined through the Avalon Place Plan process and will then be the subject of further detailed design investigations. Some of those projects would then be the subject of funding applications to RMS.

SOCIAL IMPACT

Strategies outlined in Walk Avalon will benefit the local community by creating an active and walkable neighborhood and village.

ENVIRONMENTAL IMPACT

Reduced motor vehicle use provides benefits to the environment through reduced car emissions, which will result in cleaner air and less traffic on roads.

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|--------------------------|---|
| ITEM 7.11 | 2018 LICENCE FOR THE USE OF BROOKVALE OVAL BY THE MANLY WARRINGAH SEA EAGLES |
| REPORTING MANAGER | GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE |
| TRIM FILE REF | 2017/260885 |
| ATTACHMENTS | NIL |

REPORT

PURPOSE

The Northern Beaches Council and the Manly Warringah Sea Eagles (MWSE) have both been engaging with the NSW State Government on the prospects of redeveloping Brookvale Oval and also transferring the oval into State ownership. These discussions have been ongoing for a number of months but are yet to be resolved.

To enable any change of ownership to occur smoothly, the previous Warringah Council put in place a licence agreement the MWSE and Council for the use of Brookvale Oval for the 2016 and 2017 NRL seasons only. This licence ends this calendar year and does not have any holdover provisions.

As such, to ensure ongoing capacity for the MWSE to use the ground for the 2018 NRL season while still retaining the flexibility to transfer the ground into State ownership, it is proposed that a new 1 year licence be put in place with the MWSE on similar terms and conditions. It is also proposed that the authority to negotiate and execute this licence be delegated to the Chief Executive Officer on that condition that the commercial terms agreed ensure that the community is no worse off.

FINANCIAL IMPACT

The financial impact of the approach proposed is generally consistent with Council's current operational budget.

SOCIAL IMPACT

The Northern Beaches community is generally supportive of retaining the Manly Warringah Sea Eagles at Brookvale Oval and as such ensuring continuation of use for the 2018 NRL season delivers a positive social impact.

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Approve, subject to compliance with the requirements of the Local Government Act 1993, entering into a licence with the Manly Warringah Sea Eagles Ltd for the use of Brookvale Oval for a period of 1 year.
 - B. Authorise the Chief Executive Officer or the authorised delegate to execute all documentation necessary in order to give effect to this resolution.
-

8.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

| | |
|--------------------------|--|
| ITEM 8.1 | DRAFT BROOKVALE STRUCTURE PLAN |
| REPORTING MANAGER | GENERAL MANAGER PLANNING PLACE AND COMMUNITY |
| TRIM FILE REF | 2017/241857 |
| ATTACHMENTS | 1 Draft Brookvale Structure Plan Report (Included In Attachments Booklet) |

EXECUTIVE SUMMARY

PURPOSE

To present to Council the Draft Brookvale Structure Plan (the Plan) and to seek Council's endorsement to publically exhibit the Plan.

SUMMARY

In August 2015, Council resolved to prepare a Structure Plan for Brookvale.

Extensive research and analysis has been undertaken to understand how the Brookvale functions and what contribution it makes to the Northern Beaches and beyond. To inform the process, community engagement has included drop-in sessions, on-line tools, including a bespoke web page and a stall at the Brookvale Show. As Brookvale is largely an employment centre, specific targeted engagement was also held with business owners and individual 1:1 meetings were offered to key stakeholders and State government agencies.

The key findings of the Structure Plan are as follows:

- Brookvale provides a vital economic and employment role for the Northern Beaches.
- Projected employment growth will be in the retail and wholesale sectors and in health care, social assistance and education and training. Manufacturing related employment is expected to decline.
- Notwithstanding the projected decline in manufacturing, these lands will continue to make a significant contribution to the economy of the Northern Beaches. Accordingly, Brookvale's industrial lands should be retained. Redevelopment should be encouraged and an extended range of employment uses within these lands considered.
- Warringah Mall should be supported to retain its function as the major retail centre for the Northern Beaches, and continue its role as a major retail jobs contributor to the centre.
- Mixed use development in the Brookvale Town Centre should be encouraged, but only on the basis that any new development results in a net increase in employment floor space.

The Structure Plan will guide future development within Brookvale and recommend any land use changes necessary to ensure that it can function as a vibrant, sustainable employment focused centre.

