

Public Wharves Pittwater

Plan of Management

Under the Crown Lands Act, 1989 & Local Government Act, 1993 Prepared by Pittwater Council June 2008



FORWARD

EXECUTIVE SUMMARY

1	INTRODUCTION	1-1
1	.1 Background.2 Land to which this Plan of Management applies.3 Purpose	1-1 1-3 1-4
2 2 2	VALUE STATEMENT .1 Aboriginal history .2 Europoean history .3 Landscape character	2-1 2-1 2-1 2-2
3 3 3 3	LEGISLATION AND POLICY FRAMEWORK Crown Lands Act 1989 Environmental Planning & Assessment Act, 1979 State Environmental Planning Policy (Infrastructure Pittwater Local Environmental Plan, 1993 (PLEP) Pittwater DCP No 22: Exempt and Complying Dev Additional studies related to this POM	3-4
4 4 4 4 4 4 4	FUTURE USE, DEVELOPMENT & MANAGEMENT 1 Vision for the Plan of Management 2 Management principles 3 Management strategies 4 Wharf profile 5 User analysis 6 Planning guidelines 7 Leases, licences and other estates 8 Masterplan 9 Management strategy / works program 10 Implementation	4-1 4-1 4-1 4-2 4-2 4-6 4-6 4-8 4-8
5 6	BAYVIEW (BATHS & JETTY) WHARF BAYVIEW LAUNCHING RAMP	chapter under development chapter under development
7	BELLS WHARF	7-1
8	BENNETS WHARF	8-1
9	BONNIE DOON WHARF	9-1
10 11	BROWNS BAY WHARF CAREEL BAY WHARF	chapter under development chapter under development
12	CARGO WHARF	12-1
13	CAROLS WHARF	13-1
14 15 16 17 18	CHURCH POINT CARGO WHARF CHURCH POINT COMMUTER WHARF CHURCH POINT JETTY CHURCH POINT PUBLIC PONTOON / RAMP EASTERN WHARF ELVINA BAY NORTH WHARF	chapter under development chapter under development chapter under development chapter under development chapter under development

20 21 22	ELVINA BAY SOUTH WHARF HALLS WHARF LOVETT BAY WHARF	chapter under development chapter under development chapter under development
23	MACKEREL BEACH WHARF	23-1
24 25 26 27 28	NEWPORT WHARF PALM BEACH WHARF PARADISE WHARF SALT PAN WHARF TAYLORS POINT WHARF	chapter under development chapter under development chapter under development chapter under development chapter under development
29	TENNIS COURT WHARF	29-1
30 31 32	TOWLERS / MORNING BAY WHARF UPPER McCARRS CREEK WHARF YACHTSMAN PARADISE WHARF	chapter under development chapter under development chapter under development

LIST OF FIGURES

Figure 1-1	Pittwater public wharves locality plan
Figure 4-1	Scotland Island boat tie-up user analysis
Figure 7-1 Figure 7-2 Figure 7-3 Figure 7-4	Bells Wharf location plan Bells Wharf reserve survey plan Bells Wharf reserve zoning plan (PLEP 1993) Bells Wharf reserve concept sketch
Figure 8-1 Figure 8-2 Figure 8-3 Figure 8-4	Bennets Wharf location plan Bennets Wharf reserve survey plan Bennets Wharf reserve zoning plan (PLEP 1993) Bennets Wharf reserve concept sketch
Figure 9-1 Figure 9-2 Figure 9-3 Figure 9-4	Bonnie Doon Wharf location plan Bonnie Doon Wharf reserve survey plan Bonnie Doon Wharf reserve zoning plan (PLEP 1993) Bonnie Doon Wharf reserve concept sketch
Figure 12-1 Figure 12-2 Figure 12-3 Figure 12-4	Cargo Wharf location plan Cargo Wharf reserve survey plan Cargo Wharf reserve zoning plan (PLEP 1993) Cargo Wharf reserve concept sketch
Figure 13-1 Figure 13-2 Figure 13-3 Figure 13-4	Carols Wharf location plan Carols Wharf reserve survey plan Carols Wharf reserve zoning plan (PLEP 1993) Carols Wharf reserve concept sketch
Figure 23-1 Figure 23-2 Figure 23-3 Figure 23-4	Mackerel Beach Wharf location plan Mackerel Beach Wharf reserve survey plan Mackerel Beach Wharf reserve zoning plan (PLEP 1993) Mackerel Beach Wharf reserve concept sketch
Figure 29-1 Figure 29-2 Figure 29-3 Figure 29-4 Figure 29-5	Tennis Court Wharf location plan Tennis Court Wharf reserve survey plan Tennis Court Wharf Reserve zoning plan (PLEP 1993) Tennis Court Wharf Reserve: RFS concept sketch Tennis Court Wharf Reserve: commuter wharf concept sketch

LIST OF TABLES

Table 1.1	Pittwater public wharves
Table 3.1 Table 3.2	Crown land management principles Zone classification (PLEP 1993)
Table 7.1 Table 7.2 Table 7.3	Bells Wharf Reserve Profile Bells Wharf Reserve Planning Policy Guidelines Table Bells Wharf Reserve Management Guidelines Table
Table 8.1 Table 8.2 Table 8.3	Bennets Wharf Reserve Profile Bennets Wharf Reserve Planning Policy Guidelines Table Bennets Wharf Reserve Management Guidelines Table
Table 9.1 Table 9.2 Table 9.3	Bonnie Doon Wharf Reserve Profile Bonnie Doon Wharf Reserve Planning Policy Guidelines Table Bonnie Doon Wharf Reserve Management Guidelines Table
Table 12.1 Table 12.2 Table 12.3	Cargo Wharf Reserve Profile Cargo Wharf Reserve Planning Policy Guidelines Table Cargo Wharf Reserve Management Guidelines Table
Table 13.1 Table 13.2 Table 13.3	Carols Wharf Reserve Profile Carols Wharf Reserve Planning Policy Guidelines Table Carols Wharf Reserve Management Guidelines Table
Table 23.1 Table 23.2 Table 23.3	Mackerel Beach Wharf Reserve Profile Mackerel Beach Wharf Reserve Planning Policy Guidelines Table Mackerel Beach Wharf Reserve Management Guidelines Table
Table 29.1 Table 29.2 Table 29.3	Tennis Court Wharf Reserve Profile Tennis Court Wharf Reserve Planning Policy Guidelines Table Tennis Court Wharf Reserve Management Guidelines Table

APPENDICES

Gazettal notices
Heritage listing – Bonnie Doon Wharf
Preliminary archaeological assessment at Cargo Wharf

EXECUTIVE SUMMARY

The Pittwater Wharves Plan of Management (POM) aims to ensure that the public wharves of Pittwater retain their environmental, recreational, scenic, cultural and social values and key issues relating to the management of the wharf reserves, such as access and safety, are addressed.

