

ATTACHMENT BOOKLET 3

ITEMS: 12.3, 12.4, 13.5 AND 15.1

ORDINARY COUNCIL MEETING

TUESDAY 24 SEPTEMBER 2019

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DRAFT NORTHERN BEACHES COMMUNITY PARTICIPATION PLAN (PLAN MAKING AND DEVELOPMENT ASSESSMENT)

COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

Good planning is all about looking ahead and ensuring we have the housing, employment, infrastructure, services and environment to support our lives now, and for the future. Our aim is to do this while protecting and enriching the characteristics that make living in the Northern Beaches so special.

Community participation is a crucial part of good planning as it seeks to gather local knowledge, ideas and expertise to create better urban environments while protecting our natural environment and preserving local character.

Community participation is an overarching term, covering how we engage the community in our work under the *Environmental Planning and Assessment Act 1979* (EP&A Act), including plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community and resident groups, special interest groups, peak bodies, businesses and governments and non-government agencies.

What is our Community Participation Plan?

Our Community Participation Plan (CPP) is designed to make participation in planning clearer for the community of the Northern Beaches. It does this by setting out how and when you can participate in the planning system, our planning functions and different types of planning proposals.

The CPP also establishes our community participation objectives which we use to guide our approach to community engagement.

The CCP applies to our *Plan Making and Development Assessment* functions.

Our broader approach to community and stakeholder engagement is detailed separately in the Northern Beaches Community Engagement Framework.

The CPP replaces the '*Exhibition, Advertisement and Notification of Applications*' provisions within all Development Control Plans

Who does this Community Participation Plan apply to?

The CPP is a requirement of the EP&A Act (division 2.6 and Schedule 1) and applies to the exercise of planning functions by Northern Beaches Council, as well as the Northern Beaches Local Planning Panel and Sydney North Planning Panel.

This CPP will be reviewed on a periodic basis.

OUR COMMUNITY PARTICIPATION OBJECTIVES

Table 1 illustrates the types of actions that we will undertake to deliver our community participation objectives. These objectives have been developed having regard to the community participation objectives set out in Section 2.23(2) of the EP&A Act. These objectives will be supported by measurable actions that we will use to develop, implement and evaluate community engagement.

Community Participation Objectives	Council's Engagement Principles ¹	How we meet the objectives
The community has a right to be informed about planning matters that affect it.	<ul style="list-style-type: none"> Considered Transparent 	<ul style="list-style-type: none"> We administer community engagement processes that are underpinned by the community's right to be informed. We provide information to the community in an objective and balanced manner. We encourage community participation by promoting participation opportunities as widely as possible.
Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.	<ul style="list-style-type: none"> Committed Transparent Engaging 	<ul style="list-style-type: none"> We build strong proactive partnerships with the community. We ensure community engagement accurately captures the relevant views of the community.
Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.	<ul style="list-style-type: none"> Inclusive Transparent 	<ul style="list-style-type: none"> We communicate planning matters in plain English and with visual aids while identifying diverse and accessible opportunities for participation. We keep content simple and concise. We encourage the use of digital and electronic engagement to reach harder to reach groups.
The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.	<ul style="list-style-type: none"> Timely Considered 	<ul style="list-style-type: none"> We start community engagement as early as possible to ensure the community has reasonable time to provide input.
Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.	<ul style="list-style-type: none"> Inclusive Engaging Considered 	<ul style="list-style-type: none"> We identify and implement inclusive engagement techniques for people of all abilities. We seek input from groups who may find it difficult to participate in standard engagement activities (e.g. young and older people; people with disabilities; Aboriginal and Torres Strait Islander people; people from a culturally and linguistically diverse background) We conduct community engagement events in safe and discrimination-free environments. We provide tailored and innovative engagement techniques to encourage and enhance participation of the wider community.
Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.	<ul style="list-style-type: none"> Timely Planned Considered 	<ul style="list-style-type: none"> We encourage the proponent to engage with the local community prior to lodging an application.

¹ Taken from Northern Beaches Community Engagement Matrix

Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).	<ul style="list-style-type: none"> • Transparent • Considered 	<ul style="list-style-type: none"> • We explain how community input was taken into consideration and ensure the response to community input is relevant and proportionate. • We keep accurate records of community input. • We regularly review the effectiveness of community engagement.
Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development	<ul style="list-style-type: none"> • Engaging • Timely 	<ul style="list-style-type: none"> • Engagement timing and methods are determined based on community interest and possible impact.

Table 1: Community participation objectives

OUR APPROACH TO COMMUNITY PARTICIPATION

We will tailor community participation methods for our plan-making and development assessment functions to achieve the benefits of community engagement across the planning system. We use a mix of engagement and participation techniques that cater to a broad audience as well as different requirements based on the nature, scale and likely impact of the proposal being considered or assessed.

Our approach to community engagement is broadly informed by the internationally recognised 'Public Participation Spectrum' developed by the International Association for Public Participation (IAP2) which outlines 5 levels of public participation.

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.

Figure 1: International Association for Public Participation Spectrum

Development Assessment matters will usually fall within the 'inform' and 'consult' engagement levels. Strategic Planning matters may also fall within the 'involve' and 'collaborate' engagement levels. We will adjust our approach to suit the scale and nature of individual proposals and the level of community interest.

What	When	Examples
Inform We will tell you about plans/proposals and give you accurate and relevant information as they progress through the planning system.	As soon as possible following their lodgement, with updates at key milestones accurately captured.	Online Application Tracker tool; newspaper notices, media releases, council website, Your Say website, information sessions, discussion papers and technical reports.
Consult We will keep you informed, listen to and acknowledge your concerns and aspirations, and provide feedback on how your input influenced the decision.	Once plans or policies reach draft stage we will exhibit them and ask for your feedback.	Public exhibition, drop-in sessions, online surveys, meetings, newspaper notices, council website, Your Say
Involve and Collaborate We respond to the community's views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal.	Through submissions and feedback, we identify your key issues and concerns and conduct targeted engagement activities to find solutions to determine the way forward.	Public meetings, pop up events, community reference groups, strategic reference groups, feedback sessions and workshops.
Determination We will let you know the decisions regarding proposals and how your views were considered in reaching the decision.	In reaching a decision we consider your views and concerns, notify you of the decision and how community views were considered.	Online updates, letters to submitters, post exhibition reports, determination notices and notices of decisions in newspapers.

Table 2: Community participation approach

THE ROLE OF EXHIBITIONS IN THE PLANNING SYSTEM

Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal being considered or assessed.

A regular and valuable way for communities to participate in the planning system is by making a submission on a proposal during exhibition.

Exhibitions

A key technique we use to encourage community participation is formal exhibitions. During an exhibition we make available relevant documents that may include a draft policy, plan or proposed development that we are seeking community feedback on.

In reaching decisions on proposals that have been exhibited, Council balances a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of Council, the community's input, land use priorities identified in our strategic plan and applicable policies and guidelines.

How to get involved in a public exhibition

There are a number of ways you can get involved in a public exhibition:

- To make a formal submission you can:
 - write to Council, addressed to the attention of the CEO
 - email Council@northernbeaches.nsw.gov.au
 - complete an online submissions form.

- To obtain more information you can:
 - visit a Council Customer Service Centre
 - visit Council's website or 'Have Your Say' platform
 - attend a face to face session² such as a drop-in to discuss plans/proposals with Council staff
 - phone Council on 1300 434 434

Exhibition timeframes

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets out a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe (except where the CPP specifies a different period) and will consider extended timeframes for exhibition based on the scale and nature of the proposal.

The minimum mandatory and non-mandatory timeframes are shown in the following tables.

PLAN MAKING

Minimum Mandatory Exhibition Timeframes	
Draft community participation plan	28 days
Planning proposals for local environmental plans	14 days for preliminary notification 28 days for exhibition or as specified by the gateway determination
Draft development control plans (DCP)	28 days
Draft contribution plans	28 days
Draft local strategic planning statements (LSPS)	28 days
Non Mandatory Exhibition Timeframes (CPP)	
Planning Agreement	28 days
Place Plans	28 days

Table 3: Plan making minimum mandatory and non-mandatory exhibition timeframes

DEVELOPMENT ASSESSMENT

Minimum Mandatory Exhibition Timeframes	
Development Application	14 days unless otherwise specified in this document
Designated Development	28 days
Environmental Impact Statement (which includes Fauna Impact Statement and Species Impact Statement) under Part 5 of the EPA Act (division 5.1 or 5.2)	28 days
Non Mandatory Exhibition Timeframes	

² Face to face sessions are not mandated and may not be available for all consultations.

Development Application	21 days for applications that will be determined by the Sydney North Planning Panel
Modification of development consent that is required to be publicly exhibited by regulation	14 days
Re-exhibition of any amended application	14 days
Integrated development	28 days
Planning Agreement	28 days

Table 4: Development assessment minimum mandatory and non-mandatory exhibition timeframes

Key points to note about public exhibitions include the following:

- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a public exhibition period. A public exhibition will not commence during these dates.

Circumstances where DA exhibition is not required

Some minor development is of a scale and nature that does not require exhibition. DAs where there will be no public exhibition include:

- internal fit-outs of commercial and industrial uses (unless adjoins residential zoned land)
- change of use in commercial and industrial zones (unless adjoins residential zoned land)
- erection of advertising signs in commercial and industrial zoned land
- internal alterations to an existing dwelling house (not a heritage item) with no external changes
- strata subdivision
- subdivisions to adjust property boundaries where no additional lots are created
- modification of consent where there is minimal environmental impact.

COMMUNITY PARTICIPATION METHODS

Plan Making

How is a strategic planning document exhibited?

Planning Proposals:

- **Preliminary Non-Statutory Notification** – will be for a minimum 14 days and will include the following:
 - Notification to adjoining property owners and occupiers and property owners and occupiers across a street or road from the subject site (refer to Figure 2).
 - Notification in a local newspaper
 - Notification on Council's website

- Electronic alerts will be sent to any person or group that has registered to receive information on the notification of any planning proposal based on their nominated interest

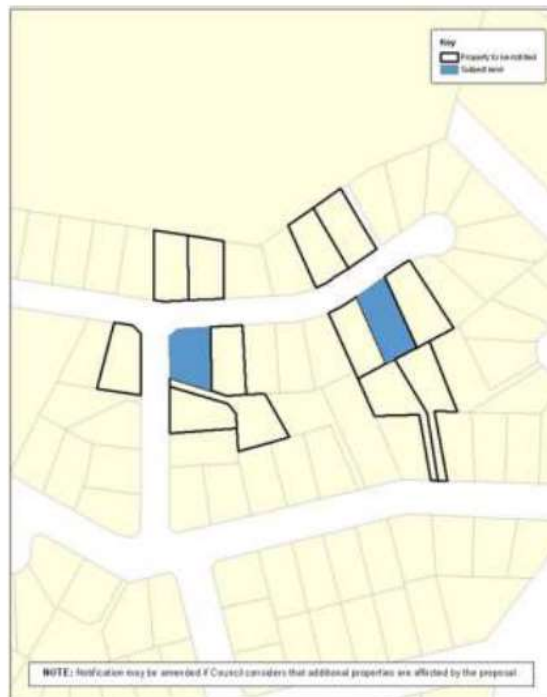


Figure 2 - Notified development

Where a Planning Proposal is not site specific but instead applies to an entire zone, or involves changes to a clause in a Local Environmental Plan (that may apply to many properties), notification will include the following:

- Notification in a local newspaper
- Notification on Council's website
- Electronic alerts will be sent to any person or group that has registered to receive information on the notification of any planning proposal based on their nominated interest

Statutory Exhibition - upon receipt of Gateway Determination from the Department of Planning, Industry & Environment (DPI&E), the Planning Proposal will be exhibited for a minimum of 28 days or as specified by the Gateway Determination. The exhibition will include:

- Notification to adjoining property owners and occupiers and property owners and occupiers across a street or road from the subject site (refer to Figure 2).
- Notification in a local newspaper
- Notification on Council's website
- Electronic alerts will be sent to any person or group that has registered to receive information on the notification of any planning proposal based on their nominated interest

Where a Planning Proposal is not site specific but instead applies to an entire zone, or involves changes to a clause in a Local Environmental Plan (that may apply to many properties), notification will include:

- Notification in a local newspaper
- Notification on Council's website
- Electronic alerts will be sent to any person or group that has registered to receive information on the notification of any planning proposal based on their nominated interest

Council will hold a Public Hearing (as defined in s29(2) of the Local Government Act) for amendments to a Local Environmental Plans (LEP) that involves the reclassification of land from Community to Operational. Council will also hold a Public Hearing in relation to other LEP matters if the relevant Gateway Determination advises that one is required.

Local Strategic Planning Statement, Place Plans, Development Control Plans, Contribution Plans, Planning Agreements

In addition to the above exhibition requirements, the preparation of documents such as the Local Strategic Planning Statement and Places Plans may include the following exhibition and community engagement:

- Social media posts
- Community surveys
- Discussion Papers
- Workshops and/or focus groups
- The establishment of a community reference group
- Community engagement/drop-in sessions

Development Assessment

How is a development application exhibited?

Northern Beaches will inform the community of the exhibition of development applications in following three ways:

1. Notified development: sending exhibition letters to adjoining property owners and occupiers and property owners and occupiers across a street or road from the subject site (refer to Figure 2) **plus** the placement of a site notice on the main frontage of the development site.
2. Advertised development: sending exhibition letters to adjoining property owners and occupiers and property owners and occupiers across a street or road from the subject site (refer to Figure 2 above) **plus** the placement of a site notice on the main frontage of the development site **and** the placement of a notice in a local newspaper.
3. Electronic Alerts: In addition to the above electronic alerts will be sent to any person or group that has registered to receive information on the exhibition of development applications received.

Northern Beaches will exhibit all relevant information on every development application on Council's website.

All development is considered notified development excluding:

- minor development (not required to be exhibited)

- advertised development (as provided below)

For the purpose of the CPP the following development applications will be advertised development:

- Shop top housing.
- Multi-unit dwellings.
- Seniors housing.
- Boarding houses.
- Residential Flat Buildings.
- Sex service premises.
- Child care centres located in residential zones.
- Subdivision of land (where 5 or more additional allotments are proposed).
- Demolition of a building or tree identified as an item of environmental heritage.
- Development that is prohibited in a local LEP, but permissible under a SEPP, with a construction cost more than \$1million.
- Hazardous or offensive industries.
- Hospitals.
- Hotel and motel accommodation.
- All development identified in clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only).
- All applications to be determined by the Sydney North Planning Panel.

Alterations and additions to the above development types may be excluded from advertising due to the minor nature and impact of the proposal.

Consideration of submissions

All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.

All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the Government Information (Public Access) Act 2009. Personal information (e.g. phone number, address, name, email address) will be redacted upon request.

Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.

Submissions that contain potentially defamatory content will be withheld from Council's webpage. Anonymous correspondence will not be counted as a submission.

Those who lodge a submission will be notified of Council's determination of the application.

Submissions received after the end of the notification period will be considered in the assessment of the proposal, prior to determination of the application.

All submissions received from the same person will be considered as a single submission.

All submissions received by or on behalf of the same dwelling will be considered as a single submission.

Irrespective of the number of signatories, petitions will be considered as a single submission. Only the organiser of the petition will be notified of Council's determination of the application.

CPP GLOSSARY

Local development

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments.

Development consent

A development consent is the formal notice of approval for a specified development proposal. It establishes the date from which the approval operates and when it lapses.

Contributions Plans

A plan developed by Council for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities or services required by the new development.

Designated Development

Development that are high-impact developments significant (such as environmental impacts) and require additional consideration.

Integrated Development

Development that requires development consent from Council as well as at least one approval or licence from another government agency (specified in Part 4 Division 4.8 Section 4.46 of the EP&A Act). This does not include State significant development or complying development.

Development Control Plan

A plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan (LEP).

Local Development Refers to applications for development consent, that are not complying development or designated development. The majority of applications that Councils assess are for local development.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

Modification of development consents

After a development consent has been issued, the applicant or anyone entitled to act on the applicant's behalf can apply to Council, or approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act) provided the development is substantially the same.

Gateway determination

A gateway determination is issued by the NSW Department of Planning, Industry and Environment following an assessment of the strategic merit of a proposal to amend or create an LEP. It allows the proposal to proceed to public exhibition.

State significant development (SSD)

Some types of development have state significance due to their size, cost or potential impacts. Examples include schools and hospitals. For all state significant development applications, the Minister for Planning is the consent authority.

Urban renewal areas

Land which is identified for the establishment of vibrant, sustainable and liveable neighbourhoods, including refurbishment of public areas.

Voluntary Planning Agreements

A voluntary planning agreement is an offer by a developer to Council to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

Developer and Infrastructure contribution plans

Contributions plans allow Council to levy contributions on development consents issued for land within the Northern Beaches LGA. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Council will periodically amend these Plans, reflecting revised population growth, rezoning of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

Local strategic planning statements

The Local Strategic Planning Statement will set out the 20-year vision for land-use, special character and values that are to be preserved and how change will be managed into the future.

Local Strategic Planning Statement will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement must:

- identify the planning priorities for an area
- explain how these priorities are to be delivered
- demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

Local Environmental Plan (LEP)

The environmental planning instrument developed by Council, which sets the planning framework for our Local Government Area.

Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some strategies and plans also require endorsement from government agencies.

Manly Development Control Plan 2013 (Amendment 13)

Proposed amendment - To remove Part 2 being:

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines administrative guidelines for all DAs across the Northern Beaches Council in relation to exhibitions, notifications and advertising.

2 Exhibition, Advertisement and Notification of Applications

Relevant DCP objectives to be satisfied in relation to this part include the following:

- Objective 1) To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- Objective 2) To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- Objective 3) To provide transparent, consistent and efficient procedures for the exhibition of applications.

2.1 All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

2.2 Applications that are not required to be notified

2.2.1 Applications for the following types of development are not required to be notified:

- a) Removal of trees (not including heritage items), unless, in the opinion of the officer responsible for the management of the application, the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- b) Modifications of Consent involving minimal environmental impact
- c) At the discretion of Council staff, any application that is of a minor nature and impact (for example: internal fit outs to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

2.2.2 Applications in the above list may be notified at the discretion of Council staff.

2.3 Notified applications

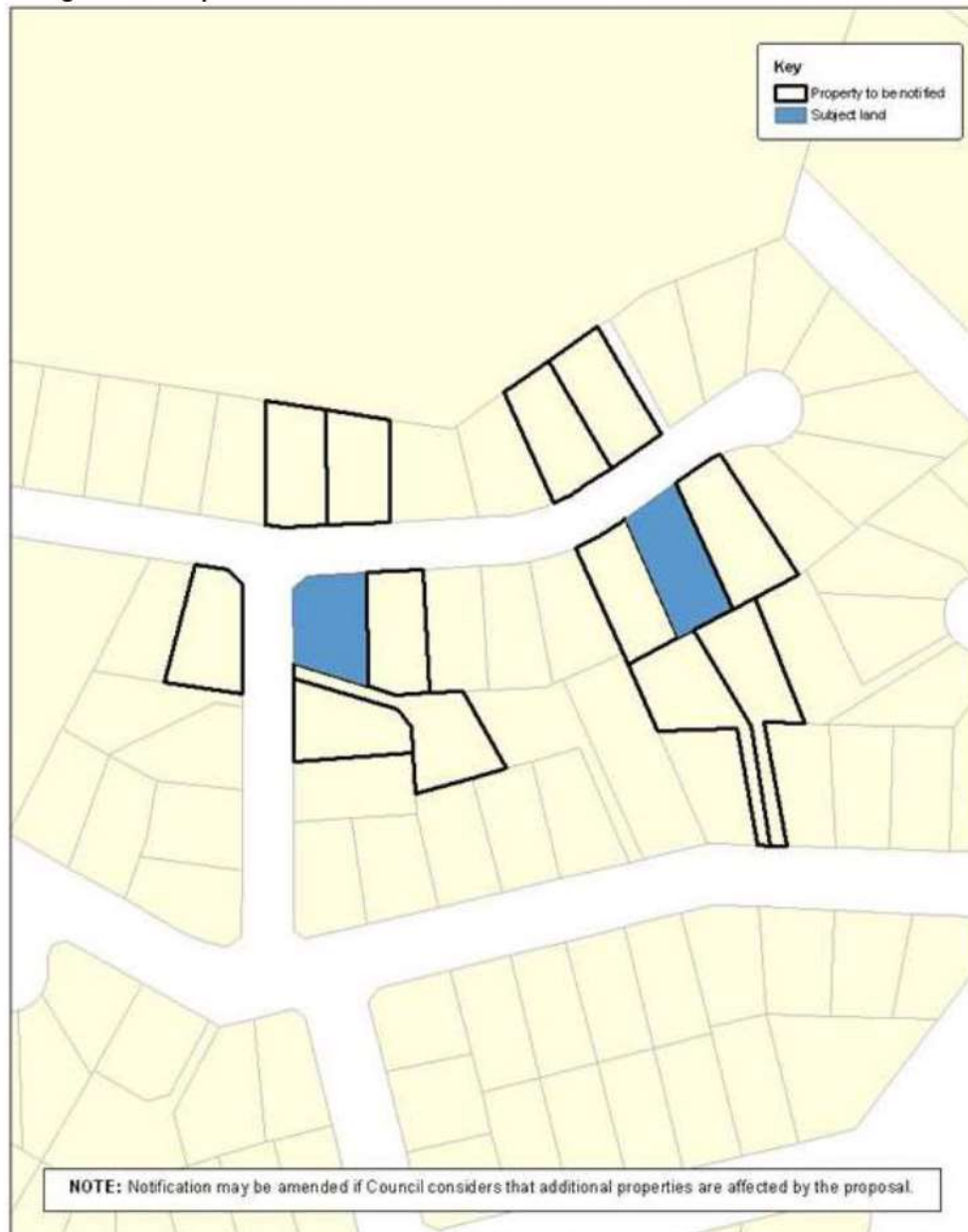
2.3.1 All other DAs (not listed in paragraph 2.2.1 above) will have the following minimum standards for notification:

- a) A notification letter will be sent to adjoining property owners and occupiers, and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in Figure 1.
- b) A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- c) In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- d) The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel, which will be exhibited for 21 days.
- e) The notification letter will include the following advice:
 - i) Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
 - ii) A description of the development;
 - iii) The place and times the application can be inspected;
 - iv) The closing date for submissions, and;
 - v) A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

2.3.2 The above process may be varied at the discretion of Council staff to permit:

- a) Notification of properties beyond adjoining properties;
- b) The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fit out on the ground floor that is not a change of use);
- c) An extension of the notification period;
- d) Placement of a public notice in a local newspaper;
- e) Exhibition of plans at other public venues;
- f) The holding of a public meeting;
- g) Consultation with relevant community groups;
- h) Variations to the notification letter; and/or
- i) Compliance with legislative requirements.

Figure 1. Example of Notification Extent



2.4 Advertised Development

The [Environmental Planning and Assessment Regulation 2000](#) ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the [Environmental Planning and Assessment Act 1979](#) ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following DAs will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of the Warringah Local Environmental Plan 2000 ('Warringah LEP 2000') (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

2.5 Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the [EP&A Regulation](#) requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Schedule 1 of the [EP&A Act](#) and Clauses 77-81 of the [EP&A Regulation](#). Designated development is to be notified and advertised for a period of 30 days.

2.6 Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application.

Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: This paragraph does not require Council to accept amendments to DAs.

2.7 to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification applications will be exhibited and/or notified as per the original development application as follows:

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed

except for:

- (a) Applications to Modify Consents involving minor error, misdescription or miscalculation.

In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission; and/or
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

2.8 Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the [EP&A Act](#) will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original DA. These notices will be sent to the last address known to Council.

This does not apply to applications where the [EP&A Regulation](#) stipulates a maximum notification/advertising period.

Note: Clause 113A of the [EP&A Regulation](#) specifies requirements for exhibition, advertisement and notification of relevant applications.

2.9 Time period for notification over the Christmas/New Year Period

- a) The period between 20 December and 10 January will not be included in the time period for notification/advertising of applications.
- b) This does not apply to applications where the [EP&A Regulation](#) stipulates a maximum notification/advertising period.

2.10 Consideration of submissions

- a) All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.
- b) All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the Government Information (Public Access) Act 2009.
- c) Personal information (eg: phone number, address, name, email address) will be redacted upon request.
- d) Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.
- e) Anonymous correspondence will not be counted as a submission.
- f) Submissions received after the end of the notification period will be accepted at the discretion of Council staff.
- g) All submissions received from the same person will be considered as a single submission.
- h) All submissions received by or on behalf of the same dwelling will be considered as a single submission.
- i) Irrespective of the number of signatories, petitions will be considered as a single submission.

- j) Any person that lodges a submission will be notified of Council's determination of the application.
Only the organiser of the petition will be notified of Council's determination of the application.

Pittwater 21 Development Control Plan

Proposed amendment - To remove Section A5 being:

A5.1 Exhibition, Advertisement and Notification of Applications

Land to which this control applies

This section applies to all land to which Pittwater Local Environmental Plan 2014 applies.

Outcomes

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- To provide transparent, consistent and efficient procedures for the exhibition of applications.

Controls

All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

Applications that are not required to be notified

Applications for the following types of development are not required to be notified:

- Removal of trees (not including heritage items), unless in the opinion of the officer responsible for the management of the application the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- Section 96(1) applications.
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

Applications in the above list may be notified at the discretion of Council staff.

Notified applications

All other development applications will have the following minimum standards for notification:

- A notification letter will be sent to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in figure 1.
- A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:
 - Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
 - A description of the development;
 - The place and times the application can be inspected;
 - The closing date for submissions, and;
 - A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

The above process may be varied at the discretion of Council staff to permit:

- Notification of properties beyond adjoining properties;

- The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fitout on the ground floor that is not a change of use);
- An extension of the notification period;
- Placement of a public notice in a local newspaper;
- Exhibition of plans at other public venues;
- The holding of a public meeting;
- Consultation with relevant community groups;
- Variations to the notification letter; and/or
- Compliance with legislative requirements.

Figure 1. Example of Notification Extent

Advertised Development

The Environmental Planning and Assessment Regulation 2000 ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the Environmental Planning and Assessment Act 1979 ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following development applications will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application. Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: *This section does not require Council to accept amendments to development applications.*

Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification applications will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application as follows:

These notices will be sent to the last address known to Council.

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed except for:
- Applications to Modify Consents involving minor error, misdescription or miscalculation.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

Notification requirements Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

Time period for notification over the Christmas/New Year Period

The period between 20 December and 10 January will not be included in the time period for notification/advertising of applications.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Consideration of submissions

All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.

All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the Government Information (Public Access) Act 2009.

Personal information (eg: phone number, address, name, email address) will be redacted upon request.

Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.

Anonymous correspondence will not be counted as a submission.

Submissions received after the end of the notification period will be accepted at the discretion of Council staff.

All submissions received from the same person will be considered as a single submission.

All submissions received by or on behalf of the same dwelling will be considered as a single submission.

Irrespective of the number of signatories, petitions will be considered as a single submission.

Any person that lodges a submission will be notified of Council's determination of the application. Only the organiser of the petition will be notified of Council's determination of the application.

Warringah Development Control Plan 2011

Proposed amendment - To remove Section A.7 being:

A.7 Exhibition, Advertisement and Notification of Applications

Applies to Land

This section applies to all land to which Warringah Local Environmental Plan 2011 applies.

Objectives

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- To provide transparent, consistent and efficient procedures for the exhibition of applications.

All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

Applications that are not required to be notified

Applications for the following types of development are not required to be notified:

- Removal of trees (not including heritage items), unless in the opinion of the officer responsible for the management of the application the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- Modifications of Consent involving minimal environmental impact.
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

Applications in the above list may be notified at the discretion of Council staff.

Notified applications

All other development applications will have the following minimum standards for notification:

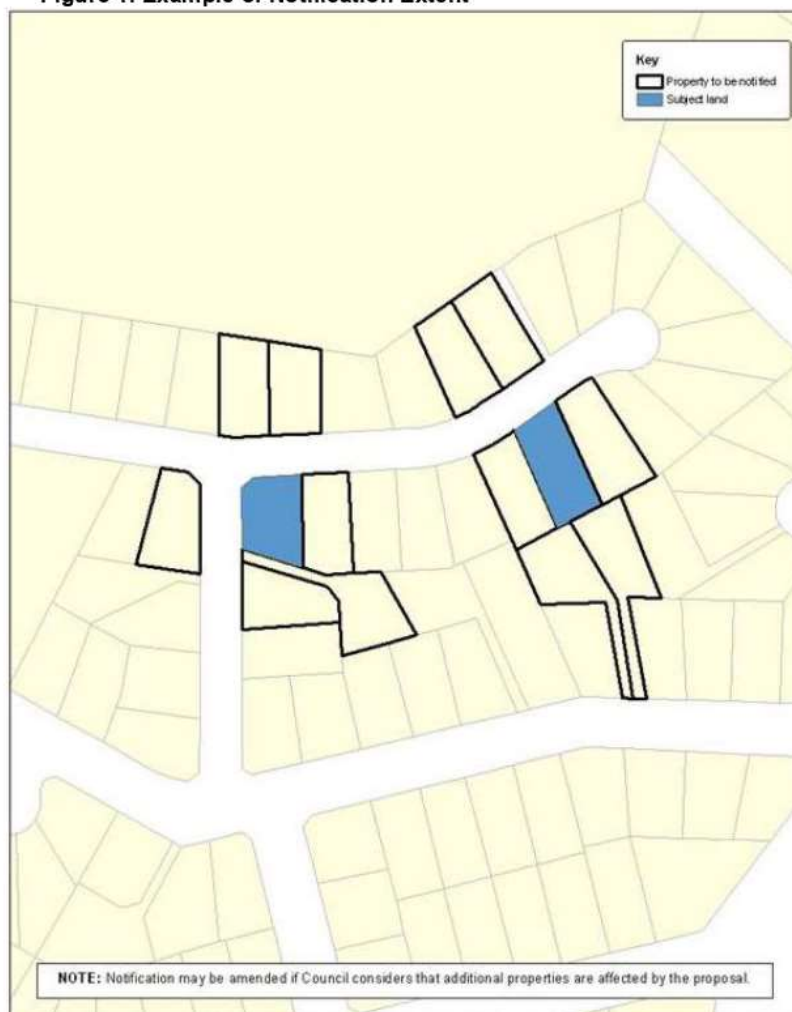
- A notification letter will be sent to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in figure 1.
- A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:

- Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
- A description of the development;
- The place and times the application can be inspected;
- The closing date for submissions, and;
- A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

The above process may be varied at the discretion of Council staff to permit:

- Notification of properties beyond adjoining properties;
- The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fitout on the ground floor that is not a change of use);
- An extension of the notification period;
- Placement of a public notice in a local newspaper;
- Exhibition of plans at other public venues;
- The holding of a public meeting;
- Consultation with relevant community groups;
- Variations to the notification letter; and/or
- Compliance with legislative requirements.

Figure 1. Example of Notification Extent



Advertised Development

The *Environmental Planning and Assessment Regulation 2000* ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the *Environmental Planning and Assessment Act 1979* ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following development applications will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Schedule 1 of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application. Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: This section does not require Council to accept amendments to development applications.

Applications to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification

Applications lodged, will be exhibited and/or notified as per the original development application as follows:

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed

except for:

- Applications to Modify Consents involving minor error, misdescription or miscalculation.

In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

Time period for notification over the Christmas/New Year Period

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Consideration of submissions

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Warringah Development Control Plan 2000

Proposed amendment - To remove Part 1 being:

EXHIBITION, ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

Applies to Land

This section applies to all land to which Warringah Local Environmental Plan 2000.

Objectives

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
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- Modifications of Consent involving minimal environmental impact
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

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- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:
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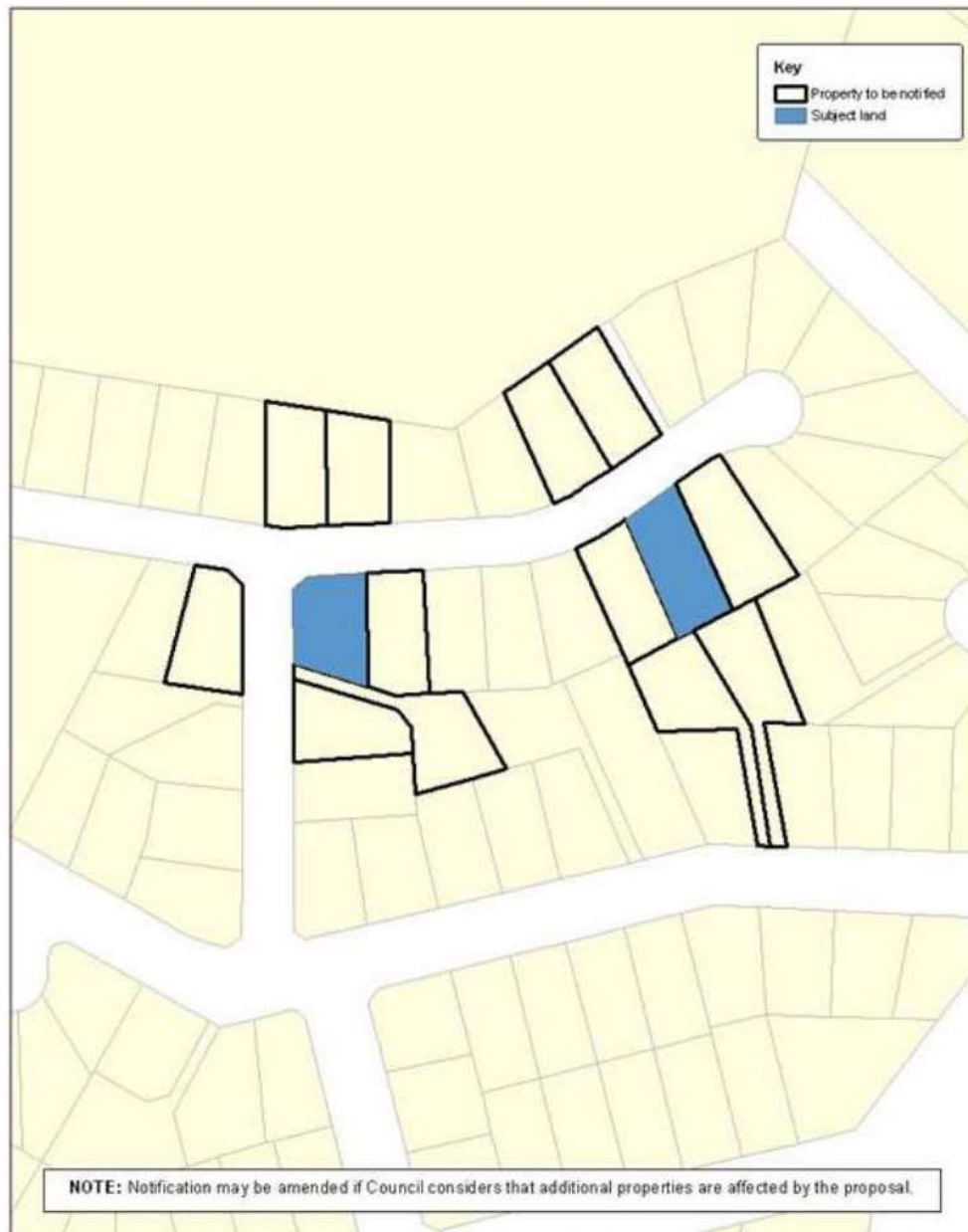


Figure 1. Example of Notification Extent

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Environmental Planning and Assessment Act 1979 ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following development applications will be advertised within a local newspaper:

- Shop top housing
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- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
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- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
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- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
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Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
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- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Schedule 1 of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application.

Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: *This section does not require Council to accept amendments to development applications.*

Applications to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification applications lodged will be exhibited and/or notified as per the original development application as follows:

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In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

ITEM 12.1	INTERIM HERITAGE ORDER - 21 WHISTLER STREET, MANLY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2019/381282
ATTACHMENTS	1 Further Investigation & Comparative Review 21 Whistler Street, Manly 1 July 2019 (Included In Attachments Booklet) 2 Ministerial Order - Authorisation for Local Councils to make Interim Heritage Orders (Included In Attachments Booklet)

SUMMARY

PURPOSE

To request that Council place an Interim Heritage Order (IHO) on the property known as 21 Whistler Street, Manly (Lot B DP 368451) to protect it from demolition while Council proceeds with statutory heritage listing of the property.

EXECUTIVE SUMMARY

A Development Application (DA 2018/1669) has been submitted for the property at 21 Whistler Street, Manly. The DA proposes demolition of all existing structures and the construction of a 5-storey shop top housing development. The building on the site is not listed as a local heritage item under Manly Local Environmental Plan 2013. However, during Council's assessment of the DA the building was identified as having substantial heritage significance to warrant local heritage listing.

