

Parks, Reserves and Foreshores Referral Response

Application Number:	DA2021/0669
Date:	19/10/2021
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 refurbishment of 10 existing public car parking spaces within Governor Phillip Park is proposed and the works are documented as part of the Development Application.

Amended plans and reports are provided for consideration to address the concerns raised in the previous Parks Referral. The previous concerns were as follows: 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; and 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.

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 car 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 car 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.

The following issues of concern have been resolved by the amended plans and reports, including:

- The proposed amenities with toilet facilities is confirmed in the amended reports including the 'letter - Parks and Reserves response' to remain open to the public as required under the Plan of Management, during Boathouse operating times and as such provides a public benefit.
- The existing signage placed at the junction of the roadway and the Boathouse lease alignment is confirmed in the amended reports including the 'letter - Parks and Reserves response' to be removed within the licence area of the Reserve and thus the proposed external works and character is able to be represented as public space useable by the public without fear of encroachment. Any Boathouse signage is to be part of the building facade.
- The amended plans continue to note the ten (10) existing carparking spaces as a bitumen surface finish and this is not supported. The amended reports including the 'letter - Parks and Reserves response' nominates that the applicant shall adhere to the requirements as determined by Council, and as such a permeable surface finish shall be provided and designed to avoid ponding of water onto the existing roadway.
- Additionally, the amended report 'letter - Parks and Reserves response' confirms that the existing ten (10) car parking spaces are not proposed for the exclusive use of the Boathouse workers, visitors or any other related party, as incorrectly stated in the Traffic Management and Car Parking Solutions report by GTK Consulting on page 15. As such public use of these spaces is not altered nor restricted and the intent of the Plan of Management and LEP clause RE1 Public Recreation zone for public access is maintained.
- The proposal to extent the alignment of the existing northern car parking spaces further into the Reserve and over the licence alignment is subject to the requirements to comply with Australian Standard / NZS 2890.1:2004 Parking facilities - Off street car parking, and spatial layout is restricted by the location of the heritage listed Norfolk Island Pines, and thus to comply the car parking is extended in alignment, and by a 34.2m² area. It is noted that the proposal includes 'reclaimed landscape areas' within the licence area to compensate. The spatial extension shall not exceed the minimum requirement for car spaces and manouvering area under the requirements for Class 2 parking as per AS / NZS 2890.1:2004, and the existing timber bollards shall be re-installed appropriately or replaced with like for like.

It is noted that the proposal includes works beyond the current licence agreement boundary and this matter requires the granting of a licence to cover the extent of the proposal, and this part shall be in accordance with the directions, authorisation or otherwise from Council's Property Assets team.

Parks Referral raise no further concerns and the proposal is able to satisfy the intent of the Plan of

Management and LEP clause RE1 Public Recreation zone, subject to conditions of consent.

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 supported.

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

Parks, Reserves and Foreshores Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Works on Land Owned or Managed By Council

No works are to be carried out on land owned or managed by Council without owners consent.

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council require a "Working and Access on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Details demonstrating Permit approval are to be submitted to the Certifying Authority.

Reason: Public safety and the protection of Council infrastructure.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Construction Management Plan - Council Assets

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- i) access to and from the site during construction and demolition,
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- iii) methods of loading and unloading machinery and building materials,
- iv) location of storage materials, excavation and waste materials,
- v) methods to prevent material being tracked off the site onto surrounding roadways,
- vi) erosion, sediment and dust control measures, and
- vii) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites.

During works the site management measures set out in the above must remain in place and be

maintained until the completion of works.

Construction materials must not be stored on land owned or managed by Council. Safe pedestrian access, free of trip hazards, must be maintained at all times on or adjacent to any public access routes connected to land owned or managed by Council.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

Installation and Maintenance of Sediment and Erosion Control

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period. Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Storage of Materials on Land Owned or Managed by Council Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: To protect and/or restore any damaged public asset.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Removal of All Temporary Structures/Materials and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

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

Reason: To protect reserve amenity and public safety.