The key objectives of this POM are to:

- conserve and manage each wharf as both a local and regional recreational resource, ensuring broad community access to a high quality coastal environment for the benefit of the people of NSW;
- develop management actions to resolve issues affecting the public wharves consistent with community values and expectations;
- implement a safe and equitable system of wharf tie-ups for the orderly storage of commuter vessels;
- enable control of the wharves to be carried out by NSW Maritime Officers, Water Police and Pittwater Council Officers; and
- meet legislative and policy requirements for managing Crown land.

The POM applies to 'reserved' Crown Land administered by the Department of Lands. To date Pittwater Council has been appointed Corporate Manager of seven (7) of a potential twenty eight (28) Public Wharf Reserve Trusts (refer listing). The Trust is charged with the care, control and management of the wharf reserves and Council manages the affairs of the Trust. The wharf reserves are designated for the public purpose of 'Access'.

Pittwater Public Wharf Reserves included in the POM are:

- Bells Wharf, Scotland Island (R1010808)
- Bennets Wharf, Coasters Retreat (R1010809)
- Bonnie Doon Wharf, Coasters Retreat (R1010810)
- Cargo Wharf, Scotland Island (R1010811)
- Carols Wharf, Scotland Island (R1010812)
- Mackerel Beach Wharf, Great Mackerel Beach (R1004208)
- Tennis Court Wharf, Scotland Island (R1010813)

Several stakeholder meetings and two (2) community meetings have been held to provide an opportunity for the community and key users to voice their opinions, concerns or interest in matters affecting Pittwater Public Wharves. Issues raised at the meetings and submissions received have been taken into account when preparing the Plan.

The development of Public Wharf Reserves will be consistent with or ancillary to the reservation purpose. Works identified respond to 'access' objectives and received community feedback while enhancing the long term sustainability of the public resource.

Improvements to existing wharves will aim to accommodate, where feasible, the following key long-term development strategies:

- user accessibility provision of access ramps & pontoons;
- accessibility for disabled (where appropriate);
- safe & secure shelter areas (lighting etc.);
- appropriate and adequate commuter boat tie-up facilities;
- required safety equipment (ie. lifebuoys / resuscitation charts);
- community facilities notice boards / post collection / seats;
- regulatory and statutory signage; and
- ancillary facilities domestic waste / recycling storage & collection.

A Concept Sketch and descriptive summary have been developed to illustrate the proposed improvement works at each wharf reserve. Concept sketches are indicative only and subject to further detailed design development following further investigations such as water depth and environmental studies. Proposals are supplemented by a works programme including indicative costs. A summary of the capital works and indicative total cost at each Public Wharf reserve follows:

- Bells Wharf extension of wharf head, provision of access ramp, pontoons, 'ferry compatible' pontoon and licensed boat tie-up spaces (approx 20-25): approx works cost \$200.000
- Bennets Wharf monitoring and replacement of White Ant infested timber, extension of wharf head (domestic waste storage area), pontoon and licensed boat tie-up spaces (approx 5-10): approx works cost \$60,000 with allowance of \$150,000 to White Ant infestation treatment
- <u>Bonnie Doon Wharf</u> investigation of ramp access at wharf entry, structural review of heritage stone groyne, provision of timber screen to domestic waste storage area, pontoon and licensed boat tie-up spaces (approx 5-8): approx works cost \$50,000 with allowance of \$40,000 to heritage stone groyne investigations and works
- <u>Cargo Wharf</u> construction of concrete access ramp, new timber jetty, ramp, pontoon and licensed boat tie-up spaces (approx 15-25) and 'ferry compatible' pontoon, picnic furniture / seating and non-powered watercraft storage: approx works cost \$300,000
- <u>Carols Wharf</u> installation of signage, community notice boards, provision of access ramp and 'ferry compatible' pontoon, two (2) pontoons with licensed boat tie-up spaces (approx 50) and non-powered watercraft storage: approx works cost \$210,000
- Mackerel Beach Wharf extension of wharf head with additional licensed boat tieup spaces, construction of domestic waste bin area (determined at the detailed design stage), roof extension between existing shelter sheds and non-powered watercraft storage: approx works cost \$95,000
- <u>Tennis Court Wharf</u> provision of access ramp and 'ferry compatible' pontoon (dual function), pontoons with access ramp (south side of existing wharf) and licensed boat tie-up spaces (approx 40-45), and non-powered watercraft storage: approx works cost \$450,000

Commencement and completion of proposed works are dependent on available Council resources and funding. The Plan of Management is to be reviewed on a five yearly basis.

1 INTRODUCTION

BACKGROUND

The Pittwater Public Wharves Plan of Management (POM) has been prepared to document the key values of public wharves located in Pittwater (refer Figure 1-1) and guide their ongoing management, future use and development.

The Pittwater waterway is highly regarded by local residents and also visitors from greater NSW and beyond. The lifestyle for many, within the Pittwater community and also the wider region of Sydney, is focused on the coastal environment and as such the demand for boat tie-up facilities at the public wharves is very high.

Underpinning the POM is the involvement of the community in determining what values are important and how these should be protected and enhanced. Pittwater Council is committed to the promotion of sustainable and equitable use of the public wharf reserves.

The POM covers twenty eight (28) public wharves / boat ramps within Pittwater. A separate chapter covers each of the wharf reserves, so as to adequately consider the unique qualities and opportunities each wharf has to offer while addressing issues facing each particular wharf. Each chapter will deal with information specific to that wharf, such as amenity, access and permitted future development and uses.

Initially seven (7) public wharves in Pittwater are to be included in the POM. As other public wharf chapters are developed, completed, exhibited and adopted they will be included in this POM.