The existing building is considered significant due to its association with the first Mayor of Manly, Thomas Rowe and that the building formed part of the outbuilding complex of a large villa designed for his family that faced Belgrave Street. In addition to being the first Mayor of Manly, Thomas Rowe was one of the founders of the Institute of Architects. Very little survives of Rowe's body of work (between c 1868 and 1890) in Manly. Given this information the assessment report concluded that the building on the site met four (4) criteria for local heritage listing, being:

- Historical significance
- Associative significance
- Aesthetic/ Technical significance
- Rarity.

The building is vulnerable to demolition as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits demolition of buildings to occur via a Complying Development Certificate. The building can be temporarily protected by the placing of an Interim Heritage Order (IHO) on the site, under section 25 of the *Heritage Act 1977*. Council has authorisation to make such an Order, via the Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013.

Therefore, it is recommended that Council exercise its authority and place an Interim Heritage Order on the property known as 21 Whistler Street, Manly, being Lot B DP 368451.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Pursuant to Ministerial Order dated 22 April 2013, make an Interim Heritage Order, under section 25 of the *Heritage Act 1977*, for the property known as 21 Whistler Street, Manly, being Lot B DP 368451.
 - B. Publish the Order on the NSW Legislation website.
 - C. Note this Interim Heritage Order will lapse after six months from the date it is made, unless Council has resolved to place the item on the heritage schedule of Manly Local Environmental Plan 2013.
 - D. Advise the applicant for DA2018/1669 of this resolution.
-

REPORT

BACKGROUND

The property known as 21 Whistler Street, Manly (Lot B DP 368451) is not currently listed as a local heritage item within Schedule 5 of Manly Local Environmental Plan 2013, nor is it within the Manly Town Centre heritage conservation area. A development application (DA) was lodged on 11 October 2018 for this site (DA2018/1669) which proposes demolition of all structures on site and the construction of a 5-storey shop top housing development. During the assessment of the DA, the potential heritage significance of the building on the site was identified. A Heritage Impact Statement was submitted with the DA which identified that the building has representative local heritage significance, but not enough to warrant heritage listing. The DA proposed photographic recording of the site prior to demolition and heritage interpretation as part of the new development.

Council has sought independent heritage advice and assessment of the property. This advice recommends heritage listing of the existing building.

HERITAGE ADVICE

Full Circle Heritage was engaged to undertake an independent heritage assessment of the property. The assessment determined that the building potentially met the threshold for local heritage listing, but that further comparative research was required to substantiate this.

Robertson & Hindmarsh was engaged to provide further heritage advice and a comparative assessment (Copy of Report provided in Attachment 1). There are seven (7) criteria for heritage listing, but an item only needs to meet one (1) criterion to be considered for listing. This report concluded that the building on the site definitely met the criteria for local heritage listing, stating that it met four (4) of the established listing criteria, being:

- Criterion (a) Historical significance
- Criterion (b) Associative significance
- Criterion (c) Aesthetic/ Technical significance
- Criterion (f) Rarity.

A detailed assessment of each of the relevant criterion is provided below.

Criterion (a) - An item is important in the course, or pattern, of NSW's cultural or natural (or the cultural or natural history of the local area).

No.21 Whistler Street, Manly is associated with a significant phase in the development of New Brighton (later Manly), prior to the formation of the municipality, as a villa suburb, with the quality of the building stock controlled by the scale of the lots in the subdivision. This remnant of the New Brighton Estate is of Local Significance in terms of its rarity and for historical significance.

The remnant of "Roseville" demonstrates the series of substantial speculative villas set in large grounds designed and erected for professional men by Thomas Rowe within villa subdivisions during the 1860s and 1870s, including "Tresco" and Villa Caprera" in Elizabeth Bay and "Roseville" in Manly.

21 Whistler Street meets the requirements for the criterion of historical significance because it:

- Shows evidence of a significant human activity.
- Is associated with a significant activity or historical phase.

Criterion (b) - An item has strong or special association with the life or works of a person, or groups of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

21 Whistler Street, Manly is associated with a significant human occupation as well as a significant person, Thomas Rowe, the first Mayor of Manly, and one of the founders of the Institute of Architects.

21 Whistler Street meets the requirements for the criterion of historical association significance because it:

- Shows evidence of significant human occupation.
- Is associated with a significant person.

Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievements in NSW (or the local area).

21 Whistler Street is associated with a significant technical achievement (i.e. the provision of healthy urban environments in the absence of an urban services infrastructure).

21 Whistler Street meets the requirements of the criterion of technical significance because it:

- Shows or is associated with, creative or technical innovation or achievement.
- Is the inspiration for a creative or technical innovation or achievement.

Criterion (f) - An item possesses uncommon, rare or endangered aspects on NSW's cultural or natural history (or the cultural or natural history of the local area).

21 Whistler Street is rare as the only large nineteenth century outbuilding surviving in the Manly Town Centre and is rare as a physical manifestation of a way of life that has been made redundant by the provision of piped water supply and piped sewerage service to urban areas.

21 Whistler Street meets the requirements for the criterion of rarity because it:

- Provides evidence of a defunct custom, way of life or process with regard to the provision of water and the removal of waste.
- Is the only example of its type remaining in the Manly Town Centre area.

CONDITIONS TO MAKE INTERIM HERITAGE ORDERS

A Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013, by the former Minister for Heritage, provided authorisation for Local Councils to make Interim Heritage Orders in accordance with section 25 of the *Heritage Act 1977* and subject to a range of conditions outlined in Schedule 2 of the Order (see Attachment 2).

The conditions can be seen in full in Attachment 2, but are summarised as follows:

Condition	Compliance
<p>(1) Council must not make an IHO unless:</p> <ul style="list-style-type: none"> (a) a Local Environmental Plan with a schedule of heritage items, derived from a heritage study and provisions for management of these items, is in force (b) it has considered a preliminary heritage assessment of the item by a person with appropriate heritage knowledge, skills and experience, and this assessment considers that: <ul style="list-style-type: none"> (i) the item is likely to be of local heritage significance (ii) the item is being or likely to be harmed (iii) the IHO is confined to the item under threat. (c) where an IHO is made over land which includes an item which may be of significance to Aboriginal people, Council must refer the proposal to make an IHO to the Office of Environment and Heritage for assessment. 	<p>Manly LEP has schedule of heritage items.</p> <p>Heritage assessment considered that the item is likely to be of local significance and likely to be harmed.</p>
<p>(2) Council must not make an IHO where:</p> <ul style="list-style-type: none"> (a) the item is listed in an environmental planning instrument as an item of environmental heritage or within a heritage conservation area, or (b) the item is covered by an order under s.136 of the <i>Heritage Act 1977</i>, or (c) the Council has previously placed an IHO on the item, or (d) a development consent (other than a complying certificate), has been granted and permits the item to be harmed, or (e) a complying development certificate has been granted for demolition of an existing single dwelling and the erection of a new dwelling, and the certificate is still in force. 	<p>The building is not listed as an item or within a conservation area or covered by another order or subject to a current consent or complying certificate.</p>

<p>(3) Council must not make an IHO in relation to an item located on land:</p> <ul style="list-style-type: none"> (a) that is Crown land, or (b) which is being developed by or on behalf of the Crown, or (c) which is subject to a development for which the Minister for Planning and Infrastructure is the consent authority. 	<p>This site is not Crown land.</p>
<p>(4) Council must not make an IHO in respect of an item that is subject to an approval, consent, license, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown.</p>	<p>There are no current approvals issued by Crown.</p>
<p>(5) An IHO made by a Council must contain a condition which specifies that the IHO will lapse after six months from the date it is made, unless the council has passed a resolution before that date. In the case of an item which is considered to be of local significance, the resolution must seek to place the item on the heritage schedule of a local environmental plan, with appropriate provisions for protecting and managing the item.</p>	<p>A condition will be included on IHO.</p>

RECOMMENDATION

Based on the heritage advice received, it is recommended that Council should proceed with the statutory listing of this property as a local heritage item within Schedule 5 of Manly Local Environmental plan 2013, which requires the preparation of a Planning Proposal.

In the interim period, the building is unprotected by any heritage listing, and subject to an active DA. This heightens the risk of demolition together with the fact that the owner can also currently seek demolition through a Complying Development Certificate.

The only way to protect the building from demolition is to place an Interim Heritage Order on the building, which then gives Council six (6) months to consider the site's significance and resolve to list it as a local heritage item, thereby starting the planning proposal process. An Interim Heritage Order (IHO), once published on the NSW legislation website, prohibits demolition or damage to the building until such time as all investigations are complete.

As outlined above, Council can make an Interim Heritage Order in accordance with section 25 of the *Heritage Act 1977*, under the authorisation provided by Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013, subject to all conditions of that Order being met.

All pre conditions of the Ministerial Order have been met and it is recommended that Council now make an Interim Heritage Order for the property at 21 Whistler Street, Manly.

CONSULTATION

No consultation is required to place an Interim Heritage Order on a property. Council has authorisation under the *Heritage Act 1977*, to make Interim Heritage Orders, subject to a number of conditions. Discussions have been held with the applicant in relation to the DA, however the heritage listing of the building has not been raised.

TIMING

Once Council has resolved to make this Interim Heritage Order (IHO), it needs to be published on the NSW legislation website as soon as possible. The IHO has no effect until such time as it is published on the NSW Legislation website.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome: Protection of the Environment. The focus of this Strategic Plan Outcome is to aspire to protect the natural and built environment from the risks and impacts of global and local pressures.

The IHO seeks to protect the heritage values of the Manly area.

FINANCIAL CONSIDERATIONS

The proposed IHO is an operational matter for Council and is not associated with significant financial considerations.

SOCIAL CONSIDERATIONS

Protection of the built heritage of the Northern Beaches has significant positive social impacts for the broader community. It provides opportunities for significant items from our history to be protected and preserved for future generations to enjoy and providing a valuable physical link to our past.

ENVIRONMENTAL CONSIDERATIONS

The IHO will not have a significant impact on the natural environment.

GOVERNANCE AND RISK CONSIDERATIONS

A Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013, by the former Minister for Heritage, provided authorisation for Local Councils to make Interim Heritage Orders in accordance with section 25 of the *Heritage Act 1977* and subject to a range of conditions outlined in Schedule 2 of the order.

The relevant conditions as outlined in Schedule 2 of the Ministerial Order have been met in the circumstance of 21 Whistler Street, Manly.

If Council does not proceed with the IHO, there is a significant risk the property will be demolished and lost.

Further Investigation & Comparative Review 21 Whistler Street, Manly



No 21 Whistler Street, Manly (Photo: Robertson & Hindmarsh Pty Ltd, 1 July 2019)

for
Northern Beaches Council

Prepared by
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1 July 2019

Robertson & Hindmarsh Pty Ltd

Further Investigation & Comparative Review
21 Whittier Street, Manly
July 2019

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Further Investigation & Comparative Review
21 Whistler Street, Manly
July 2019

1.0 Introduction

The property at No. 21 Whistler Street, Manly, is subject to a Development Application involving the demolition of the buildings on the property. Northern Beaches Council commissioned a report from Full Circle Heritage to provide an independent review of the heritage issues associated with the works proposed in DA2018/1669 for No. 21 Whistler Street, Manly. This included a review of the Statement of Heritage Impact prepared by Heritage 21, supplementary documentary investigation to assist with determining the heritage significance of the place, and an analysis of any possible heritage impacts based on those findings. This report was inconclusive as to whether the site should be heritage listed. It did conclude that the building on the site had the potential to meet the threshold for local heritage listing, however recommended further investigation and comparative analysis be undertaken, considering factors such as:

- the prevalence of Thomas Rowe buildings in the Manly area;
- how this building compares with other remaining Thomas Rowe buildings still in existence;
- how this building compares with the other mid-late Victorian era buildings in the Manly Town Centre; and
- how this building compares with other outbuilding/domestic service buildings remaining in Manly.

Full Circle Heritage recommended that additional work be undertaken to fully assess the heritage significance of the property to allow Council to make an informed decision about the site.

Council's Brief for the additional work, dated June 2019, stated:

This review will involve:

1. **Review existing reports**
Review DA documentation, specifically the Statement of Heritage Impact - Heritage 21 (September 2018) and Supplementary Heritage Statement, also by Heritage 21 (April 2019);
Review the Independent Heritage Review - Full Circle Heritage (April 2019)
2. **Site inspection**
Inspection of site and its context.
3. **Further investigation and Comparative Assessment**
Considering the recommendations of the Independent Heritage Review report by Full Circle Heritage, undertake any necessary further investigations, focusing on the comparative assessment outlined in 4.3 of this report.
4. **Assessment of Heritage Significance**
Considering the further investigation and comparative assessment work, assess the site against the NSW Heritage Assessment Criteria and make a recommendation as to whether it meets the threshold for local listing.
5. **Recommendations**
Considering the circumstances (current DA pending involving demolition), further investigation and the assessment of heritage significance, make clear recommendations to Council as to how it should proceed with this matter.

Robertson & Hindmarsh Pty Ltd was engaged by Northern Beaches Council on 26 June 2019 to undertake the additional work recommended in the Full Circle Heritage report dated April 2019.

2.0 Report authors

The authors of this report are:

Dr Scott Robertson, BSc (Arch), BArch (Hons), MB Env (Bldg Cons), PhD
Director, Robertson & Hindmarsh Pty Ltd

Dr Noni Boyd, BArch, MSc Arch Cons, PhD
Architectural Historian & Heritage Consultant

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21 Whistler Street, Manly
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3.0 Referenced documents

This report is to be read in conjunction with the following reports (especially their History sections):

- Statement of Heritage Impact, September 2018 by Heritage 21.
- Supplementary Heritage Statement, April 2019 by Heritage 21.
- 21 Whistler Street, Manly, Independent Heritage Review – IDA 2018/1669, April 2019 by Full Circle Heritage.

4.0 History

The research and preparation of a full history of the site was specifically excluded from this report by Northern Beaches Council in its brief dated June 2019. However, the following table is a summary chronology derived from the previous reports on the property and supplemented by additional historical research by Robertson & Hindmarsh Pty Ltd which was found to be necessary to properly inform this study.

Date	Item	Reference
1842	100 acres granted to John Thompson	
1855	Subdivision of Elersville includes the block bounded by Raglan and Whistler Streets & the Promenade. 11 lots Map by Reuss & Browne	NLA Map F 642C
c 1855	Map of Brighton, Manly Beach shows lots 1-11 & one building (on lot 20)	NLA Map F 642A
1867	Rowe family living in Tudor House, Victoria Street, Darlinghurst	Sydney Mail 19 Jan 1867
1868	Thomas Rowe notes that he had not long been a resident of Manly and supported the erection of a punt at the Spit as it took 1½ hours to get to Sydney Location of his residence not determined. Short lived residency in Manly at that time	SMH 29 August 1868
1869	Rowe family lived in Arington Terrace, Upper William Street, Darlinghurst	Sydney Mail 20 February 1869
c 1869 c 1876	Rowe designed "Tresco", Elizabeth Bay which was part of the villa subdivision designed by Rowe & which included houses to his design. Rowe family lived in Arington Terrace, Darlinghurst Rowe served as Alderman for the Bourke Ward of Sydney	SHR Listing for Tresco Obituary
1872	Two desirable villa residences, Elizabeth Bay, to let or sell. Designed by Thomas Rowe	SMH 19 March 1872
1875	Manly in 1875. Illustration in the Illustrated Sydney News Settlement concentrated around the Corso	ISN 16 Jan 1875
October 1875	Rowe tenders for the erection of a cottage at Manly, probably "Roseville" & outbuildings. Masons and Bricklayers work	SMH 19 October 1875
By August 1876	Thomas Rowe Freeholder Petition to create the Municipal District of Brighton Lots 8, 9, 10 & 11 of the Brighton Estate owned by Thomas Rowe (architect & 1 st Mayor of Manly)	SMH 15 August 1876
February 1876	Rowe tenders for plastering and cementing cottage at Manly Beach	SMH 19 February 1876
September 1876	Damage to garden fence of residence of Thomas Rowe	NSW Police Gazette 13 September 1876
December 1876	Letter to the Editor from Thomas Rowe. "Roseville", Manly	SMH 6 December 1876
March 1877	Death of Charlotte Jane Rowe (nee Piper), first wife of Thomas Rowe at Roseville. Aged 38	SMH 21 March 1877
1877	Plan of 19 Villa Sites the pick of Manly Beach (located to the north of Raglan Street) shows Rowe's allotments to the south of Raglan Street	SLNSW ML Z/SP/M5/1943
1877	"Capraera" at Elizabeth Bay Point designed by Thomas Rowe for sale on to lot	SMH 3 February 1877

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Date	Item	Reference
By 1879	Rowe's cottage in Manly had become a local landmark; other buildings were noted as being 'near the residence of Thomas Rowe'	SMH 23 April 1879
1879	To LET: handsome commodious COTTAGE (new) containing 9 rooms bathroom, pantry, store-room, kitchen, laundry, and every convenience, with splendid tanks, situated in the most sheltered part of this rising and picturesque suburb facing the park (ie Rowe's Manly house)	SMH 14 June 1879
May 1880	Sale of the premises and surplus furniture of "Roseville", Manly by Thomas Rowe	SMH 5 May 1880
November 1880	Rowe family living in another of the houses he had designed and erected, "Capraia", Elizabeth Bay	SMH 27 November 1880
By 1881	Redman Terrace, East Esplanade, Manly Attributed to Thomas Rowe	
1883	Subdivision of the "Roseville" Manly property into four allotments in addition to the house allotment. The auction notice shows the internal plan of "Roseville" as well as the internal plan of the outbuildings (see Figure 4.1)	ML M5/ 742 Manly Subdivision Plans
1884	Sale of "Capraia", Elizabeth Bay within Rowe's villa subdivision, as Thomas Rowe leaving for Europe. (SHR listed as Ashton)	SMH 20 Feb 1884
1885	"Roseville" property purchased by Samuel Bennett Bailey.	SMH 8 November 1887
1887	Property's name changed to "Restormel". Bankruptcy of Bennett Bailey	SMH 8 November 1887
By 1887	MWS&DB survey (Sheet 29) showed an extended outbuilding along the Whistler Street boundary & also a water closet building north of the house	Manly Local Studies Collection
1887	Description of "Restormel" including rooms. Additional rooms had been added by this time.	
1899	Death of Thomas Rowe, President of the Metropolitan Water and Sewerage Board. As "Mona", Darling Point	ATCJ 21 Jan 1899 Evening News 14 Jan 1899
From 1903	Street name changed from East Promenade to Pittwater Road	
1912	North (lawn) part of the site fronting Raglan Street advertised for sale. By this date, property had been brought under the Real Property Act	Figure 7 in Full Circle Report
1913	Bennett family remain in occupation	
By 1914	Street name changed from Pittwater Road to Belgrave Street (house was No. 40)	
By December 1915	"Restormel", Board and Residence Winter terms, handy surf	SMH 8 Dec 1915 Daily Telegraph 20 May 1916
1916	Furnished Flats, "Restormel", bed sitting rooms, double and single rooms. Mrs McCormack, late of White's Flats, Conso	Daily 16 Dec 1916
1916	North half of the site sold but Bennett Family retained the south half covering Lots 8 & part 9 of the Brighton Estate subdivision. South portion contained the house and the outbuildings along the Whistler Street boundary	Figure 8 in Full Circle Report
By 1918	40 [Belgrave St] McCormack, Mrs K. apartments [Shops to Belgrave Street frontage] No 44 Kleemo, F. Butcher No 46 Bank of Queensland No 48 Sam Sing & Co, fruiterers	Sands 1918
1919	Mortgage taken out on the property & property transferred to the five Bennett children. Mortgage could reflect the redevelopment of the site	
1920	40 AC Camfield 40A McEwan, Douglas	Sands 1920

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Date	Item	Reference
	40A Gordon & Nichols 42 Field, Clifford 44 Dais, Sydney & Co 44* Klemo, E 46 Bank of Queensland 48 Sam Sing	
By 1923	21 Whistler Street noted as a separate address from 40/40a Belgrave Street	
1931	Additions and Alterations 40A Belgrave Street Removal of wine licence	CRFJ 17 July 1931 SMH 15 June 1931
By 1936	Current commercial building on Belgrave Street frontage believed to have been constructed however this has not been confirmed by tenders. Rate books & BA files would confirm this	
1939	Sale of double fronted block comprising two double fronted shops and dwellings and cottage fronting Whistler Street	SMH 19 & 22 April 1939
1939	Entire property sold to Ernest Harman	
1940	Discussion of wine licence refers to demolition of premises at No. 40A. No date given	
1950	Property subdivided into its current form (Lots A & B DP 368451)	Figure 9 in Full Circle Report
1950	Pastry Shop, Blue Whirl at 40 Belgrave Street	SMH 14 Feb 1950
1967	DA for alterations & additions to the cottage facing Whistler Street	Figures 10 & 11 in Full Circle Report
Between 1967 & 1975/6	Construction of two-storey addition at north end of original one-storey outbuilding	

The Full Circle Heritage report has already examined, through the Certificates of Title, the subdivision of the site which culminated in "Roseville"/"Restonmel" and the outbuilding occupying the southern half of the original allotment amalgamated by Thomas Rowe. Our research shown in the foregoing tabulated Chronology, shows the intensification of use of the remaining southern section of the site through the construction of shops along the Belgrave Street frontage and the conversion of the house into flats before the shops and house were demolished to permit the construction of the current 1930s commercial building fronting Belgrave Street.

The documentary research indicates that the original rooms for the Kitchen and Wash House of "Roseville" remain within the current building at No. 21 Whistler Street. The kitchen fireplace in the original "Roseville" Kitchen has been bricked up, plastered over and converted to a standard room fireplace (see Figures 5.7 & 5.8), probably when the addition to the south was constructed (by c1890). The fireplace in that second kitchen shows physical evidence of it having been a kitchen fireplace (bricked up opening, mantel shelf position and height, etc) (see Figure 5.11).

The current Bathroom is located in part of the original space for the "Roseville" Wash House. The doorway from the original "Roseville" Kitchen into the current Hall passes through what was shown on the 1883 auction notice (see Figure 4.1) as the original location of the Wash House copper.

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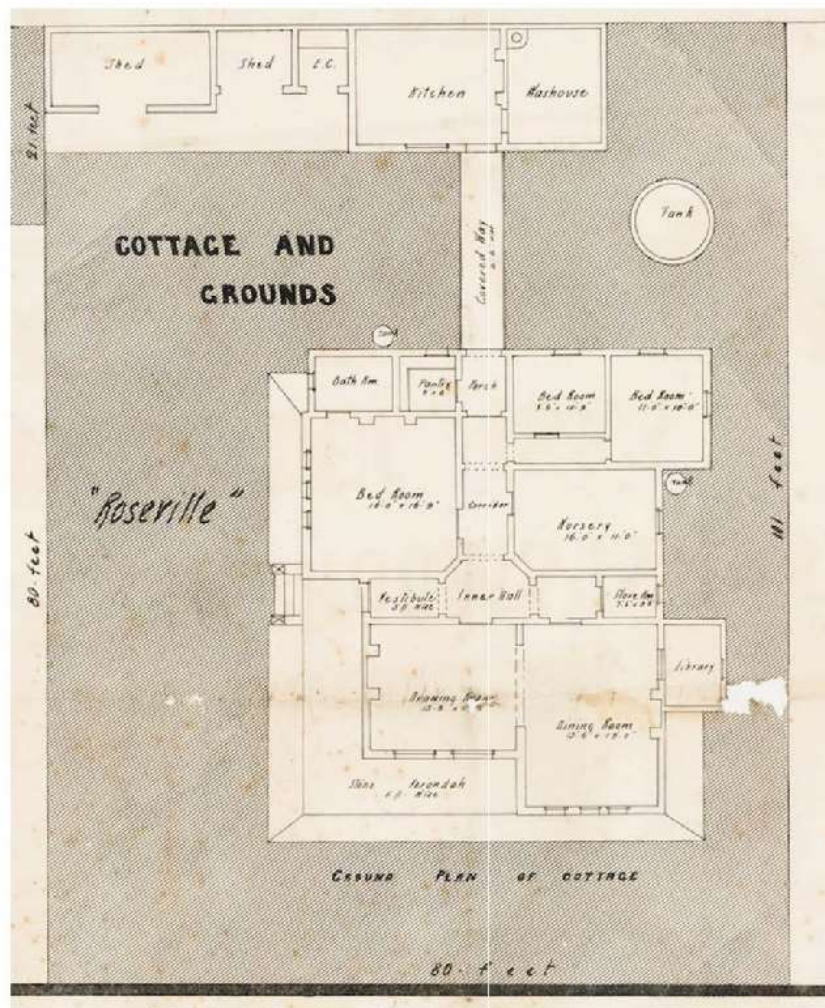


Figure 4.1: Plan of "Roseville" from the December 1887 auction notice. The plan indicates the location of the above-ground and underground water supply tanks as well as the configuration of the outbuilding with the Earth Closet. The underground tank may remain in-situ under the ground. The only part of the outbuilding still remaining is the section containing the spaces for the Kitchen and Wash House.

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Figure 4.2: Outbuilding to "Roseville"/"Restormel" (now part of No. 21 Whistler Street) shown arrowed (Photo: Extract from Kerry & Co. photograph, nd – but post-1970 as it shows the configuration of the outbuilding as shown on the 1890 MWS&DB Manly Detail Sheet 29). Note that the parapet wall on the south end of the outbuilding is still extant and indicates it was constructed on the southern boundary of the allotment for "Restormel".

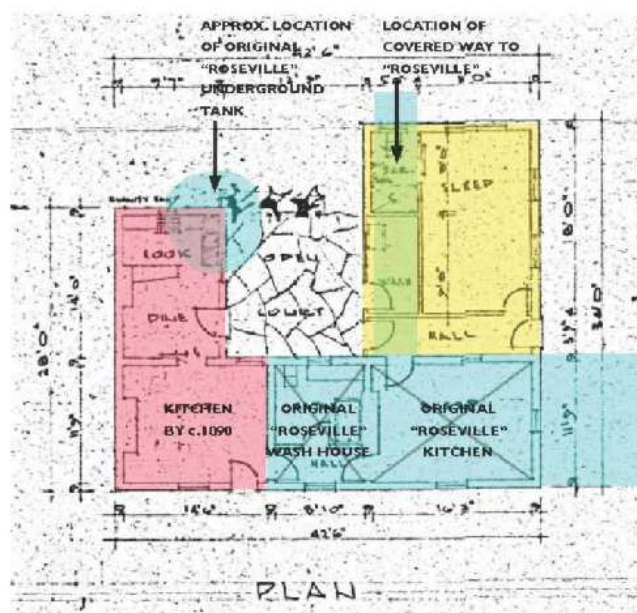


Figure 4.3: No. 21 Whistler Street as depicted in the 1967 plans for alterations and additions to the building. Blue = structures constructed by Thomas Rowe as a part of "Roseville" as shown on the 1883 auction notice at Figure 4.1. Red = structures added by c. 1890 as shown on the MWS&DB Manly Detail Sheet 29 and in the Kerry & Co photograph at Figure 4.2. Yellow = additions proposed in 1967.

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5.0 Physical description

5.1 Exterior

No. 21 Whistler Street is located on the west side of the street in the block between Sydney Road & Raglan Street. The street in this block is undergoing transformation and upscaling through demolition and redevelopment of the existing properties (see Figures 5.1 to 5.3).

This physical description is based on an inspection of the exterior by one of the report authors on 1 July 2019 and the comprehensive photographs of the interior taken by Full Circle Heritage in April 2019.

The subject property comprises a number of phases of construction that have been partially elucidated in the report by Full Circle Heritage and in the earlier sections of this report. This report's Figure 4.3 depicts the important phases of development with regard to the extant fabric of the original Kitchen and Wash House. The current building comprises a single storey section and a two storey section at the north end of the one storey section.

The initial one-storey building, constructed as a rear service wing to the main house, "Roseville", is located on the boundary line of the property fronting Whistler Street. When constructed, it defined the then rear boundary of the property that fronted Belgrave and Raglan Streets. The building is a brick building that has been rendered externally and has a gable roof currently covered with tiles with a masonry parapet wall at the south end of the building. There is the remnant stub of a chimney at the south end of the building abutting the parapet and an intact chimney two-thirds of the way along the ridge of the building. There are three double hung timber windows and an entry door in the one-storey section of the building. These openings do not appear on the 1883 subdivision plan of the property.

At the north end of the building is a two-storey addition with a steel roller door and a recessed pedestrian door at street level and a steeply pitched gable roof over the first floor accommodation.

Single storey additions have been made to the rear of the one-storey section of the building. One of these additions (the southern addition) appears on the 1890 MWS&DB Manly Detail Sheet, by which time "Roseville" was named "Restonville", and was probably constructed between 1883 and 1890 (see Figure 4.3). The southern rear addition was extended further after 1967. The northern single storey rear wing was constructed in 1967 and the two-storey northern addition was constructed between 1967 and 1975/6. Further research of the Building Application files is necessary to pinpoint the exact date of construction and, combined with examination of the Rate Books, a more detailed sequence of buildings and occupants on the site can be determined.

Inspection of the street frontage demonstrates the documentary evidence is correct. The projecting foundation course extends part of the way along the Whistler Street frontage, indicating the extant extent of the original Kitchen and Wash House (see Figures 5.5 & 5.6). The projecting foundation course returns around the north end of the one-storey section, indicating the northern end of the building as seen in the Kerry & Co photograph (see Figure 5.4). The finished nature of this end of the building indicates that the section of the outbuilding containing the earth Closet and shed may have been of a lesser standard of construction and may not have been accommodated under an extension of the pitched roof. The Kerry & Co photograph shows a hip roof at the north end of the original Kitchen and the structural timbers for the hip end of the roof may still be intact within the existing roof. Likewise, the original south end of the building over the Wash House may have had a hip roof before the building was extended to the extent shown in the Kerry & Co photograph and those hip roof timbers may also be extant within the current roof.

The current windows in the Whistler Street façade do not appear in the 1883 plan of the house. The 1883 plan does show a window and door on the west side of the outbuilding in the original kitchen and so it can be assumed that there were no windows facing the lane on the rear boundary as the plan appears to accurately depict the doors and windows in the main house. This would be logical from a security point-of-view. The windows in the extension wall would definitely have been installed by 1923 when No. 21 was first noted as a separate address. However, the joinery details of the windows would indicate a nineteenth century origin and so they were probably installed when the addition to the south of the original Wash House was made prior to 1890.

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Figure 5.1: Looking south along Whistler Street. No. 21 Whistler Street is in the middle distance on the right (R&H photo, 2019).



Figure 5.2: Looking north along Whistler Street. No. 21 Whistler Street is on the left in the far distance (R&H photo, 2019).



Figure 5.3: No. 21 Whistler Street viewed from the south (R&H photo, 2019).



Figure 5.4: No. 21 Whistler Street, north end of the foundation course returning along the north face of the building (R&H photo, 2019).



Figure 5.5: No. 21 Whistler Street: detail of foundation course terminating on the north side of the front door (R&H photo, 2019).



Figure 5.6: No. 21 Whistler Street: detail of foundation course terminating on the north side of the front door (R&H photo, 2019).

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Figure 5.7: Looking south from the front Bedroom to the Living Room through the Hall. (Full Circle Heritage photo, 2019)

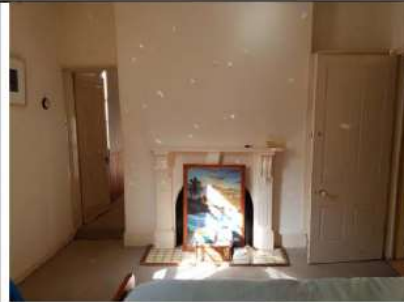


Figure 5.8: Fireplace in the front Bedroom which was formerly the original Kitchen. Note the original external door on right. (Full Circle Heritage photo, 2019)



Figure 5.9: "Exterior" side of the window in the west wall of the front Bedroom which was the original Kitchen window looking into the yard of "Rosedale". (Full Circle Heritage photo, 2019)



Figure 5.10: Looking north along the Hall to the front Bedroom showing the tapering top of the rear of the original Kitchen fireplace. (Full Circle Heritage photo, 2019)

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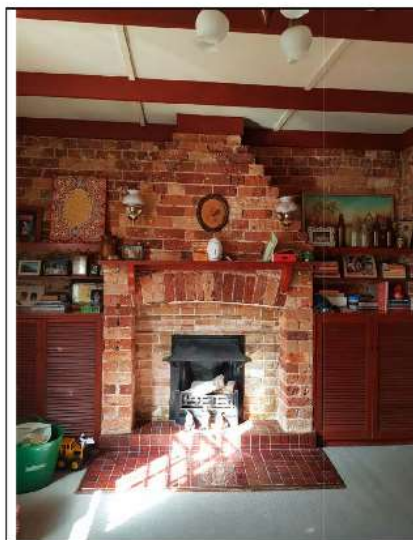


Figure 5.1.1: Living Room fireplace which was originally the second Kitchen fireplace. Note height of the mantel shelf and the fireplace opening. Also note the depth of the fireplace opening (Full Circle Heritage photo, 2019).

5.2 Interior

This description is limited to the nineteenth century rooms in the single-storey section of the building and is based on the photographs taken by Full Circle Heritage in April 2019.

There are two rooms in the existing building that survive from the time when the outbuilding contained the Kitchen and Wash House designed by Thomas Rowe for his villa, "Roseville". The existing front Bedroom at the north end of the single-storey section was the original Kitchen. The kitchen fireplace has been removed, the opening reduced in size and a smaller cast iron fireplace log set and timber fire surround installed. The timber fire surround is of a style dating from the Victorian period and was probably installed when the building was extended to the south and the Kitchen moved into the new extension. The tiled hearth in front of the fireplace is unusually large and reflects the original hearth in front of the cooking fireplace. The bedroom also contains a door in the west wall and the timber door is an original paneled external door. This is the door that originally led into the covered way connecting the Kitchen to "Roseville". In the adjacent hall behind the bedroom's west wall is a blocked up window with a projecting masonry sill. This was the window depicted beside the Kitchen door in the 1883 plan of "Roseville" and its outbuildings. The 1967 plan (Figure 4.3) shows a window in the north wall of the front Bedroom and this window is also shown in the Kerry & Co photograph (indicating the window had been installed by c.1890).

No trace remains of the Wash House copper or other fixtures. The current Bathroom contains the projecting rear section of the original Kitchen chimney breast.

The fireplace in the current Living Room appears to have originally been a kitchen fireplace as indicated by the height and depth of the opening as well as the height of the timber mantel shelf. The size of the tiled hearth also indicates a past use as a Kitchen fireplace. This room was added by about 1890 and probably constituted a second Kitchen. The addition was made to the south of Rowe's Wash House and extended to the south boundary of the site (hence the use of a parapet wall end to the building to create fire separation). The remnants of plaster on the walls of this room indicate that it was originally plastered.

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6.0 Comparative Analysis

The brief required examination of four aspects of the building's design and history to inform any assessment of significance. The following aspects to be investigated stem from the brief:

6.1 The prevalence of Thomas Rowe buildings in the Manly area:

As additional historical research was excluded from this section of the project it must be noted that, without extensive research of Tender Notices, Rate Books and Building Applications, the extent of Thomas Rowe-designed buildings in Manly cannot be determined with any certainty.

Thomas Rowe was involved in the design of buildings and civic improvements from the late 1860s in Manly including public swimming baths, a public wharf and the planting of Norfolk Island pines. Whilst these features all survive, the configurations have largely been altered. He tendered works in his capacity as Mayor.

Rowe's son, Percival, who trained with his father, designed the now-demolished Oddfellows hall in 1878. Part of Redman's Terrace survives on East Esplanade and these terrace houses are similar in character to houses erected by Rowe as an investment in Victoria Street, Potts Point and are also thought to be his design (AIA Biography, Thomas Rowe).

In our quick perusal of Tender Notices the following Notices lodged by Thomas Rowe were uncovered. They consisted of three villas, one cottage (probably "Roseville"), alterations to two residences and a pair of semi-detached houses. It should be noted that their location cannot be determined without additional research.

1873:

SMH, 4 April 1873

First Class Villa Residence (see below)

SMH, 10 April 1873

Villa Residence at Manly Beach for A Forsyth Esq

1. Excavation & Masons Work & Brickwork

2. Carpenters, Joiners and Finish Trades

3. The whole in one sum

Location not able to be identified. Probably for Archibald Forsyth.

1875

SMH 19 October 1875

Tender for the erection of a cottage, Manly Beach

Masons and Bricklayers Work

["Roseville" ?]