A Draft Brookvale Structure Plan Report has now been prepared and is ready to be placed on public exhibition to seek community comment. This Plan contains various statutory and non-statutory recommendations for the future management of development in Brookvale. It does not rezone any land, but recommends a number of changes to implement its findings.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council:

- A. Endorse the Draft Brookvale Structure Plan for the purposes of public exhibition.
 - B. Exhibit the Draft Brookvale Structure Plan for a period of 6 weeks.
-

REPORT

BACKGROUND

The Structure Plan has been prepared to understand how Brookvale functions and what contribution it makes to the Northern Beaches and beyond. Once this was established, the key purpose of this plan was to guide future development of Brookvale, in response to its role as part of the combined Brookvale-Dee Why Strategic Centre, identified in the metropolitan strategy *A Plan for Growing Sydney*. It was to complement the existing Dee Why Masterplan, by providing future strategic direction for the Brookvale component of the Brookvale-Dee Why Strategic Centre.

The Structure Plan has been prepared to ensure that Brookvale remained as a sustainable employment hub into the future, by providing Council with a solid planning framework to manage change to the Brookvale area, informing and guiding future planning decisions. It will also consider key issues such as employment retention and growth; protection of industrial land; opportunities for affordable housing; linkages to the proposed B-Line; capacity of transport infrastructure as well as pedestrian and cycle connectivity.

PLANNING CONTEXT

Brookvale-Dee Why was identified as a combined Strategic Centre in the metropolitan plan, *A Plan for Growing Sydney*, designed to guide growth in Sydney for the next 20 years. In the recently released Draft North District Plan, Brookvale-Dee Why is still identified as a combined centre, but classified as a District Centre rather than a Strategic Centre.

Regardless of whether Brookvale-Dee Why is classified as a Strategic Centre or a District Centre, it is a major employment centre for the Northern Beaches region and beyond and will continue to provide this function. Brookvale has always been identified as the employment/jobs component of the centre, with Dee Why providing the residential, civic and community functions.

Brookvale largely consists of industrial and business support uses and is the largest industrial area in the region. It provides a valuable resource for the Northern Beaches and beyond and currently provides approximately 14,000 local jobs. To retain this resource, it is important that all industrially zoned land is protected and supported into the future.

PROJECT CONTEXT

The Brookvale Structure Plan is intended to complement the Dee Why Masterplan and also the recently completed Hospital Precinct Structure Plan. When completed the Northern Beaches will have strategic planning documents providing a sound framework for the future planning of these important centres and also a sound basis for the future preparation of a LGA wide Local Planning Strategy.

With changes to transport coming to the Northern Beaches (B-line, road improvements on Warringah Road and Mona Vale Road and the preliminary planning of a Beaches Tunnel link), there will be added development pressure, particularly on these identified centres.

For this reason, it is important that the Brookvale Structure Plan provides a robust framework to guide future development and to ensure that any development enhances and enlivens the area and protects its primary purpose of providing jobs for the region.

DRAFT BROOKVALE STRUCTURE PLAN

Project Scope

The primary aim of this Structure Plan is to enhance and support the function of Brookvale as an important employment hub, supporting industry and job growth while at the same time enhancing the built environment to make it a more attractive place to work and live, with its own sense of place and identity. The Plan will guide future development within Brookvale and recommend any

land use changes necessary to ensure that it can function as a vibrant, sustainable employment focused centre.

Engagement Strategy

The project was supported by an Engagement Strategy which outlined a three (3) step engagement process.

Stage 1 was focused on Project Definition and Visioning. This was done via on-line information on a project web page, an on-line tool to collect visioning comments, a consultation stall at the Brookvale Show, as well as 2 community drop-in sessions. In addition to this, a brochure was distributed to all properties and businesses within the Investigation Area, as well as the surrounding Area of Influence and a letter was sent to all non-resident owners in the same area.

Stage 2 involved Targeted Consultation. Business owners and operators, as well as key stakeholders, within Brookvale were invited to a visioning workshop to discuss their views from a business perspective. During this stage a number of 1:1 meetings were also held with key stakeholders, internal Council customers and State government agencies.

Stage 3 will be the exhibition of the Draft Structure Plan, once it has been endorsed by Council for exhibition. The purpose of this stage is to get feedback from the community on the Draft Plan.

Structure Plan Process

The Structure Plan project has involved the preparation of a number of reports including an Analysis Report; a Scenario Report and the Draft Brookvale Structure Plan Report.