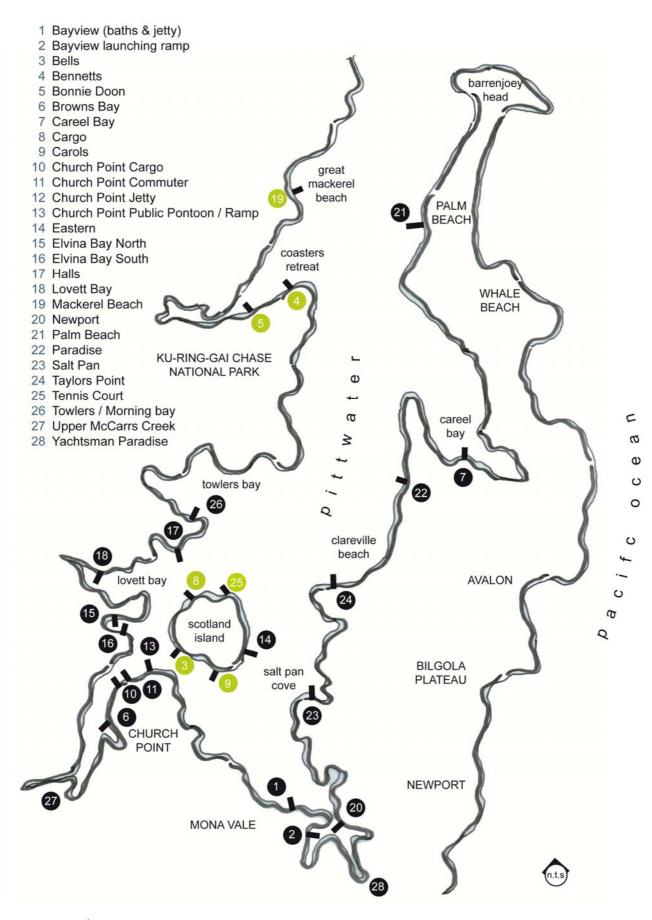


Figure 1-1 | Pittwater Public Wharves Locality Plan

A full listing of Pittwater's public wharves, locality and POM status follows:

Table 1-1 | Pittwater Public Wharves

Public Wharf / Boat Ramp	Locality	WPOM status
Daywiew (bethe 9 jetty)	Maybanka Caya	_
Bayview (baths & jetty)	Maybanke Cove	-
Bayview launching ramp	Rowland Reserve	
Bells	Scotland Island	Chapter 7
Bennets	Coasters Retreat	Chapter 8
Bonnie Doon	Coasters Retreat	Chapter 9
Browns Bay	McCarrs Creek	•
Careel Bay	Careel Bay	•
Cargo	Scotland Island	Chapter 12
Carols	Scotland Island	Chapter 13
Church Point Cargo	Church Point	-
Church Point Commuter	Church Point	•
Church Point Jetty	Church Point	•
CP Public Pontoon / Ramp	Church Point	•
Eastern	Scotland Island	•
Elvina Bay North	Elvina Bay	•
Elvina Bay South	Elvina Bay	•
Halls	Lovett bay	•
Lovett Bay	Lovett Bay	•
Mackerel Beach	Great Mackerel Beach	Chapter 23
Newport	Heron Cove	•
Palm Beach	Palm Beach	
Paradise	Clareville	•
Salt Pan	Salt Pan Cove	
Taylors Point	Clareville	•
Tennis Court	Scotland Island	Chapter 29
Towlers / Morning Bay	Morning Bay	
Upper McCarrs Creek	McCarrs Creek Reserve	•
Yachtsmans Paradise	Crystal Bay	•

Key:

 Public wharves to be review and where appropriate incorporated into Pittwater Public Wharves Plan of Management

LAND TO WHICH THIS PLAN APPLIES

The Pittwater Public Wharves Plan of Management applies to reserve Crown land at the following public wharves (refer Figure 1-1 and relevant chapters):

Scotland Island

Bells Wharf (R1010808)
 Cargo Wharf (R1010811)
 Carols Wharf (R1010812)
 Tennis Court Wharf (R1010813)

North-western Foreshores

Bennets Wharf, Coasters Retreat (R1010809)
 Bonnie Doon Wharf, Coasters Retreat (R1010810)

Mackerel Beach Wharf (R1004208)

Pittwater Council was appointed Corporate Manager for Bells, Cargo, Carols, Tennis Court, Bennets and Bonnie Doon wharf reserves on 13 May 2005 and for Mackerel Beach Wharf reserve on 22 November 2002. Details of the gazettal notices for each wharf reserve are included in Appendix A. The Trust is charged with the care, control and management of the wharf reserves under s.92 of the *Crown Lands Act, 1989* (CLA 89) and Council manages the affairs of the Trust.

A reserve area has been created around each of the wharves, to allow Council to effectively manage the wharf and related activities. The reserve boundary for each wharf typically encompasses 10 metres around each side and the head of the subject wharf and up to Mean High Water Mark. Maps have been included within the relevant chapters showing the reserve boundaries for each wharf.

The wharf reserves are designated for the public purpose of 'access' under the *Crown Lands Act, 1989*.

PURPOSE

The purpose of the Plan of Management is to:

- provide the community, wharf users and Pittwater Council with a clear direction regarding future use and management of the wharf reserves covered by this plan over the next ten (10) years;
- consolidate the planning context and broad issues affecting the Pittwater public wharves into one document; and
- clarify permissible and prohibited uses of Pittwater public wharves and associated reserves, in accordance with the public purpose of the reserves.

2 VALUE STATEMENT

The intrinsic values of the wharf reserves are considered with the prime attractions being the scenic location, quiet atmosphere and ease of access. Historically the wharves have been used for informal boat access and more recently commercial ferry and taxi services. Supplementary to the primary use social and cultural values are paramount to the wharves. Community interaction, passive and active recreation are inherent qualities in this unique location.

ABORIGINAL HISTORY

The Pittwater environment provided exceptional opportunities to the local indigenous population that once inhabited the peninsula. The foreshore areas around Pittwater were bountiful in natural foods and resources. The river estuary contained an enormous range of habitats, numerous plant species within a small area, and a diversity of local and migratory animals as potential food and cultural sources.

Prior to European settlement, the Guringai tribe inhabited the foreshores and headlands of Pittwater. There is little evidence of this early indigenous culture, nor the methods of its sustainable management. The fire and food management regimes of local Aborigines' were gradually extinguished as European settlers encroached, replaced with the wholesale removal of vegetation, to provide for housing, subsistence farming and grazing of livestock.

Pre-European archaeological sites include rock engravings, shelters and midden deposits. A total of 73 Aboriginal heritage sites have been recorded in the Pittwater local government area under the NSW National Parks and Wildlife Service Aboriginal Sites Register. Archaeological surveys have been conducted at numerous midden sites along the Pittwater coastline.

Specifically a preliminary archeological assessment has been undertaken at Cargo Wharf (July 2007) to assess material evidence observed and provide management recommendations. The Final report – 'Inspection of *Brachychiton populneus* (Kurrajong tree) and associated shell accumulation at Cargo Wharf – Scotland Island, Sydney' is attached (refer Appendix C).