1876

SMH 12 Feb 1876

Plastering & Cementing a Cottage, Manly Beach

["Roseville" ?]

SMH 28 September 1876

Erection of a villa residence, Manly Beach

1. Excavation & Masons Work

2. Carpenters, Joiners and Finish Trades

3. The whole in one sum

[unidentified]

1877

SMH 1 June 1877 & others

Erection of a villa residence, Manly Beach

1. Excavation & Masons Work

2. Carpenters, Joiners and Finish Trades

3. The whole in one sum

[unidentified]

SMH 17 June 1877

rebuilding of Brighton Villa after a fire

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[Possibly Brighton Cottage in Whistler Street in Sands: 1876,
occupied by J Goud, Builder]

1878
SMH 30 Jan 1878
Restoration additions to Hope Lodge, Manly

1879
SMH 15 September 1879
Two semi-detached weatherboard cottages at Manly Beach
[possibly 80-82 Pittwater Road – architect for these heritage items not identified]

1881
SMH 20 June 1881
Residence at Manly Beach for Rev RS Wills
by Percival CK Rowe. Plans at Thomas Rowe's office

SMH 120 June 1881
Erection and Completion of a Villa at Manly Beach for James Todd, Esquire
by Percival CK Rowe. Plans at Thomas Rowe's office

Of these buildings tendered by Thomas Rowe, the pair of semi-detached cottages at 80-82 Pittwater Road might be the 1879 building that is already listed on Schedule 5 of the LEP, but their design is a typical Victorian period design and not easily attributable to Rowe through any of the details.

Rowe also tendered for the rebuilding of Brighton Villa after a fire in 1877 (SMH 7 June 1877) and the erection of a villa at Manly (SMH 23 June 1877). Substantial villas at Manly were also designed by other architects who lived locally including [John] Smedley after whom Smedley's Point is named.

The above mentioned tenders from the Rowes probably represent a substantial portion of the houses erected in Manly during this era but again, this cannot be determined without extensive additional research (eg searching all tenders for Manly Beach). Given the number of listed buildings in Manly from the 1870s, it would seem that the majority of Rowe's work in the area no longer survives but the research simply has not been done. These buildings are likely to be on the Whistler Street side of The Corso, as the south side of The Corso was subdivided later.

Rowe also designed residences in Darlinghurst, Manickville, Burwood, Elizabeth Bay and on the North Shore during the late 1860s and 1870s. Many of these have not been identified as his work but may have been listed without the architect having been identified. The majority of his projects that are listed are, like those in his obituary, his public buildings, churches and hospitals. A detailed examination of his domestic designs is sorely needed. His contribution to sanitary reform and the improvement in building construction standards whilst an Alderman for the City then Manly councils has not been identified either.

6.2 How this building compares with other remaining Thomas Rowe buildings still in existence:

The c. 1890 Metropolitan block plans show the layout of the villa subdivision at Elizabeth Bay and the layout of "Roseville" (by then named "Restonville") at Manly. The two substantial Gentleman's villas that Rowe designed and lived in at Elizabeth Bay – "Tresco" (c. 1869) and "Capriera" (c. 1877) both survive today and are listed on the State Heritage Register whereas, what survives of "Roseville" at Manly, which the Rowe family occupied between these two residences is not listed. The sequence of tenders indicates that Rowe also altered the houses for later owners so the later works to "Roseville" in the mid-1880s may have also been his work. It would appear that the Rowe family occupied the villas for a while, if the houses he designed and built had not been sold or leased. However, the move back to Manly may also have been for health reasons, possibly that of his first wife who died young. As a result, the sequence of family residences the full extent of which has not been determined, is of significance in that it demonstrates his expanding family and also his increasing wealth and status, eventually resulting in his move to "Mona" in Darling Point.

What survives of the villa subdivision at Elizabeth Bay has been identified as being of state significance, with the two houses that the Rowe family occupied listed on the State Heritage Register. The full extent of the survival of the villa subdivisions from the 1870s in Sydney has not been studied, however most were in waterfront suburbs or on riverbanks (c Elizabeth Bay, Potts Point, Hunters Hill and Manly). All of this housing stock is in private ownership so the service wings have been altered.

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There has not been a monograph prepared on the work of Thomas Rowe. The works listed in the various obituaries are only the commercial buildings (with some churches and synagogues). None of his residential work is listed in those obituaries.

6.3 How this building compares with the other mid-late Victorian era buildings in the Manly Town Centre: Comparison with other mid- to late-Victorian buildings surviving in the Manly Town Centre is difficult since the subject property was constructed as a kitchen and service block for a much grander house and not as a stand alone house, even though that is now what it is. As a service building designed to be concealed behind the main building the subject building is aesthetically simple, unadorned, functional and utilitarian. There is no architectural style or pretence. In its simplicity it resembles the simple houses found in areas such as The Rocks and other colonial settlements in the colony in the early years of the nineteenth century (albeit with Victorian details) and the surviving outbuildings for substantial houses from the 1870s.

Having designed a number of hospitals, Thomas Rowe was well aware of the current theories regarding the spread of disease. In the design of a hospital according to the principles set by Florence Nightingale, such as the Catherine Hayes Hospital and the Sydney Hospital, the sanitary areas were separated from the wards by breezeways. In the design of his cottage at Manly, Rowe created a separate block for the kitchen, washhouse and earth closet. This was a common feature in houses of the 1840s but not of the 1870s by which time the kitchen was usually accommodated in a rear wing. This concern may have been due to the low-lying site of "Roseville" and, more likely, the lack of any town services. There was no town water supply or piped sewerage system in the Manly area so the separation of the noisome cooking and toilet facilities from the house was based on considerations of health and sanitation. As Mayor, Rowe introduced by-laws that forbid the use of cesspits and so the use of an earth closet and a distant underground water cistern were practical demonstrations of the by-laws in action.

None of the other houses identified as having been the work of Thomas Rowe, including the villas in Elizabeth Bay, have a separate service block connected by a covered way, indicating that the outbuildings of these houses were stables etc. This is likely to relate to the lack of any municipal services such as town water or sewerage in Manly and their availability elsewhere, such as at his Elizabeth Bay subdivision and houses. The 1883 plans for the house show tanks and an earth closet, as there was no town water supply during the 1870s.

6.4 How this building compares with other outbuilding/domestic service buildings remaining in Manly: Because of the peculiarity of Whistler Street functioning as a rear lane for the Belgrave Street properties any outbuildings are clearly visible from Whistler Street. Most other outbuildings of this nature in other locations within the Manly Town Centre would not be readily visible from public streets because of the lack of rear lanes/streets near which such buildings would normally be constructed. In this case, the property is of significance as it demonstrates the layout that was to become enshrined in municipal by-laws, ie the use of earth closets and not cesspits, and the ability to empty the earth closets from a lane and not through the house.

Rowe, as an Alderman, was responsible for sanitary reforms in Sydney and the introduction of by-laws in Manly requiring Earth Closets. His own residence was a model installation prior to the existence of the municipal by-laws imposed during his term in office. The surviving plans show the location of the earth closet as being within the portion of the out building that no longer survives. The by-laws required that closets had to be emptied via a lane and not through the house, however, the villa subdivisions of Manly are without rear lanes.

Manly's municipal by-laws were published in the NSW Government Gazette in January 1878 and are signed by Thomas Rowe as Mayor. What survives of "Roseville" still partially demonstrates these municipal reforms that Rowe was to implement across the entire municipality. In comparison with other municipalities' by-laws the Manly provisions are stricter, with no cesspits permitted and greater separation between closets to prevent the spread of disease.

In order to uncover any similar outbuildings constructed in the rear yards of properties not visible from public streets, the method used to assess this aspect of the subject building's significance was to examine all 35 of the 1890 MVS&DB Detail Survey Sheets for Manly (supplied by Manly Library) looking for outbuildings and then comparing those detail sheets to the current aerial views of the Manly Town Centre (available through Google Earth and also SIX Maps). This comparison should have highlighted any extant 1890 outbuildings in the area covered by the 1890 plans. The area covered by the 1890 plans was the area bounded by the Quarantine Reserve in the south, Manly Lagoon (originally known as Curl Curl Lagoon) in the north, the Pacific Ocean in the east, and Hill Street Fairlight in the west.

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This comparative survey using the 1890 plans and the current aerial photographs of the area concluded that no large pre-1890 outbuildings, other than the subject building at 21 Whistler Street, remain in the Manly Town Centre. Small outbuildings, such as outhouses, may remain but they were too small to see on the current aerial photographs. In Manly there are very few listed buildings erected between the 1850s when the suburb was first laid out as a villa subdivision and 1875 when "Roseville" was built. The heritage listings include a pair of Gothic Revival style houses at 80-82 Pittwater Road (1202 and 203), a Gothic Revival Style villa at 226 Pittwater Road (1212) and a large house (now subdivided) on land once owned by Rowe (possibly Dun Ards II 15). The architect of these buildings has not been identified on the listings, however, at least one of the buildings is probably Rowe's work. He may have sold the land he owned with a design. The semi-detached timber houses could be the work of Rowe but could also be designed by the architects Thornley and Smedley or Benjamin Backhouse who also undertook work in the area.

7.0 Assessment of Heritage Significance

The criteria used to assess the significance of this property are the criteria contained within the 2001 NSW Heritage Office publication, *Assessing Heritage Significance*, which were gazetted in April 1999. Contained within that publication are guidelines to assist in determining whether an item or place could be included or should be excluded from listing as a heritage item at either the State or Local levels.

7.1 Application of the Assessment Criteria to 21 Whistler Street, Manly

The following section analyses the elements of No. 21 Whistler Street that do and do not meet the NSW Heritage Council's criteria for heritage listing.

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for INCLUSION

- shows evidence of a significant human activity
- is associated with a significant activity or historical phase
- maintains or shows the continuity of a historical process or activity

Guidelines for EXCLUSION

- has incidental or unsubstantiated connections with historically important activities or processes
- provides evidence of activities or processes that are of dubious historical importance
- has been so altered that it can no longer provide evidence of a particular association

Discussion:

No. 21 Whistler Street, Manly dates from a significant phase in the development of New Brighton (later Manly), prior to the formation of the municipality, as a villa suburb, with the quality of the building stock controlled by the scale of the lots in the subdivision. This remnant of "Roseville" is a physical demonstration of the series of substantial speculative suburban villas set in large grounds designed and erected for professional men by Thomas Rowe within villa subdivisions during the 1860s and 1870s, including "Tresco" and "Villa Caprera" in Elizabeth Bay and "Roseville" at Manly. Thomas Rowe's examples at Elizabeth Bay are listed on the State Heritage Register.

This remnant of the New Brighton Estate is significant in terms of its rarity and for its historical significance as a physical remnant of this period of villa development in Manly.

The underlying significance of this remnant of "Roseville" is that the separation of the kitchen, washhouse and earth closet facilities in a separate wing, connected by a covered walkway to the main house, demonstrates the architect's, Thomas Rowe's, attention to the requirement for health and sanitation in an urban location that did not have any municipal services such as a piped water supply or a piped sewerage system. In order to ensure health, he eschewed the usual cesspit so that there was no cross-contamination between the contents of the cesspit and the underground water storage cistern that was required to ensure drinking and bathing water. Whilst such a separation may seem to be anachronistic it, in contrast, was very much concerned with the future health of the inhabitants of Sydney. As the first Mayor of Manly, Thomas Rowe drafted and introduced by-laws that enshrined the practice he pioneered at "Roseville" in banning cesspits and requiring the use of earth closets that had to be serviced from a rear street or service lane (and not through the house).

In addition, the separation of the kitchen from the main house not only kept cooking smells out of the house but also restricted any possible spread of fire from the Kitchen to the main house. However, no above-ground physical evidence remains of the earth closet and no evidence of the original Kitchen remains (other than the

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room volume, door, window, chimney breast, hearth and chimney). Likewise, no physical evidence of the Wash House remains other than the room volume. Evidence may remain of the underground water tank/cistern.

Significance:

No. 21 Whistler Street, Manly is associated with a significant phase in the development of New Brighton (later Manly), prior to the formation of the municipality, as a villa suburb, with the quality of the building stock controlled by the scale of the lots in the subdivision. This remnant of the New Brighton Estate is of Local Significance in terms of its rarity and for historical significance.

The remnant of "Roseville" demonstrates the series of substantial speculative suburban villas set in large grounds designed and erected for professional men by Thomas Rowe within villa subdivisions during the 1860s and 1870s, including "Tresco" and "Villa Caprena" in Elizabeth Bay and "Roseville" at Manly.

Conclusion:

No. 21 Whistler Street meets the requirements for the criterion of historical significance because it:

- shows evidence of a significant human activity
- is associated with a significant activity or historical phase

Criterion (b): An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for INCLUSION

- shows evidence of a significant human occupation
- is associated with a significant event, person, or group of persons

Guidelines for EXCLUSION

- has incidental or unsubstantiated connections with historically important people or events
- provides evidence of people or events that are of dubious historical importance
- has been so altered that it can no longer provide evidence of a particular association

Discussion:

No. 21 Whistler Street, Manly was designed by architect, Thomas Rowe. Rowe was a prominent architect in the mid- to late nineteenth century who championed the construction of healthier urban environments and the construction of urban service infrastructure such as piped water supply and piped sewerage services. After petitioning the government to establish the Municipality of Manly and, as the first Mayor of Manly, Rowe wrote and promulgated by-laws that encapsulated his pioneering work on health and sanitation. His house, "Roseville", incorporated these principles and was a working example of those principles. The remnant of "Roseville" at No. 21 Whistler Street is the physical manifestation of part of that important section of the house demonstrating Rowe's health and sanitation principles (ie the separate kitchen, washhouse and earth closet facilities).

Thomas Rowe was also instrumental in the establishment of the Institute of Architects of NSW (the precursor of the Royal Australian Institute of Architects).

Significance:

No. 21 Whistler Street, Manly is associated with a significant human occupation (ie the provision of healthy urban environments) as well as with a significant person, Thomas Rowe, the first Mayor of Manly, and one of the founders of the Institute of Architects.

Conclusion:

No. 21 Whistler Street meets the requirements for the criterion of historical association significance because it:

- shows evidence of a significant human occupation
- is associated with a significant person

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Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Guidelines for INCLUSION

- shows or is associated with, creative or technical innovation or achievement
- is the inspiration for a creative or technical innovation or achievement
- is aesthetically distinctive
- has landmark qualities
- exemplifies a particular taste, style or technology

Guidelines for EXCLUSION

- is not a major work by an important designer or artist
- has lost its design or technical integrity
- its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
- has only a loose association with a creative or technical achievement

Discussion:

Along with George Allen Mansfield, Thomas Rowe was one of the two leading designers of substantial residential buildings in Sydney during the 1870s, both of whose work had become known throughout the Pacific (Rowe having won the limited competition to design the royal palace in Honolulu for the Kingdom of Hawaii).

Rowe was known for housing improvements and as a designer of hospitals and for his concerns regarding fireproof construction, sanitation and water supply. He served as an Alderman on both Sydney and Manly Councils and as a member of the Metropolitan Water, Sewerage and Drainage Board. In particular, the sanitary improvements included in the 1875 design for "Roseville" such as earth closets and separate street or lane access for night soil removal was implemented throughout the Municipality via the by-laws drawn up by Thomas Rowe as Mayor of Manly. Normally the sanitary arrangements of a residence are not of significance, however, in this case Rowe implemented reforms in Sydney (overhead cisterns) and in Manly (earth closets in place of cesspits) aimed at limiting the spread of disease. This remnant of "Roseville" still has the ability to demonstrate how the residence functioned in an urban environment without the usual urban infrastructure.

For its contribution to the streetscape and as a remnant of a well-known landmark property in Manly, the residence of the first Mayor of Manly, Thomas Rowe, from 1877-78 is a significant remnant of a distinct architectural phenomenon (Victorian villas for professional men). Prior to the formalisation of street numbers, the villas subdivision to the north was referred to as being near Thomas Rowe's residence. The majority of the surviving residential buildings on the flat land at Manly are small workers cottages or semi-detached houses or terraces.

Almost no trace of the mid-1850s to 1870s villa subdivisions of New Brighton survives. Although it is only the outbuilding that survives, this appears to be the largest surviving remnant in the Manly Town Centre area, demonstrating the subdivision alignment and the villas erected thereon and can be correlated to the Charles Kerry photograph held in the Powerhouse Museum.

Significance:

No. 21 Whistler Street, Manly is associated with a significant technical achievement (i.e. the provision of healthy urban environments in the absence of an urban services infrastructure) as well as with a significant person, Thomas Rowe, the first Mayor of Manly and one of the founders of the Institute of Architects.

Conclusion:

No. 21 Whistler Street meets the requirements for the criterion of technical significance because it:

- shows or is associated with, creative or technical innovation or achievement
- is the inspiration for a creative or technical innovation or achievement

Criterion (d): An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for INCLUSION

- is important for its associations with an identifiable group
- is important to a community's sense of place

Guidelines for EXCLUSION

- is only important to the community for amenity reasons
- is retained only in preference to a proposed alternative

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No. 21 Whistler Street does not meet the guidelines for inclusion under Criterion (d).

Criterion (e): An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for INCLUSION

- has the potential to yield new or further substantial scientific and/or archaeological information
- is an important benchmark or reference site or type
- provides evidence of past human cultures that is unavailable elsewhere

Guidelines for EXCLUSION

- the knowledge gained would be irrelevant to research on science, human history or culture
- has little archaeological or research potential
- only contains information that is readily available from other resources or archaeological sites

No. 21 Whistler Street does not meet the guidelines for inclusion under Criterion (e).

Criterion (f): An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for INCLUSION

- provides evidence of a defunct custom, way of life or process
- demonstrates a process, custom or other human activity that is in danger of being lost
- shows unusually accurate evidence of a significant human activity
- is the only example of its type
- demonstrates designs or techniques of exceptional interest
- shows rare evidence of a significant human activity important to a community

Guidelines for EXCLUSION

- is not rare
- is numerous but under threat

Discussion:

No. 21 Whistler Street is the only remaining large service outbuilding remaining in the Manly Town Centre from the villa phase of development in Manly. It is rare as a service wing from the mid- to late-nineteenth century that demonstrates the pattern of urban settlement at a period when urban services had not been provided and it demonstrates the requirement to separate toilet facilities from the habitable rooms of the main house, the requirement to collect earth closet waste via a "night soil" lane, and the necessity of separating the toilet facilities from the water collection and storage infrastructure.

Furthermore, it demonstrates at a domestic scale, the attention to fire-proofing that architect Thomas Rowe incorporated into his projects by virtue of physically separating the fire-prone kitchen area from the main house.

Significance:

No. 21 Whistler Street, Manly is rare as the only large nineteenth century outbuilding surviving in the Manly Town Centre and is rare as a physical manifestation of a way of life that has been made redundant by the provision of piped water supply and piped sewerage service to urban areas.

Conclusion:

No. 21 Whistler Street meets the requirements for the criterion of rarity because it:

- provides evidence of a defunct custom, way of life or process with regard to the provision of water and the removal of waste
- is the only example of its type remaining in the Manly Town Centre area

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Criterion (g): An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places; or
- cultural or natural environments

(or a class of the local area's

- cultural or natural places; or
- cultural or natural environments).

Guidelines for INCLUSION

- is a fine example of its type
- has the principal characteristics of an important class or group of items
- has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity
- is a significant variation to a class of items
- is part of a group which collectively illustrates a representative type
- is outstanding because of its setting, condition or size
- is outstanding because of its integrity or the esteem in which it is held

Guidelines for EXCLUSION

- is a poor example of its type
- does not include or has lost the range of characteristics of a type
- does not represent well the characteristics that make up a significant variation of a type

No. 21 Whistler Street does not meet the guidelines for inclusion under Criterion (g).

7.1.2 Statement of Significance (No 21 Whistler, former Kitchen Wing of "Roseville")

The surviving kitchen wing of Thomas Rowe's "Roseville" is of at least local significance as a remnant of one of the series of gentlemen's residences designed and erected by Rowe in villa subdivisions in Manly and Elizabeth Bay and occupied by his family namely "Thresco" (1869), "Roseville" (1875) and "Capriola" (c. 1877, occupied c.1880-1884). In contrast to the other two residences, it is the service wing that remains in this case and the surviving physical and documentary evidence indicates the sanitary reforms that Rowe would subsequently implement across the entire Municipality of Manly during his term as the first Mayor.

Rowe's "Roseville" was a well-known local landmark and the vestige that remains in Whistler Street is one of the few remaining physical reminders of the intended villa development of New Brighton which was developed from the mid-1850s until the mid-1870s. The alignment to Whistler Street provides evidence of the lots created for the villa subdivision of New Brighton, which fronted East Promenade. Prior to the implementation of planning controls the villa subdivisions were controlled by the size of the lots and the architectural scale and character of the residential architecture.

The surviving portion of "Roseville" in Whistler Street, Manly is a remnant of the extensive body of residential architecture by Thomas Rowe that included both residences for professional men and terraces built as investments. The full extent of his body of residential work, including the houses he designed on a speculative basis, has not yet been examined in detail. Rowe's involvement as an Alderman developing and implementing reforms in sanitation and building standards in Sydney and Manly sets his work apart from that of his main contemporaries.

This remnant example is the only 1870s residence designed by Rowe that has been identified in which the service wing remained separate for health reasons, indicating the lack of town water and sewerage that existed prior to the formation of the municipality and the public and civil engineering works for which successive mayors, starting with Rowe, agitated.

The design of "Roseville" was a model of how water could be collected for domestic use and sanitary arrangements made in the absence of reticulated water supply and piped sewerage. The location of the service wing on the lane is indicative of the need for night soil collection to be undertaken without passing through the residence. At Rowe's insistence, cesspits were banned by municipal by-law and the surviving plans of "Roseville" demonstrate the use of earth closets which were permitted as an improvement on cesspits.

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8.0 Conclusion and Recommendations

The previous rationale for not listing the building in 2007 was an assessment of its physical fabric, without picking up the association with the first Mayor of Manly, Thomas Rowe, or that it formed part of the outbuilding complex of a large villa he designed for his family that faced Belgrave Street and the park. Very little survives of Rowe's body of work in Manly undertaken between c. 1868 and 1890.

It is our opinion that No. 21 Whistler Street (the former outbuilding of "Roseville", later "Restormel") meets the criteria for listing as a Local item of environmental heritage under the Northern Beaches LEP under the following criteria:

- Historical significance
- Associative significance
- Aesthetic/Technical significance
- Rarity

As part of the listing process, a more thorough history should be prepared utilising the Rate Books and Building Application Registers to determine the sequence of buildings on the site and owners of the site.

In addition, we recommend that further research be undertaken regarding the interwar building fronting Belgrave Street as it was an integral part of the site until 1950 when the site was subdivided into its current form of two allotments. This building also has the potential to be a heritage item, as it demonstrates the intensification of development and expansion of the commercial centre of Manly.

Dr Scott Robertson
for
Robertson & Hindmarsh Pty Ltd

12 July 2013

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4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager, Contaminated Sites,
Environment Protection Authority,
PO Box A290,
Sydney South NSW 1232,

or faxed to (02) 9995 5930,

by not later than 4 weeks from the date of this letter.

Dated: 9 July 2013.

NIALL JOHNSTON,
Manager,
Contaminated Sites,
Environment Protection Authority

Note:

Management order may follow

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s149 (2) of the Environmental Planning and Assessment Act 1979 that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.



Figure 1. Land to which this declaration applies,
1 Blackshaw Road, Goulburn NSW

Map Source: NSW Land and Property Website,
<http://maps.six.nsw.gov.au/>: 4 March 2013

HERITAGE ACT 1977

Ministerial Order

Authorisation for Local Councils to make Interim Heritage Orders

Section 25 of the Heritage Act 1977

Section 43 Interpretation Act 1987

I, ROBYN PARKER M.P., Minister for Heritage, do by this order:

1. **revoke** the order made under section 25 of the Heritage Act 1977 and published in the *New South Wales Government Gazette* dated 1st February 2002, at pages 708 to 710.
2. **authorise** the local councils identified in Schedule 1 to make Interim Heritage Orders for items in the local council's area in accordance with section 25 of the Heritage Act 1977 and subject to the conditions listed in Schedule 2.

Dated: 22 April 2013.

ROBYN PARKER, M.P.,
Minister for Heritage

SCHEDULE 1

Local Councils Authorised to make Interim Heritage Orders under Section 25 of the Heritage Act 1977

Albury City Council
Armidale Dumaresq Council
Ashfield Council
Auburn City Council
Ballina Shire Council
Barranald Shire Council
Bankstown City Council
Bathurst Regional Council
Bega Valley Shire Council
Bellingen Shire Council
Berrigan Shire Council
Blacktown City Council

NEW SOUTH WALES GOVERNMENT GAZETTE No. 90

REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 12.1 - 23 JULY 2019

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OFFICIAL NOTICES

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Bland Shire Council	Junee Shire Council
Blayney Shire Council	Kempsey Shire Council
Blue Mountains City Council	The Council of the Municipality of Kiama
Bogan Shire Council	Kogarah City Council
Bombala Council	Ku-ring-gai Council
Boorowa Council	Kyogle Council
The Council of the City of Botany Bay	Lachlan Shire Council
Bourke Shire Council	Lake Macquarie City Council
Brewarrina Shire Council	Lane Cove Municipal Council
Broken Hill City Council	Leeton Shire Council
Burwood Council	Leichhardt Municipal Council
Byron Shire Council	Lismore City Council
Cabonne Council	City of Lithgow Council
Camden Council	Liverpool City Council
Campbelltown City Council	Liverpool Plains Shire Council
City of Canada Bay Council	Lockhart Shire Council
Canterbury City Council	Maitland City Council
Carrathool Shire Council	Manly Council
Central Darling Shire Council	Marrickville Council
Cessnock City Council	Mid-Western Regional Council
Clarence Valley Council	Moree Plains Shire Council
Cobar Shire Council	Mosman Municipal Council
Coffs Harbour City Council	Murray Shire Council
Conargo Shire Council	Murrumbidgee Shire Council
Coolamon Shire Council	Muswellbrook Shire Council
Cooma-Monaro Shire Council	Nambucca Shire Council
Coonamble Shire Council	Narrabri Shire Council
Cootamundra Shire Council	Narrandera Shire Council
Corowa Shire Council	Narromine Shire Council
Cowra Shire Council	Newcastle City Council
Deniliquin Council	North Sydney Council
Dubbo City Council	Oberon Council
Dungog Shire Council	Orange City Council
Eurobodalla Shire Council	Palerang Council
Fairfield City Council	Parkes Shire Council
Forbes Shire Council	Parramatta City Council
Gilgandra Shire Council	Penrith City Council
Glen Innes Severn Council	Pittwater Council
Gloucester Shire Council	Port Macquarie-Hastings Council
Gosford City Council	Port Stephens Council
Goulburn Mulwaree Council	Queanbeyan City Council
Great Lakes Council	Randwick City Council
Greater Hume Shire Council	Richmond Valley Council
Greater Taree City Council	Rockdale City Council
Griffith City Council	Ryde City Council
Gundagai Shire Council	Shellharbour City Council
Gunnedah Shire Council	Shoalhaven City Council
Guyra Shire Council	Singleton Council
Gwydir Shire Council	Snowy River Shire Council
Harden Shire Council	Strathfield Municipal Council
Hawkesbury City Council	Sutherland Shire Council
Hay Shire Council	Council of the City of Sydney
The Hills Shire Council	Tamworth Regional Council
Holroyd City Council	Temora Shire Council
The Council of the Shire of Hornsby	Tenterfield Shire Council
The Council of the Municipality of Hunters Hill	Tumbarumba Shire Council
Hurstville City Council	Tumut Shire Council
Inverell Shire Council	Tweed Shire Council
Jerilderie Shire Council	Upper Hunter Shire Council

NEW SOUTH WALES GOVERNMENT GAZETTE No. 90

REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 12.1 - 23 JULY 2019

3424

OFFICIAL NOTICES

12 July 2013

- (6) A council must publish annually in its State of Environment Report or Annual Report a summary of all decisions regarding IHOs for that year and provide a copy to the Office of Environment and Heritage.

Note: A council will be responsible for defending proceedings in any Court relating to its decisions made under this authorisation (including the bearing of all costs).

NATIONAL PARKS AND WILDLIFE ACT 1974

Draft Amendments to the Plans of Management for Garigal National Park,

Ku-Ring-Gai Chase National Park and Lion Island, Long Island and Spectacle Island Nature Reserves, Marramara National Park, Muogamarra Nature Reserve and Maroota Historic Site

THE Public Exhibition Period for the draft amendments to the above plans has been extended until Friday, 19 July 2013.

These amendments can be viewed on www.environment.nsw.gov.au (use the 'quicklinks' to 'park management plans') and at other locations as notified in the *New South Wales Government Gazette* of 31 May 2013.

They are also available free of charge from the Bobbin Inn Visitor Centre, Ku-ring-gai Chase National Park, Bobbin Head Road, Mount Colah (ph 9472 8949) and the OEH Information Centre, Level 14, 59-61 Goulburn Street, Sydney.

Written submissions on the draft plan should be forwarded by 19 July 2013, to 'The Planner', Metropolitan North East Region, NPWS, PO Box 3031, Asquith NSW 2077, by email to mne.planning@environment.nsw.gov.au or they can be submitted on-line at www.environment.nsw.gov.au/consult.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request. Your comments on these documents may contain information that is defined as 'personal information' under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

SEAN NUNAN,
Team Leader,
Chemicals and Radiation Licensing,
Hazardous Materials, Chemicals and Radiation Section,
Environment Protection Authority
(by delegation)

SCHEDULE

Pilot (Pesticide Rating) Licence

Name and Address of Licensee	Date of Granting of Licence
Nicholas MASON, PO Box SM232, Mildura South VIC 3501.	5 July 2013.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175(1),
Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008, an Order has been made on Dr Nandini POLEPALLI, DEN0001677187, of Suite 1, 9 Station Street, Fairfield NSW 2165, prohibiting her until further notice, as a dental practitioner from supplying or having possession of drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 77 of the Regulation.

This Order is to take effect on and from 7 June 2013.

Dr MARY FOLEY,
Director-General

Ministry of Health, New South Wales.
3 June 2013.

SUBORDINATE LEGISLATION ACT 1989

Erratum

IN *New South Wales Government Gazette* No. 87, dated 5 July 2013, at Folio 3392, the text of the notice relating to the Subordinate Legislation Act 1989, omitted the word 'Tribunal' in referring to the proposed Dust Diseases Tribunal Regulation 2013 and the Dust Diseases Tribunal Regulation 2007. The gazettal date remains the same, 5 July 2013.

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determination

THE Scientific Committee has made a Preliminary Determination proposing that the following be listed in the relevant Schedule of the Threatened Species Conservation Act 1995.

Critically Endangered Ecological Community (Part 2 of Schedule 1A)
Hygrocybeae community of Lane Cove Bushland Park in the Sydney Basin Bioregion

Any person may make a written submission regarding this Preliminary Determination. Send submissions to Suzanne Chate, NSW Scientific Committee Unit, PO Box 1967, Hurstville BC 1481. Submissions close 6th September 2013.

A copy of the Determination, which contains the reasons for the determination, may be obtained free of charge on the Internet www.environment.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967, Hurstville BC 1481. Tel.: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Office of Environment and Heritage Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determination may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Associate Professor MICHELLE LEISHMAN,
Chairperson,
Scientific Committee

NEW SOUTH WALES GOVERNMENT GAZETTE No. 90

12 July 2013

OFFICIAL NOTICES

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Upper Lachlan Shire Council
Uralla Shire Council
Urana Shire Council
Wagga Wagga City Council
The Council of the Shire of Wakool
Walcha Council
Walgett Shire Council
Warren Shire Council
Warragah Council
Warrumbungle Shire Council
Waverley Council
Weddin Shire Council
Wellington Council
Wentworth Shire Council
Willoughby City Council
Wingecarribee Shire Council
Wollondilly Shire Council
Wollongong City Council
Woolahra Municipal Council
Wyong Shire Council
Yass Valley Council
Young Shire Council

- (b) the item is covered by:
 - (i) an order under s.136 of the Heritage Act, 1977; or
 - (c) the council has previously placed an interim heritage order on the item; or
 - (d) a development consent (other than a complying development certificate), has been granted in relation to the item that permits the item to be harmed, and the development consent is still in force; or
 - (e) a complying development certificate has been granted for the demolition of an existing dwelling and the erection of a new single storey or two storey dwelling house, and the complying development certificate is still in force.
- (3) A council must not make an IHO in relation to item(s) that are located on land:
- (a) that is Crown land; or
 - (b) which is being developed by or on behalf of the Crown; or
 - (c) which is subject to a development for which the Minister for Planning and Infrastructure is the consent authority or approval authority under the Environmental Planning & Assessment Act 1979.

SCHEDULE 2

Conditions for Local Councils to make Interim Heritage Orders

- (1) A council must not make an Interim Heritage Order (IHO) unless:
- (a) an environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management of those items is in force in the Local Government Area; and
 - (b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the council and considers that:
 - (i) the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;
 - (ii) the item is being or is likely to be harmed;
 - (iii) the IHO is confined to the item determined as being under threat; and
 - (c) where the IHO is made over land which includes an item which is likely to be found, on further inquiry and investigation, to be of significance to Aboriginal people, a council must refer the proposal to make an IHO to the Office of Environment and Heritage for assessment regarding significance and community consultation, before the IHO is made. Council must comply with the recommendations of the Office of Environment and Heritage made in its assessment prepared pursuant to the referral.
- (2) A council must not make an IHO where:
- (a) the item is listed on:
 - (i) an environmental planning instrument as an item of environmental heritage;
 - (ii) the item is within a heritage conservation area identified in an environmental planning instrument; or
 - (b) the item is covered by:
 - (i) an order under s.136 of the Heritage Act, 1977; or
 - (c) the council has previously placed an interim heritage order on the item; or
 - (d) a development consent (other than a complying development certificate), has been granted in relation to the item that permits the item to be harmed, and the development consent is still in force; or
 - (e) a complying development certificate has been granted for the demolition of an existing dwelling and the erection of a new single storey or two storey dwelling house, and the complying development certificate is still in force.
- (3) A council must not make an IHO in relation to item(s) that are located on land:
- (a) that is Crown land; or
 - (b) which is being developed by or on behalf of the Crown; or
 - (c) which is subject to a development for which the Minister for Planning and Infrastructure is the consent authority or approval authority under the Environmental Planning & Assessment Act 1979.
- For the purposes of this clause, "the Crown" includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. "Crown" is also taken to have the same meaning as specified in section 57(1A)(b) of the Heritage Act, 1977.
- (4) A council must not make an IHO in respect of an item (which includes a building, work, relic, or place) that is subject to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an officer or employee of the Crown or a Minister.
- For the purposes of this clause, "the Crown" includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. "Crown" is also taken to have the same meaning as specified in section 57(1A)(b) of the Heritage Act, 1977. This clause does not apply to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the council.
- (5) An IHO made by a council must contain the following condition:
- "This Interim Heritage Order will lapse after six months from the date it is made unless the local council has passed a resolution before that date; and
- (i) in the case of an item which, in the council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
 - (ii) in the case of an item which in the Council's opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register."

NEW SOUTH WALES GOVERNMENT GAZETTE No. 90

21 Whistler Street, Manly

Robertson & Hindmarsh Pty Ltd comments on Letter from Heritage 21, dated 28 August 2019

Response prepared by
Dr Scott Robertson,
Robertson & Hindmarsh Pty Ltd
Architects
on behalf of
Northern Beaches Council
30 August 2019

Introduction

On 28 August 2019, Robertson & Hindmarsh Pty Ltd was supplied with a copy of the letter from Heritage 21, dated 28 August 2019, and was requested by Northern Beaches Council to assess the additional information contained within the letter.

Referenced documents:

This set of comments by Robertson & Hindmarsh Pty Ltd is to be read in conjunction with the following reports and letters:

- Statement of Heritage Impact, September 2018 by Heritage 21,
- Supplementary Heritage Statement, April 2019 by Heritage 21,
- 21 Whistler Street, Manly: Independent Heritage Review – DA 2018/1669, April 2019 by Full Circle Heritage.
- Further Investigation & Comparative Review 21 Whistler Street, Manly, 1 July 2019 by Robertson & Hindmarsh Pty Ltd.
- Robertson & Hindmarsh Pty Ltd comments [dated 1 August 2019] on "Response to Intended Interim Heritage Order" by Heritage 21, dated 23 July 2019, and Letter dated 22 July 2019 prepared by Weir Phillips Heritage.

Response to Heritage 21 letter dated 28 August 2019:

In order to respond to the relevant points made in the report by Heritage 21 we have tabulated the individual points in the Heritage 21 letter in the first column with our response in the second column.

