

Parks, Reserves and Foreshores Referral Response

Application Number:	DA2021/0669
Date:	01/07/2021
To:	Jordan Davies
Land to be developed (Address):	Lot 7005 DP 1117451 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 , 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 , 1191 Barrenjoey Road PALM BEACH NSW 2108

Reasons for referral

This application seeks consent for any application on land or land being adjoining or adjacent to any parks, reserves, beaches, or foreshore
And as such, Council's Parks, Reserves and Foreshores officers are required to consider the likely impacts of the proposal.

Officer comments

The Development Application is for the demolition and reconstruction of the existing premises known as the Boathouse Palm Beach as well as external works east of the Boathouse upon public Reserve land. A separate Voluntary Planning Agreement (VPA) for the construction of 10 public carparking spaces within Governor Phillip Park is proposed and the works are documented as part of the Development Application.

Council's Parks Referral is assessed against the adopted Plan of Management for Governor Phillip Park and the Pittwater Local Environmental Plan under RE1 Public Recreation. Although the Boathouse building is not within the park boundary, the Boathouse activities and operations extend into the RE1 Public Recreation zone and access to the premise is over public Reserve land. The Plan of Management for Governor Phillip Park includes a key objective to "conserve and enhance the Park's natural, historical and cultural environment whilst providing a diverse range of quality informal passive recreational opportunities in a unique and relatively undeveloped setting.

The adopted Plan of Management permits future uses within Governor Phillip Park to satisfy section 2.8.1 Permissible uses, which include to: encourage public use and enjoyment of appropriate Crown land; for a public purpose, in public ownership; optimise public access and use of coastal Crown lands; and encourage the rehabilitation of degraded coastal Crown lands.

The objectives of LEP zone RE1 Public Recreation include to: enable land to be used for public open space or recreational purposes; protect and enhance the natural environment for recreational purposes; allow development that does not substantially diminish public use of, or access to, public open space resources; and provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

The Plan of Management provides recommendations for the lower western picnic and parking area where the external areas are adjacent to the existing Boathouse and these are also interpreted in the Concept Masterplan referenced as Landscape Master Plan within the Governor Phillip Park Plan of Management, and for this area recommendations include a series of small defined parking areas to cater for the needs for the adjoining picnic areas and protect existing trees and turfed areas, that is now

occupied within the lease for the Boathouse; and picnic and recreation upgrades. It is noted that the intent for small parking areas under the Concept Masterplan exists as outdoor food services areas utilised by Boathouse within the current lease area.

The Development Application proposal includes landscape works within the Reserve that is accessible and useable to the general public such as access pathways, outdoor settings containing picnic tables, table and chairs, and landscaped gardens, and includes dune stabilisation works as indicated in the Landscape Plan and the Biodiversity Management Plan, and these works benefit the general public and satisfy the intent of the Plan of Management and LEP clause RE1 Public Recreation zone.

There are however elements to the Development Application that do not satisfy the Plan of Management and LEP clause RE1 Public Recreation zone, which Parks Referral do not support. The proposal includes a new ancillary amenities structure/building with store rooms and toilets upon Reserve land contained within the existing lease area utilised by the Boathouse. Concern is also raised that the ground floor occupied by dining area provides only one toilet which may be for staff only and that customers are required to utilise the proposed amenities within the Reserve public land, and this duplication of amenities upon public land (within the lease area) is not required when existing public amenities are located in proximity to the site. It is unclear from the Statement of Effects if the proposed amenities is to be open to the public as required on public land or if the proposed amenities will be closed beyond the listed operational hours, thus providing no public benefit.

The Plan of Management states that "land reserved or dedicated for public recreation must be open to the public generally as a right. Exclusive use of the Reserve should be minimised to avoid sections of the community becoming alienated from using the Reserve. Under the Plan of Management section 3.4 Criteria for future leases and licences, general public access to the building or activity, which would be measurable in a performance-based lease or licence agreement, is to be allowed. The Statement of Effects lists hours of operation for in-house and takeaway meals and refreshments 7am to 4pm, 7 days a week, and hours of operation of proposed functions outside the above opening hours and will be from 4pm to 10pm on Fridays and Saturdays during summer periods.

Concern is raised that the proposal does not refer to the intent of the existing signage (x 2) placed at the junction of the roadway and the Boathouse lease alignment and that the continuance of the signage in its current location maintains a territorial barrier for the general public. Removal of the signage to the Boathouse building face would better represent that the open space area within the Reserve belongs to the public and is useable by the public, without fear of encroaching.

The Development Application proposes to seal and linemark ten (10) existing carparking spaces east of the public internal roadway that is currently an informal 'soft' paved surface consisting of decomposed granite that is the predominant surface material for carparking bays along this part of Governor Phillip Park. The Traffic Management and Car Parking Solutions report by GTK Consulting on page 7 notes that "Ten (10) spaces within Governor Phillip Park will be available for use by the Boat House and time limited to 4 hours." and concern is raised that this removes public access to recreational facilities for the public by reducing the number of available public car parking spaces. There is no public benefit in this proposal, with additional concern raised that no surface runoff analysis is provided on the impact of the sealed car parking spaces upon adjacent recreational areas and adjacent roadway and parking spaces. It is noted that the existing informal parking area is proposed as six (6) car parking spaces that are extended beyond the existing licence area.

The Traffic Management and Car Parking Solutions report by GTK Consulting on page 15 notes that there "... are 488 off-street car parking spaces within the Governor Phillip Park Reserve within reasonable walking distance of the Boat House" and therefore such dedicated car parking for the customers of the Boathouse is not required. The area has supported informal unpaved or 'soft' paved carspaces for many decades and this bodes well with the natural landscape of the area.

Parks Referral do not support the Development Application for the following reasons that impact the intent of the Plan of Management and LEP clause RE1 Public Recreation zone:

- lack of information on the public access and use of the proposed ancillary amenities structure/building with toilets upon Reserve land beyond operating hours,
- lack of information on the intent of the existing signage that maintains a territorial barrier for the general public,
- exclusion of the public from the 10 existing car parking spaces that are currently utilised by the public to access the recreational facilities of Governor Phillip Park.

The Development Application includes landscaped areas to the east of the Boathouse premises that are proposed to remain in public use. It is noted that the existing landscape setting of this area has been significantly altered such that it appears as land that is occupied and managed by the Boathouse, with elements such as signage, enclosed landscaped areas, and furniture styled to match the interiors of the Boathouse but located within the public domain. To any visitor it is obvious that the existing arrangement is perceived to be that the area is part of the Boathouse and not for public use. Parks Referral advise that this public land area shall clearly be perceived as public land and that the landscape proposal submitted with the Development Application is to achieve this outcome, and Parks Referral defer to Landscape Referral on this matter.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Parks, Reserves and Foreshores Conditions:

Nil.