EUROPEAN HISTORY

During the latter part of the nineteenth century, as Sydney grew rapidly south of the harbour, the north shore remained largely undeveloped, and the northern Peninsula remained even more remote and isolated. Commercial market gardening and small-scale dairying were the main land uses on the Barrenjoey Peninsula, prior to the invention of the car.

In the early years of the twentieth century, settlement from Manly to Palm Beach was sparse, due to transport difficulties. At the time, Narrabeen was 'the end of the line', as the tram terminated at this point, and further transport north was difficult because of the need to cross Narrabeen Lagoon. In 1928 when the bridge opened across Narrabeen lagoon at Ocean Street, Pittwater became even more accessible.

The end of World War II heralded a development boom period, which saw broad-scale residential and commercial development throughout the northern beaches and the Peninsula. This period was also marked by development of an improved transportation network, better roads and the family car. For the first time, the northern beaches were

within the range of the average family day-trippers, who were increasingly travelling from further a field from within the Sydney metropolitan area for day trips.

LANDSCAPE CHARACTER

The Pittwater region extends from the McCarrs Creek inlet in the south to Barrenjoey headland and Broken Bay in the north, where waters meet at the mouth of the Hawkesbury River. The region is home to many offshore communities, concentrated on Scotland Island with smaller clusters to the western foreshores and inlets.

Public wharves in Pittwater provide a valued resource to boat access only communities and recreational users.

Scotland Island

Scotland Island, which covers approximately 42 hectares, is situated in the southern end of Pittwater and can be easily accessed by boat from Church Point. The island has a population of roughly 1100¹, of which approximately 85% of households are permanent residents, and the other 15% being occasional users or weekenders. While there is a ferry service operating from Church Point providing a regular connection to the offshore communities, there is a growing trend toward private commuter vessels on the Island.

Scotland Island residents have no mains water supply (emergency supply only), sewerage or shops. Up until 1965 the island relied on kerosene lighting. General supplies are usually brought over from Church Point and the domestic waste is collected by barge for transfer to the mainland. There is no car access to the Island.

Western Foreshores

The western foreshores of Pittwater adjoin the Ku-ring-gai Chase National Park. Inlets at Morning Bay, Lovett Bay and Elvina Bay all include clusters of residential development along the shores. Typically houses are located along a single roadway with links to the public wharves and walking tracks into the National Park.

North-western Foreshores

The North-western foreshores of Pittwater adjoin Ku-ring-gai Chase National Park. Great Mackerel Beach, inlets at Coasters Retreat and Morning Bay all have public wharves servicing the small communities that live here.

Great Mackerel Beach is so named for the abundance of Mackerel, which were found in the waters nearby. It is a small estuarine beach, that is semi-protected from the ocean waves, and the surrounding high escarpments of Ku-ring-gai Chase National Park protect it from the strong westerly winds. It still remains a popular fishing spot today.

Coasters Retreat is so named because it provided shelter for the coastal trading ships caught in stormy weather and also a refuge for ships to gather in convoys to sail into Sydney Harbour.

Bennets Wharf and Bonnie Doon Wharf are on the southern shores of Coasters Retreat inlet, where holiday houses and weekenders have gradually been constructed close to the water's edge since the beginning of the twentieth Century. These houses can only be reached by boat or on foot via the National Park.

¹ Data extrapolated from 'Offshore Survey', May 2007, prepared by K Borthwick. Assumptions made: a) the response rate from permanent and weekend / holiday residents reflects the overall demographic; and b) the proportion of permanent to weekender / holiday residents is approximately equivalent on Scotland Island to the Western Shores.

Eastern Foreshores

The eastern foreshores of Pittwater adjoin the surburban districts of the northern peninsula. Suburbs including Bayview, Mona Vale, Newport, Clareville and Palm Beach all extend to the Pittwater shores where several public wharves provide (principally recreational) access to the area.

3 LEGISLATION AND POLICY FRAMEWORK

The public wharves of Pittwater identified in this Plan of Management are subject to a layered planning and management system. The land upon which the wharves reside is Crown Land and within this remit a Wharf Reserve has been designated around each wharf (refer Section 1). Wharf reserves have been created to protect and manage these important community resources and are administered under the Crown Lands Act 1989 (CLA 89). The principle public purpose of the wharf reserves is 'Access'.

Complimentary to the legislative requirements of the CLA, 89 each wharf reserve area is subject to statutory controls and policies which ensure the orderly and economic use and development of the reserves.

CROWN LANDS ACT 1989

The Plan of Management has been prepared in accordance with the *Crown Lands Act* 1989 (CLA 89) and other applicable legislation. The POM applies to 'reserved' Crown land and not 'community land' which is owned by Council and subject to the *Local Government Act, 1993*.

The reserve areas are classified as reserved Crown Land and the *Crown Lands Act, 1989* (CLA 89) is the primary Act applying to their management. Objects of the Act and Principles of Crown Land Management can be accessed at the following website - www.legislation.nsw.gov.au.

The public purpose of the wharf reserves is 'Access'. Use of the reserve must be consistent with the public purpose for which the land is dedicated or reserved. Improvements and developments to the reserve are confined to those which support, or are ancillary to, the public purpose.

Pittwater Council, as the Trust manager, has care, control and management of the reserves.

Use and Management of Crown Land

The *Crown Lands Act, 1989* governs the planning, management and use of Crown land, including reservation or dedication for a range of public purposes, and leasing and licensing. The Department of Lands, together with Reserve Trust/s appointed by the Minister, are responsible for management of the Crown reserve system throughout New South Wales. They ensure that 'Crown land is managed for the benefit of the people of New South Wales' (s.10 CLA 89), and has regard for the principles of Crown land management (s.11 CLA 89).