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>p. 1: Preamble: Heritage 21 has been commissioned to review and provide comment with regard to the property at 21 Whistler Street, Manly. Council has indicated an intention to place and [sic] Interim Heritage Order on the property. We have attended the Ordinary Council Meeting held at Dee Why Council Chambers on 23rd July 2019, a second meeting with Council officials held at Dee Why Council Chambers on 5th August 2019.</p> <p>We have since conducted further extensive research and documentation on the subject property and Thomas Rowe. We have come to the conclusion that Thomas Rowe as the designer of the remnant service wing of Roseville is at best tenuous.</p>	<p>The investigations conducted by Heritage 21 have not consulted the full extent of the available documentary records relating to the work of the architect Thomas Rowe, and those that have been consulted and extracted in the Heritage 21 letter have omitted detail that should have been included to enhance understanding as well as the ability to assess the opinions being put forward.</p> <p>Many of the Heritage 21 arguments are based on assertions that have not been substantiated by contemporary accounts, archival records or by scholarly analyses of the development of the built environment of Sydney. The history of Manly appears not to have been understood with regard to the importance of the early villa subdivision of the area.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
	<p>Refer to Attachment A to this report which displays the intended design of Ellensville as a high class subdivision with its wide streets, parks squares and crescents.</p> <p>The conclusions by Heritage 21 are largely based on current 21st century perceptions rather than a detailed knowledge of the work of one of Sydney's leading nineteenth century architects and the transport and services technology of nineteenth century Sydney.</p> <p>Robertson & Hindmarsh Pty Ltd has previously prepared 25 heritage inventory sheets for the Manly Town centre area and is familiar with the development of the place.</p> <p>The research and comparative analysis methodology used by Robertson & Hindmarsh Pty Ltd in its CMPs for Millers Point has been cited as good practice in the ARCH9028 Conservation Methods & Practice at the University of Sydney and this methodology is founded on the use of primary and contemporary sources in preference to secondary or current sources.</p>
<p>p. 1: Preamble (bullet points): We provide the following observations in support of our contention that Thomas Rowe was not the designer or the builder of Roseville:</p> <p>There is no documented evidence indicating that Thomas Rowe was the designer of [sic] builder of Roseville cottage and its service wing. There is only limited evidence that he stayed there temporarily. A blog published in the Manly Library Archives associates William Bailey as the builder of Roseville/Restormel.</p>	<p>The Bailey family purchased the existing residence. In the evidence given to the Insolvency Court by Samuel Bennett Bailey in November 1887 he noted that he purchased "Restormel" in 1885. This fact was included in the chronology of the initial report by R&H of 1 July 2019 but seems to have been overlooked by Heritage 21 in their subsequent reports. Samuel Bennett Bailey's financial difficulties were the result of being involved with another house on the North Shore for which his father was the architect and builder. That house had not been finished or sold (SMH 8 November 1887).</p> <p>The Rowe family did not reside at the house 'temporarily' as asserted by Heritage 21. The Mayor and aldermen of the Municipality needed to be residents of the municipality. Rowe lived in Manly whilst petitioning for the setting up of a Municipal Council and drafting the new Municipality's model by-laws and he continued to live in the house during his terms as Mayor (1877-1880). The first Manly Municipality Rate Book (1877-78) has Rowe living at East Promenade. The structure on the site was described as "house" and the property was valued at £104. Only eight other houses in the municipality were of greater value so the house was not an insignificant house as asserted by Heritage 21. Rowe was an alderman on Sydney City Council from 1872 to 1876 before moving to Manly.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
	<p>Rowe's term of residence in Manly was for at least four years (as indicated in the listing for his private residence in the Sands Directory). This length of time cannot be considered temporary, particularly as Rowe borrowed funds from a building society to undertake improvements during this time, having already purchased land. This land ownership, borrowing and place of residence is ample evidence of authorship by Rowe. As a professional architect, he would not have engaged the services of a rival.</p> <p>"Roseville" soon became a local landmark, additional land sales were identified as "choice allotments of ground adjacent to the residence of Thomas Rowe, Mayor of Manly Beach." (SMH 13 April 1877). The house was described as the elegant villa residence of Thomas Rowe in September 1877.</p>
<p>p. 1: Preamble (bullet points): The date of construction of Roseville is highly indeterminate. Land title perusal indicates that there may have been a premises on the lots prior to the sale by Emilio/Eliza Zuccani.</p> <p>Rowe's business arrangements with Sydney Moore Green (his business partner) is unclear and is not documented anywhere. All land titles for the lots in Manly are conveyed to Sydney Moore Green and his heirs.</p> <p>Thomas Rowe had substantial business engagements in the city, and it is unlikely that he would have travelled to and from Manly on a daily basis.</p> <p>It is likely that after Rowe lost the re-election as alderman in the Bourke Ward at the City of Sydney, he would have gained interest in Manly as a potential seat in the new electorate there.</p> <p>A thorough research of Rowe's architectural output indicates only two buildings in Manly - none of which is Roseville.</p>	<p>There is no documentary evidence to suggest that there were any buildings on these allotments prior to the Rowes' occupation as these would have been mentioned by Richardson and Wrench in the sale advertisement for the Zuccani estate (SMH 11 February 1875):</p> <p>"By order of the Executors of the Will of the late Emilio Zuccani, Esq Brighton, Manly Beach Six favourably situated sites on the East Promenade immediately opposite the Public Recreation Reserve and within a few yards of the Steamers Wharf. They comprise portion of Lot 6 and the whole of lots 7, 8, 9, 10 and 11 of Section C, of the township of Brighton and have each 40 feet frontage to the East Promenade and 40 ft to Whistler Street with a depth of 101. These sites are in the most attractive part of this salubrious and popular Marine resort. The beauty and healthfulness of Brighton, Manly is familiar to thousands, and it is only necessary to state that the lots must be sold on the above date to attract attention." (SMH 11 Feb 1875).</p> <p>Other advertisements in the same column make it clear what each property contained (eg houses, allotment of land and cottage, business premises or stores, etc). Anything with a value on a property was listed by Richardson and Wrench in advertising. The fact that the advertisement for the sale of the Zuccani allotments does not include "house" or mention of any other structure is conclusive evidence of the sites being vacant at the time of being offered for sale in February 1875.</p>
<p>p. 2: Bullet points: What we do know however is that: Rowe was accustomed to living in large luxurious mansions in the elite suburbs of Sydney. He owned, designed and built Tresco and Caprera (Ashton) between the 1860s -</p>	<p>This is an assumption made by Heritage 21 that demonstrates a lack of understanding of the original suburban layout of Ellensville (later New Brighton) by Henry Gilbert Smith. New Brighton was a very upmarket subdivision, with crescents, promenades,</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>1890s. During his final days, he lived at Mona in Darling Point, another large and expansive mansion.</p>	<p>parks and esplanades based on Brighton in England (see Attachment A). Substantial villa allotments overlooked the series of parks. Some of the streets and parks Gilbert envisaged were created and during the 1870s villas were erected fronting the promenades to Ivanhoe and Gilbert Parks. Sydney Road (Sebastopol Street), Belgrave Street, Raglan Street, East and West Promenades are remnants of this intended layout. Following his election as mayor Rowe "took a prominent part in laying out the suburb making it the model municipality which it now is" (Evening News 14 Jan 1899, Obituary).</p> <p>Very little trace of the villas survives, other than what survives buried within later development. This is a very important historical phase in the development of Manly.</p> <p>The layout of the house which appeared on the later subdivision plans show "Roseville" to have been a substantial residence and the grounds likewise, to the extent that the fence had gilded knobs (Sydney Police Gazette 13 September 1876).</p>
<p>p. 2: Bullet points: It is therefore curious that he would have ever resided in a more modest home such as Roseville which, being in Manly, would have been very difficult to access from the city on a daily basis.</p>	<p>This is yet another assumption by Heritage 21 for which there is simply no historical proof. By March 1875 there were four steamer trips a day from Manly to Sydney (Queen's Wharf) commencing at 8.15am with the last return ferry at 6.15 pm. Vickery's buildings were in Pitt Street. His commute would have been similar to that of a Manly resident who utilises the Ferry service today.</p>
<p>p. 2: Bullet points: Rowe needed to be a rate payer in Manly, in order to run for Mayor - this may be a reason why he lived there (probably only for reasons of expediency).</p>	<p>This is pure supposition by Heritage 21. Rowe's career was not about expediency but was about 'improvement', a common aim for a professional man in that era.</p> <p>Rowe was one of the founders of the Municipality of Manly. He recognised the need for municipalities for the provision of infrastructure and building controls. Rowe's obituary notes that:</p> <p>"In 1872 the deceased Gentleman was elected alderman for the Bourke Ward, which he represented in the [Sydney City] for four years. Through his agency during that period several reforms, both sanitary and economic, were worked in connection with the water supply. Rowe-street, which runs from Pitt street to Castlereagh street, was at that time named after him by his brother aldermen. In 1877 he was elected first Mayor of Manly, being re-elected afterwards without opposition, and he took a prominent part in laying out the suburb, making it the model municipality which it now is." (Evening News 14 Jan 1889 Obituary).</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>Roseville Cottage was demolished in the 1930s, and the service block was altered in 1967. The double storey section was not added during the 1967 alterations.</p> <p>The service block which remains is, in our opinion, unexceptional and constitutes ordinary building construction of the day i.e. unremarkable and quite conventional. Most residences at the time had service wings mainly for reasons of hygiene i.e. keeping the living quarters separate from the kitchens, sculleries, laundries and WCs. There are many examples of this in Paddington, the inner suburbs of Sydney, Parramatta etc.</p>	<p>As noted above, very little trace of the initial villa subdivision survives and this evidence is largely concealed within later development fronting Belgrave Street.</p> <p>Thomas Rowe was one of the leading sanitary reformers of his time. His Manly by-laws, which required waste be collected above ground and not penetrate the ground water, predate by two years the controls imposed by the City of Sydney Improvement Act of 1879. The layout of the service wing, and the same requirements that were enshrined by Rowe into the by-laws were not conventional at the time. Rowe was one of the leaders in sanitary reform in Sydney during the Victorian era as noted above.</p> <p>Heritage 21 have failed to provide any primary historical sources that demonstrate that the arrangements at Manly were both unremarkable or conventional. Rather, the arrangements demonstrate a knowledge of health and the spread of disease that was not yet mainstream. None of the main works on the development of Sydney in the nineteenth century that focus on health and sanitation have been cited, (eg Shirley Fitzgerald).</p>
<p>The cottage was not listed by Council during the 2007 Heritage Study as it was considered then not to have attained the requisite criteria of heritage significance.</p>	<p>The building was assessed as a part of the 2006-2007 Manly's Sustainable Heritage Study and it was not recommended for inclusion on the Manly LEP Heritage Schedule. However, it is not clear to what extent the history of the building was researched and whether it was recognised as an outbuilding to a former larger house.</p> <p>It should be noted that heritage listings are not fixed. Manly Council (and its successor Northern Beaches Council) has been progressively adding items through subsequent studies (an example being Robertson & Hindmarsh's assessment of 25 items in 2016 for Northern Beaches Council).</p>
<p>p. 2: 2. Land Titles and Mortgages:</p> <p>Figure 1: Further document perusal and archival research have brought to light the original sale of Lots 8, 9, 10 and 11 to Emilio Zuccani from Henry Gilbert Smith were made upon Mortgage No. 88 Bk 742 25 April 1874.</p>	<p>As a general note, the piecemeal extraction of parts of the title information in Heritage 21's Figures 1-6 make it difficult to follow any chain of documentary evidence claimed in the Heritage 21 letter. Inclusion of the entire documents as appendices would have allowed a better examination of the evidence.</p> <p>Emilio Zuccani was a Cabinet Maker and Upholsterer who lived at No 70 Upper Fort Street until his death in November 1874. Zuccani's business premises were in George Street, and then, shortly before his death, in York-Lane, Wynyard Square.</p> <p>He was involved in the setting up of a building society in 1873 and the sale of his assets upon his death revealed allotments in both Brighton (Manly Beach) and near Mittagong Railway Station. There is no documentary evidence to suggest that there were any</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>Figure 2: 1875 No. 433 Bk 150 - Thomas Rowe, Charlotte Jane Rowe and Sydney Moore Green purchase lots 8 and 9 of Section C of the Brighton Estate from Eliza Zuccani (widow of Emilio Zuccani). The title indicates that the transfer of property includes both land and premises. Heritage 21 finds that this is an indication that a property existing on the lot prior to the purchase by Thomas and Jane Rowe and Sydney Moore Green. The document is conveyed to Sydney Moore Green and his heirs.</p> <p>Figure 3: 1875 No. 645 Bk 150-Arthur Croft buys lots 10 and 11 of Section C of the Brighton Estate from Eliza Zuccani (widow of Emilio Zuccani). The mortgage simply refers to the lots as land.</p>	<p>buildings on these allotments as these would have been mentioned by Richardson and Wrench in the sale advertisement for the Zuccani estate:</p> <p>"Brighton, Manly Beach Six favourably situated sites on the East Promenade immediately opposite the Public Recreation Reserve and within a few yards of the Steamers Wharf. They comprise portion of Lot 6 and the whole of lots 7, 8, 9, 10 and 11 of Section C, of the township of Brighton and have each 40 feet frontage to the East Promenade and 40 ft to Whistler Street with a depth of 101. These sites are in the most attractive part of this salubrious and popular Marine resort. The beauty and healthfulness of Brighton, Manly is familiar to thousands, and it is only necessary to state that the lots must be sold on the above date..." (SMH 11 Feb 1875).</p> <p>Other advertisements in the same column make it clear what each property contained, houses, allotment of land and cottage, business premises or stores. Anything with a value on a property was listed by Richardson and Wrench in advertising.</p> <p>Figure 2 in the Heritage 21 letter (being an extract from No. 433 Bk 150, 21 May 1875) makes no mention of "premises" at all but states "All that piece or parcel of land lying in the Parish of Manly Cove ...".</p> <p>Therefore, it is not possible to state the title extract supports the Heritage 21 conjecture that the house pre-dated the Rowses' purchase of the site. To the contrary, the cited title information supports R&H's stated position that the lots were vacant land when purchased by the Rowses.</p> <p>Sydney Moore Green was a Trustee of the Equitable Permanent Benefit Building Land and Savings Institution which lent the Rowses the money to construct the house.</p> <p>Unfortunately, Figure 3 in the Heritage 21 letter has not included the name of the purchaser or vendor.</p>
<p>p. 3: 2. Land Titles and Mortgages (continued): Figure 4: Our reading of the deed 1876 No. 502 Bk 157 suggests that Charlotte Jane Rowe transferred her stake in Lots 8 and 9 to the use of Sydney Moore Green and his heirs. H21 notes here that Sydney Moore Green, Rowe's business partner has the property (including land and premises) conveyed to him.</p>	<p>Again, the Heritage 21 extract from No 502 Bk 157, 7 March 1876 (in their Figure 4) has omitted important information. From the little that is shown in the extract it appears that the document is referring to the financial structure of the holdings as there appear to be the words "... shares amounting to the sum of seven hundred pounds ...". This document appears to be covering the situation in the event of a financial default by Charlotte Jane Rowe and is not a transfer of ownership as assumed by Heritage 21.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
	<p>It must be remembered that Green was one of the Trustees of the financial institution that lent the Rowes the money to construct the house. As in current-day loans and mortgages, the lending institution has an interest in the property and has rights over the property in the event of default on the part of the borrower.</p> <p>The business connection between Rowe & Green was a long-standing one. The architect Sydney Moore Green had a long association with Rowe, becoming a full partner in the firm in 1884 when the name of the firm changed to Rowe and Green.</p> <p>The obituary of Sydney Moore Green notes that he had worked for Thomas Rowe for many years and had been involved in some of the early substantial projects by the firm such as the first buildings by Rowe at Sydney Hospital and Vickery's Buildings (from 1860) and the Synagogue (1878). "Structures designed by him [Rowe] or by the firm of Rowe and Green, of which he was the principal, are now to be seen in every quarter of Sydney" (ATCJ 21 Jan 1899).</p>
<p>p. 3: 2. Land Titles and Mortgages (continued): Figure 5: 1876 No. 546 Bk 157- Memorandum of understanding indicates that Thomas Rowe buys Lots 10 and 11 of Section C of the Brighton Estate from Arthur Croft with Sydney Morre [sic] Green as witness to the agreement. H21 notes here that Sydney Moore Green presides as the witness to both Arthur Croft and Thomas Rowe.</p>	<p>Heritage 21's extract in Figure 5, again, omits the relevant information. If the Memorandum does, in fact, relate to the sale of Lots 10 & 11 in March 1876 it does not conflict with the erection of "Roseville" in 1875-76 on Lots 8 & 9.</p> <p>By September 1876 Rowe was residing at "Roseville" as reported in the Police Gazette which records damage to his fence (NSW Police Gazette 13 September 1876). This indicates that the house was constructed prior to this as stated in the R&H report dated 1 July 2019.</p>
<p>p. 4: 2. Land Titles and Mortgages (continued): Figure 6: The discharge of the Thomas Rowe's Mortgage to lots 8, 9, 10 and 11 is dated 1883 No 70 Bk 280.</p>	<p>Thomas Rowe and his wife repaid the outstanding loan of £700 on 13 November 1883. This was prior to his leaving for Europe in 1884.</p>
<p>p. 4: 2. Land Titles and Mortgages (continued): It is our opinion that all of the above land title information does indicate Rowe had a financial stake in the property, but equivocally Sydney Moore Green and his heirs appear to be the named title holders of the property.</p>	<p>The conclusion reached by Heritage 21 is not correct. Sydney Moore Green was one of the Trustees of the Equitable Permanent Benefit Building Land and Savings Institution that lent the Rowes money. The inclusion of the Trustees on the title did not indicate ownership but they had a financial interest in the property and, in the event of default by the borrowers, the Trustees would assume ownership of the property. This is still current-day practice where the lending institution is noted on the title.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>p. 4: 3. Rowe's Documented Occupation of Roseville: Figure 7: We note that, while there is no documentation to prove the date of when Thomas Rowe moved into the property. There is documented evidence that his wife Charlotte Jane Rowe died in 1877 (Charlotte Rowe, Evening News Wed 21 Mar 1877). Our discussion with the Manly Historical Society has brought to light an article that suggests that Charlotte Rowe and her children were fatally injured in an accident while riding in a horse cart driven by Rowe himself. The documentation from the Historical Society has yet to be received from [sic] Heritage 21. This may further reduce the association of the Rowe family with Roseville.</p>	<p>Rowe was giving his address as "Roseville", Manly by December 1876 but earlier in the year had been petitioning for the creation of a Municipal District, so was residing in Manly (SMH 6 December 1876).</p> <p>Figure 7 in the Heritage 21 letter makes no mention of Charlotte Jane Rowe's accident. The notice of her death states:</p> <p>"Deaths Rowe, March 19 At Roseville, Manly Beach, Charlotte Jane, dearly beloved wife of Thomas Rowe, aged 38." (SMH 21 March 1877).</p> <p>Her place of death is given as "Roseville".</p>
<p>p. 5: 3. Rowe's Documented Occupation of Roseville (continued): Figure 8: A newspaper clipping (1878 Family Notices, The Sydney Mail and New South Wales Advertiser, 7 September p. 365) indicates that his second wife had a son there.</p>	<p>The chronology prepared by Robertson & Hindmarsh Pty Ltd in its initial report, dated 1 July 2019, includes numerous references to Rowe at "Roseville". 1877 sale plans for the adjacent villa lots label the subject site as 'Rowe' (SLNSW ML Z/SP/M5/1943).</p>
<p>p. 5: 3. Rowe's Documented Occupation of Roseville (continued): Figure 9: Roseville is put up for rent in 1879 and Thomas Rowe is the point of contact (1879 Advertising, The Sydney Morning Herald, 19 June p. 16). However, we note here, that this is not an indication that he owned the land title.</p>	<p>This is a spurious argument, as other newspaper reports advertise the sale of the premises and the surplus furniture of Roseville, Manly by Thomas Rowe (SMH 5 May 1880) which would indicate he was the owner of the furniture he was selling from "Roseville" which was, thus, obviously his house.</p>
<p>p. 5: 3. Rowe's Documented Occupation of Roseville (continued): Figure 10: In 1880, an advertisement appears for surplus furniture and effects to be auctioned at the Residence of Thomas Rowe.</p>	<p>See note above</p>
<p>p. 6: 3. Rowe's Documented Occupation of Roseville (continued): Figure 11: In 1881, Roseville is occupied by A. Hilder Esq. JP, the second Mayor of Manly, but is up for sale again. While the house was occupied by the second Mayor of Manly, there is no mention of Thomas Rowe being the owner, designed [sic] or builder of the property.</p>	<p>Irrelevant to the argument. The fact that an advertisement does not indicate the original architect is not proof that the house was not designed by that architect. The naming of the original architect in sale advertisements was and remains a rare occurrence.</p>
<p>p. 6: 3. Rowe's Documented Occupation of Roseville (continued): Detailed survey of the lots indicate that Roseville would have occupied the land upon Lots 8 and 9. And as such, we find that it is still a matter of conjecture as to whether Roseville and its service blocks would have been designed and constructed by</p>	<p>As noted in the Robertson & Hindmarsh Pty Ltd report dated 1 August 2019, Rowe owned the land, borrowed funds from the Equitable Benefit Building Land & Savings Institution and tendered for building works at Manly Beach. As a practising architect, Rowe utilised his residential architecture to advertise his</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>Thomas Rowe. Documentation found in the above indexes indicate that a premises already existed on Lot 8 and 9 at the time of its ownership by Emilio Zuccani.</p>	<p>services, for either new houses or substantial alterations to existing villas. The claims by Heritage 21 that there is no proof simply demonstrate a lack of understanding of how designs are attributed in the study of architecture in Sydney during the nineteenth century.</p> <p>As noted previously in this response, the title information relied upon by Heritage 21 (as extracted in their letter) makes no mention of premises on any of the allotments prior to the ownership by the Rowes.</p> <p>Any premises already existing on the sites that were of value would have been included in the sale notices for the sites.</p>
<p>p. 7: 3. Rowe's Documented Occupation of Roseville (continued): Figure 12: There is no evidence to suggest that Thomas Rowe built or designed Roseville Cottage. An article at the Manly Library, however, suggests that William Bailey might have been the builder. This resource is not cited; therefore, at this time this claim has not been verified.</p>	<p>Bailey did not build the house, this was confirmed by primary references in the initial R & H report and repeated earlier in this response (bankruptcy of Samuel Bennett Bailey, SMH 8 November 1887).</p>
<p>p. 7: 4. Rowe's Caprera and Tresco: It is, however of note that Thomas Rowe at the time of his occupation at Roseville, continued to own Tresco and Caprera (Ashton). Rowe designed and built Tresco and it is suggested that his family lived at Tresco till 1876. Tresco, in comparison embodies all the elements of a luxurious mansion built and designed for the elite, successful and wealthy. He sold it to the Gilchrist family in 1875. The Westgarth family bought Tresco in 1880. I</p>	<p>The houses designed by Rowe at Elizabeth Bay were part of an entire villa suburb erected on land obtained on a long-term lease from the Macleay family. The arrangement of the villa subdivision can be seen on the Sydney Metropolitan detail series plans. The standard of housing was controlled by covenant. Rowe bid for part of this subdivision in 1865 and began to erect "Tresco" but the rate books show he resided at a house he owned in Victoria Street (1867).</p> <p>The dates of occupation by the Rowe family of various houses from primary sources are: "Tresco" 1869 – 1876, "Roseville" by September 1876 until 1880. Elizabeth Bay again from November 1880. The family's residence in Manly was not a 'temporary stay'.</p> <p>In the 1871 Sydney City Council rate books he owned and occupied a substantial house in Elizabeth Bay Road worth £250 and the Sands Directories for the previous years also list Rowe's residential and business addresses:</p> <p>1868 Rowe Thomas, Architect, 110 Pitt Street, Pr [private residence] Victoria Street. (Sands)</p> <p>1869 Rowe Thomas, Architect, 5, 6 & 7 Vickery's Chambers, Pitt St, pr [private residence] Elizabeth Bay Point (Sands 1869 part 4)</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
	<p>1870 Rowe Thomas, Architect, 5, 6 & 7 Vickery's Chambers, Pitt St, pr [private residence] Tresco, Elizabeth Bay Point (Sands 1870 part 4)</p> <p>1871 Rowe Thomas, Architect, Vickery's Chambers, Pitt St, pr [private residence] Tresco, Elizabeth Bay Point (Sands 1871 part 5)</p> <p>No 1872 Sands Directory on line</p> <p>1873 Rowe Thomas, Architect, 116 Pitt St, pr [private residence] Tresco, Elizabeth Bay Road (Sands 1873)</p> <p>No 1874 Sands Directory on line</p> <p>1875 Rowe Thomas, Architect, 116 Pitt St, pr [private residence] Tresco, Elizabeth Bay Road (Sands 1875)</p> <p>1876 Rowe Thomas, Architect, 116 Pitt St, pr [private residence] Tresco, Elizabeth Bay Road See advert [time lag]</p> <p>1877 Rowe, Thomas, Architect 114 Pitt Street Rowe, T, Rose Villa, East Promenade, Manly (Sands 1877 part 5)</p> <p>No 1878 Sands Directory on line</p> <p>1879 Rowe, T, Architect, East Promenade, Manly 116 Pitt Street, Vickery's Chambers 5, 6 & 7 Thomas Rowe Architect.</p> <p>1880 Rowe, T, Roseville, East Promenade Rowe, Architect, Vickery's Chambers, 74 Pitt Street</p> <p>1881 No 1881 Sands Directory on line</p> <p>1882 Rowe, Thomas, 104 Elizabeth Bay Road Rowe, Thomas, Architect, 78 Pitt Street.</p> <p>The City Council rate books do not list Rowe as an Owner and Occupier (or just an occupier) between 1872 and 1882 (however there are not rate books for very year). The date range can be narrowed slightly by the Sands Directory, however, it took months from when the names of the occupants were collected by Sands Directory until the publication of the directory each year. Rowe was residing in Manly for at least</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
	four years and commuting to his business address in Pitt Street.
<p>Rowe built Caprera (Ashton) because his wife did not like north easterly winds whilst still owning Tresco and completed it by the end of 1875 and he moved in 1876. It was a 3 storey villa mansion with a service wing and having extraordinary gardens, perfect harbour views, carriage circle and premium finishes. Rowe continued to own it in the 1890s.</p>	<p>Sands Directory and Rates Books confirm his residence as being "Tresco" then "Roseville" and back to Elizabeth Bay Road (see above).</p> <p>Both villas ("Tresco" & "Caprera") were for lease in 1892.</p> <p>No source is cited by Heritage 21 for Rowe's wife "not liking north-easterly winds". Such statements do not alter the facts of the Rowe family moving from house to house as Rowe completed them.</p>
<p>Roseville is significantly smaller and located in a less prestigious location (facing a swamp land at Ivanhoe Park) when compared to Caprera and Tresco. We find that it is highly unlikely that Rowe would have built Roseville as his family home.</p>	<p>This is a value judgement made by Heritage 21. As noted above, Ellensville, later New Brighton, was a prestigious villa subdivision with health benefits from its location by the ocean (see Attachment A).</p>
<p>Had Rowe built Roseville it could only have been undertaken between 1876 - 1877. Caprera was (Ashton) completed in 1875 and Tresco was built during 1867 - 1883. During the end of his life, Rowe lived at Mona in darling point another grand dwelling.</p> <p>Both Caprera and Tresco are extant and with the main houses and the service blocks in fairly intact condition.</p>	<p>The fact that the Police Gazette had Rowe residing at "Roseville" in September 1876 would tend to point to the construction of "Roseville" during 1875-76 as stated in the R&H report dated 1 July 2019.</p> <p>Rowe built up an extensive property portfolio and designed numerous residential buildings on land he owned. This is also reflected in streets named for Rowe, such as Rowena Place off Brougham Street in Kings Cross where Rowe owned a series of substantial houses lining Victoria Street and the smaller terraces below. He built many more houses than he lived in.</p> <p>The difference with "Caprera" and "Tresco" is that the houses were built under the controls of the Municipal Council of Sydney whereas "Roseville" was erected where there were no municipal controls regarding standards of building, fire separation, sanitation, etc. The service blocks at "Caprera" and "Tresco" are likely to also include the innovations that Rowe implemented as Alderman for the Bourke ward, as he introduced features such as the flushing water toilet cistern.</p>
<p>Thus, we find that the subject property is highly altered, with no physical evidence of its origins as a service block remaining. Therefore, it does not meet the requisite criteria for the substantiating of any of technical or aesthetic significance.</p>	<p>The series of reports by Heritage 21 demonstrate a lack of understanding of the importance of sanitary improvement and public health during the nineteenth century. There is evidence of the layout and extensive documentary evidence of the model by-law that the layout of "Roseville" demonstrated in built form. As indicated in the previous R&H reports, Rowe went to considerable length to ensure that other municipalities adopted these standards, convening sanitary conventions where mayors and other local government staff were shown model arrangements.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>p. 8: 5. Rowe's Civic and Professional Commitments: Heritage 21 notes that in 1876, Thomas Rowe was an alderman in Bourke Ward at the City of Sydney. During the following election, he was not re-elected and looked for other opportunities. In 1877, he became the mayor of Manly. In 1879, as noted earlier, he left Manly and returned to the Eastern Suburbs.</p> <p>Among his best-known buildings from the 1870s are the Synagogue in Elizabeth Street, Sydney Hospital, Newington College, the Sydney Arcade, a string of commercial buildings in Pitt Street, and many fine buildings in Bathurst. It was also a decade of active involvement in an almost endless array of civic, clerical and military positions and functions that would have been very time consuming for him to have travelled between Manly and the city.</p> <p>During 1875 to 1885, his business was at it's peak (they are described as his halcyon days) and would have demanded a huge amount of his time. If the ferry was not working due to bad weather, breakdowns or heavy rain, he would not be able to get to work from Manly to Sydney.</p> <p>In 1871 he was part of the movement to establish the NSW Institute of Architects and was its president from 1875 to 1889 and 1895 to 1897, and was elected as an alderman on Sydney City Council for two terms from 1872 to 1876, during which time he is said to have overseen the reform of the city's water supply. Rowe was also commissioned a lieutenant in the Engineer Corps, later a lieutenant-colonel, and was a member of a commission on defence in relation to foreign powers.</p>	<p>This is an assertion by Heritage 21 without any citation of documentary evidence. Did Rowe seek re-election (and fail) or had he moved to Manly and was, therefore, ineligible to stand for re-election in Sydney?</p> <p>There are newspaper reports from Rowe that describe his commute into Sydney during his stay in Manly in the late 1860s. Prior to the steamer he could get into town in 1½ hours (as a good run) or longer if there were delays with the punt at The Spit (SMH 29 August 1868). Once the Port Jackson and Manly Steamer Company started running regular services this time was much reduced (see above for Steamer Service).</p> <p>Architects are just as capable of working at home if the weather is bad as in the office and the overland route via The Spit was always available if the steamer was not able to run.</p>
<p>Thomas Rowe would have required to be a rate payer in Manly in order to qualify for the office of Mayor. It is our opinion, that Rowe may have bought Roseville purely out of expediency.</p>	<p>This conclusion by Heritage 21 is not supported by the available primary source material. The documentary evidence compiled by R&H clearly demonstrates that Rowe made a deliberate move to Manly and that he actively sought to ensure similar controls to those already in place in Metropolitan Sydney to ensure that the development of the area was undertaken in a regulated manner for reasons of public health and safety and to prevent the spread of fire.</p> <p>There was no municipality when Rowe moved there, he was instrumental in the setting up of Manly Municipality. This is certainly not evidence of expediency.</p>
<p>p. 8: 6. Manly Demographics: We note here, that Thomas Rowe would have seen Manly as potentially a good investment and would have seen it as an opportunity to grow his business.</p> <p>Manly, at the time was occupied by working class individuals. The Sands' Directory of 1875 lists the</p>	

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>following occupations for seven of the nine households on Whistler Street: stonemason, engineer, printer, carpenter (2), bootmaker and mariner. William Mildwater who was a grocer (1865) had returned to carpentry.</p> <p>We find it highly incongruous that Thomas Rowe, at the peak of his career, would have opted to live and raise his family which was accustomed to an elite and luxurious life i.e. incongruous with that of the Manly area at the time.</p>	<p>This assertion by Heritage 21 is not correct. Manly was a mixture of wealthy, middle class and working class residents.</p> <p>Rowe's residence fronted East Promenade and the park opposite (and not Whistler Street), as did the other series of villas that can be seen on the 1890s Water Board plans. Whistler Street functioned as a rear lane and there were some small cottages built for mechanics and artisans. Some of the "working class" occupations that Heritage 21 lists were professions, as neither engineers nor mariners are working class because both professions required studies.</p> <p>This is a value judgement and simply serves to demonstrate that Heritage 21 has misunderstood that New Brighton was an upmarket area of villa residences. In Sydney the small cottages for the necessary servants, workers and tradespeople were built in inner suburbs (such as Annandale) but in Manly those houses were built in closer proximity.</p>
<p>p. 8: 7. Physical Evidence at 21 Whistler Street: Figures 13, 14, 15 & 16: The main building, i.e. Roseville cottage no longer exists and has been demolished (c.1917 - 1930).</p> <p>The site itself has been subdivided and the only section that remains from the original construction is a substantially altered kitchen and washroom on the southern side of the original service wing. Every other part of the service wing is not original and there is physical evidence of this (See Plans 01 - 04, measured drawings showing the overlay of the original service wing and existing built fabric on the site.)</p> <p>The existing rooms that retain limited original fabric are also not being utilised as original [sic] intended.</p> <p>There is absolutely no reference of the origins of the service block remaining in the existing building.</p>	<p>Heritage 21 have now agreed (in their Plan 02 at Figure 14 in the letter dated 28 August 2019) with R&H that two of the rooms in the existing building at 21 Whistler Street are, in fact, the two rooms remaining from the original "Roseville" service wing (as indicated in the 1 July 2019 R&H report at Figure 4.3 – page 8).</p> <p>Heritage 21's Plan 01 at their Figure 13 is not correct in that the wall indicated is not the only original wall remaining.</p> <p>Heritage 21's Plan 03 at their Figure 15 indicates a number of "new" windows and doors. It is highly probable that these openings date from the c.1890 addition to the south end of the outbuilding when a new Kitchen was constructed and the old, original kitchen was decommissioned and converted to a habitable space. Likewise, Plan 03 does not indicate the original kitchen chimney breast which is, in fact, still extant in the building and still supports the original chimney above the roof line.</p> <p>Heritage 21's Plan 04 at their Figure 16 indicates that the chimney breast in the centre of the building was not original. As mentioned above, this is not the case as the chimney breast, and chimney above, are original to the building, although the kitchen fireplace was modified to incorporate a room heating fire register grate in lieu of a cooking stove.</p> <p>We are unsure what this statement by Heritage 21 means. As stated throughout in the R&H reports and comments, the original kitchen and wash house rooms (and roof above) remains extant. This has been confirmed by Heritage 21 in its Plan 02 (Figure 14).</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>p. 11: 7. Physical Evidence at 21 Whistler Street: Figure 17: A 1967 Building Application for proposed amendments and alterations indicates that the service block was significantly altered. The northern double storey wing does not appear in this document, and as such, it is highly likely that this was constructed at an even later date.</p> <p>There is nothing to suggest that there is any significance of the remaining service wing belonging to Roseville Cottage. It is standard construction of the day and there is nothing atypical, exceptional or extraordinary about the said construction. There is extensive evidence that indicates that service wings were included in almost all substantial [... sic] throughout Sydney and the region.</p>	<p>The 1967 plan and elevations indicate changes to the building which is accepted as some of the changes shown remain extant. However, the drawing's accuracy must be questioned as the 1890s parapet and stub chimney that remain extant on the south boundary of the site are not shown.</p> <p>The construction of "Roseville" itself would have been "standard construction of the day". This comment by Heritage 21 is not relevant to the construction materials and detailing of the extant remnants of the service wing as there is no suggestion that the materials or details of construction are technically innovative. Heritage 21 omits the points R&H have made regarding the significance of the service wing representing the technical solutions Rowe achieved in an urban area that was not, at the time of construction, supplied with urban utilities infrastructure.</p> <p>Moreover, reference to "Sydney and the region" is not relevant in discussing items of significance to the Local area.</p>
<p>p. 11: 8. Significance: In reference to the assessment of significance outlined in Full Circle and Robertson and Hindmarsh reports, we find the following:</p> <p>The demolition of Roseville and subdivision of land associated to the changing nature of Manly and the increase of commercial spaces rather than villa style residences is unsubstantiated as this evolution can be seen throughout Sydney, adjacent to central business districts, transportation hubs, ferry wharfs and railway stations. Thus, we find that this historical association is representative of the evolution of the suburb and not the site.</p> <p>While there is limited associational significance ascribed to Thomas Rowe, there is not enough documented evidence to suggest that Roseville was constructed, designed or built by Rowe. Other associational considerations have been detailed in this letter.</p> <p>The subject property, in our opinion does not meet the requisite criteria for technical or research significance. Service blocks were a common feature of dwellings throughout Sydney at the time as well as before and for sometime after.</p>	<p>This statement by Heritage 21 seeks to overlook the important historical period (and hence significance) of the villa development of New Brighton (Manly). Equally, the changes and redevelopment from villas to boarding houses and then commercial uses is another valid part of the history of the site. This expansion of the Manly commercial centre is part of the historical development of this site and the block it falls within.</p> <p>The arguments provided by Heritage 21 do not correspond with the accepted methodology for history or architectural history of buildings erected prior to the establishment of Council area and the necessity of obtaining building approvals.</p> <p>It is our opinion that there is ample documentary evidence attributing the design of "Roseville" to Rowe and the design of the house to his dedication to constructing healthy and sanitary residences.</p> <p>As noted above, the building demonstrates a particular reform that Rowe implemented for reasons of public health. It was not common practice, but he sought to make it so.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>The subject property has been altered from its original orientation and use to the point today in which its legibility is seriously compromised. The fabric does not provide any evidence that the subject service block was a reflection of 'class differences or lifestyles'.</p> <p>The exterior wall presenting to Whistler street, originally a blank wall has been punctured to provide a primary facade presenting to Whistler Street.</p> <p>The House did not originally present to Whistler Street, several other properties had their primary facades addressing Whistler Street. The Sands directory listed Whistler Street as the primary address for several families. Therefore, it is incorrect for Full Circle to state that Whistler Street would have been a service laneway.</p>	<p>The scale of the streets on the subdivision plans show that Whistler Street was a service lane, as it was narrower. Housing could still be erected on these narrow streets unless specifically prohibited by by-laws or covenants (eg Stanton's Haberfield subdivision which has no rear service lanes)</p>
<p>p. 12: 9. Conclusion: We find that the subject property does not meet the requisite criteria for heritage listing.</p> <p>Heritage 21 believes that the best way of commemorating the remnant sections associated with the service block of Roseville cottage is to incorporate the existing remnant two rooms of the service quarter within the proposed new development. The existing two rooms would be accessible from Whistler Street by the public. The space would be utilised as a public cafe and as the main entry to the subject proposed building. Interpretive panels could be used in order to expose the public and visitors to the history associated with Thomas Rowe and his work.</p> <p>Two concept design options have been prepared. Option 1 retains the existing two room volumes with historic fabric. Option 2 keeps the existing roof over the remnant two rooms. It is noted that this option is complex to achieve due to underpinning and hoarding etc. are undertaken while works ensue all around the extant service wing.</p> <p>Heritage 21 believes that subject remnant component should not be listed because all that remains of the original construction is two substantially altered rooms that no longer resemble the original Roseville service wing of the house. Even the roof is not original because terracotta tiles were not generally available in the 1870s. Their use was much more associated with interwar construction.</p>	<p>As stated in the previous R&H reports and comments the property does meet at least one criterion for listing at a Local level.</p> <p>Commemoration is not the right approach. The surviving remnant of "Roseville" should be carefully integrated into a new design for the site that does not overwhelm or engulf the remnant being retained.</p> <p>The original two rooms of the "Roseville" service wing, together with the c.1890 addition to the south, could be incorporated into a low-scale development that wrapped around the side and rear of the single storey building. This would be a very different type of development to that currently proposed.</p> <p>Such a respectful development would be a more appropriate interpretation of the building.</p> <p>As an aside, whilst it is agreed that roof tiles were not the original roof covering of the subject building (the original appearing to be slate with lead ridges & hips) terra cotta roof tiles were used in the nineteenth century. Initially, Marseilles pattern tiles were imported from France and used to roof the Queen Anne Revival and Federation houses of the 1890s and early twentieth century. It is not correct to state that their use was "much more associated with interwar construction" as terra cotta roof tiles form an important part of the design aesthetic of Federation houses.</p>