The Analysis Report outlined the existing context and also benchmarked Brookvale against other similar centres. This information was then used to inform the Scenarios Report, which pulled together background information, the results of community consultation as well as transport, economic and demographic analysis.

A set of *Development Principles* and a *Development Framework* for Brookvale were then prepared. Following on from this, and taking into account the identified capacity of the road network, four scenarios were examined and tested. These scenarios explored various options for accommodating projected growth in Brookvale, underpinned by economic and transport analysis.

All scenarios were based on the road capacity limits set by the 2012 Brookvale/Dee Why TMAS (Transport Management and Access Study), which identified that the area could accommodate 3,500 extra jobs without the necessity for major road upgrades (of which 3,000 were allocated to Brookvale, as the employment hub).

The Scenarios Report concluded that Scenario 3 was the preferred option for accommodating the projected growth and revitalisation of Brookvale. This Scenario sought to balance employment and residential growth and allowed for 60% growth in employment and 40% growth in residential. It was considered that this mix was the preferred option for ensuring the continuation of a mixed use centre which had an employment focus. This in turn was based on economic advice that residential growth was necessary to support and encourage jobs growth in the Town Centre and the adjacent industrial areas. Residential growth in the Town Centre would also provide opportunities for affordable housing, an issue identified by local businesses as part of the consultation.

Structure Plan Report

This report (Attachment 1) brings together all the work presented in the Analysis Report and the Scenarios Report and delivers a framework for the future development of Brookvale. It is this Report which is now presented to Council for endorsement for public exhibition.

The overall framework for Brookvale is presented in a Structure Plan Map, which is supported by words which describe what change is envisaged and how the Structure Plan will be implemented.

What changes are proposed?

To implement the Brookvale Structure Plan, a number of statutory and non-statutory changes are recommended. The statutory changes involve amendment of Warringah Local Environmental Plan (WLEP) 2011 and Warringah Development Control Plan (WDCP) 2011, being the statutory planning documents applying to the Brookvale area. Non-statutory changes involve recommendations around a number of policies such as a Public Domain Improvement Plan, which can be prepared to guide future improvements to public areas within Brookvale.

As mentioned, the focus of the Draft Brookvale Structure Plan is not about growth, but rather managed growth to reinforce the employment role and to enhance the amenity of Brookvale. The economic advice provided as part of the Structure Plan process was that future job growth would be largely within the retail and service sectors, however a certain amount of residential growth would be necessary to encourage job growth in these sectors. Based on the established *Development Principles*, the Brookvale Town Centre was considered the appropriate place to focus this employment and housing growth.

Therefore, the Plan recognises the existing mixed use nature of the Brookvale Town Centre and recommends changes to the planning controls to encourage redevelopment which will provide for meaningful job growth as well as providing opportunities for affordable housing.

The proposed changes to the Brookvale Town Centre will also include a commitment to the provision of affordable housing, in accordance with Council's adopted Affordable Housing Policy. Any mixed use developments in the Town Centre would be required to provide a minimum of 10% affordable housing, to provide necessary housing to support the surrounding industrial lands.

The following provides a summary of the statutory and non-statutory changes proposed by the Draft Brookvale Structure Plan. All changes are underpinned by the *Development Principles* and *Development Framework*, established as part of the Structure Plan process, which are outlined in the Structure Plan Report.

Recommended changes to WLEP 2011

- Introduction of a new B4 – Mixed Use zoning for the Brookvale Town Centre
- Expansion of the Brookvale Town Centre west to Dale Street
- Introduction of a requirement for mandatory provision of 2 levels of retail/commercial in Town Centre
- Introduction of affordable housing requirements for the Town Centre, in accordance with Council's Affordable Housing Policy
- An increase in maximum building height in the Brookvale Town Centre to 21 metres (except for a Transition Area fronting Dale Street which will be limited to 15 metres)
- Rezoning of Aldi site to B3 Commercial Core to recognise its role as part of the retail core
- Expansion of permissible uses in IN1 General Industrial Zone, as it applies to Brookvale. For industrial land west of Pittwater Road it is proposed to allow "office premises" and "business premises" and for industrial land east of Pittwater Road, it is proposed to allow "food and drink premises" as additional permitted uses (APU's).

Recommended changes to WDCP 2011

- Introduction of specific DCP controls for the Brookvale Town Centre (for proposed B4 - Mixed Use zone)

- Review of existing DCP controls, as they would apply to the other areas of Brookvale, including the Industrial and Business Development areas.