The following principles of Crown land management (s11 CLA 89) underpin the management and use of the reserves:

Table 3-1 | Crown Land Management Principles

Principle	How is the WPOM consistent with principles
Observe environmental protection principles (management & administration)	The protection, enhancement and conservation of all natural values relating to open space and plantings underpin the draft WPOM
Conserve natural resources, inc. water, soil, flora, fauna and scenic quality (wherever possible)	The conservation of public wharves and associated natural resources is paramount to the WPOM
Encourage public use and enjoyment (of appropriate Crown land)	Where appropriate and safe unrestricted public use, access and enjoyment of the wharf reserves is positively encouraged
Encourage multiple use of crown land (where appropriate)	Multiple uses are limited by wharf infrastructure, access and safety
Use and manage to sustain resources (in perpetuity) where appropriate	Use and management of public access wharves to be sustained as long as appropriate or safe
Occupy, use, sell, lease, license or deal with Crown land in the best interests of the State, consistent with the principles	Reserve Trust to responsibly administer and manage the public wharves in the best interests of the State

Trust Management

A Reserve Trust is a corporation established and appointed to manage a Crown reserve. Trusts are nominated by the Minister for Lands (s.92 CLA 89). The Reserve Trust is responsible for the care, control and management of the reserve and Pittwater Council has been appointed to manage the affairs of the trust (s95 CLA).

A Trust Board has functions conferred on it under the *Crown Lands Act 1989*, including being responsible for the care, control and management of a specific reserve consistent with the public purpose of its reservation or dedication.

A Reserve Trust may, expressly authorise within the plan to, sell, lease, grant an easement or a licence in respect of or mortgage the reserve in accordance with the terms of the Minister's consent (s.103 CLA 89). In the absence of a direction from the Minister, the compensation or proceeds shall be applied for the general purposes of the reserve trust and may be invested or applied by the trust accordingly (s.106 CLA 89). In accordance with the *Crown Lands Act*, all land uses must either support or be ancillary to the reserve's public purpose (s.112 CLA 89).

Community Consultation

Community consultation is an integral part of the process of preparing a Plan of Management. Continuous review and incorporation of community attitudes, expectations and requirements into the ongoing management of the reserve is also paramount.

The preparation of the Pittwater Public Wharves Draft Plan of Management and active community participation have been undertaken with regard to the *Crown Lands Act 1989*, and Pittwater Council's Community Engagement Policy (No 170).

In accordance with the Community Engagement Policy (No 170), the Pittwater Public Wharves Plan of Management has been classified as a Level 1 Impact on the community and essential strategies for engagement including informing, seeking information and involving the community have been undertaken to actively engage the community in the decision making processes.

Several stakeholder and two (2) community meetings where held to provide an appropriate opportunity for the community and key users to voice their opinions, concerns or interest in matters affecting Pittwater Public Wharf Reserves. Community meetings were held on:

- Meeting (no1): 28th May 2005 / Individual Scotland Island wharves
- Meeting (no2): 18th November 2007 / SIRFS Fire shed, Scotland Island

A further meeting was held with wharf representatives following the exhibition of the DRAFT Plan. The final POM has considered issues raised at the meeting and submissions received following the exhibition of the DRAFT Plan.

Presentation

Upon Adoption of the Pittwater Public Wharves Plan of Management by the Minister, it is incumbent on the Reserve Trust Manager to implement the Plan of Management pursuant to Section 114 – Crown Lands Act 1989. The Trust may not allow any operations or development that is not permitted by the POM.

Alteration of the adopted POM may be undertaken under Section 115 of the Act and may be required after a period of five years to keep abreast of government policy, to cater for the changing expectations and requirements of the community and to ensure the POM remains useful and relevant.

Funding for management of the Reserves will be sought from a range of Government, Council and community sources.

Accountability

The Crown Lands Regulation (2000) specifies the accountability of the Reserve Trust in terms of the management of the Reserve. The Council is required to keep records that will permit dissection of monetary details in respect of each reserve from which the Council receives revenue of any nature, details of improvements on each reserve, and details of all leases and licences granted or in force. Proceeds generated by trust lease or licence must be spent within the Reserves (s106 CLA 89).

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

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

The reserves are subject to the policies and controls established under the EPA. Management and development of the wharves will adhere to the relevant LEP for Pittwater known as the *Pittwater Local Environmental Plan*, 1993 and other applicable planning instruments.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) – 2006 (Draft Infrastructure SEPP)

The State Environmental Planning Policy (Infrastructure) 2006 consolidates and updates planning processes for new infrastructure. The SEPP includes generic provisions relating to 23 classes of infrastructure (Schedule 1) for the more efficient delivery of infrastructure and service facilities, in particular:

- National Parks, regional parks, marine parks and other reserves;
- port, wharf and other boating infrastructure facilities; and
- Waterway or foreshore management activities.

The SEPP also includes a list of minor works that can be undertaken by public authorities as exempt development. Infrastructure works, such as

"the construction, operation, repair or maintenance of wharf or port facilities or boating infrastructure (on land or water), may be carried out without consent"

Proposals would be prepared with consideration of SEPP 71 Coastal Protection and the objectives and criteria of applicable zoning under the Local Environmental Plan (PLEP 1993).

PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 (PLEP)

The PLEP 1993 is the main means of development control with zoning maps and a written instrument categorising developments as either permissible or prohibited. This POM does not override provisions in the PLEP, and clause/s that allow development without consent where authorised in an Adopted POM are not supported by the Department of Lands.

The purpose of the LEP is to define what purpose land may be used for and how permission (consent) can be obtained for the use. The LEP expresses the Council's broad land use strategy. It is the public purpose, for reserved Crown land, that determines what is acceptable on the reserve.

Pittwater Council, as the consent authority under the current *Pittwater Local Environmental Plan 1993 (PLEP 1993)* controls development and activities on zoned land in Pittwater.

The study areas incorporated in this POM are subject to several zone classifications (as defined in PLEP 1993). The following table clarifies the relevant zone classification for each wharf reserve and the adjacent zoning.

Table 3-2 Zone Classification (PLEP 1993)

Zoning Classification	Residential 'A'	Existing Recreation 'A'	Waterways Recreation	National Park / State Recreation Area	Environmental Protection 'A'	Environmental Protection Waterways	Residential Waterways
Wharf Reserve	2(a)	6(a)	6(a1)	6(d)	7(a)	7(a1)	W2
Bells	Α		Α				✓
Bennets	Α		Α	Α	***************************************	✓	
Bonnie Doon*	Α	Α	Α	✓		✓	
Cargo	Α	✓	✓				Α
Carols	Α	Α	✓				✓
Mackerel Beach	Α	✓	Α			✓	
Tennis Wharf	Α	Α	✓				Α

Legend:

- ✓ Applicable Zoning
- A Adjacent Zoning
- * Refer Heritage Notes

A set of key objectives are identified for selected zones within and adjoining the Pittwater Waterway (Schedule 11, Pt 1 & 3, PLEP 1993):

Zone 6(a) Existing Recreation 'A'

- a) provide a range of open space and recreational land; and
- b) ensure that development on such land:
- c) is for a purpose that promotes or is related to the use and enjoyment of open space; and
 - is consistent with the purposes for which the land was reserved or otherwise set aside for public use; and
 - does not substantially diminish public use of, or access to, open space; and does not adversely affect the natural environment, the heritage significance of any heritage items or heritage conservation areas or the existing amenity of the area.