Heritage 21 letter dated 28 August 2019	Robertson & Hindmarsh Pty Ltd (R&H) comment
<p>Figures 18-20: On this basis of the foregoing, Heritage 21 believes that the most appropriate way of dealing with the subject property is to conserve the remnant section of service block and incorporate it into the new proposed development and make ample use of interpretive materials in order to expose the public, visitors and owners to the historical associations of Thomas Rowe and his lifeworks.</p>	<p>See the comments above regarding a more appropriate form of development.</p>

Conclusion:

In conclusion, none of the evidence provided by Heritage 21 refutes the Robertson & Hindmarsh Pty Ltd opinion expressed in its report dated 1 July 2019 that No. 21 Whistler Street (the former outbuilding of "Roseville", later "Restormel") meets the criteria for listing as a Local item of environmental heritage under the Northern Beaches LEP under the following criteria:

- Historical significance
- Associative significance
- Aesthetic/Technical significance
- Rarity

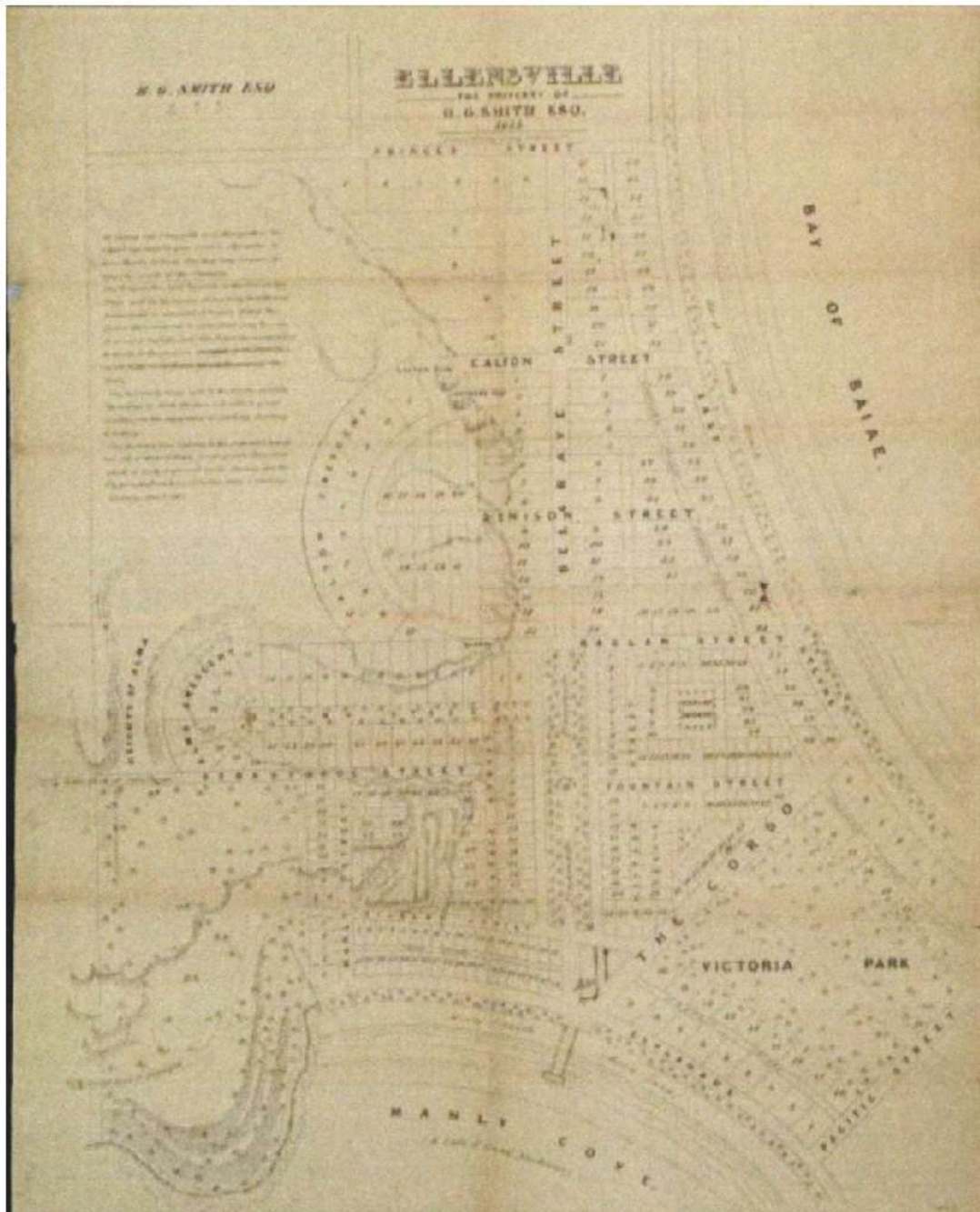
Refer to the detailed analysis in the Robertson & Hindmarsh Pty Ltd report dated 1 July 2019.

Recommendation:

It is recommended that Northern Beaches Council seek to place an Interim Heritage Order over the subject property and to proceed to list the subject property as an item of Local significance. On the Local Environmental Plan

Dr Scott Robertson
BSc (Arch), BArch (Hons), MBEEnv (Blg Cons), PhD

ATTACHMENT A



Ellensville subdivision plan showing the proposed parks, promenades and crescents

URBAN PARTNERS

30 August 2019

The General Manager
Northern Beaches Council
Director Planning and Place
PO Box 82 Manly NSW 1655

Attention: Louise Kerr – Director Planning and Place

Re: 21 Whistler Street Manly

Dear Ms Kerr

Thanks for the meeting. We have set out below some details that we believe need to form the basis of a mutually acceptable, responsible solution.

To satisfy the intent of the proposed IHO, we have spent more than 70 hours extra on research with our heritage consultants since our previous meeting on 5 August 2019. This research has included the comprehensive list set out at the end of this letter.

The existing property has a series of substantial changes, demolishments and additions that cannot be dated or attributed to any person, apart from the 1967 additions. It has no architectural merit and bears virtually no resemblance to its original use or form. There are at least four different works at four different times and only the 1967 documentation that can be relied on. The land has been subdivided and then resubdivided. 50% of all the 21 Whistler Street structures standing today are better block construction from the 1950s or 60s,

There are claims in Council's consultant's reports, including dates and statements, that are pure conjecture, unsubstantiated and cannot, and should not, be supported or accepted by Council as they are based on incomplete, and at times, inaccurate historical information. Full Circle have used Rowe's association as the basis of their findings.

A couple of examples of these are:

- (i) There is no evidence that can be found anywhere that states Rowe built or designed Restromel/Roseville. There is only limited evidence that he stayed there temporarily. An exhaustive search of his and his architectural's firm body of works, including Spain, Stewart and Lind, show that there is no evidence or reference to him ever building or designing a home for himself at Manly.
- (ii) The evidence in Manly library states that William Bailey built Roseville.
- (iii) The representation by Full Circle that Whistler Street was a service lane is wrong. Manly library records state that Henry Gilbert Smith, the father of Manly and its most important historical figure, named Whistler Street after his first wife, Eleanor Whistler, fifth daughter of the Reverend Webster Whistler. Smith married Eleanor Whistler on 24 January 1839 at Hastings, Sussex but she died of tuberculosis. Also, Smith's elder brother was married to the eldest daughter of the Reverend Whistler. It was called a Street for the obvious reason that it was not a service lane and was never envisaged to be one. We doubt that the father of Manly would have designed his subdivision of the 200 acres he owned so the access for the cart that picked up human excrement, with all its smell and disease, was named after his beloved first wife and it is misrepresentation to say it a service lane.
- (iv) There is no evidence that there are any tender notices by Thomas Rowe for works at Roseville as has been claimed. No tender document ever mentioned Roseville as being

URBAN PARTNERS

the property being tendered. Rowe's company tendered a couple of properties in Manly and it would have been for these properties or proposed properties.

- (v) The Full Circle claim that the Council's 2007 heritage report had not considered an association with Rowe is an unsubstantiated, disrespectful claim as our supplied evidence and documentation supports Council's original 2007 heritage officer's assessment that it has insufficient heritage significance to be listed and our documentation has proved that Thomas Rowe's association with the property is negligible in heritage terms. In view of our research, it would appear that Council's 2007 heritage report did take this into consideration and that it is likely this recommendation was made with the consideration of the full historical context of the building and, consequently, found it not of significance.

Our extra research has provided further evidence that any link or association with Thomas Rowe has become more tenuous and it becomes misleading to say there is an association of any significance or has relevance.

This research has shown the following:

1. The property could have been known as Restromel before Rowe and Rowe changed the name for development reasons. The property was known as Restromel, Rose Villa and Roseville.
2. When Roseville was being marketed for sale in early 1880s, there was never any mention that Rowe had designed or built it. It is not plausible or believable that the ads did not mention Rowe, a highly respected, pre-eminent architect and builder, as being the designer and builder as his reputation would have resulted in a far higher price being obtained for the property. If he had designed or built it, the ads would have said it.
3. The conveyancing and mortgages documents we researched show that the property was conveyed to Sydney Moore Green, Rowe's partner, not the Rows and the title consequently would have been in Green's name not Rowe's. **convey**. v. to transfer title (official ownership) to real property (or an interest in real property) from one (grantor) to another (grantee) by a written deed. His only real involvement appears to be as a land speculator with Sydney Green as the main partner.
4. The mortgage and conveyancing documents have constant references to "land and premises" and "land and hereditaments" in these documents that indicate the land was not vacant and had some building on it.
No one knows what building it was.
5. As stated in our previous correspondence, there is only possibly one original, intact wall, although the window location does not match plans, which is marked on Plan 01 that has been provided to Council. Every other wall has been demolished or substantially altered.
6. The property had the main house demolished, the land subdivided at various times, the original outbuildings largely demolished, the balance substantially changed, and doors and windows punched into facades at a later stage. There have been intrusive alterations and additions carried out over time, that no one can date with any confidence or surety, that have resulted in the inability to interpret the early history of the property and demonstrates a lack of integrity and legibility of the original form and detailing.
7. No room is being used as its original use. Its present use bears no resemblance to its original use. No one knows when it was first used as a cottage.
8. There is no supporting evidence to the dating that the windows and door to the facades were installed. They could have been installed as late as 1967. No one knows apart from the proven fact they are not original.

URBAN PARTNERS

9. There are no plans, apart from the 1967 council plans, that show the changes that were carried out with any detail.
10. Thomas Rowe designed, built and lived in the finest, most prestigious homes in Sydney in the most expensive and coveted suburb of Sydney, Elizabeth Bay and that it is implausible and illogical that he would call Roseville his home. The homes he owned represent the finest homes in Sydney at that time. These homes he designed, built and lived in included Tresco and Caprera (Ashton). He lived in Mona at Darling Point for the last 4 years of his life. He designed most of the other properties around Tresco and Caprera.
11. Rowe needed a Manly address to be a rate payer in order to vote and become a mayor and he was registered in Manly for 2 years. In 1876, Rowe was an alderman in Bourke ward in the City of Sydney Council. He lost and was not re-elected and looked for other opportunities and tried Manly.
12. The photo in item 4.2 of the Robertson Hindmarsh Report states the date as "post 1890s?". It should have had the heading "date unknown" as it would have been between 1900 and 1917 and we have found no evidence to support a claim of an earlier date. The window on the north face would have been installed after the closed closet was removed as there is no way that the kitchen or any room would have opened into a toilet. The sewer in Manly was first available after 1900, with extensions being built up to 1910 so it had to be well after that date.
13. A review of his workload from 1875 to 1885 would have precluded being able to live permanently in Manly. This period has been described as "the halcyon days of Thomas Rowe's body of works". Refer to items marked TR 1 and TR 2 in the sources list at the end of this letter.

Rowe's Trophy Family Homes

- (a) There is no comparison or rational between the life being led by Thomas Rowe at the grand estates of Tresco, Caprera (Ashton) and Mona and the assertion that Roseville was his family home.
- (b) Roseville was an ordinary property in a working class area that a person of Rowe's calibre would never have called his home. It would have been viewed by his peers and social members as a failure in his life if Roseville was his home.
- (c) Manly was an unsophisticated, underdeveloped area with virtually no amenities. No hospital, chemist or doctor in 1878. It was mostly bush and the Corso was a dirt road.
- (d) The records held by Manly Library documenting the "neighbours" of Roseville in 1875 to 1880 state they were squatter, upholsterers, joiner, carpenters, gardeners and labourers.
- (e) This is at the same time that he owned Tresco and Caprera (Ashton) that were luxurious waterfront mansions on huge blocks of prime land that the most successful and wealthy people owned and such distinguished people as judges, politicians, business and society leaders were his neighbours, as distinct from the neighbours to Roseville.
- (f) Tresco and Caprera were designed and built by Rowe, owned by him and represented the peak of his career and social standing that he experienced between 1875 and 1885. A review of these properties would make this very clear.
- (g) He then lived at Mona, a 16 acre waterfront mansion at Darling Point, surrounded by his fine art and furniture.

It is ludicrous, and we believe that the average person would find it unbelievable, to think Roseville is being portrayed as his family home.

URBAN PARTNERS

Thomas Rowe would be appalled to think that 21 Whistler Street is being kept as some sort of respect to his work, especially in the context of the fine examples of his work that stands today. He didn't design Roseville and didn't build Roseville.

As part of our due diligence for purchasing, we have relied on Council's 2007 Heritage Report stating that 21 Whistler Street had no heritage significance, 21 Whistler Street has no heritage listing, that it is not in a heritage conservation area and council saying there were no heritage issues at our pre DA meeting.

I understand, respect and have extensive experience in heritage works having personally carried out the restoration and strata of Culwulla Chambers at 67 Castlereagh Street Sydney in the mid 1980's with my father when he owned it (coincidentally one of Spain, Stewart and Lind's buildings), Babworth House at 1 Mt Adelaide Street Darling Point in 2000, Kilmory Estate at 6 Wentworth Street Point Piper in 2003 and Brise De Mer at 118 North Steyne Manly in 2007. All were important heritage items. As shown in our documentation, 21 Whistler Street does not reach the required threshold.

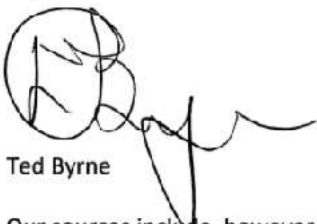
We feel that we have been unfairly and poorly treated starting with the delay in the DA, [REDACTED] abusive, threatening behavior and the lack of communication with us, in particular considering our very long and respectful association with Manly Council and the projects we have carried out. The delays have resulted in unnecessary financial costs to us.

We have provided extensive documentation and some options for the council to ensure that we have a way forward to approve the application.

We believe the option of the original DA with the association entry as shown in SK01 and SK03A, is the best way forward and more than respects the history of the property and represents an opportunity for council to resolve the way forward.

Please contact me if you would like to discuss.

Regards



Ted Byrne

Our sources include, however are not limited to:

Archived Manly Council, Manly Heritage and History, <http://www.manlycouncil.info/council/about-manly/manly-heritage--history/index.html>

Allen, E., 'ROWE, Francis Godolphin', *Virtual War Memorial Australia*, <https://vwma.org.au/explore/people/167575>

Broadley, J., 'Mona', *John Broadley Heritage Services*, 2010. <https://johnbroadleyheritage.com/?i=382/mona-darling-point-sydney>

City of Sydney, 'Thomas Rowe', *Sydney's Aldermen*, <https://www.sydneyaldermen.com.au/alderman/thomas-rowe/>

City of Sydney, 'Septimus Godolphin Rowe', *Sydney Alderman*, <https://www.sydneyaldermen.com.au/alderman/septimus-rowe/>

Freeland, J.M., 'Rowe, Thomas (1829-1899)', *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/rowe-thomas-4517>

URBAN PARTNERS

Manly Library, 'Alderman Samuel Bennett Bailey, a 19th century Hero', *Manly Library Local Studies Blog: Stories from Manly's past*, 8 November 2010,
<http://manlylocalstudies.blogspot.com/2010/11/alderman-samuel-bennett-bailey-19th.html>

Manly subdivision plans, State Library of NSW,
https://www2.sl.nsw.gov.au/content_lists/subdivision_plans/manly.html

Metherell, T., 'Whistler St, Manly: 1861-1920' *Manly Library Local Studies*, [Fact Sheet], August 2003.
Kerry & Co. Photographs of the Tyrrell Collection, Museum of Applied Arts and Sciences, 2009
<https://collection.maas.museum/object/28691>

Northern Beaches Council, 'BA0021 1976', 'BA0413 1967', 'BA0413 1967', 'BA0118 1968' received 20 Aug 2019.

Master Builders' Federation of Australia & Illuminating Engineering Society of Australia (N.S.W.).
1942, Building and engineering Building Pub, Sydney viewed 29 August 2019
<http://nla.gov.au/nla.obj-300946913>

Rowe family photographs, architectural drawing and news-clipping, ca. 1877-1974, Mitchell Library, State Library of New South Wales and courtesy, Australian Army Public Relations, CALL NUMBER - PXE 1198

Great Synagogue completed in April 1878
<https://www.sl.nsw.gov.au/stories/australian-jewish-community-and-culture/great-synagogue>

TR 1 University of NSW Library

A history of Col. Thomas Rowe, F.R.I.B.A., architect. M. Berry (Martin) ; University of New South Wales. School of Architecture ; Thesis (B. Arch. (Hons.))--University of New South Wales, 1969.

TR 2 Spain, Stewart & Lind aggregated collection of papers, architectural drawings and photographs, 1859-1983, Mitchell Library, State Library of New South Wales and courtesy, Australian Army Public Relations, REFERENCE CODE- 889461

State Heritage Inventory, Ashton and Grounds, NSW OEH Database number – 5054714
<http://141.243.8.146/heritageapp/ViewHeritageItemDetails.aspx?id=50547144>

State Heritage Inventory, Tresco , grounds and trees, NSW OEH Database number – 5045193
<http://141.243.8.146/heritageapp/ViewHeritageItemDetails.aspx?ID=5045193>

Unknown, 'Mayor [Colonel] Thomas Rowe, FRIBA (1829-1899)', *Manly Library Local Studies*, [Fact Sheet], TRIM MC/12/100665, date unknown

Unknown 'Whistler Street no 21', *Manly Library Local Studies*, [Fact Sheet], date unknown.

Wikipedia, 'Thomas Rowe', https://en.wikipedia.org/wiki/Thomas_Rowe

Historic Lands Record Viewer: Index search –

Titles: No 433 Book 150, No 645 Book 150, No 502 Book 157, No 235 Book 190, No 546 Book 157, No 70 Book 280, No 71 Book 280, No 444 Book 162, No 122 Book 281, no 123 Book 281.

Map search –

Trove - Various Newspapers, Articles and Journals

Sands Directory

State Library

Phone calls/email contact:

Michael Gunn, Heritage Consultant, Australian Institute of Architects
Richard Bucshell, Volunteer, Manly, Warringah, Pittwater Historical Society
Rose Cullen, Local History Northern Beaches (Manly Library)
Carol Freshwater, Information Access Officer, Northern Beaches Council



PROPOSED RECATEGORISATION OF COMMUNITY LAND AT AVALON BEACH RESERVE

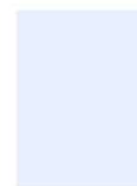
FINAL REPORT

9 SEPTEMBER 2019



CATEGORISATION LEGEND

 NATURAL AREA - FORESHORE	 GENERAL COMMUNITY USE
 NATURAL AREA - WETLANDS	 PARK
 SPORTS GROUND	



NORTHERN BEACHES COUNCIL

PROPOSED RECATEGORYISATION OF COMMUNITY LAND AT AVALON BEACH RESERVE

FINAL REPORT

9 SEPTEMBER 2019

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1 INTRODUCTION

1.1 Background

Northern Beaches Council proposes to amend the *Pittwater's Ocean Beaches Plan of Management: Chapter 14 - Avalon Beach* (Pittwater Council, 2013) to recategorise some community land in Avalon Beach Reserve from Park and General Community Use to Sportsground to facilitate the construction of netball, basketball, and multi-purpose courts in Avalon Beach Reserve.

At its meeting on 28 May 2019 Council resolved to place the draft amendments to the Plan of Management and concept plans for the sports courts on public exhibition for comment.

Under the *Local Government Act 1993* Council must hold a public hearing, chaired by an independent facilitator, regarding the proposed recategorisation of community land. If Council approves the proposed recategorisation, the land would be managed according to the adopted categorisation.

The purpose of this report is to convey to Northern Beaches Council the verbal submissions about the recategorisation made at a public hearing held on Wednesday 26 June 2019, and the written submissions made during the public exhibition of the proposed recategorisation of community land in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (the Draft Plan of Management).

This report, as it relates to the public hearing and the proposed community land recategorisation in the Draft Plan of Management prepared for Northern Beaches Council in May 2019, has been prepared under Section 40A of the *Local Government Act 1993* (the Act).

1.2 Land covered by this report

This report addresses the proposed recategorisation of part of Avalon Beach Reserve in Avalon. The land is owned by Northern Beaches Council and is classified as community land under the *Local Government Act 1993*.

The location of Avalon Beach Reserve and the area within the reserve that is proposed to be recategorised are in Figure 1.

The land proposed to be recategorised is shown in photographs in Figure 2. Both the western and eastern sections are grassed. Netball goalposts are installed in the western section.

Figure 1 Avalon Beach Reserve

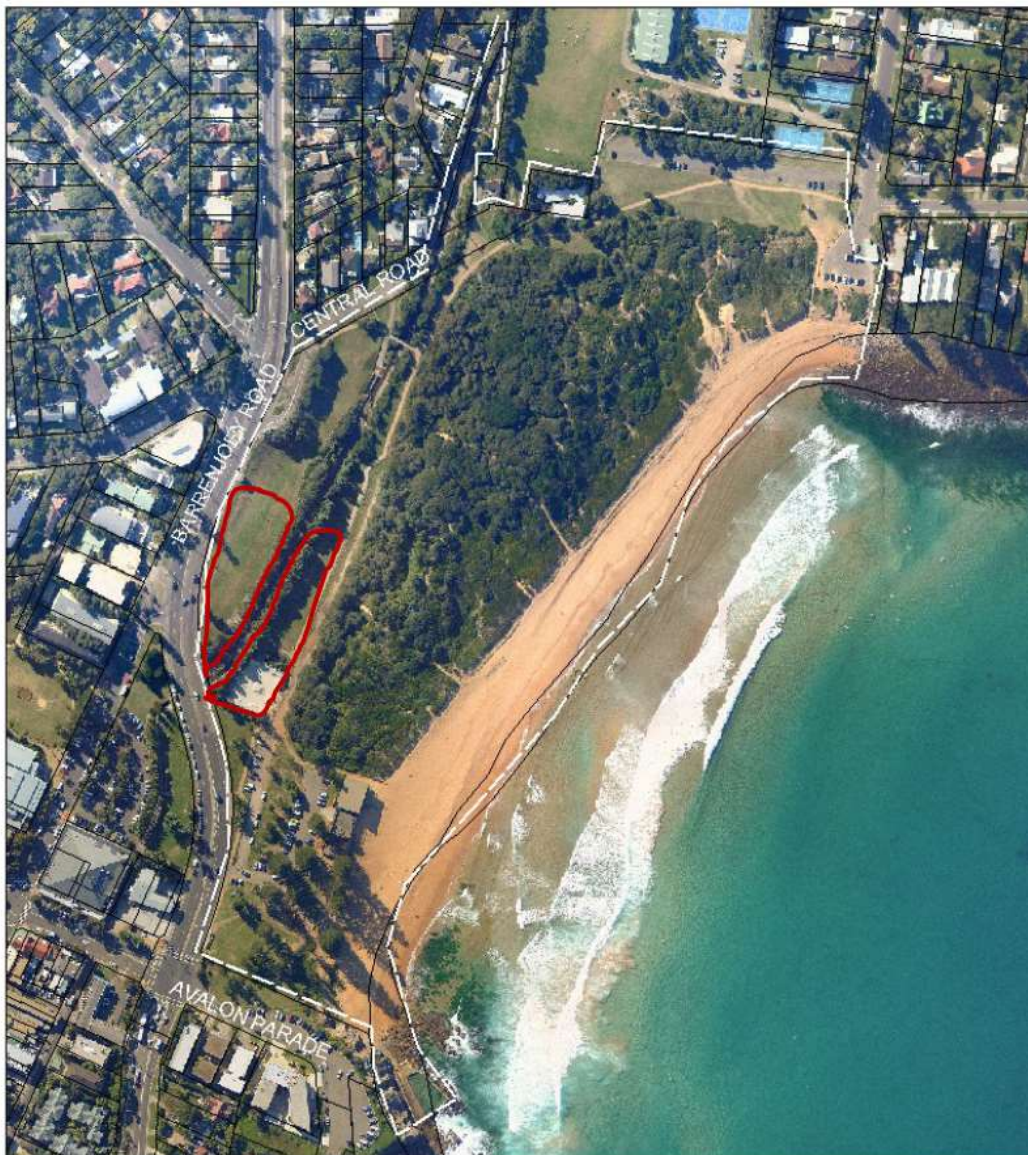


Figure 2 Site images



Avalon Beach Reserve west – looking north



Avalon Beach Reserve east – looking north



Avalon Beach Reserve west – looking south



Avalon Beach Reserve east – looking south

1.3 This report

The remainder of this report outlines the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and recategorisation of community land, and public submissions regarding the proposed recategorisation of community land in Avalon Beach Reserve in the Draft Plan of Management. These submissions comprise verbal submissions made at the public hearing held on 26 June 2019 and written submissions about the proposed recategorisation received by Council during the public exhibition of the Draft Plan of Management.

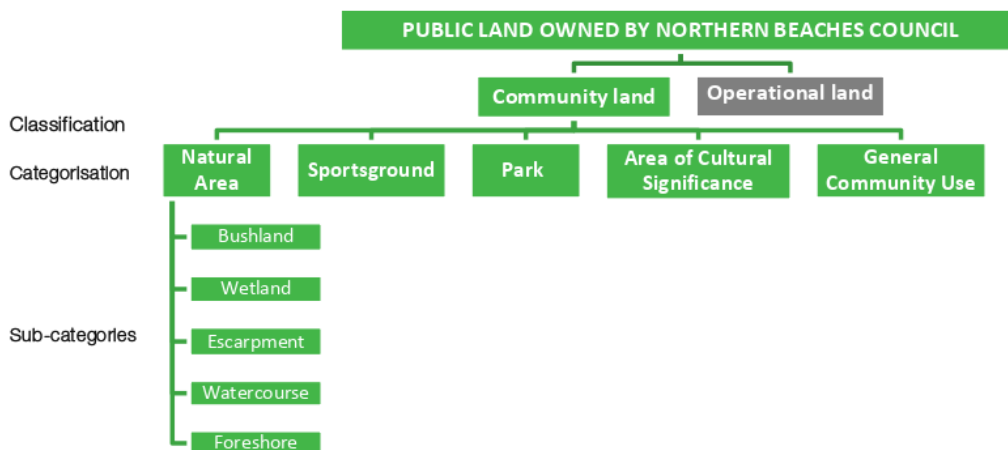
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2 PLANNING CONTEXT

2.1 What is community land?

The *Local Government Act 1993* sets out a range of requirements that Northern Beaches Council is legally bound to adhere to, including the management of public land.

Figure 3 Community land categorisation



Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

The Local Government Act requires that all public land owned by Council must be classified as “community” or “operational” land (Section 26). Northern Beaches Council owns and manages the land comprising Avalon Beach Reserve, which is classified as community land.

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister’s consent or up to 30 years with the Minister’s consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period of time, and can be sold.

2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

Community land may be categorised as one or more of the following under Section 36(4): natural area, sportsground, park, area of cultural significance, or general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act: bushland, wetland, escarpment, watercourse, foreshore, or a category prescribed by the regulations.

2.3 Guidelines for categorisation of community land

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note states:

"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."

2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category.

The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*. Core objectives for the categories of community land which apply to the proposed recategorisation are in Table 1.

Table 1 Guidelines and core objectives for Park, General Community Use, and Sportsground categories of community land

Category	Guidelines	Core objectives
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and - provide for passive recreational activities or pastimes and for the casual playing of games, and - improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Category	Guidelines	Core objectives
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> - promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
Sports-ground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games, and - ensure that such activities are managed having regard to any adverse impact on nearby residences.

2.5 Proposed recategorisation of Avalon Beach Reserve

Council has identified a gap in fit-for purpose netball training courts on the northern peninsula. The Northern Beaches Sportsfield Strategy recommended filling this service gap with the development of hardcourts and sportsfield lighting to Australian Standards in Avalon.

Council was successful in obtaining \$562,000 in grants from the NSW Government to fund the courts. A condition of the grant is that the project is completed by 31 December 2019.

Council engaged with Pittwater Peninsula Netball Club, Northern Breakers Netball Club, Manly Warringah Netball Association, Avalon Public School, the Avalon Place Plan Working Group, and Avalon Beach SLSC. Consultation with stakeholders identified their preferred location for the courts as the grassed area between Barrenjoey Road and the dunes in Avalon Beach Reserve, bordered by the fenced off leash dog area to the north.

Council proposed in the Draft Plan of Management that 4.5 hardcourts would be constructed: three full-sized netball courts, one full-sized multi-purpose netball-basketball court, and one half-court basketball court. Refer to the concept plan in Figure 4.

A bridge will be constructed across Careel Creek to link the two sets of courts. The eastern courts would be built to carpark standard to accommodate overflow parking. The hardcourts will be green in colour to better blend into the surrounding environment. The courts would be lit to Australian Standard for match practice and amateur competition.

Figure 4 Concept plan for proposed sports courts at Avalon Beach Reserve in the Draft Plan of Management



To enable the site to be developed with the proposed sports courts, Council proposes to recategorise some of the grassed areas in Avalon Beach Reserve from Park to Sportsground, and recategorise the skate park from General Community Use to Sportsground, consistent with the guidelines for categorisation in Table 1 and shown in Figures 5 and 6 below.

Figure 5 Current categorisation of Avalon Beach Reserve



Pittwater's Ocean Beaches Plan of Management: Chapter 14 - Avalon Beach (Pittwater Council, 2013)

Figure 6 Proposed recategorisation of Avalon Beach Reserve



Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019)

2.6 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)). Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Requirements of the Local Government Act for the contents of a Plan of Management include, among other information:

- ☐ categorisation of community land
- ☐ core objectives for management of the land according to the categorisation.

2.7 Public hearing for categorisation of community land

2.7.1 Why hold a public hearing to categorise community land?

A public hearing is required under Section 40A of the *Local Government Act 1993* if the proposed Plan of Management is either categorising (that is, the Plan of Management has not been previously been prepared and adopted by Council, or has not categorised community land), or re-categorising (changing the adopted category) the land covered by the Plan of Management.

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed recategorisation of part of Avalon Beach Reserve.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than 4 days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers recategorising part of Avalon Beach Reserve, and adopting the proposed amendments to the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts.