Non-statutory recommendations

- Preparation of a Public Domain Plan (to deliver green streets, green links and other public domain improvements)
- Preparation of a Section 94 plan (to fund public domain upgrades, identified public parking improvements etc)
- Investigation of future vehicular connections, which include a rear laneway connecting Winbourne Road to Sydneham Road and a connection from Powells Road to Pittwater Road (should the bus depot be redeveloped).

The Structure Plan also identifies future opportunities, which are not included within the Structure Plan, but are flagged for future investigation. Most of these are reliant upon a change in the road network capacity or dependent upon certain key sites being redeveloped.

Identified Future Opportunities (for future investigation)

- Investigation of additional permitted uses for Warringah Mall, particularly in conjunction with the identified southern gateway for Brookvale
- Possible redevelopment of the Brookvale Bus Depot site
- Investigation of additional permitted uses for Brookvale Park, to help retain Brookvale Oval as a sports facility and to recognise its location at the northern gateway to the Brookvale Town Centre.

PUBLIC EXHIBITION

It is proposed that the Draft Structure Plan be placed on public exhibition to enable the community to view the Plan and make submissions (Stage 3 of Engagement Strategy).

The Plan will be exhibited for 6 weeks. The public exhibition period will enable the community and key stakeholders to view the Draft Plan and provide feedback to Council. Public submissions will be encouraged.

Engagement activities will include:

- Drop-in sessions where the community and stakeholders will have the opportunity to discuss details of the Draft Plan with Council staff
- On-line engagement via the Project Page
- Letterbox drop of brochures to all businesses and dwellings within the Investigation Area and the surrounding Area of Influence
- Letters to all non-resident owners of land within the Investigation Area and the surrounding Area of Influence
- Advertisements in Manly Daily and media releases
- Individual consultation with key stakeholders, internal Council customers and State government agencies.

POST PUBLIC EXHIBITION

At the conclusion of the public exhibition period, all submissions received will be reviewed and assessed and a Submissions Summary Report prepared.

A Final Brookvale Structure Plan will be presented to Council for adoption, which will have been amended to reflect the results of the submissions assessment. If Council endorses the Final Brookvale Structure Plan, there will also be a series of recommended actions to implement the Plan.

It is important to note that the Structure Plan is a strategic planning document and it does not rezone any land. Any recommendations for statutory zoning or policy changes will need to follow separate processes, subsequent to the final endorsement of the Structure Plan.

CONSULTATION

There is no statutory exhibition period for Structure Plans. It is proposed to exhibit for a period of 6 weeks which will provide ample time for the community to consider the Plan and provide comment. In accordance with Council's Engagement Policy, the exhibition period will be extended should it clash with school holiday or other public holiday dates.

TIMING

The Draft Plan will be exhibited for 6 weeks and then all submissions will be assessed and a Submissions Report prepared. Timing will depend on the number of submissions received as a result of the exhibition, but at this stage it is envisaged that a Final Brookvale Structure Plan will be reported in late 2017/early 2018, with implementation steps commencing in mid 2018.

FINANCIAL IMPACT

This Plan is a strategic document which, in itself, does not have any financial impact. The future implementation of the Plan will involve Council resources, possibly assisted by external consultants to deliver the LEP and DCP amendments, Section 94 Contributions Plan and Public Domain Strategy.

SOCIAL IMPACT

The Plan includes a range of outcomes which will result in a positive social impact for Brookvale and the wider region. Its focus is on providing sustainable jobs growth, while at the same time revitalising the Brookvale Town Centre, by encouraging housing (including affordable housing) and jobs growth within the Town Centre. This in turn will provide better services for workers and businesses within the Brookvale industrial areas.

ENVIRONMENTAL IMPACT

The aim of the Plan is to ensure that future development is sustainable, particularly in relation to the impact of any growth on the existing road and traffic network. It intends to introduce a series of green streets and green links to encourage passive transport and to bring the environment into the industrial areas. Proposed Development Control Plan amendments will ensure that sustainable planning principles are implemented in Brookvale.

9.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

- A. That, in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
- a Item 9.1 Tender for Council Waste Processing and Resource Recovery on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].
- This report discusses the results of a complex tendering process for Kimbriki Waste Processing and Recovery Facility and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would benefit waste industry competitors.
- B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
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council