Zone 6(a1) Waterways Recreation

- d) provide opportunities for a variety of passive and active recreational pursuits, having regard to the specific environmental setting of the locality; and
- e) recognise the importance of providing and maintaining public access in localities suitable for public recreation and transport purposes.

Zone 7(a1) Environmental Protection - Waterways

- f) a) identify areas having significant natural, cultural and heritage conservation values; and
- g) b) ensure that the ecology and environmental qualities of land within the zone are enhanced and protected from adverse impact arising from development of land in the vicinity.

Zone W2 Residential Waterways

- h) a) identify areas of the waterway where facilities providing some form of private access to the waterway are appropriate; and
- i) b) ensure that development is ordinarily incidental or subsidiary to development permissible on land zoned for residential purposes.

In addition to the designated zones and associated planning controls specific provisions are made in PLEP Part III.

<u>Division 8 – Heritage Provisions</u>, identifies development controls relevant to heritage items, heritage conservation areas and relics. With regard to this POM the following items as identified in Schedule 9 – Heritage Items are subject to these controls:

A. BUILT ITEMS

Pittwater / Western Foreshores

68. "Bonnie Doon" Wharf Below MHWM, south side of Coasters Retreat, adjoining Kuring-gai National Park (refer Appendices for Heritage Listing details)

<u>Division 9 – Other land uses and miscellaneous</u>, stipulates specific clauses for Development of, Temporary use of and Advertising development on land within Zone No. 6(a).

PITTWATER DCP No 22: EXEMPT AND COMPLYING DEVELOPMENT

The Pittwater Development Control Plan No 22 defines the types of development that is 'permissible without consent' known as "exempt" development, and development that is considered to be "complying" development.

The POM aims to:

- clearly state the development standards, requirements and conditions that apply to exempt and complying development;
- facilitate the processing of small scale, safe and low impact development applications within the Council area to the benefit of the community; and
- meet the statutory requirements of the Environmental Planning and Assessment Act 1979 and Regulation 1994.

The public wharves of Pittwater are listed under the following regions:

Region 1: Including foreshores of Pittwater, heritage, environmental protection zones (7(a) and 7(a1). Areas are subject to hazard and physical development constraints which necessitate a higher level of development assessment.

Region 4: Non residential areas and uses, including open space reserves, Pittwater waterway, excluding 7(a1).

ADDITIONAL STUDIES RELATED TO THIS PLAN

Pittwater Estuary Processes Study

This study provides a long-term management framework for the ecologically sustainable use of each estuary and its catchment.

Sydney Regional Coastal Management Strategy

The Sydney Regional Coastal Management Strategy (1998) includes the following primary objectives, to:

- ensure that ecological integrity is maintained, and that, when available, coastal zone
 resources are fairly and equitably used by the public and commercial interests alike,
 so that the long-term benefits derived by the community can be optimised;
- maintain adequate and appropriate access to the coast, so that it is possible to enjoy a range of recreational opportunities. Public access should be managed to protect coastal resources, ecosystems and public safety;
- conserve and manage areas and features of significant ecological, physical, cultural, historical, landscape and scientific importance, so that their values are maintained.

NSW Coastal Policy 1997

The Coastal Policy 1997 applies to the coastal zone as defined under the Coastal Protection Act 1979. The policy responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values at risk. The POM is intended to guide decision-making and has a strong integrating philosophy based on the principles of ecologically sustainable development (Coastal Council of NSW).

Coastal Crown Lands Policy

The Coastal Crown Lands Policy (1991) includes the following primary objectives, to:

- conserve and maintain the intrinsic environmental and cultural quality of Crown lands:
- retain all coastal Crown lands, of an environmentally sensitive nature and / or required for a public purpose, in public ownership;
- optimise public access and use of coastal Crown lands;
- provide Crown lands, as appropriate, for recreation, tourism, residential and commercial coastal development with due regard to the nature and consequences of coastal processes;
- encourage the rehabilitation of degraded coastal Crown lands; and
- continue to acquire significant coastal lands for future public use.

Draft Guidance Note for the Assessment of Public Ferry Wharf Safety (NSW Maritime)

NSW Maritime has a statutory responsibility to ensure the safe operation of commercial and recreational vessels throughout the state, and associated responsibilities in relation to inspecting public ferry wharves. The Draft Guidance Note provides a general methodology or procedure to assist owners (managers) with the assessment of the safety of public ferry wharves.

Each wharf is subject to regular public safety and structural integrity assessment of the structure, with specific review of:

- safety fencing / markings / anti-skid treatment;
- lighting;
- access ladders / vehicular / disabled;
- lifebuoys;
- signage; and
- structural load limitations etc.

Signs as Remote Supervision – Best Practice Manual (Version 2)

The Best Practice Manual (v2 August 1999) for 'Signs as Remote Supervision' provides a mechanism for determining appropriate signage of Council's facilities. Factors considered in determining signage are:

- level of development (establishing signage category);
- population or amount of use;
- frequency of such use;
- facility Visitation Rate (FVR) (ascertains the type and level of signage);
- adequacy of the facilities current signage; and
- establish and design the most appropriate sign.

Signage of Pittwater public wharves is in accordance with Council Policy – No 129 incorporating 'Signs as Remote Supervision – Best Practice Manual' (v2 August 1999) and the Standards contained therein, as amended from time to time.

Pittwater Council Disability Discrimination Action Plan, 1998 (DDAP)

In NSW more than one million people (17% of the population) have a disability and this percentage is likely to increase in the future. The DDAP assists Council in meeting our responsibilities under the *Commonwealth Disability Discrimination Act 1992*. One of the objectives of the POM is to provide "equitable access to new buildings, infrastructure, faculties and other areas to which the public has access". The wharves are designated for public access and one of the main objectives of the POM is to improve accessibility for people with disabilities and special needs such as young children / prams etc.

4 FUTURE USE, DEVELOPMENT & MANAGEMENT

This section of the Plan of Management outlines the direction for the management of Pittwater's public wharves and associated reserves.

4.1 VISION FOR PLAN OF MANAGEMENT

The management of public wharf reserves is based on a vision statement that is shared by the Reserve Trust and the wider community. The vision for the reserve areas is intended to provide a long-term ideal and focus for all future decisions affecting the reserves.