3 THE PUBLIC HEARING

3.1 Advertising and notification

Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

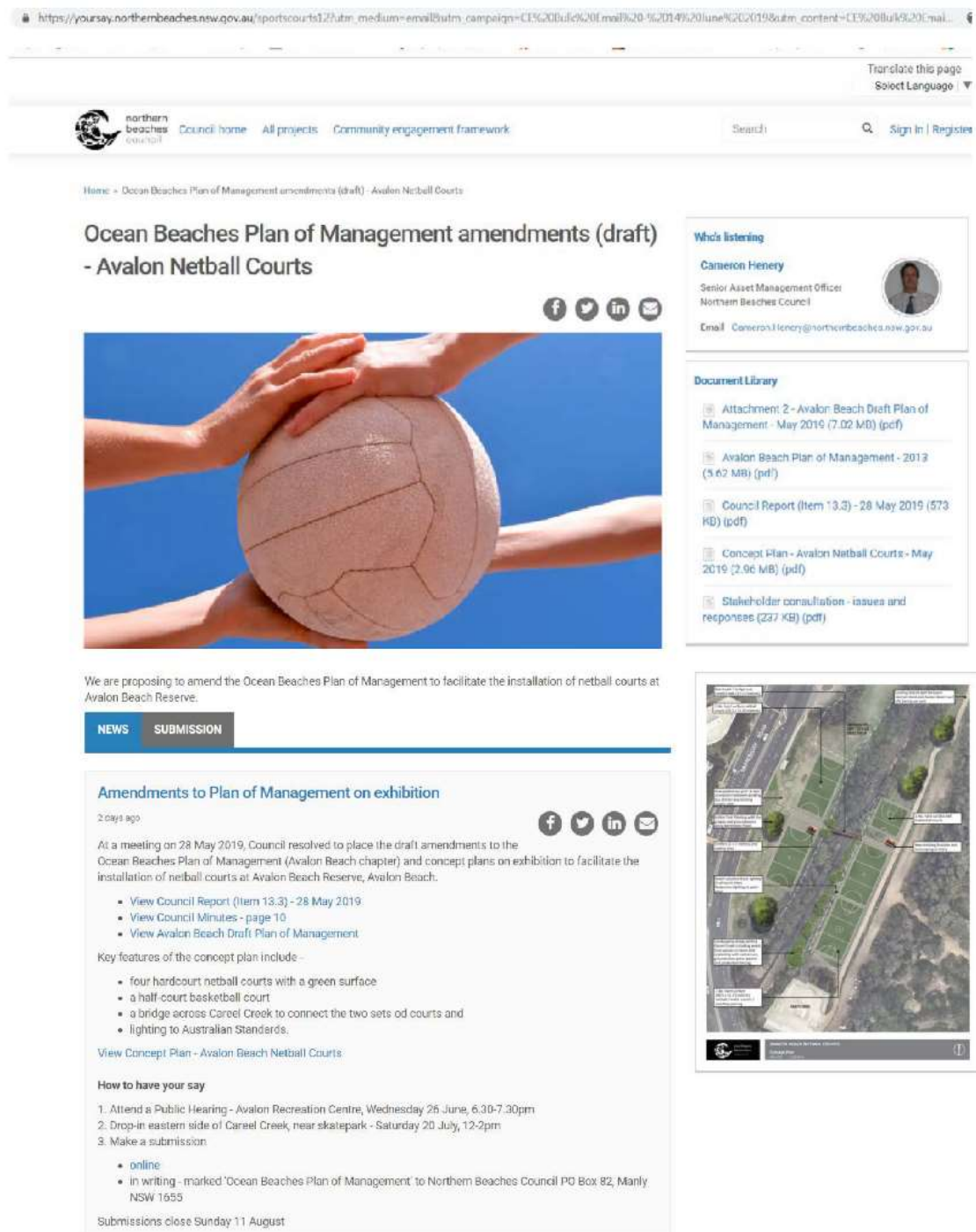
The Draft Plan of Management was on public exhibition from Friday 14 June until Sunday 11 August 2019.

Council notified the community of the public exhibition of the Draft Plan of Management and the public hearing at <https://yoursay.northernbeaches.nsw.gov.au/sportscourts12>, where the Draft Plan of Management could be viewed and downloaded. Refer to Figure 7.

It is understood that Council also publicised the public hearing, drop-in session held on 20 June, and public exhibition of the Draft Plan of Management by:

- ☐ the ‘Northern Beaches Weekly News’ page in the *Manly Daily* on Saturdays 15, 22 and 29 June; 6, 13, 20, 27 July; and 3, 10 August.
- ☐ bulk emails to over 25,000 people registered on the Community Engagement Update email list on 14 and 28 June, 12 and 26 July, and 9 August.
- ☐ Council’s ‘What’s On’ email notification.
- ☐ a Facebook post in the local area on 20 June.
- ☐ notification to the Avalon Community Reference Group.
- ☐ on-site signage.

Figure 7 Public exhibition and public hearing information on Council's website



The screenshot shows the Northern Beaches Council website. The main heading is "Ocean Beaches Plan of Management amendments (draft) - Avalon Netball Courts". Below this is a large image of hands holding a netball. To the right, there is a "Who's listening" section featuring Cameron Henery, Senior Asset Management Officer, and a "Document Library" with links to various documents including the draft plan of management, council reports, and stakeholder consultation documents. Below the main heading, there is a "NEWS" and "SUBMISSION" section. The "NEWS" section is titled "Amendments to Plan of Management on exhibition" and includes a list of key features of the concept plan, such as four hardcourt netball courts with a green surface, a half-court basketball court, a bridge across Careel Creek, and lighting to Australian Standards. The "SUBMISSION" section provides information on how to have your say, including attending a public hearing, dropping in, or making a submission online or in writing. The submission deadline is Sunday 11 August.

Background

7 days ago



The Northern Beaches Sportsground Strategy, adopted in 2017, identified a critical shortfall in sportsfields on the Northern Beaches and specifically identified the need for additional hardcourts to service the needs of netball users in the northern end of the Pittwater Ward.

Two local netball clubs, Pittwater Peninsula and Newport Breakers have over 500 members between them without fit for purpose hardcourts.

Council proposes to address this situation by installing four hardcourts at Avalon Beach Reserve, on the grass area between Barrenjoey Road, the dunes in Avalon Beach Reserve and the fenced off-leash dog area to the north.

To facilitate the construction of these courts the Local Government Act 1993 requires Council to amend the Ocean Beaches generic Plan of Management to re-categorise the land from Park to Sportsground.

NEWS

SUBMISSION

Submission



Please take a moment to provide your submission on the draft amendments to the Oceans Plan of Management and concept plans.

Submissions close Sunday 11 August 2019

If you would like to add an attachment, please email your comments to council@northernbeaches.nsw.gov.au

Submission *

First Name *

Please limit answer to 255 characters

Maximum characters 255

Surname *

Please limit answer to 255 characters

Maximum characters 255

Email *

Suburb

Enter your suburb name



Would you like to receive email updates on this project? *

☐ Yes

☐ No

Would you like to be placed on Council's Community Engagement email list for a fortnightly email that lets you know about all of Council's open engagements? *

☐ Yes

☐ No

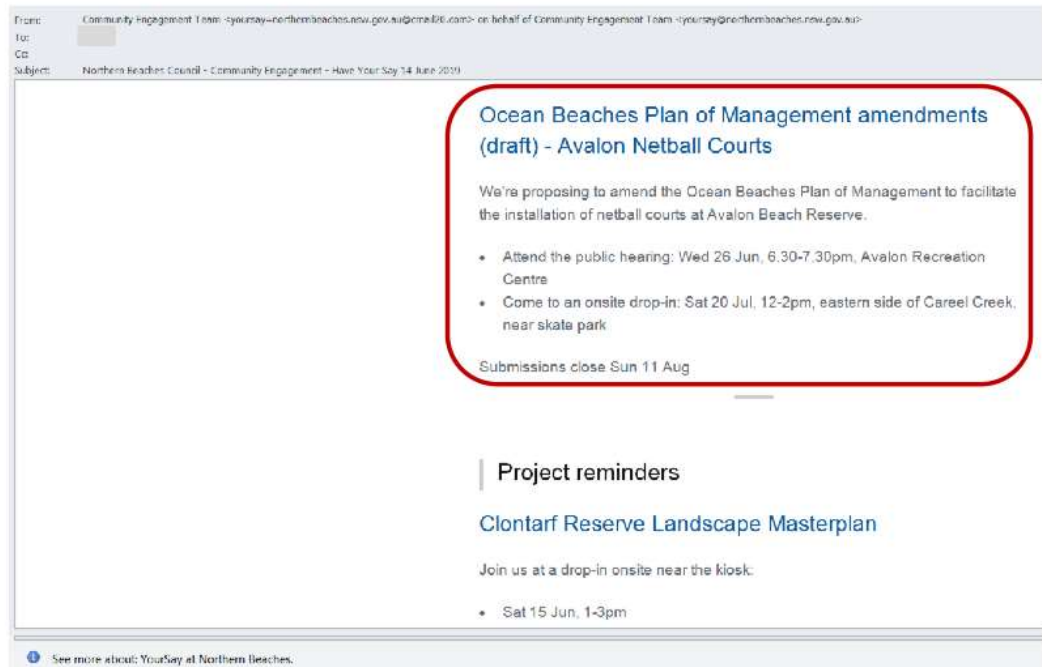
Cancel

Submit

Figure 8 'Northern Beaches Weekly News' in Manly Daily 22 June 2019



Figure 9 Email sent to people registered on Council's Community Engagement Update email list - 14 June 2019



The community was invited to attend a public hearing about the proposed recategorisation of community land in Avalon Beach Reserve to be held at the Avalon Recreation Centre on Wednesday 26 June 2019 from 6:30 to 7:30pm.

A drop-in session was held on the eastern side of Careel Creek near the skatepark on Saturday 20 July, 12-2pm.

Written comments regarding the proposed recategorisation could be submitted until 5:00pm on Sunday 11 August 2019 by:

- ☐ Online submission form at <https://yoursay.northernbeaches.nsw.gov.au/sportscourts12>
- ☐ Mail: 'Ocean Beaches Plan of Management', Northern Beaches Council, PO Box 82, Manly NSW 1655.

3.2 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

20 adult community members, as well as several young people, attended the public hearing.

Council staff were present to represent Northern Beaches Council, provide information, and answer questions during the public hearing:

- ☐ Steven Lawler - Executive Manager Parks and Reserves
- ☐ Cameron Henery – Senior Asset Management Officer
- ☐ Scott van Trienen – Asset Management Officer.

3.3 The public hearing

3.3.1 Introduction

Ms Hoy opened the public hearing at 6:35pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings.

Verbal submissions regarding the proposed recategorisation of community land in Avalon Beach Reserve were received at the hearing. The content of the submissions which are relevant to the proposed recategorisation are outlined in more detail in Section 4 of this report.

3.3.2 Background to the proposal for sports courts in Avalon Beach Reserve

Council staff explained the background to provision of the proposed courts at Avalon Beach Reserve. Rob Stokes MP, Member for Pittwater, was approached by the netball community about the lack of local netball courts. Mr. Stokes determined that netball courts in Avalon was a worthy project, and that grant funding would be made available for the project at nil cost to Council.

One person asked if the grant accommodates the basketball courts as well as the netball courts. *Council: yes.*

The grant could be used to improve existing sports courts.

3.3.3 Discussion

Existing provision and demand for sports courts in Avalon

Most of the discussion at the public hearing related to the existing provision of and demand for netball and basketball courts in the Avalon area:

General

- ☐ young people in the area don't have a lot to do. It is imperative to provide facilities for young people to play. There are not a lot of facilities in Avalon for kids who don't surf to play on, which contributes to delinquent behaviour. If facilities were provided for kids in Avalon they won't need to go to other places.
- ☐ it was requested that the courts are called 'sports courts' not 'netball courts' because of the implication that netball courts are for girls.

Netball

- ☐ Junior netballers play on grass courts, while the older age groups play on hard courts. Council: the proposed courts are intended for children and adults.
- ☐ The grass netball courts at the western section of Avalon Beach Reserve are not lit.
- ☐ The Peninsula Netball Club is the largest netball club on the Northern Beaches. 500 netball players are based in this area. Peninsula Netball Club has 39 junior teams and 6 senior teams.
- ☐ Peninsula Netball Club trains at the Sydney Academy of Sport and Recreation at Narrabeen, and at Curl Curl.
- ☐ Newport netball players may have to travel around the Bilgola Bends to Avalon.
- ☐ Netball has a desperate need for hard courts.
- ☐ Girls need to travel to play netball because school netball courts are locked.
- ☐ Netball's preference is for non-slip plexipave courts.
- ☐ Needs for netball courts are land, lighting, parking, and toilets.
- ☐ Schools and older players often don't train for netball. Why don't they train for netball? Girls should be encouraged to be active, playing netball as well as basketball.
- ☐ Families use the Curl Curl netball courts in the daytime to learn skateboarding, and to shoot hoops.
- ☐ Netball is not popular at Barrenjoey High School.
- ☐ If there are four netball courts at Avalon Beach Reserve does that mean it becomes a competition area? Council: *four courts are an extreme number of courts for a netball training area. The courts won't be used in wet weather. Once sealed, grassed areas won't returned back to grass.*
- ☐ The courts may become home courts for netball on weekends, resulting in noisy use. Council: *That is unlikely, because netball want a centralised model to play at Curl Curl on weekends. Council can place conditions on use of the courts.*

Basketball

- ☐ The half-court basketball court at Avalon Beach Reserve is supported. It should be open to everyone in the community, not just young children.
- ☐ There should also be a full-sized basketball court at Avalon Beach Reserve.

- ☐ *Council: it is hard to get data on community basketball.*
- ☐ Barrenjoey High School has two school basketball teams. Year 9 has 8-10 people on each team. More than 12 students are not playing in a team because there is nowhere to train.
- ☐ The four courts at Barrenjoey High School are used for basketball by children, young people and adults.
- ☐ Some open courts are needed for basketball.
- ☐ Advertising to let people know about the availability of the courts at Barrenjoey High School could be done via 'What's On In Avalon'.

Shared courts

- ☐ A community member asked why there is a cost to use the court in the Avalon Recreation Centre and no cost to use the proposed courts. *Council: Council strikes a certain rate for use of community centres, and for use of sportsfields (\$15/user/year), in its Fees and Charges. The cost per player to use the court at Avalon Recreation Centre is \$2.60.*
- ☐ The Avalon Recreation Centre court doesn't have capacity. *Council: there may be availability of court time at Avalon Recreation Centre, but only night timeslots are available.*
- ☐ Hoops should be able to be changed between netball and basketball. *Council: Council wants shared courts to increase the use of the courts. The seasonal nature of netball means that changeable hoops makes sense.*
- ☐ It was suggested that all of the proposed courts should be shared use for netball and basketball.
- ☐ How would girls playing netball and boys playing basketball on the shared court work? *Council: through Council's booking process.*

Advantages of Avalon Beach Reserve for sports courts

- ☐ opportunity to remove poisonous trees
- ☐ proximity of the toilets in the surf club
- ☐ parking areas
- ☐ the creek/drain
- ☐ hard courts would be strong enough for vehicle parking
- ☐ hard courts can accommodate emergency helicopter landings.

Fewer sports courts in Avalon Beach Reserve

- ☐ The need for four netball courts was questioned.
- ☐ Council hasn't explained how 4.5 courts was decided upon, how the courts are proposed to be used, how many people will be using the courts, where users will come from, and what hours they will be used. A business case for the demand for netball is needed.
- ☐ Netballers didn't specify 4.5 courts.
- ☐ Four courts is too many for netball practice, and not enough for competition.
- ☐ Most girls play and train for netball at school, with some training sessions held at a local hall. Council staff replied that the netball courts are expected to be well used for club training.
- ☐ Four netball courts will take up a lot of land.
- ☐ The number of people using four netball courts will cause parking problems. The busy Woolworths carpark can't be used for additional parking.
- ☐ A suggestion was made for 1.5 courts at Avalon, 1.5 courts at Newport, and share courts on school grounds, including the courts at Barrenjoey High School which could be lit for use at night.

No sports courts in Avalon Beach Reserve

Some people who attended the hearing supported children and adults keeping fit, but do not support sealed sports courts in Avalon Beach Reserve for these reasons:

- ☐ not many people know about the proposal.
- ☐ the area needs to stay grassed, and be shared. The area is well used and is a meeting place.
- ☐ the area of Avalon Beach Reserve near Barrenjoey Road is used for picnics.
- ☐ Avalon Primary school students use the west Avalon Beach Reserve area.
- ☐ Barrenjoey High School students sit on the grassy area.
- ☐ the proposed area is environmentally sensitive.
- ☐ there is no mention of the carpark for use for netball.
- ☐ parking is overcrowded and busy all the time in Avalon Beach Reserve. Bus commuters use the carpark. Council: parking for netball is available near the surf club in winter, with netball being a winter sport and beach parking not as busy as in summer.
- ☐ fear of skaters at the skate park and people using the Yellow Brick Road pathway being hit by netballs. Council: the Yellow Brick Road is not intended to be moved.
- ☐ a peaceful and pleasant walk to the beach will be gone.
- ☐ the courts are too close to Barrenjoey Road. Netballs could end up on the road, so fences would be required. Council: no fences to Barrenjoey Road would be required because there would a significant distance/gap between the netball courts on the western side and Barrenjoey Road.
- ☐ netball would be a distraction to motorists when driving on Barrenjoey Road.
- ☐ residents would experience noise from squealing and whistles.
- ☐ the proposed lighting of the netball courts would affect people living in 36 apartments across Barrenjoey Road.
- ☐ if the two courts closest to Barrenjoey Road were not lit, residents' concerns about lighting and noise would be addressed. Council: improved technology of sports lighting minimises the impact of lighting.
- ☐ trees and shrubs would be removed, including the peaceful Norfolk Island Hibiscus. The species are not native, but have been there a long time. Trees on the eastern side would be felled. *Council: trees taken out in Avalon Beach Reserve would be replaced, but not in the original location. For every tree taken out 3 would be planted, but trees can't be planted on the eastern side of the creek.*
- ☐ the land slopes on the western side.
- ☐ the western side of Avalon Beach Reserve is green open space for thousands of people in Avalon. Why change this for 500 or 1,000 netball players?
- ☐ the proposed location is floodprone. The creek is below sea level so it floods.
- ☐ runoff into the adjoining stream flows into mangroves.
- ☐ on the eastern side there is no space for a netball court, the Yellow Brick Road, and a turning circle in the carpark that would be required.
- ☐ plovers lay eggs in that area.
- ☐ concrete courts will be unpleasant and hot.

Alternative locations for sports courts

Council staff explained that several locations for sports courts in Avalon were looked at, before Council decided to locate the courts in Avalon Beach Reserve.

Suggestions for alternatives to sports courts in Avalon Beach Reserve from people attending the public hearing were:

- ☐ Avalon Public School is a safer venue for netball courts than Avalon Beach Reserve because the traffic is slower around the school. However it was reported that Avalon Public School had said the school would be required to provide access to toilets and lights.
- ☐ sports courts could be located in Careel Bay Reserve. *Council: the sports fields at Careel Bay are extensively used on weekends, so the fields will not be replaced by courts.*
- ☐ courts in Dunbar Park would be safer for children.
- ☐ school sports courts should be available to the community. A person at the hearing claimed there are 14 hard courts at local schools between Mona Vale and Avalon.
- ☐ schools have security issues regarding use of their courts.
- ☐ Newport could have 1.5 shared hardcourts with lighting on the existing netball court at the northern end of surf club carpark. *Council: a half-court basketball court at Newport has been approved by Council. As netball is a winter sport, it would be a win-win to use Newport for netball.*

Conclusion about sports courts in Avalon Beach Reserve

Most people at the public hearing agreed with the summing up of the discussion by Steven Lawler from Council as follows:

- ☐ most people oppose four hardcourt netball courts
- ☐ two shared hard courts for netball and basketball is the most favourable option
- ☐ other opportunities for sports courts elsewhere will be supported, such as at Newport Beach (courts in winter and a carpark in summer).

Other comments and questions about Avalon Beach Reserve

Other comments and questions about Avalon Beach Reserve were noted but are outside the scope of this report. Such comments related to:

- ☐ is the dog park going to stay? *Council: yes.*
- ☐ Avalon has more space for dogs than children.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 8:05pm.

3.4 Submissions about the proposed recategorisation

Several people asked a question or made a comment about the proposed recategorisation of land or changes to the Plan of Management, at the public hearing. Those questions and comments were noted by the chairperson and are listed in Section 4.

The closing date for written submissions by mail or email on the proposed recategorisation and changes to the Plan of Management was advertised as 11 August 2019. Written submissions addressing the proposed recategorisation are also considered in Section 4.

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4 CONSIDERATION OF SUBMISSIONS

4.1 Submissions

4.1.1 Verbal submissions about recategorisation

20 adult community members and several young people attended the public hearing. The discussion at the public hearing set out in Section 3.3 on recategorisation of community land in Avalon Beach Reserve showed that there are several community viewpoints on options for provision of sports courts at Avalon Beach Reserve. The implications of these options on the footprint of the proposed Sportsground category in Avalon Beach Reserve are:

- ☐ 4.5 full-sized hard courts consistent with the concept plan and the footprint for recategorisation to the Sportsground category which was publicly exhibited.
- ☐ fewer than 4.5 full-sized hard courts combined with grass courts at Avalon Beach Reserve using the same footprint for recategorisation to the Sportsground category as publicly exhibited.
- ☐ fewer than 4.5 full-sized hard courts at Avalon Beach Reserve using a smaller footprint for recategorisation to the Sportsground category than publicly exhibited. Other locations for sports courts outside Avalon Beach Reserve would be explored.
- ☐ hard sports courts in Avalon Beach Reserve are not supported, so there would be no requirement for recategorisation to the Sportsground category.

4.1.2 Written submissions about recategorisation

More than 200 written submissions were made during the public exhibition of the Draft Plan of Management. Submissions were received from:

- ☐ 197 community members using the Your Say Northern Beaches online feedback form, of which 9 specifically mentioned the proposed recategorisation
- ☐ 3 community members
- ☐ Avalon Preservation Association
- ☐ Clareville and Bilgola Plateau Residents Association.

Reasons given in the written submissions for supporting the proposed sports courts in Avalon Beach Reserve were that:

- ☐ new netball courts are much needed in Avalon
- ☐ the courts will encourage physical recreation, participation in sport, and active children
- ☐ hard sports courts will enable families to play together on weekends by riding bikes and skateboarding on the sealed surface.

Some people had suggestions for the desired combination of netball, basketball and multi-purpose courts which is outside the scope of this report.

Reasons for not supporting the proposed sports courts in Avalon Beach Reserve were:

- ☐ open space would be lost

- ☐ hard courts would replace the grass detention basin and contribute to flooding
- ☐ stormwater runoff would impact on the creek
- ☐ hard courts will be hot in summer
- ☐ access, safety, traffic and parking concerns
- ☐ fencing to Barrenjoey Road would be required
- ☐ visual impact of the courts from Barrenjoey Road
- ☐ night lighting and noise would disturb local residents.

Similarly to the discussion at the public hearing, options for sports courts in Avalon supported by people making a written submission included:

- ☐ the proposal from Council of 4.5 hardcourts: three full-sized netball courts, one full-sized multi-purpose netball-basketball court, and one half-court basketball court.
- ☐ two full-sized sports courts, and one full-sized or half basketball court next to the skate park. Opinion was more in favour of the two courts being located on the western side of the creek only, because there would be less impact on the Yellow Brick Road shared path, and because the grassed area on the eastern side is used for activities such as picnics.
- ☐ consider options for sports courts elsewhere, such as adjacent to the Montessori school, opposite Avalon Public School, at Barrenjoey High School, in Hitchcock Park, at Avalon Golf Course, and at Newport Surf Club carpark.

4.2 Assessment

The majority of verbal submissions made at the public hearing about the proposed recategorisation of community land at Avalon Beach Reserve support the proposed recategorisation of part of the reserve from Park and General Community Use to Sportsground to enable sports courts to be provided as set out in the Draft Plan of Management and in Figure 6 of this report.

Objections to the proposed recategorisation were made at the public hearing or in written submissions to the Draft Plan of Management. These objections were set out in Section 4.1 above.

People who made submissions have varying views about the number of hard sports courts to be provided, ranging from none, two, 2.5, three, four or 4.5.

However the number of sports courts at Avalon Beach Reserve, and thus the footprint of the Sportsground category, could not be decided at the public hearing, requiring further research and engagement with stakeholders by Council.

After the public hearing Council undertook further consideration of the demand for sports courts in the Avalon area. The extent of the proposed Sportsground category depended on the demand for and resulting number and size of sports courts proposed by Council at Avalon Beach Reserve.

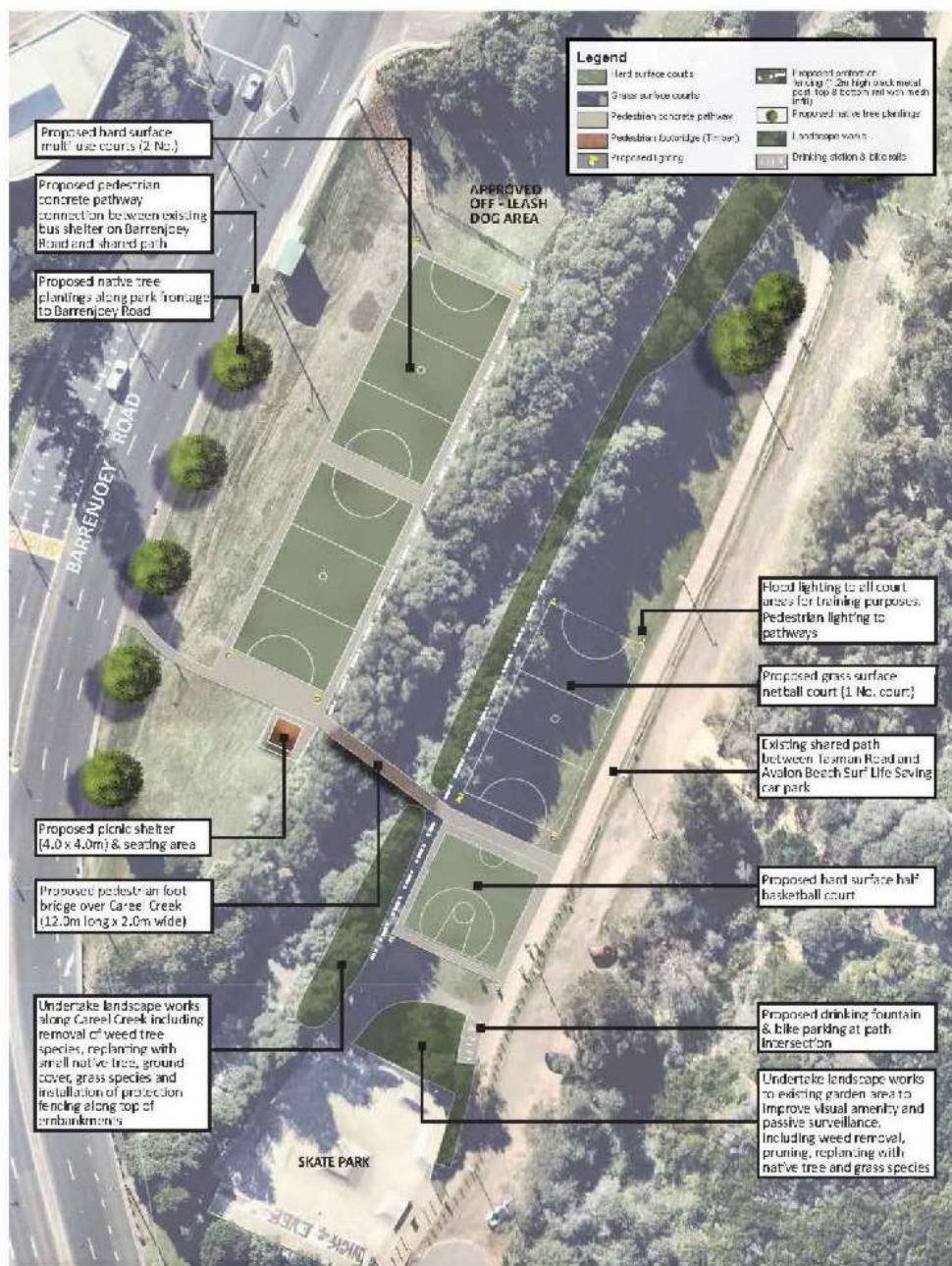
After reviewing the feedback from community groups and further considering the demand for sports courts in the Avalon area, Council still favours the proposed footprint for the sports courts in Avalon Beach Reserve that was publicly exhibited for comment and discussed at the public hearing.

Council is recommending 3 lit sports courts, comprising 2 hardcourts on the western side of the creek and 1 grass court on the eastern side of the creek. A half-court basketball court would be located north of and adjacent to the skate park. A pathway and bridge connecting the

Yellow Brick Road to the bus shelter on Barrenjoey Road would connect the eastern and western courts.

This revised concept plan shown in Figure 10 shows the location of the proposed hard and grass courts.

Figure 10 Revised concept plan for the proposed sports courts at Avalon Beach Reserve



As the primary intended use of the area is for court sport and other compatible activities, the footprint of the proposed Sportsground category that was publicly exhibited and discussed at the public hearing would be unchanged.

It is understood that the grassed area to the north of the grass netball court shown on the concept plan in Figure 10 is not large enough to accommodate a full-sized grass netball court. However it is understood that this area is still proposed as an informal active recreation area for sports training and informal games, while allowing Council some flexibility regarding use of this space in future. These informal sporting and active recreation activities are consistent with the guidelines and core objectives of the Sportsground category, and do not preclude use of the grassed area for picnics and other current informal recreation uses of this area.

No verbal or written submissions were received from the community about the proposal to recategorise the skate park from General Community Use to Sportsground. The Sportsground category is an appropriate category for a skate park, which is consistent with the guidelines for categorisation and the core objectives for management of community land categorised as Sportsground as outlined in Table 1.

Therefore the recommendation is for Council to adopt the proposed recategorisation of community land that was publicly exhibited and discussed at the public hearing on 26 June 2019.

5 RECOMMENDATIONS

5.1 Recommendations

Based on the verbal submissions to the public hearing on Wednesday 26 June and written submissions made to Council by 11 August 2019, there is no compelling reason to change the recategorisation that was proposed in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019).

My recommendations to Northern Beaches Council regarding the proposed recategorisation of community land at Avalon Beach Reserve are that Council:

- note the submissions made in Section 4 by people who attended the public hearing with respect to the proposed recategorisation, and the written submissions made to Council during the public exhibition of the Draft Plan of Management.
- adopt the recategorisation of community land at Avalon Beach Reserve from Park and General Community Use to Sportsground as shown in Figure 14-4 of the publicly exhibited Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019), and shown in Figure 11 below.

Figure 11 Proposed recategorisation of Avalon Beach Reserve



Source: Northern Beaches Council

5.2 Adoption of proposed recategorisation

Council must agree to the proposed recategorisation of community land as set out in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019) before resolving to adopt the proposed amendments to the final Plan of Management.

Section 114 of the *Local Government (General) Regulation 2005* states that if Council receives any submission objecting to a categorisation of land in the Plan of Management, and the Council adopts the Plan of Management without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the Plan of Management must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council intends to adopt the proposed recategorisation as was set out in the Draft Plan of Management, it must state the reasons why it did not make changes to the categorisation in response to the objections received in its resolution to adopt the Plan of Management.

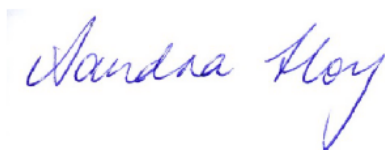
Several verbal and written submissions objected to the proposal to recategorise community land at Avalon Beach Reserve from Park and General Community Use to Sportsground. The basis of the objections were listed in Section 4.1 of this report. Council must address why it decided to recategorise the subject land from Park and General Community Use to Sportsground in its resolution.

If Council decides to alter the proposed recategorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

5.3 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at Council's Customer Service Centres at Avalon Beach, Mona Vale, Dee Why and Manly; and at Council libraries.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

9 September 2019



Ocean Beaches Plan of Management

Chapter 14 - Avalon Beach

September 2019

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14.1 INTRODUCTION

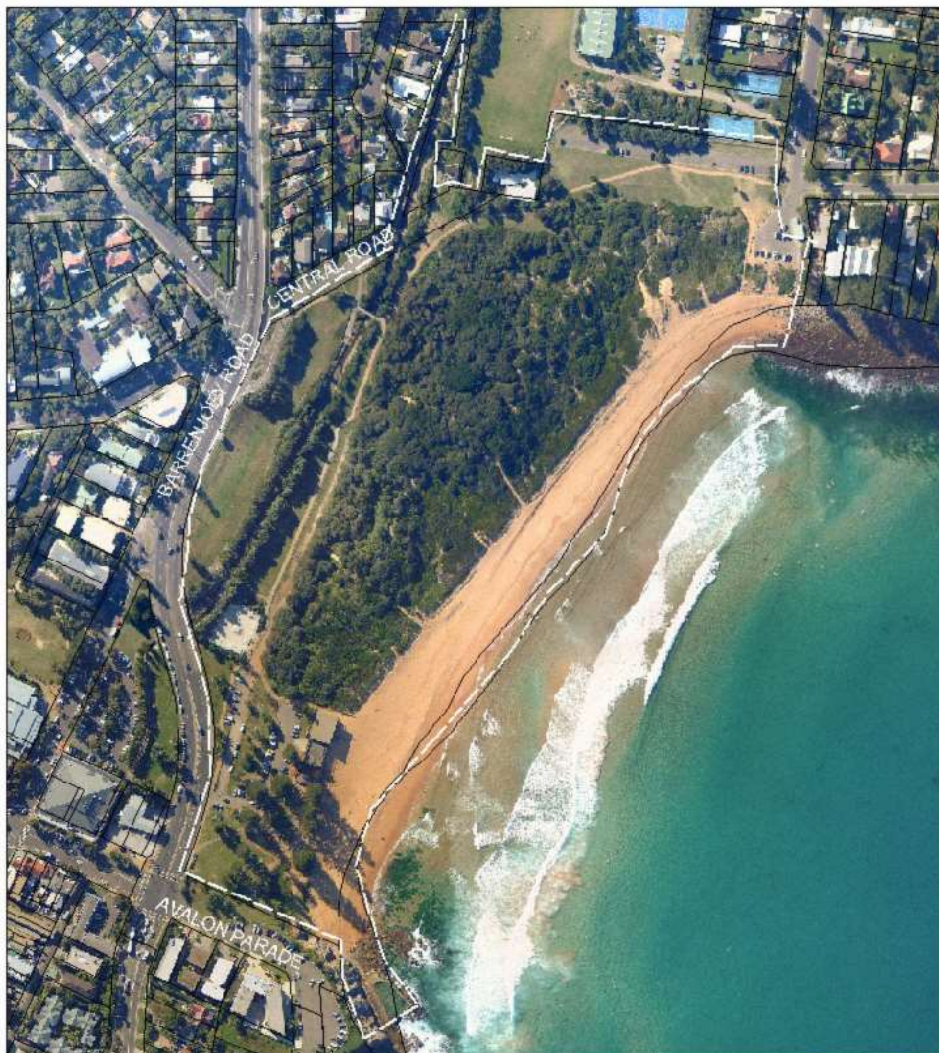
14.1.1 LOCATIONAL CONTEXT OF AVALON BEACH

Avalon Beach lies east of Clareville, between Whale Beach to the north and Bilgola to the south.

Avalon Beach is located in the suburb of Avalon Beach, having been renamed from Avalon, as assigned 20 January 2012.

Figure 14-1 shows the area covered within this Plan of Management, illustrating the Reserve boundary and adjoining land uses. The beach is bounded by Barrenjoey Road to the west.

Figure 14-1 | Avalon Beach – Boundary Map



The management area covered by this plan of management is shown by the white dashed line. It should be noted that this line is an indicative boundary only, particularly the seaward boundaries given the ambulatory nature of high and low mean water marks.

Avalon Beach village shopping centre is located within walking distance of the southern end of the beach. Other adjoining and nearby land uses include Maria Regina Primary School, Barrenjoey High School, Barrenjoey Montessori School, a fire- station and pumping station.

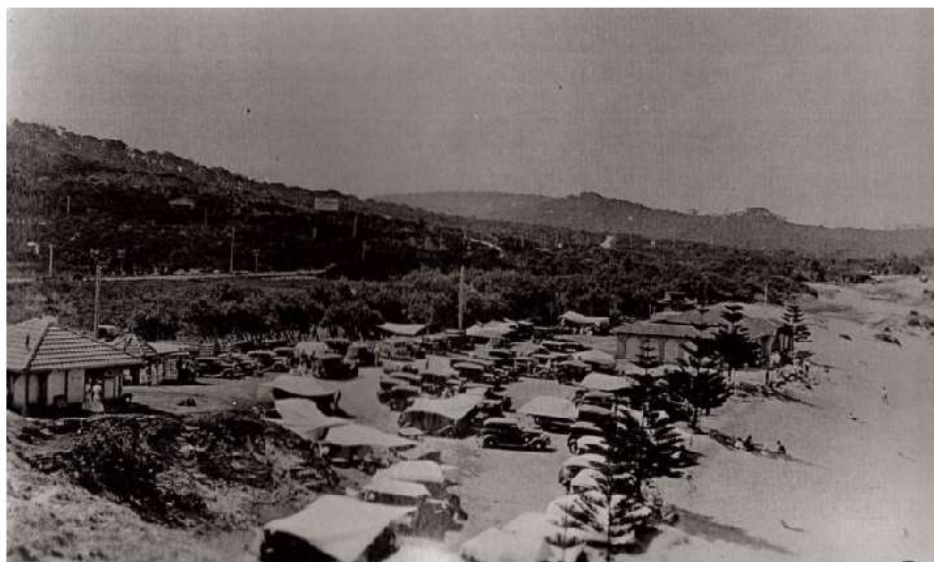


The study area incorporates Avalon Beach and Avalon Surf Life Saving Club, rock platforms, a rock pool and sand dunes. Surrounding parklands consist of Avalon Beach Reserve which contains the access road and vehicle parking areas, a skate park, a fenced off leash dog exercise area, a small playground and a picnic area. Separated at the northern end of the beach is Des Creagh Reserve, which provides road access parking and a small area of parkland.