The vision for the public wharf reserves is:

'Work collaboratively with the public to protect and enhance the social, heritage and recreational resource of Pittwater's public wharves'

To achieve:

- access amenity for all users;
- safe & equitable boat tie-up facilities; and
- financial sustainability for wharf reserves.

4.2 MANAGEMENT PRINCIPLES

The following principles establish the broad direction the Reserve Trust will follow in protecting and enhancing the values of the Reserve to achieve the Vision:

- ensure the wharves are available and easily accessible to all members of the community;
- develop a cohesive approach to the management of the wharf reserves;
- ensure regular maintenance of the wharf structure and associated facilities;
- ensure that best practice methods are used for all maintenance procedures and where necessary make suggestions for improvement in the ongoing maintenance of areas:
- develop an effective signage and interpretive system;
- adequately address risk management issues; and
- provide a safe, fair and equitable system for commuter vessel tie-ups.

MANAGEMENT STRATAGIES

The future use, development and management of the wharf reserves are defined by the following:

- wharf profile
- user analysis
- planning guidelines
- leases, licences and other estates
- Masterplan
- management strategy / works program

The intent of these strategies is discussed in general within this section and is specifically defined within each relevant wharf chapter. The strategies define the management actions to achieve the vision.

WHARF PROFILE

The wharf profile identifies the key elements associated with each wharf reserve. A description of the structure, facilities and association with the surrounding area are complemented with current condition and use observations.

USER ANALYSIS

The future management of each wharf needs to relate to the required user demand. The primary purpose of the wharf reserves is 'Access' and as such each wharf is to provide safe and unimpeded access to all members of the community. Specific user groups will use the wharves to a greater extent i.e. local residents, and others will use the facility sporadically.

A desk top analysis and site investigation of each public wharf has been undertaken to review the principle user profile i.e. local resident users, with regard to pedestrian, boat and ferry use. The definition of wharf usage will provide a useful tool in establishing a comprehensive management strategy, including allowance for appropriate facilities, access, boat tie-up and services.

The analysis indicates user preference (as at July 2007) and as such management strategies will consider the data but reflect a long term approach that allows for an acceptable and appropriate response to wharf use and access.

Great Mackerel Beach

Great Mackerel Beach contains 130 residences, of which approximately sixty (60) are permanent residents, the remainder are weekenders or holiday homes. The public wharf is located central to Mackerel Beach and accessed via Ross Smith Parade along an informal footpath.

General public wharf use includes:

- public access to the regular Palm Beach Ferry Service;
- commuter boat tie-up;
- pick-up / drop-off facility water taxis etc;
- domestic waste collection;
- mail collection from the post box;
- public notice board (information and social hub);
- passive and active recreation.

The wharf is a high use facility providing an essential public access and service resource. There is no alternate access via private jetties along the beach.

The wharf currently provides boat tie-up facilities for fifteen (15) commuter boats under a licence scheme administered by Pittwater Council. Currently the wait-list for a designated boat tie-up space numbers ten (10) applicants indicating a need to expand the provision of boat tie-up space at Mackerel Beach. Further analysis and management strategies are detailed in the individual wharf chapter.

Coasters Retreat

The small community of Coasters Retreat encompasses around fifty (50) houses with an average of eight (8) permanent residencies, the remainder holiday or weekend homes. The two public wharves, Bennets Wharf and Bonnie Doon Wharf are located at either end of the residential block extent (refer relevant Chapters for further detail).

General public wharf use includes:

- public access to the regular Palm Beach Ferry Service;
- commuter boat tie-up (generally at Bonnie Doon Wharf);
- pick-up / drop-off facility water taxis etc;
- domestic waste collection;
- general clean-up (household) collection (Bonnie Doon Wharf);
- mail collection from the post box;
- public notice board (information and social hub); and
- passive and active recreation.

The wharves are generally low use but essential public access and service facilities. Alternate access via private jetties is limited with a small number of timber structures adjoined to remnant stone groynes (of varying size and condition). The majority of residents tie their boats to the stone groyne structures or buoys.

Only five (5) boats where identified using the wharves to tie-up, two (2) at Bennets Wharf (utilising an existing pontoon tied to the wharf piers) and three (3) at Bonnie Doon. The numbers may fluctuate increasing at weekends and holiday periods. Further analysis and management strategies are detailed in the individual wharf chapters.

Scotland Island

Scotland Island forms the largest offshore community within Pittwater. The Island accommodates approximately three hundred and fifty five (355) houses with approximately three hundred (300) permanent residencies², the remainder holiday or weekend homes. A significant number of the waterfront properties have their own jetty access, with five public wharves servicing the island (refer relevant Chapters for further details).

General public wharf use includes:

- public access to the regular Church Point Ferry Service;
- commuter boat tie-up;
- pick-up / drop-off facility water taxis etc;
- domestic waste collection;
- general clean-up (household) collection (Cargo Wharf);
- consumable goods deliveries i.e. groceries / newspapers;
- public notice board (information and social hub); and
- passive and active recreation.

Use levels vary between wharves but are generally medium to high providing an essential public access and service facility. Specifically, commuter boat wharf use has been analysed to establish a future strategy for provision of tie-up facilities, the following mapping illustrates the current wharf use indicating resident user location (refer Figure 4-1).

The numbers may fluctuate increasing at weekends and holiday periods or in accordance with specific events, but form a reasonable base datum.

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² Data extrapolated from 'Offshore Survey', May 2007, prepared by K Borthwick. Assumptions made: a) the response rate from permanent and weekend / holiday residents reflects the overall demographic; and b) the proportion of permanent to weekender / holiday residents is approximately equivalent on Scotland Island to the Western Shores.