14.1.2 HISTORY OF AVALON BEACH

The early land grants in the Avalon area were to John Farrell in 1827 and Father John Joseph Therry in 1833. In 1921 Arthur J. Small instigated the subdivision of the Avalon area and funded public amenities including Palmgrove Park and the golf course and he named the area 'Avalon'.

The Avalon Beach SLSC was established in 1925 with the original financed by A. J Small. The former SLSC building dating from 1961 was rebuilt in 2014.



Avalon Beach in the 1920s showing the location of the original surf club building, Norfolk Island Pine Trees, the dunes and the kiosks. (Source: Avalon Historical Society).

A.J. Small planted the Norfolk Island Pine trees (*Aracaria hetrophylla*) along the beachfront. Norfolk Island Pine trees are endemic to Norfolk Island. They appealed to earlier settlers due to their distinctive appearance and coniferous shape. In 1816 Mrs Macquarie, wife of Governor Macquarie planted a Norfolk Island Pine tree in the Demesne (Domain). Norfolk Island Pine trees continued to be planted during the twentieth century. Their presence in coastal areas is further linked to their ability to withstand salt and wind.

Avalon Beach is widely documented to be the first place in Australia where modern malibu surfboard riding was displayed in November 1956, contributing to the Australian coastal culture. This eventuated from the American and Hawaiian lifesavers visiting Avalon to compete in the local carnival when they first arrived for the demonstration sport with the 1956 Olympics. From this event the lifesaving movement in England established itself with the surfboard industry also being started due to 4 lifesavers from the club going over for lifeguard positions. The rubber ducky also could be said to have been a result of that day. A very successful commemoration of this event was conducted between the board riding and surf lifesaving communities 50 years later in the Surf Club. This has assisted with the very good relationships between all the surfing fraternities at the beach.



The large dune to the north was removed (mined) in the 1960s to supply Sydney's building market. Mining was stopped due to local opposition to the loss of the dunes. The Soil Conservation Service reshaped the remaining sand and dunes (not the north-west area) and divided the dunes into 'paddocks' fenced the area and installed walkways.

Avalon beach in 1964. The mining for sand was from the area in the bottom right hand side of the photo. Tracks and machinery can be seen in this location. (Source: Avalon Historical Society).

There is no record of the plants used during the dune stabilisation work. An article in the Soil Conservation Journal stated that several local native dune plants had been planted, and some non-native species but it didn't name them - possibly Bitou was among them as it had been in use to stabilise beaches after sand mining along the coast in the 1960s. Regardless of whether Bitou was planted or not, by the late 1980s Avalon dunes were 80% covered in Bitou.

Since 1989, the dunes have undergone a remarkable renewal and rehabilitation, with weeding and planting, largely undertaken by the *Friends of the Avalon Dunes Dunecare group* assisted by several grants, and works by Warringah, Pittwater and then Northern Beaches Councils.

Many people who remember the dunes in the 1960s think they were much higher but this is probably not the case. The dunes look very different now covered in thick vegetation compared to looking up a hill of sand. Since rehabilitation a lot of sand has been captured by dune vegetation on the foredunes.

The story of the restoration project is available in *Avalon Dunes: Restoring a Metropolitan Dune System*, by NSW Environmental Trusts and Friends of Avalon Dunes Dunecare Group. Publisher: the Friends, 1995.



Avalon in the early 1960s. (Source Avalon Historical Society).

Since the previous Plan of Management for Avalon Beach was adopted by Pittwater Council in 2013, the rebuilt Avalon Surf Life Saving Club was opened on 31 August 2014.

The landscaping in the masterplan for Avalon Beach has been implemented.

Northern Beaches Council trialled a fenced off leash dog exercise area at the north-western section of Avalon Beach Reserve in 2017-18. The trial was successful, so the off leash dog exercise area was made permanent in April 2019.




14.1.3 DESCRIPTION, USE AND CONDITION OF AVALON BEACH






Avalon Beach is a surfing beach. The beach is patrolled by Avalon Beach Surf Life Saving Club members and Council lifeguards during the summer season.







The northern end of Avalon Beach has a unique local character with its expansive view over the beach and dunes as well as the bush- clad hills beyond. This location is popular with local surfers because it offers protection from the dominant north-easterly winds in summer.

The use and condition of the areas and facilities at Avalon Beach are outlined below.






Table 14-1 | Use and condition of Avalon Beach





Description	Uses	Condition	Images
1 North Avalon amenities building			
Male and female toilets in the amenities building at the northern end of Avalon Beach cater for people using North Avalon Beach and Des Creagh Reserve. An outdoor shower is also provided. Murals have been painted on the exterior of the building.	Changing, public amenities	Good	
2 Northern carpark and beach access			
The eastern steps leading down to the beach from the car park have been landscaped with sandstone faced terraces, and some seating is provided. Bike racks and bins are provided. A stormwater outlet located at the base of these steps seriously affects the amenity and recreational use of this area after storms and rain periods. During and after rain periods or storms, the stormwater outlet near the base of the North Avalon beach steps, scours the beach face and creates potential health risks.	Vehicle parking, beach access	Good	 
3 Des Creagh Reserve			
Des Creagh Reserve is located at the northern end of the beach. It is a flat open grassed area with no shade trees and few facilities; however, it provides an informal recreation area adjacent to the Barrenjoey Montessori School and Barrenjoey High School.	Picnics, informal recreation, outdoor cinema	Good	 

Description	Uses	Condition	Images
4 Car park			
Des Creagh Reserve includes a 46 space sealed car park	Access to the beach, Barrenjoey Montessori School and occasional access to Barrenjoey High School	Very good	
5 Pathway network			
An open lineal shared pedestrian/ cycle corridor known locally as the 'Yellow Brick Road' connects the southern reserve road entry area to North Avalon Beach and car park at Tasman Road. This area is divided and dominated by the Careel Creek concrete drainage channel. The area is hot in summer because it is devoid of shade trees and the dunes block the sea- breezes.	Walking, cycling	Very good	
6 Avalon Dunes			
The sand dunes are located north of the SLSC building and extend behind the majority of the beach to Des Creagh Reserve.	Protective barrier and a significant backdrop to the beach.	Good	
Formed walkways, some with wooden rails, are provided through the dunes with protective fencing.	Pedestrian access to the beach	Good	
7 Careel Creek			
Careel Creek is a concrete drainage channel as it drains through Avalon Beach Reserve.	Drainage	Adequate	

Description	Uses	Condition	Images
Trash racks are located across the channel between the Yellow Brick Road access pathway and the off leash dog exercise area	Gross pollutant trap	Good	
Footbridges across Careel Creek provide pedestrian access between the western reserve and the east.	Pedestrian access	Southern steel footbridge to be replaced. Northern wooden footbridge adequate	 
8 Western Reserve area			
Fenced off leash dog exercise area with tap and dog drinking bowl	Off leash dog exercise	Good	
Unmarked grass netball courts with goal posts. Sealed netball courts are proposed to be constructed in this area.	Netball training, informal recreation	Poor	
9 Skateboard park			
On the western side of the car park is the Avalon Skate Park, comprising a concrete bowl, ramps and rails for all skill levels.	Well used by local young people for skateboarding, scootering, in-line skating, BMX cycling.	Very good	

Description	Uses	Condition	Images
10 Central Reserve			
Informal unsealed parking areas ease parking overflow. This area is subject to drainage problems and conflict with existing tree and dune planting.	Vehicle parking	Poor	
A sealed half basketball court and a grass netball court are proposed in this area.	Overflow vehicle parking	Good	
11 Car park reserve area			
Grassed area with picnic table and access paths / steps	Informal recreation	Good	
12 Southern carpark			
This area forms the vehicle entry point to Avalon Beach and Avalon Beach Reserve.	Vehicle parking	Good	
The southern car park is surfaced and line marked adjacent to the SLSC building, accommodating approximately 35 cars. The lower section adjacent to the shared path and skate park is also formalised and sealed.	Vehicle parking	Very good	
The car parks adjoining this area can be hazardous for pedestrians, specifically at the entrance off Barenjoey Road and in particular during peak periods.			
Public art has been incorporated into bollards in the southern carpark.	Separation of carpark and landscaping	Good	

Description	Uses	Condition	Images
13 Avalon Surf Life Saving Club			
<p>The Avalon Beach SLSC Building is located on the beach frontage of South Avalon Beach.</p> <p>The building incorporates a Club Lounge, Club Room/Community Function Space, Hall of Champions, caretakers flat, meeting room, offices, restaurant and cafe, club and public amenities, gym, nippers canteen, lifeguard room, and extensive storage areas for rescue equipment, surf boats and boards. The building is naturally ventilated, highly insulated, uses minimal energy, and collects its own rainwater and solar power.</p>	Club and community activities, functions, residence, meetings, storage	Excellent	 
14 Avalon Beach Reserve			
<p>The grassed area adjacent to the SLSC building includes seating, picnic settings, children's play equipment, sandstone seating, flagpole, litter bins, bubblers, outdoor showers / taps, bike racks, and lighting.</p>	Picnics, children's play, relaxing, ceremonies	<p>Equipment, furniture and landscaping are fit for purpose.</p> <p>Grass areas are worn.</p>	  

Description	Uses	Condition	Images
15 Corner Barrenjoey Road and Avalon Parade			
The corner of Barrenjoey Road and Avalon Parade is an unlandscaped grassed area.	Pedestrian access to the surf club and beach from Avalon Village and the bus stop	Good	
16 South Avalon Beach			
The southern area of the reserve at the base of the headland provides the main focus for access to the beach and rock pools. The dunes do not extend into this area, therefore it is exposed to strong winds and erosion. The existing mature Norfolk Island Pine trees are threatened by the coastal conditions.	Recreational activities, surf club events, access to the rock pool	Poor	
17 Avalon Rock Pool			
The rock platform at the southern extent of the beach accommodates a rock pool which is divided into a larger 25 metre swim pool and smaller children's pool 7 metres in length.	Swimming, access to the surf	Adequate	
18 Headland			
A headland forms the southern end of the Reserve, bounded by car parking along Avalon Parade / Surfside Avenue. The headland provides an excellent vantage point to view the surf beach and coastal panorama. A low post and rail fence provides a barrier to the street along the cliff edge.	Enjoying views	Naturally eroding	

14.1.4 PROCESS OF UPDATING THIS PLAN OF MANAGEMENT

Community engagement undertaken during preparation of the 2013 Plan of Management included:

- A community meeting held on 18 November 2012
- Several stakeholder meetings held in November 2012 and January 2013, with Friends of Avalon Dunes Dunecare group, Avalon Chamber of Commerce, Avalon Historical Society, NASA and North Avalon residents.

Issues raised at the meetings and submissions received were taken into account during preparation of the draft Plan of Management, which was placed on public exhibition for

comment. Pittwater Council adopted the Plan of Management on 18 February 2013.

Since adoption, Northern Beaches Council has undertaken community engagement for several projects proposed for Avalon Beach Reserve and Avalon in general.

In May-June 2017 Council sought community feedback on a proposed trial of an off leash dog exercise area in the north-west section of Avalon Beach Reserve. Council resolved to proceed with the trial which was successful, and in April 2019 resolved to make the off leash area permanent.

Community engagement activities for the *My Place: Avalon* project in May to July 2018 included various suggestions for additional community uses of Avalon Beach, such as for outdoor cinema.

The Northern Beaches Sportsgrounds Strategy 2017 identified the need for netball courts for training in Avalon. Council engaged with Pittwater Peninsula Netball Club, Northern Breakers Netball Club, Manly Warringah Netball Association, Avalon Public School, the Avalon Place Plan Working Group, and Avalon Beach SLSC about hard surface netball courts proposed to be located on the western side of Avalon Beach Reserve. Feedback from these stakeholders informed a concept plan for three netball courts, a multi-purpose netball-basketball court, and a half basketball court, which was publicly exhibited from 14 June until 11 August 2019.

Community feedback on the Draft Plan of Management was invited during the public exhibition in mid 2019, and via a public hearing held on 26 June 2019 into the proposed recategorisation of part of Avalon Beach Reserve from Park and General Community Use to Sportsground to facilitate construction of the netball/basketball courts.

More than 200 written submissions were made during the public exhibition of the Draft Plan of Management. Submissions were received from:

- ☐ 197 community members using the Your Say Northern Beaches online feedback form
- ☐ 3 community members
- ☐ Avalon Preservation Trust
- ☐ Clareville and Bilgola Plateau Residents Association.

20 adult community members, and some young people attended the public hearing.

Community opinion was divided on the number of sealed courts to be provided in Avalon Beach Reserve, ranging from 4.5 courts to no courts. Based on community feedback, Council revised the concept plan to two multi-purpose hard courts, a half basketball court, and a grass netball court. The footprint of the courts, and therefore the land to be recategorised as Sportsground, would remain the same as was publicly exhibited.

14.2 BASIS FOR MANAGEMENT

14.2.1 PLANNING CONTEXT

The key legislative context of Avalon Beach Reserve is shown in **Table 14-2**.

Table 14-2 | Avalon Beach Planning Context

NSW	
Legislation	Local Government Act 1993 Local Government (General) Regulation 2005 Crown Land Management Act 2016 Environmental Planning and Assessment Act 1979 Coastal Management Act 2016 State Environmental Planning Policy (Infrastructure)
Metropolitan	
	A Metropolis of Three Cities: The Greater Sydney Region Plan
Regional	
	North District Plan
Northern Beaches Council	
Land use	Pittwater Local Environmental Plan 2014 Pittwater 21 Development Control Plan: D1 Avalon
Corporate	SHAPE 2028 <ul style="list-style-type: none"> • Delivery Plan • Operational Plan Policies
Strategic	Pittwater Public Space and Recreation Strategy Northern Beaches Sportsground Strategy 2017 My Place: Avalon – draft Northern Beaches Social Infrastructure Strategy (Draft)
Management /Operational	Pittwater's Ocean Beaches Plan of Management 2005 Chapter 14 Avalon Beach
Supporting documents	Asset management plans Maintenance plans

14.2.2 LAND OWNERSHIP

Refer to **Figure 14-2** for Ownership Map.

Council owned land is described as:

- Lot 202 DP 1107408
- Lot 2 DP 607010
- Lot 3 DP 322514 (part of)
- Road Reserve (part of) – Avalon Parade

The sand area of Avalon Beach is vacant Crown Land reserved from sale or lease as contained in Regional Crown Reserve R1012329 (RCR). The RCR also contains the intertidal zone, rock pool (and submerged lands to the three nautical miles State territorial limits).

Figure 14-2 | Land Ownership Map



14.2.3 ZONING

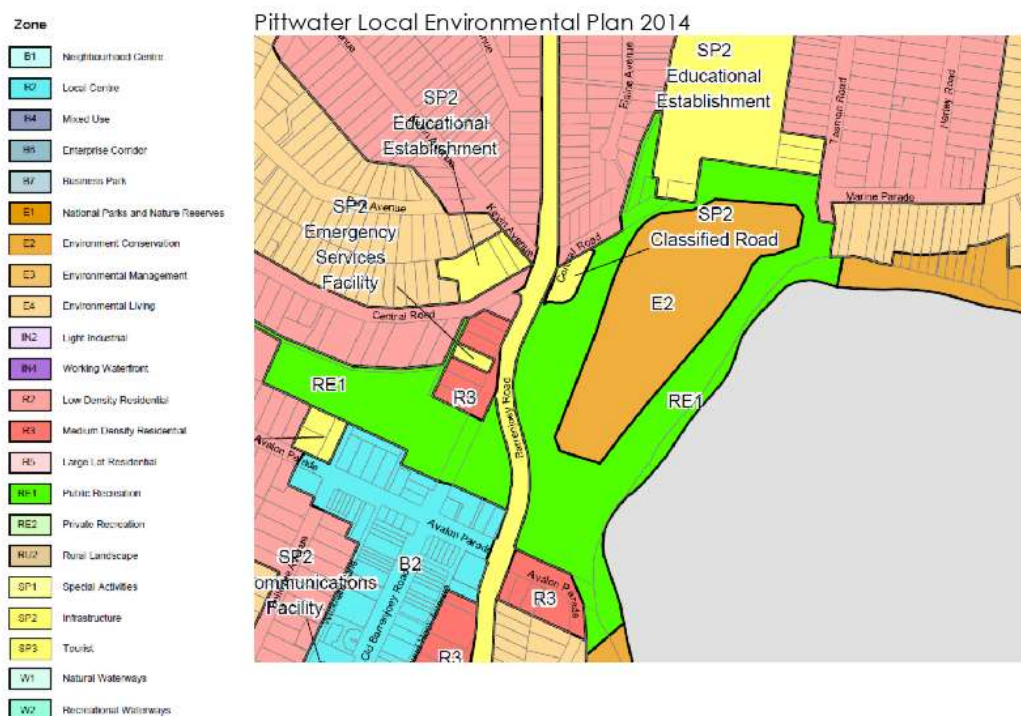
Figure 14-3 shows the sand area of Avalon Beach and Avalon Beach Reserve are zoned RE1 Public Recreation.

The sand dunes are zoned E2 Environmental Conservation.

A small section of land zoned SP2 Classified Road extends along Barrenjoey Road and Central Road in the northwest corner.

Permissible land uses in each zone are incorporated in **Table 14-4**.

Figure 14-3 | Zoning Map



14.2.4 LAND CATEGORISATION

Community and Crown land is required to be categorised under the *Local Government Act 1993*.

Avalon Beach is categorised as Natural Area – Foreshore and Watercourse, General Community Use, Park and Sportsground.

Refer to **Figure 14-4** for the categorisation map.

The guidelines and core objectives for each category are in **Table 14-3**.

Figure 14-4 | Categorisation Map



CATEGORISATION LEGEND






	A NATURAL AREA - FORESHORE		GENERAL COMMUNITY USE
	A NATURAL AREA - WATERCOURSE		A PARK
	SPORTS GROUND		

Table 14-3 | Categorisation of Avalon Beach

Category	Guidelines for categorisation	Core objectives for categorisation
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.	<ul style="list-style-type: none"> • conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. • maintain the land, or that feature or habitat, in its natural state and setting. • provide for the restoration and regeneration of the land. • provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion. • assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>NSW Biodiversity Conservation Act 2016</i> or the <i>Fisheries Management Act 1994</i>.
Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.		
Natural Area – Foreshore	Land that is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<ul style="list-style-type: none"> • maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and • facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.
Natural Area – Watercourse	Land which includes: <ul style="list-style-type: none"> • (a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and • (b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or State protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i>. 	<ul style="list-style-type: none"> • manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows • manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability • restore degraded watercourses • promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

Category	Guidelines for categorisation	Core objectives for categorisation
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> • promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> • encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and • provide for passive recreational activities or pastimes and for the casual playing of games, and • improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> • encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games. • ensure that such activities are managed having regard to any adverse impact on nearby residences.

14.2.5 LEASES, LICENCES AND OTHER ESTATES

Current

Use agreements (leases, licences and other estates) for use of Avalon Beach are subject to the requirements of the *Local Government Act 1993* and *Crown Land Management Act 2016* as applicable.

The only lease currently applicable to Avalon Beach is between Council and Surf Life Saving Australia for part of the Avalon Surf Life Saving Club building for a period of 21 years from 1 January 2015 to 31 December 2035.

The western side of the building, which accommodates the Avalon Beach public facilities (showers, change area and toilets) is not subject to the lease.

This Plan of Management authorises renewal of the lease of the surf club building for surf life saving and associated activities beyond the lease expiry in July 2020.

This Plan of Management also authorises a lease with Council with separate arrangements for commercial tenants for suitable use(s) of the building.

Proposed

This Plan of Management authorises the leasing, licensing or granting of any other estate over Avalon Beach for any commercial activity that results in a diverse range of recreational activities or an activity that is deemed to be of community benefit being provided in the area.

Proposed leases at Avalon Beach include, but do not preclude, any future leases at this location:

- Avalon Beach food and beverage outlets. The proposals:
 - (i) will be consistent with the use of the open space for recreational purposes;
 - (ii) will enhance the public use of the open space; and
 - (iii) be generally in accordance with the concept plans within this Plan of Management.
- Community use. Council may lease, license or hire areas of the SLSC building to community groups and associations. Proposals must be for the community benefit and may take the form of singular or recurrent bookings.

14.2.5 PERMISSIBLE USES AND DEVELOPMENTS

The permissible and prohibited activities and developments in the subject reserve area, and the scale and intensity of use and development, are detailed in **Table 14-4** – Avalon Beach Permissible Uses Table.

Such uses are consistent with the applicable land use zoning and category of community land.

Any proposed uses or development and building works that are permitted only with Development Consent (consistent with the uses listed in the Permissible Uses Table) would be subject to the normal Development Application process required by Council in accordance with the *Environmental Planning and Assessment Act 1979*.

Certain activities are subject to Council Permit approvals, in accordance with the relevant Council Policy. A summary of relevant Policy documents and the activities applicable, but not limited to, is detailed below:

Northern Beaches Council

- Storage of Watercraft on Council Foreshores
- Asset Management Policy
- Beach Parking Permits
- Waste Minimisation for Functions and Events Approved by Council

Pittwater Council

- Council Policy No 24 – Professional Lifeguard Service:
 - Surf Life Saving Activities & Events
- Council Policy No 30 – Dog Control

– dogs are prohibited on beaches

- Council Policy No. 52 – Surf Life Saving Movement
 - Minimum standards for surf club buildings
 - Activities and administrative arrangements
 - Identifying SLS / public buildings on beach reserves
- Council Policy No 88 Beach & Rockpool Management Policy:
 - Beach and Beach Reserves
 - Beach Rockpools and Baths
 - Regulations for the use of Public Bathing Reserves
 - Beach Usage Fees
 - Management of Commercial Activities on Beach Reserves – commercial filming, corporate functions, powerboat racing, fireworks, surf contests
 - Beach Compliance
 - Charges relating to the release of Impounded Equipment
 - Vehicles / Quad Bikes / All Terrain Vehicles on Beach Reserves
- Council Policy No 93 Reserves, Beaches & Headlands Booking Policy:
 - Social, sporting, community and commercial events i.e. weddings, charity events, fireworks
 - Lease Agreements
- Council Policy No 98 Helicopter Landings on Council Owned and Controlled Property:
 - To define conditions for the use of helicopters undertaking civil operations.
 - To control the environmental impacts and public risks associated with helicopters
- Council Policy No 120 – Open Air Concerts
- Council Policy No 129 Signs - Council's Facilities:
 - Determine appropriate signage
 - Manage risks and minimise exposure to public liability
- Council Policy No 157 – Plaques in Parks and Reserves
- Council Policy No 163 – Banners on Public Land
- Council Policy No 169 – Open Air Cinema Events on Council Controlled Land
- Council Policy No 175 - Liquor Licensing Applications
- Council Policy No 176 – Climate Change Policy
- Council Policy No 186 – Risk Management for Coastal Public Buildings and Assets Policy

Table 14-4 | Avalon Beach Permissible Uses Table

Without Development Consent Permissible Uses 'exempt' development (these may require approval under the EPA Act 1979 and/or Council Permit and/or referral to Council)	Permissible Uses Requiring Development Consent Including but not limited to the following:	Prohibited Including but not limited to the following:
<p><u>Advertising</u> (temporary) in accordance with Council's DCP</p> <p><u>Alcohol-free zones</u> requiring consent of Council and consent of relevant committees. Consumption of alcohol in alcohol-free zones (providing appropriate signposting eg. 'the consumption of alcohol is prohibited without the express permission of Northern Beaches Council' is in existence</p> <p><u>Beach and Rockpool Management</u> (in accordance with Council Policy No. 88)</p> <p><u>Booking Policy – Reserves, Beaches & Headlands No. 93.</u> – to allow, but control the impact of group activities.</p> <p><u>Building identification signs</u></p> <p><u>Car parking area (sealed or unsealed)</u> ancillary to use of the community land (in accordance with Masterplan and Management Strategy/Works Program)</p> <p><u>Environmental Protection Works</u></p> <p><u>Feral Animal Control and Eradication</u> (treat as required)</p> <p><u>Filming and Professional Still Photography</u> will be allowed with Council permission and in accordance with Council conditions.</p>	<p><u>Major Works / Permanent Structures</u> – generally in accordance with Masterplan and Management Strategy, including but not limited to:</p> <ul style="list-style-type: none"> • Major buildings / structures • Provision of food and beverage outlets including ancillary support facilities • Telecommunications / mobile telephone transmission facility or tower <p><u>Recreation areas</u></p> <p><u>Recreation facilities (outdoor)</u></p> <p><u>Restaurants or cafes</u></p> <p><u>Signage</u></p> <p><u>Take away food and drink premises</u></p> <p><u>Temporary Activities</u></p>	<p>Any purpose other than a purpose for which development may be carried out without development consent or only with development consent.</p> <p>Development and temporary activities or events, leases, licenses and other estates not consistent with the Local Government Act core objectives for (where applicable):</p> <ul style="list-style-type: none"> • natural area • park • general community use • sportsground • or Northern Beaches Council's goals for this reserve <p>Prohibited Activities:</p> <ul style="list-style-type: none"> • Advertising (permanent) • Agriculture

Without Development Consent Permissible Uses 'exempt' development (these may require approval under the EPA Act 1979 and/or Council Permit and/or referral to Council)	Permissible Uses Requiring Development Consent Including but not limited to the following:	Prohibited Including but not limited to the following:
<p><u>Fire Hazard Reduction Activities</u> in accordance with legislative requirements.</p> <p><u>Food Premises</u> (in accordance with Council Policy No 29).</p> <p><u>Helicopter landings</u> if consistent with the core objectives of the park, for emergency purposes and/or with the approval of the Northern Beaches Council Chief Executive Officer (in accordance with Council Policy No 98)</p> <p><u>Horticulture</u></p> <p><u>Lease Agreements</u></p> <p><u>Liquor Licensing Applications</u> (in accordance with Council Policy 175).</p> <p><u>Maintenance / minor works</u> – in accordance with the Masterplan & Management Strategy / Works Program, including but limited to the following:</p> <ul style="list-style-type: none"> bush regeneration and land / habitat restoration works (including temporary access and storage of materials for work, minor excavation & levelling, grading, installation of protective fencing and weed removal) children's playground equipment and structures dune stabilisation and foreshore protection measures earthworks to construct structures (including filling, levelling, grading and topdressing) fencing including security, childproof, protective and temporary fencing multi-use pathways and tracks (other than for motor vehicles) footpaths, cyclepaths, boardwalks, minor footbridges, steps, ramps land restoration works, including mounding 	<p>Water recreation structures Certain activities i.e. surf club events and competitive ocean swims are subject to Council approval and Permits. A D.A is required when the:</p> <ul style="list-style-type: none"> number of participants and / or spectators on any one-day of an event exceeds 2000; activities occur outside the period of 6.30am to 11.30pm; and activities or temporary facilities occur over a total of more than 14 continuous days 	<ul style="list-style-type: none"> Alcohol consumption between 8pm and 8am in Avalon Beach Reserve and Des Creagh Reserve. Part of Avalon Beach Reserve is contained within Alcohol Free Zones. See Appendix 1. Note: The building occupied by Avalon Beach Surf Life Saving Club is excluded from the Alcohol Prohibited Area. Animals on the beach, except Guide Dogs for the visually impaired Domestic drainage outlets Extractive industries (excepting fishing with permit) Gaming Obstructing access or leaving goods in dangerous condition Private alienation or encroachment onto the reserve

<p>Without Development Consent Permissible Uses 'exempt' development (these may require approval under the EPA Act 1979 and/or Council Permit and/or referral to Council)</p>	<p>Permissible Uses Requiring Development Consent Including but not limited to the following:</p>	<p>Prohibited Including but not limited to the following:</p>
<ul style="list-style-type: none"> landscaping works, including garden beds, laying turf and re-turfing lighting of reserve, including floodlighting of beach areas for beach related activities drainage, stormwater, erosion and sediment control works park furniture i.e. seating, bins, shade structures, outdoor showers and shelters viewing platforms / decks <p><u>Overflow vehicle parking</u> on a temporary basis for special events, large film shoots, etc.</p> <p><u>Professional Lifeguard Service</u> No 24.</p> <p><u>Public art</u></p> <p><u>Recreational equipment hire</u> eg. Bicycles, non-powered watercraft, umbrellas, banana chairs, locker storage equipment, etc.</p> <p><u>Temporary activities</u> require a casual booking or permit from Council, or a licence under the <i>Local Government Act 1993</i> and <i>Crown Lands Management Act 2016</i>. Note: certain activities i.e. surf club events and competitive ocean swims may be subject to relevant authority approvals.</p> <p><u>Council Permit</u> approval subject to temporary activities satisfying all of the following criteria:</p> <ul style="list-style-type: none"> number of participants and / or spectators on any one-day of an event does not exceed 2,000; activities do not occur outside the period of 6.30am to 11.30pm; and 		<ul style="list-style-type: none"> Private vehicular access to adjoining lands Recreational motor vehicles, including four-wheel driving, motorbike or trail bike riding, or similar, other than use for surf life saving and filming on a short term basis (in accordance with Council Policy No 88) Residential Storage of watercraft or equipment below Mean High Water Mark (MHW/M) Unauthorised dumping of refuse including building materials, soil, fill, garden wastes and the like (other than importing of fill for permitted works) Vegetation removal not in accordance with Council's Tree Preservation and Management Order, or this Plan of Management.

Without Development Consent Permissible Uses 'exempt' development (these may require approval under the EPA Act 1979 and/or Council Permit and/or referral to Council)	Permissible Uses Requiring Development Consent Including but not limited to the following:	Prohibited Including but not limited to the following:
<ul style="list-style-type: none"> activities or temporary facilities do not occur over a total of more than 14 continuous days <p><u>Tourism in Pittwater</u> (in accordance with Council Policy No. 21).</p> <p><u>Pay Parking Facilities</u> (in accordance with Council Policy No 18). This Plan of Management authorises the charging of parking fees in accordance with Council's Beach Parking Permit Policy (as determined by Council) by automated ticketed parking systems.</p> <p><u>Risk Management for Coastal Public Buildings Assets in Pittwater</u> (in accordance with Policy No 186)</p> <p><u>Signage</u> – compliance, directional, interpretive, identification and safety (in accordance with Council Signs – Council Facilities Policy No. 129)</p> <p><u>Significant Tree Policy No 118</u> – to protect large amenity trees with visual significance (such as the Norfolk Island Pine trees during construction works).</p> <p><u>Temporary Storage on Council Land</u> (in accordance with Council Policy No 84).</p> <p><u>Utility Installations</u></p> <p><u>Urban Stormwater</u> – Integrated Policy (in accordance with Council Policy No 69)</p> <p><u>Vehicular access</u> subject to Council approval (in accordance with Council Policy No 88)</p>		

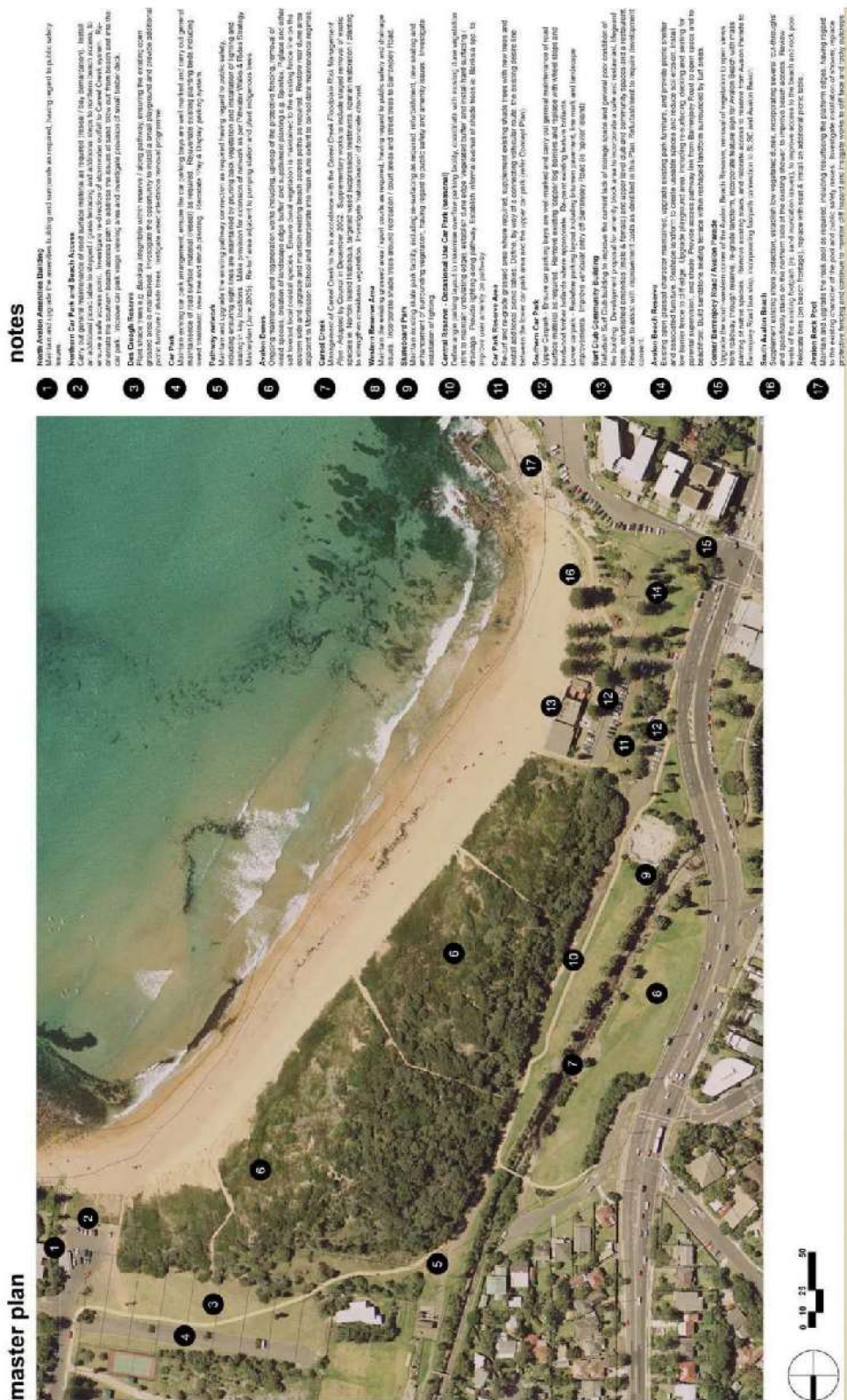
Without Development Consent Permissible Uses 'exempt' development (these may require approval under the EPA Act 1979 and/or Council Permit and/or referral to Council)	Permissible Uses Requiring Development Consent Including but not limited to the following:	Prohibited Including but not limited to the following:
<p><u>Reserves, Beaches and Headlands Booking Policy</u> (in accordance with Council Policy No 93)</p> <p><u>Exempt Development</u> Only if, but limited to development that:</p> <ul style="list-style-type: none"> • is of minimal environmental impact complies with Pittwater LEP 2014 and Pittwater DCP 2014 • does not cause interference with the amenity of the neighbourhood i.e. noise, vibration, smell, fumes, smoke, waste products, grit or oil, or otherwise • does not restrict any vehicular (mobility vehicles only) or pedestrian access to or from the site. 		

14.3 ACTION PLAN FOR AVALON BEACH

14.3.1 MASTERPLAN

The attached Masterplan (refer **Figure 14-5**) for Avalon Beach was prepared in 2013 to illustrate the works and improvements to the beach and surrounds that are required to address key management issues and objectives. Some proposed works have been completed since that time. Remaining specific improvement works have been described in greater detail and are listed in the Action Plan in **Table 14-5**.

Figure 14-5 | Avalon Beach – Masterplan



14.3.2 ACTION PLAN

Table 14-5 below sets out desired actions to commence and complete desired works at Avalon Beach. It should be noted that the commencement and completion of works identified in the master plan are dependent on Council resources and funding.

Details about key actions listed below are in Section 14.3.3.