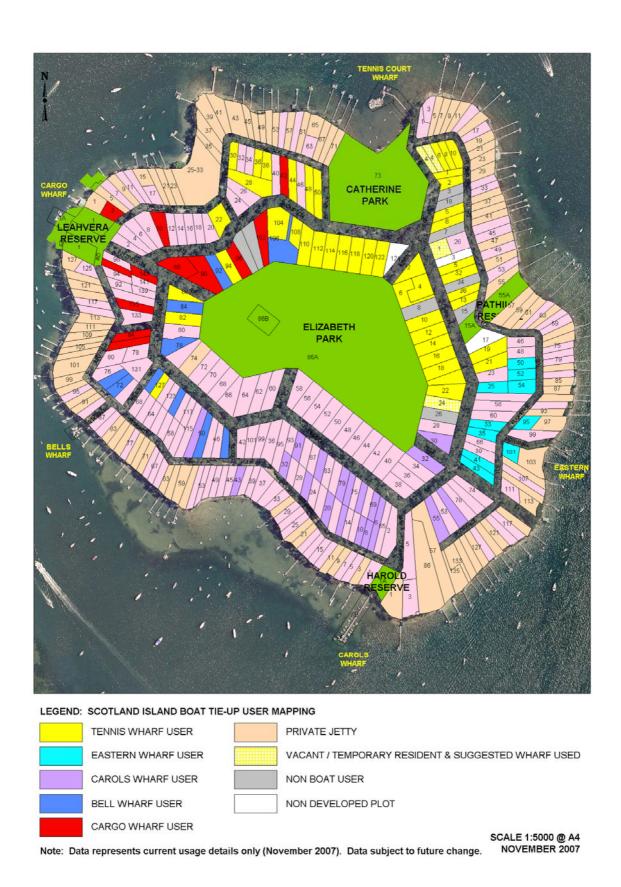


Figure 4-1 | Scotland Island Boat Tie-up User Analysis

The mapping confirms the primary commuter wharves are Tennis Court Wharf and Carols Wharf, but also clarifies the need to establish a boat tie-up facility at Cargo Wharf. The provision of a b at tie-up facility (i.e. pontoon) at Cargo Wharf would ease the current problems encountered at Tennis and Carols and balance the spread of boat storage around the island. Further analysis and management strategies are detailed in the individual wharf chapters.

PLANNING GUIDELINES

In association with details outlined in Section 3 each Chapter identifies the relevant planning policies and controls appropriate to the individual wharf reserves. The controls dictate which future uses, activities and development are considered permissible and prohibited. The Planning Policy Guidelines Table outlines:

- <u>'permissible uses 'exempt' form development consent'</u> which generally do not require consent from Council, but may require assessment under Part V of the Environmental Planning and Assessment Act 1979. Includes permissible activities:
- <u>'permissible uses only with development consent'</u> requires
 Development Assessment in accordance with Part IV of the Environmental Planning and Assessment Act 1979; and
- <u>'prohibited uses'</u> any purpose other than a purpose for which development may be carried out without development consent or only with development consent. Includes prohibited activities in accordance with Council Policy.

Activity Controls

Complementary to the statutory controls applicable to each wharf reserve are a set of activity controls. Activities may be acceptable or unacceptable, (refer Management Guidelines Table for specific details) and identified at each wharf via signage in accordance with Council Policies. Warning and prohibition symbols are selected dependent on individual wharf use.

Generally, 'developments' and 'activities' that will be considered at wharf reserves will be those that are:

- consistent with or ancillary to the reservation purpose on a Crown (Wharf) Reserve

 "Access";
- consistent with the relevant zoning objectives; and
- listed as permissible (with or without development consent).

LEASES, LICENCES AND OTHER ESTATES

What are leases, licences and other estates?

A lease will be typically required where exclusive use or control of all or part of a reserve is desirable for effective management. A lease may also be required due to the scale of

investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in the reserves justify such security of tenure.

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

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

Leases & Licences on Crown Land

A Reserve Trust (refer Section 3) can lease or licence activities on the reserve subject to the terms of the Minister's consent. (s.102 CLA 89). Revenue generated on Crown reserves, in the absence of a direction from the Minister, must be directed to the general purposes of the Reserve Trust as set out in Section 106 of the *Crown Lands Act, 1989*.

A temporary licence does not require the Minister's consent, and can be granted for a maximum period of one year. Lease agreements should be modelled on the specific conditions applying to the leasing of Crown land under Section 34 of the *Crown Lands Act* 1989.

Current Status

A Temporary Licensing Agreement has been established at the Mackerel Beach Wharf Reserve. Commuter vessel tie-ups have been managed under the agreement since September 2003. There are currently no leases, licences or other estates applicable to the other reserves detailed within this Plan.

Proposed Commuter Vessel Tie-Up Berths

Subject to the consent of the Minister and the relevant provisions of the *Crown Lands Act,* 1989, this POM expressly authorises future licensing to commuter vessel owners for tie-up berths.

Temporary Licence Agreements are to be for a period of no longer than 12-months, in accordance with s.108 of the *Crown Lands Act 1989*. The Temporary Licence Agreement will cease to have effect one year after it is granted and renewable will be n accordance with the conditions of the Temporary Licence Agreement.

All incomes received from the Temporary Licence Agreements are to be expended on the wharfs for maintenance and capital improvements.

Temporary Activities

Subject to the relevant provisions of the *Crown Lands Ac, (1989* (including the Principles for Crown Land Management) this Plan authorises the creation of leases, licences or other estates over the wharf reserve areas covered by this Plan for activities (including activities of a commercial nature) to ensure that:

- the conservation, economic, recreation and social values of the reserve are recognised, protected and enhanced for public enjoyment by current and future generations; and
- the public's right of choice, access and equity is recognised and preserved.

4.8 MASTERPLAN

The development of public wharves in Pittwater will be consistent with or ancillary to the reservation purpose on a Crown (Wharf) Reserve, namely 'Access'. Works will respond to 'access' objectives while enhancing the long term sustainability of the public resource. Improvements to existing wharves will aim to accommodate, where feasible, the following key long-term development strategies:

- user accessibility provision of access ramps & pontoons;
- accessibility for disabled (where appropriate);
- safe & secure shelter areas (lighting etc.);
- appropriate and adequate commuter boat tie-up facilities;
- required safety equipment (ie. lifebuoys / resuscitation charts);
- community facilities notice boards / post collection / seats;
- regulatory and statutory signage; and
- ancillary facilities domestic waste / recycling storage & collection.

Where major works are proposed at a wharf, a concept plan and descriptive summary has been developed and is included in the relevant wharf chapter.

4.9 MANAGEMENT STRATEGY / WORKS PROGRAMME

Works maintenance and / or improvements are generally identified via the following:

- visual inspection WEEKLY;
- detailed visual inspection and works report MONTHLY;
- structural inspection and works report 4 YEARLY; and
- Plan of Management Master Plan / Management Strategy and supporting text.

With regard to currently prepared reports and condition inspections, works improvements to each wharf reserves are discussed in the relevant chapter and a summary listing prepared. Large scale improvements, where identified in the Management Strategy are outlined in the Works Programme with an indicative cost.

4.10 IMPLEMENTATION

The POM is to be reviewed on a five yearly basis. It should be recognised however, that the commencement and completion of any proposed works are dependent on available Council resources and funding.

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