Priority:

High	1-2 years
Medium	3-4 years
Low	5 years +
Ongoing	as required

Table 14-5 | Avalon Beach Works Action Plan

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
1 North Avalon amenities building	Refurbish the North Avalon amenities building.	Medium	Transport and Assets	Refurbishment complete	Building report
	Undertake general maintenance of the amenities building.	Ongoing	Transport and Assets	Building standards met	Asset inspections
2 Northern carpark and beach access	Undertake general improvements of the car park – line marking, road surface repair (reseal).	Ongoing	Transport and Assets	Efficient parking	Inspections
	Install a picnic table on the grassed terraces.	High	Transport and Assets	Picnic table installed	Works program
	Install stone steps at the lower northern beach access.	Medium	Transport and Assets	Stone steps installed	Positive feedback from beach users
	Incorporate a small viewing platform and seating.	Low	Transport and Assets	Viewing platform and seating installed	Works program
3 Des Creagh Reserve	Plant shade trees i.e. <i>Banksia integrifolia</i> (10-15no).	High	Transport and Assets	Shade trees planted and thriving	Inspections
	Install new picnic furniture and supplementary reserve planting (shade trees).	High	Transport and Assets	Picnic area installed. Increase in picnicking in the reserve.	Observations
	Consider installing a small playground in the longer term.	Low	Transport and Assets	Decision made about installing a playground	Works program
4 Car park	Rejuvenate the existing carpark planting beds.	Low	Transport and Assets	Improved appearance and function of carpark planting beds	Observations
	Undertake general improvements of the car park – line marking /road surface repair (reseal).	Low	Transport and Assets	Efficient parking	Inspections

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
5 Pathway network	Install lighting along paths (approx 5no)	High	Transport and Assets	Increase in actual and perceived safety of path users	Feedback from reserve users
	Re-grade and re-turf adjacent to the Sydney Water pumping station, and plant new trees.	Medium	Transport and Assets	Landscaping complete	Observations Work program
	Investigate extending the Yellow Brick Road, perhaps as part of the creek-line corridor.	Medium	Transport and Assets	Community support	Community engagement
6 Avalon Dunes	Prepare a works program for the dune system and surrounds.	High	Environment and Sustainability	Works program complete	Works program implemented
	Install interpretive signage where needed to discourage people from walking on the plants. Integrate signage into existing elements rather than using dominate signs on posts where possible.	Medium	Environment and Sustainability	Signage installed. Reduction in trampling of vegetation.	Photographs over time
	Stabilise the sand dune adjoining Des Creagh Reserve, re-fence the dune, and stabilise the main track leading to the beach.	Medium	Environment and Sustainability	Dune and track stable over time	Dune monitoring
	Revegetate the dune edge in the vicinity of the Central Reserve (currently vegetation in this area is over-mature).	Medium	Environment and Sustainability	Revegetation complete.	Vegetation monitoring
	Restore and expand the extent of rear dune vegetation adjacent to Barrenjoey Montessori School.	Medium	Environment and Sustainability	Increase in dune vegetation	Photographs, aerial photos
	Maintain the main access tracks through the dunes, but close the middle access track through the dunes.	Medium	Environment and Sustainability	Middle access track closed	Observation
	Close two tracks and retain one of the three tracks at the northern end of the beach.	Medium	Environment and Sustainability	Two tracks at the northern end of the beach closed.	Observation
	Establish a landscape 'buffer' of local coastal native plant species to north, west and southern interfaces.	Medium	Environment and Sustainability	Increase in native planting.	Observation, Dunecare reports

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
	Edge treatment to reduce weed encroachment from managed amenity areas.			Reduction in extent of weeds.	
	Build a viewing deck in an area of the dunes for SLSC members and lifeguards to view the beach; and provide interpretative signage for dunes.	Medium	Transport and Assets	Viewing deck constructed	Works program. Positive feedback from SLSC
	Promote communication and a coordinated approach between the Friends of Avalon Dunes, contractors and Council.	Ongoing	Environment and Sustainability	Satisfaction of all relevant parties with dune actions	Dune works program
	Undertake maintenance of dunes, including fencing, weed treatment, and supplementary planting of local coastal vegetation.	Ongoing	Environment and Sustainability	Dune maintenance according to dune works program	Dune works program
	Remove and treat weed species in accordance with best practice.	Ongoing	Environment and Sustainability	Reduction in extent of weeds	Photographs
	Replace the fencing around the perimeter of the dunes.	Ongoing	Environment and Sustainability	Intact fencing on perimeter of dunes	Observations
7 Careel Creek	Replace the steel footbridge.	High	Transport and Assets	New footbridge in place	Observations
	Construct a new boardwalk /bridge over Careel Creek and paths linking the eastern and western sections of sports courts.	High	Transport and Assets	New bridge and paths constructed	Observations
	Restore / plant the Careel Creek riparian corridor.	Medium	Environment and Sustainability	Increase in riparian vegetation cover	Observation, vegetation surveys
	Investigate 'naturalisation' of the concrete channel. Prepare feasibility study.	Low	Environment and Sustainability	Investigation complete and decision made	Report to Council
	Undertake general maintenance of footbridges.	Ongoing	Transport and Assets	Footbridges meet safety requirements and are fit for purpose	Asset condition assessment
	Undertake general maintenance, including treatment of creek line gross pollutant traps.	Ongoing	Transport and Assets	Gross pollutant traps cleared as required	Inspections after heavy rain

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
8 Western Reserve area	Construct two hard surface multi-purpose courts (30.5 x 15.25 metres)	High	Transport and Assets	Courts constructed	Works program
	Install floodlighting of courts to Australian Standards	High	Transport and Assets	Lighting meets Australian Standards	Lighting measurements
	Install picnic shelter (4 x 4 metres) and seating area	High	Transport and Assets	Shelter and seating installed	Observations
	Plant native trees on park frontage to Barrenjoey Road.	High	Transport and Assets	Planting completed and thriving	Inspections
	Provide concrete pedestrian pathway between the bus shelter on Barrenjoey Road and the new shared path.	High	Transport and Assets	Footpath used by park users	Observations
	Install protection fencing between the courts and creek.	High	Transport and Assets	Balls used within the court area. No damage to vegetation	Observations
	Install new seating and a drinking fountain at the off leash dog area.	Medium	Transport and Assets	Seating and drinking fountain installed	Positive feedback from dog owners
	Undertake additional landscaping at the off leash dog area.	Medium	Transport and Assets	Landscaping complete	Observations
9 Skate-board park	Undertake refurbishment of the skate park with new seating, vegetation enhancement and fencing.	Medium	Transport and Assets	Refurbishment complete.	Positive feedback from skate park users
10 Central Reserve	Construct one hard surface half basketball court.	High	Transport and Assets	Court constructed	Works program
	Install posts and line-mark one full sized and one half grass netball courts.	High	Transport and Assets	Courts usable	Works program
	Install floodlighting to court areas to Australian Standards for training.	High	Transport and Assets	Lighting meets Australian Standards	Lighting measurements
	Provide pedestrian lighting between the courts and existing pathways.	High	Transport and Assets	Lighting installed	Works program
	Install protection fencing between the courts and creek.	High	Transport and Assets	Balls used within the court area. No damage to vegetation	Observations
	Landscape along Careel Creek including weed removal; replanting with native tree, groundcover and grass species; and protection fencing.	High	Transport and Assets	Creek landscaping complete	Positive feedback from users

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
	Implement changes to the parking layout including one-way access road with turning circle at the northern end, parallel parking, definition of the access road, and undertake landscaping (hard surface treatment).	Medium	Transport and Assets	Efficient parking. Maximum dune vegetation retained.	Observations, Parking surveys
	Install overhead lighting to illuminate the access drive and footpaths along the entire length of the road.	Medium	Transport and Assets	Lighting installed	Works program
	Plant shade trees along the shared path (approx 10-15no).	Medium	Transport and Assets	Trees planted and thriving	Observations
11 Car park reserve area	General improvements – regrade and turf	Low	Transport and Assets	Improved carrying capacity	Observation of use
	Install new picnic tables (approx 3no).	Low	Transport and Assets	Increased use of the area	Observations
	Undertake new shade tree planting (approx. 10no)	Low	Transport and Assets	Increased shade cover	Observations
12 Southern carpark	Improve entry off Barrenjoey Road (i.e. widening/'splitter island')	High	Transport and Assets	Reduction in traffic/pedestrian conflict	Observations, reports
	Review traffic circulation - two-way vehicular access driveway with turning circle at the northern section to alleviate current traffic congestion.	Medium	Transport and Assets	Efficient vehicle circulation and parking	Traffic surveys
	Formalise parking bays (mix of perpendicular and parallel parking), type dependent on location.	Medium	Transport and Assets	Efficient vehicle parking	Observations
	Undertake general improvements to the upper carpark – line marking / road surface repair (reseal)	Medium	Transport and Assets	Efficient vehicle parking	Observations
	Replace 'Koppers log' barrier fence – wheel stops / timber bollards where required	Medium	Transport and Assets	Efficient vehicle parking	Observations
	Integrate existing lighting into the new design.	Medium	Transport and Assets	Safety in the carpark	Reports of safety breaches
	Re-paint feature bollards	Medium	Community and Belonging	Public art feature	Positive feedback from reserve users
	Undertake landscaping	Low	Transport and Assets	Improved aesthetics and amenity	Observations

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
13 Avalon Surf Life Saving Club	Manage the building in accordance with the Avalon SLSC Coastal Protection Works Management Plan (Appendix 2).	Ongoing	Transport and Assets	No damage to building or beach	Asset inspections
	Undertake general maintenance of the surf club building	Ongoing	Transport and Assets	Building meets building standards	Asset inspections
14 Avalon Beach Reserve	Provide an access pathway link from Barrenjoey Road (bus stop area) to open space, the beachfront and the SLSC.	High	Transport and Assets	Reduction in pedestrian/ vehicle conflict	Observations
	Upgrade existing park furniture, seating, amphitheatre, and provide picnic shelter and park furniture.	Medium	Transport and Assets	Increased user numbers	Observations
	Upgrade the playground area.	Medium	Transport and Assets	Increased range of play experiences.	Equipment choice,
	Provide seating for carers supervising children, and shade.	Medium	Transport and Assets	Increase in satisfaction and comfort	Positive feedback from carers
15 Corner Barren- joey Road and Avalon Parade	Implement the reserve name sign and landscaping at the corner of Barrenjoey Road and Avalon Parade.	Medium	Transport and Assets	Improved visual amenity and wayfinding	Positive feedback from reserve users
	New mass planting and shade trees (native species)	Medium	Transport and Assets	Improved visual amenity. Increased recreational use of this area	Observations. Positive feedback from reserve users
	Install additional park furniture and signage, and landscape.	Medium	Transport and Assets	Increased recreational use of this area	Observations
	Undertake general improvements including removing old/dead vegetation (i.e. cypress trees).	Ongoing	Transport and Assets	Improved visual amenity. Increased recreational use of this area	Observations
16 South Avalon Beach	Establish dune protection to supplement existing rock boulders, including 'cut-throughs' and stair access at the shower.	Medium	Transport and Assets	Protection of the dune	Monitoring of dune
	Relocate bins from under existing trees and replace with a seat.	Medium	Transport and Assets	Increase in informal recreation use	Observations
	Install an additional picnic table and concrete pad.	Medium	Transport and Assets	Increase in informal recreation use	Observations
17 Avalon Rock Pool	Install a new outdoor shower.	Low	Transport and Assets	Increase in shower facilities	Positive feedback from rock pool users

Area	Actions	Priority	Respons- ibility	Performance targets	Method of measurement
	Undertake general maintenance including platform edge re-surfacing.	Ongoing	Transport and Assets	Improved safety, reduction on slips and falls	Accident reports
18 Headland	Undertake cliff face stabilisation works i.e. underpinning of rock outcrops (in accordance with geotechnical recommendations).	High	Transport and Assets	Reduced risk of rock falls	Geotechnical reports
	Install low hardwood barrier fencing along the cliff edge.	Low	Transport and Assets	Improved safety of reserve users	Accident reports
	Monitor cliff line instabilities and risk.	Ongoing	Transport and Assets	Reduced risk of rock falls	Geotechnical reports

14.3.3 KEY PROJECTS

Area 6 - Avalon Dunes

The dunes are maintained by Council through bush regeneration contractors. Between 1989 and the present day, a group of volunteers, now called the Friends of Avalon Dunes Dunecare group, undertook the restoration of the dunes. The Friends have recently recommenced work. Their aim is to stabilise, weed and regenerate / revegetate with local dune plant species to increase biodiversity and ecosystem resilience.

Considering the history of the site, the technical skills of the Friends and the good work that has been achieved to date, the most important management strategy is to promote good communication and a well coordinated approach between the Friends, contractors and Council, particularly in relation to the weeds - where, what, why and how the various teams work throughout the dunes.

Apart from weeds, the other most concerning issue is damage by youth who build bases / camps and drag sofas into the dunes. This is a cultural problem that could be addressed in several ways, such as through the promotion of organised sport and recreational activities, youth education through interpretative signage and school visits, and young people being encouraged to form a volunteer working group for dune restoration work. A designated youth area at the edge of the dunes could also be investigated in the longer term. This could provide Council with a negotiating tool in order to contain and monitor activities (This option is not supported by the Friends).

Areas 7, 8 and 10 – Careel Creek, Western Reserve Area and Central Reserve

Council has identified a gap in fit-for purpose netball training courts in the northern peninsula. The Northern Beaches Sportsfield Strategy recommended filling this service gap with the development of hardcourts and sportsfield lighting to Australian Standards in Avalon.

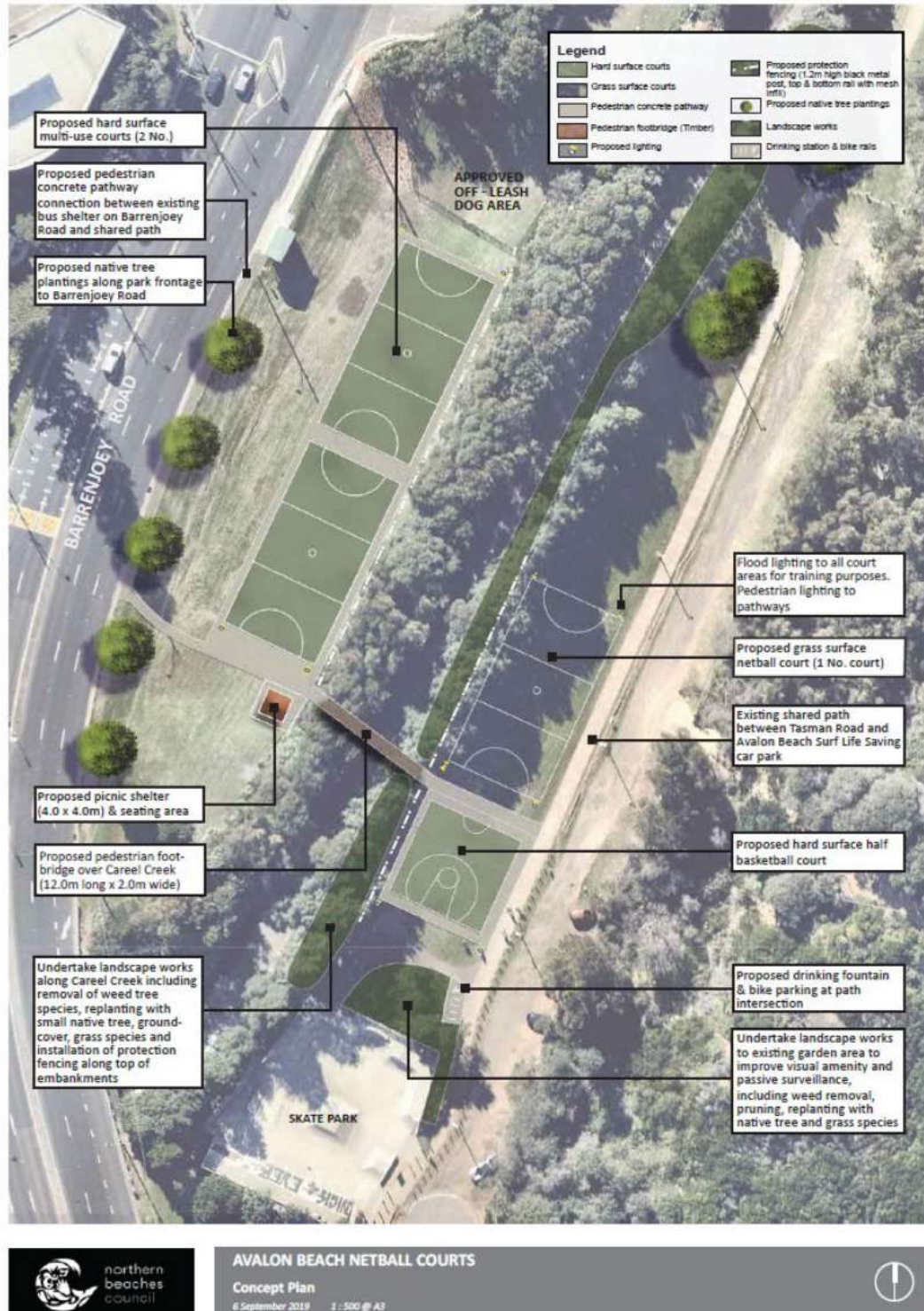
Consultation with stakeholders, including Pittwater Peninsula and Newport Breakers netball clubs, identified the preferred location for the courts as the grassed area between Barrenjoey Road and the dunes in Avalon Beach Reserve, bordered by the fenced off leash dog area to the north.

Refer to the concept plan in **Figure 14-6**. Two multi-purpose full-sized hard courts, and one half basketball court, with one full-sized grass court and one half-sized grass court, are proposed to be constructed. A bridge will be constructed across Careel Creek to link the two sets of courts. The hard courts will be green in colour to better blend into the surrounding environment. The courts would be lit to Australian Standard for match practice and amateur competition.

Council was successful in obtaining \$562,000 in grants from the NSW Government to fund the courts. A condition of the grant is that the project is completed by 31 December 2019.

If there is any future proposal to change the facilities as detailed in the concept plan at **Figure 14-6** Council will need to undertake community engagement with the wider Avalon community before implementing these works.

Table 14-6 | Avalon Beach Netball Courts Concept Plan



Area 10 – Central Reserve

Overflow parking is currently available towards the north of the new formalised access road. Overflow parking is necessary during peak periods, particularly during Nipper events, carnivals and surf competitions. Stage 2 proposes to formalise this area using road base to provide a low-key functional surface. The access road is single lane with parallel parking for minimal impact on the adjoining sand dunes. (Refer to **Figure 14-7**).

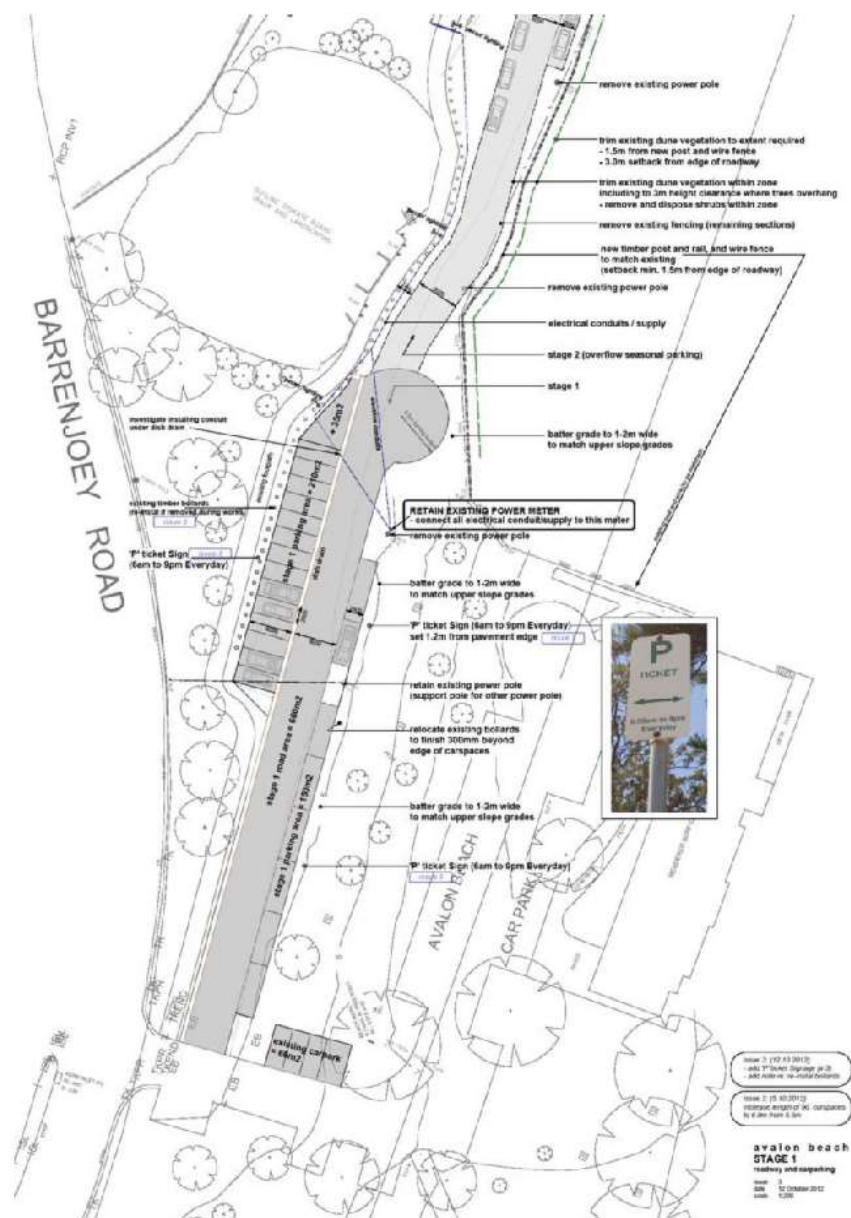
Table 14-7 | Overflow Parking – proposed works Stage 2



Area 12 – Southern Carpark

Avalon Beach is a popular destination during the summer months. At these times, vehicle access and parking is congested. The 2007 plan of management proposed alleviating congestion by formalising the access drive and parking. Stage 1 works have recently been carried out (Refer to **Figure 14-8**). This is in accordance with the initial concept sketch.

Figure 14-8 | Southern Car Park – Recent works to formalise access drive and parking



Areas 14 and 15 – Avalon Beach Reserve and Corner Barrenjoey Road and Avalon Parade

Avalon Beach Reserve will be landscaped as sensitively as possible to enable the natural landscape to dominate. Principles are:

- the proposed recreational facilities – playground and picnic area, will be contained within the small section of the reserve as shown in the Masterplan (Refer to **Figure 14-9**);
- the majority of the Reserve will be green, open space;
- vegetation will be locally native species where possible;
- plantings will consider coastal views and security (open enough to prevent people hiding behind bushes; and
- a sign with the reserve name will be considered. (Refer to **Figure 14-10**).

Figure 14-9 | Avalon Beach Reserve – Landscape Plan



Appendix 1. Alcohol Free Zones in Avalon Beach Reserve and Surrounds





REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 13.1 - 28 MAY 2019

ITEM 13.1	ACCESS TO QUEENSCLIFF HEADLAND
REPORTING MANAGER	EXECUTIVE MANAGER CAPITAL PROJECTS
TRIM FILE REF	2019/173939
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To provide Council with a report on the potential for improvements to access to Queenscliff Headland.

EXECUTIVE SUMMARY

Council resolved on 18 December 2018 (Resolution 401/18) that staff prepare a report for Council assessing current accessibility to Queenscliff Headland and options to improve accessibility for parents with prams, wheel chairs and bike riders.

The provision of greater accessibility north of Queenscliff Bridge and the provision of ramps has been raised by residents in the past with both the Northern Beaches Council and the former Warringah Council.

The existing pathway network linking Queenscliff Beach and Upper Greycliffe Street has been assessed and three options identified that could improve accessibility. Taking into account estimated construction costs, topography constraints, visual and environmental impacts, the option of a new footpath on the north side of Greycliffe Street, linking into an existing footpath on Upper Greycliffe Street has been identified as the most viable option. Due to site constraints there is insufficient space for a shared user path at this location.

A number of funding options to improve accessibility to Queenscliff Headland have been explored including grants, reallocation of Coast Walk funds and developer contributions. Further investigations and design work is required to confirm construction cost estimates for the recommended option. Mr Paul Oates has applied for a grant under the 'My Community Project' with Northern Beaches Council as project sponsor, seeking funds to progress with design and investigation works for the recommended design option. The outcome of this grant application is expected to be known around September 2019.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

- A. Council note the condition assessment undertaken by staff of the stairs at the northern end of Queenscliff (Stuart Sommerville) Bridge.
 - B. The minor renewal of the stairs at the Northern end of Queenscliff (Stuart Sommerville) Bridge, including the installation of a new handrail and repair of damaged treads, be prioritised and added to the Footpath Renewal program.
 - C. Council endorse Option 1 – footpath on north side of Greycliffe Street, as the preferred concept option to improve accessibility to Queenscliff Headland for the design and investigation works to be undertaken in 2020/21
 - D. Council recognise that the option of an inclinor next to the stairs at the northern end of Queenscliff (Stuart Sommerville) Bridge is not a viable option due to high ongoing maintenance costs, risk of anti-social behaviour and potential for breakdown of equipment.
-

REPORT

BACKGROUND

Council resolved on 18 December 2018 (Resolution 401/18) that:

- A. *Council staff prepares a report on:*
- a. *The present condition of and adequacy of community accessibility of the public stairs at the northern end of the Queenscliff (Stuart Somerville) Bridge, part of the Northern Beaches Coastal Walk. This should include the safety and practicality of alternative equitable access routes to these stairs.*
 - b. *What action would be appropriate to bring the stairs to acceptable accessibility NSW standards and other legislative requirements of the Northern Beaches Council.*
 - c. *What design options could be available, in consultation with Mr. Paul Oates and the Queenscliff community, to improve accessibility for wheelchairs, parents with prams, bike riders with difficulty carrying a bike up steep and long stairs, and/or other people with accessibility issues.*
 - d. *What funding options would be available to improve the accessibility of these stairs, including NSW and Federal Government grants, existing Section 94 contributions funds and /or improved prioritisation of the Northern Beaches coastal walk capital expenditure.*
 - e. *What criteria was used to assess priority capital expenditure on the Northern Beaches Coastal Walk and what ranking if any did equitable access receive. If any priority ranking exists, did the priority ranking system including the following criteria: frequency of use (pedestrian count), availability of alternative safe and convenient equitable access, prioritise Manly to Palm Beach (South to North), lack of impediments (land ownership, heritage, topography, services).*
 - f. *The Council investigates the cost of building an accessible inclinor next to the Queenscliff stairs and researches possible grant funds available for its construction.*
- B. *The report is brought back to Council within 4 months.*

The provision of greater accessibility north of Queenscliff Bridge and the provision of ramps has been raised by residents of in the past both with the Northern Beaches Council and the former Warringah Council.

Due to the steepness of the terrain, in order to construct paths or ramps at these locations to satisfy accessibility standards, multiple switchbacks (hairpin turns) and substantial retaining walls to support the elevated pathway would be required. As alternate accessible paths of travel are available and significant cost estimates to construct accessible ramps, provision of new accessible routes was previously considered a low priority.

A petition was received by Council on 26 October 2018 via Change.org to improve access for prams, wheelchairs and those with accessibility issues at the Queenscliff stairs.

Assessment of existing stairs and compliance with current standards

The existing stairs adjacent to number 19 Greycliffe Street link the upper and lower portion of Greycliffe Street. The streets are connected by 52 stairs broken up by three landings.

The stairs are largely in a sound condition and would have been compliant with relevant standards at the time they were constructed. However, when assessed against the current Australian Standard for Design for access and mobility (AS1428) there are a number of deficiencies. These deficiencies include, only one handrail, non-compliant handrail, non-compliant landings, non-compliant riser heights and tread depths. There is also no kerb access ramp to access the path at Greycliff Street. A rail was installed in recent years on the west side of these stairs to allow cyclists to walk up the stairs whilst pushing their bicycle along the rail. An image of this existing stair access is shown in Figure 1 below.

Alternate routes from the stairs are available for pedestrians, wheelchairs and bikes. The primary route for alternate access to avoid the stairs is west along the existing footpath on Queenscliff Road, across the road at the intersection of Greycliffe Street and then along the southern side of Greycliffe Street.

The alternate route is an additional 560 metres and presents a number of challenges to pedestrians, and other community members with accessibility issues. These include no formal crossing point, inadequate sight distances around corners and steep sections of path.



Figure 1 – Existing stair access linking Greycliffe Street to Upper Greycliffe Street

Renewal of Existing Stair access North of Queenscliff Bridge

To bring the stairs into full compliance with current accessibility standards AS1428 Council the required adjustments to the existing stairs would ultimately result in the full reconstruction of the stairs.

As the stairs are considered generally fit for purpose, it is recommended that the Transport and Civil Infrastructure Assets team prioritise the minor renewal of the stairs and by placing them on a future renewal program. At a minimum, the renewal scope would include the installation of new compliant handrail and repair of any damaged stair treads.

Options to improve accessibility to Queenscliff Headland

This report focuses on accessibility between Lower and Upper Greycliffe Street, shown as Section 1 in Figure 2 below. Feedback from the community via Mr Paul Oates is that this is the priority section which would improve accessibility to Queenscliff Headland. However, it should also be noted that there are two other locations between Queenscliff Beach and Freshwater Beach that are currently linked by stairs, shown as Section 2 and Section 3 in Figure 2.



Figure 2: Queenscliff Headland

A site survey was conducted to determine the level differences, and three viable options were identified as outlined in the table below.

Item	Description	Cost Estimate
Section 1 – Greycliffe Street		
Option 1 - Path on northern side	New footpath on North side of Greycliffe Street, approximately 145m in length	\$650,000
Option 2 - Accessible Ramp	1:14 DDA accessible ramp, 114m in length with 2 switchbacks	\$1,400,000
Option 3 - Inclinator	Residential grade inclinator with new emergency stair access adjacent to No. 19 Greycliffe Street	\$670,000 plus ongoing operating costs of \$20,000 pa.



Figure 3: Option 1 - Potential new footpath on northern side of Greycliffe Street

Option 1 is recommended as the preferred solution based upon estimated construction cost, visual and environmental impacts. This new footpath would link with an existing path on Upper Greycliffe Street with a crossing point at a distance from the corner to meet sight distance requirements under the relevant standards. This footpath would closely follow the existing road gradient and 1 in 14 compliance with AS1428 Design and Access for Mobility may not be fully achievable. This option would significantly improve access for parents with prams.

However, detailed site investigations including geotechnical and environmental investigations are required in order to confirm estimated construction cost. Current cost estimates includes a nominal allowances to relocate in ground and above ground services that may conflict with the design, however this cannot be accurately determined until further investigations are undertaken.

Funding Options

In order to progress with the recommended option to improve access to Queenscliff Headland a funding source would need to be identified. Potential funding sources for these initiatives could include grants and/or developer contributions.

State/Federal Grants

There are various grant programs administered by state or federal authorities. There are no specific programs identified that those focus directly on improving access in the road reserve for those with accessibility issues. There are however grant programs specifically focused on local infrastructure under which the project may be eligible.

Community Building Partnerships Program

The NSW Government is investing in infrastructure projects through the Community Building Partnerships Program that deliver positive social, environmental and recreational outcomes, while promoting community participation, inclusion and cohesion. Local councils are eligible to apply for grants between \$2500 and \$330,000. The average grant awarded is around \$20,000.

One of the criteria stipulates that “the project develops a vibrant, sustainable and inclusive community through the enhancement or construction of community infrastructure”.

My Community Project

This grant program administered by the NSW State Government provides funding to projects identified by the community. My Community Project will enable individuals to put forward ideas for projects in their area, and a public vote will show which projects have the most community support to receive funding. Successful projects will receive funding between \$20,000 and \$200,000.

People can nominate projects together with the support of a local organisation as the project sponsor. Some examples of projects that could be funded include playgrounds, paths or ramps to improve access, community transport services, public gardens, upgrades to local sporting or community facilities, public art, cultural festivals, programs for youth and health initiatives.

The 2019 program is currently open for the proposal of projects by the community and closed on 15 May 2019.

Developer Contributions

Accessibility improvements to Queenscliff Headland may be able to be funded from developer contributions in the future. Paths across the Northern Beaches are funded from the New Footpath Program which identifies and prioritises funding for new paths.

The WALK - Northern Beaches Walking Plan (Walking Plan) will inform and set footpath priorities across the Northern Beaches. The Walking Plan will provide a consistent framework to assess the priority of all footpath requests and guide the funding of the highest priority works.

Northern Beaches Coast Walk Prioritisation and Ranking criteria

The Coast Walk project is being completed under the Connected Communities program of works, funded from the Stronger Communities Fund. Council's vision is to provide an iconic world class fully continuous coastal walkway linking Palm Beach to Manly together through a series of paths linking north and south.

As funding was limited, Council's key criteria for prioritising sections of the coastal walkway was through the identification of the missing links to provide 36 km of continuous all-weather coastal walkways from Palm Beach to Manly. Due to the nature of the topography within the Coast Walk, it was not possible to provide a continuously accessible pathway for the full length of the works without major cost and environmental implications.

Existing access is provided between Queenscliff Road and Undercliff Road therefore, no funding was allocated to these works under the Coast Walk project.

Other sections of existing path exist along the length of the Coast Walk, where due to the location and terrain, stairs are the only option. This includes the stairs at the northern end of Freshwater Beach, Mona Vale Headland to Hillcrest Avenue, sections down south Bilgola headland and back up to north Bilgola headland and the stairs linking Whale Beach Road with Palm Beach. These sections have also not received funding as paths already exist and the Coast Walk project did not seek to provide an accessible path from Manly to Palm Beach.

Provision of an inclinator to link upper and lower Greycliffe Street

As previously outlined the option of an inclinator has been assessed. A high level budget estimate has been developed. At Location 1, Greycliffe Street the estimated initial construction cost for an inclinator is \$670,000 plus ongoing maintenance costs estimated at \$20,000 per annum. However, an inclinator is not recommended due to ongoing maintenance costs and the risk of anti-social behavior, vandalism and potential for breakdown of equipment.

This estimate is also based on a residential grade inclinator which is unlikely to withstand constant use in a public and coastal environment. Budget estimates for a commercial grade inclinator could not be sourced at the time of writing this report but are likely to be significantly more expensive.

An alternative to an inclinator is a lift, which is becoming more commonly used in the public domain to address accessibility. For example, a lift with pedestrian overpass has been installed by the RMS in recent years at Warringah Road near Starkey Street in Forestville. However, it should be noted that at Greycliffe Street, Queenscliff a lift would address accessibility at only one of three locations across Queenscliff headland that currently has stair access. A lift at this location would also present visual impacts on the environment that would need to be assessed.

CONSULTATION

As part of this initial report the ideas submitted by the Better Access for Queenscliff group and previous correspondence from Mr Paul Oates has been considered.

An on-site meeting was held with Mr Paul Oates on Monday 8 April 2019 and the three options outlined in this report for improving accessibility between lower and Upper Greycliffe Street were discussed.

Any proposed access improvements to Queenscliff Headland would require significant community consultation due to the localised impacts the construction ramps would produce. The most significant impact would be visual and service relocations.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Transport, Infrastructure and Connectivity Goal 16 - Our integrated transport networks meet the needs of our community.

FINANCIAL CONSIDERATIONS

All of the possible options identified in this report would require significant investment by Council in order to construct. At this time no funding has been allocated to this project in future capital works program but could be considered by Council in the future.

A grant application under the My Community Program has been lodged by Mr Paul Oates, with Northern Beaches Council as the Project Sponsor seeking funds to progress with further design and investigations for improved access to Queenscliff Headland. The outcome of this grant application is not expected to be known until September 2019.

If this grant application is unsuccessful, it is recommended that a budget bid be prepared for the FY 20/21 Capital works program to progress with design, investigation and further community

consultation only. This would allow for cost estimates for construction to be refined and presented to Council for future consideration.

SOCIAL CONSIDERATIONS

The provision of a new footpath to link the lower and upper sections of Greycliffe Street for prams, and those with accessibility issues would result in localised improvements and provide greater access to Queenscliff headland.

Existing routes exist for those with access issues and whilst these do increase the distance of travel are already available in the area.

Inclinators are likely to present a target for graffiti, vandalism and other anti-social behaviour and will result in significant ongoing investment to maintain and operate in a safe and clean manner.

ENVIRONMENTAL CONSIDERATIONS

Any potential improvements as identified in the above report would result in significant structures being built close to existing residences and its impacts would require consultation with adjoining residents and the wider community.

There also potential impacts to existing vegetation that would need to be assessed and considered during consultation.

Any potential improvements would also result in temporary construction impacts to traffic, pedestrian access, noise and dust.

GOVERNANCE AND RISK CONSIDERATIONS

The provision of accessible ramps or inclinators in Queenscliff would likely result in further requests for similar treatments across the Northern Beaches where terrain dictates that accessible paths of travel are unavailable. This would result in significant costs to replicate the treatments in similar locations.