



Plan of Management  
**MANLY SCENIC  
WALKWAY**

Prepared by  
**Manly Council**

adopted by Council resolution on 27th July 1998



Plan of Management

# **MANLY SCENIC WALKWAY**

Prepared by  
**Planning Design and Environment Group**  
adopted by Council Resolution on 27th July 1998



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# **PART 1**





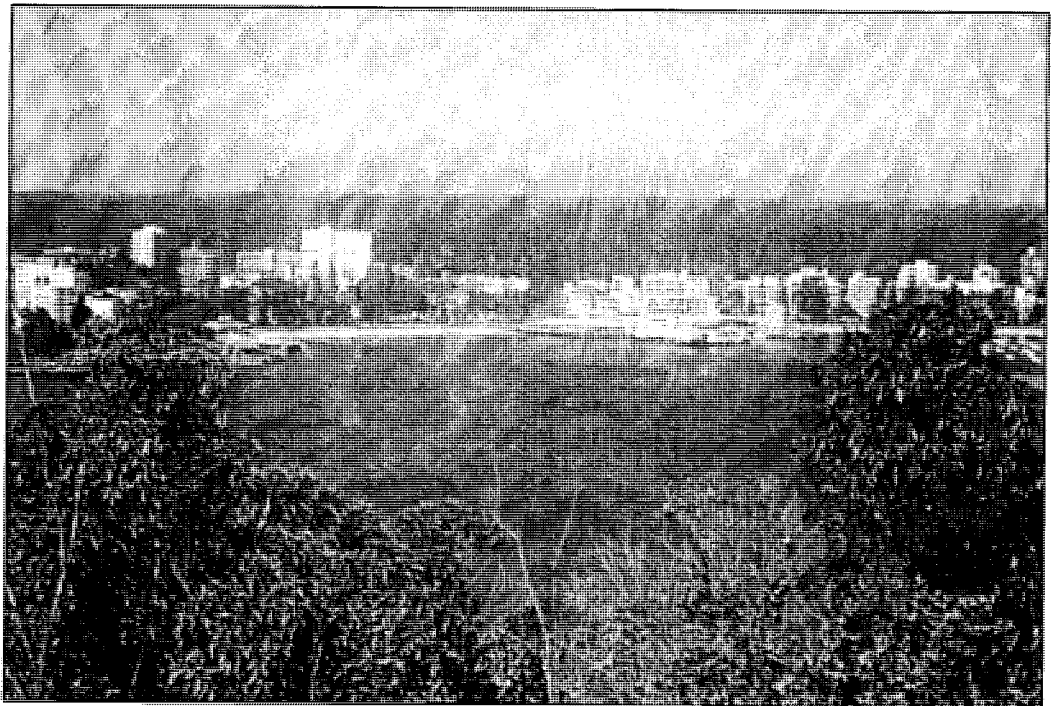
# 1.0 Introduction

Manly is fortunate that almost the entire harbour foreshore between Manly Wharf and the Spit Bridge has been retained or brought into public ownership. This 9km shoreline has shared much of Sydney's early history, including exploration by Captain Arthur Phillip. The prominent Dobroyd Head which was reserved for defence purposes is much the same today as it appeared to the First Fleet entering Sydney Harbour in 1788.

Many of the beaches and bushland areas remain accessible to the public. The harbour edge at Fairlight was recognised in the 1850s as a popular promenade. Fisher Bay was part of the Sydney to Manly tram route. Clontarf and Forty Baskets Beach were popular picnic areas served by ferry. Many other locations were over the years made accessible by short tracks from adjacent roads and houses or from those frequented by fishermen and squatters. The Metropolitan Water Sewerage and Drainage Board installed a sewer main through the foreshore reserve from Seaforth to Castle Rock in the 1950s.

The Manly Scenic Walkway was completed as a continuous track from Manly Wharf to the Spit Bridge by a joint effort between Manly Municipal Council and the National Parks and Wildlife Service in 1988 and realises the hopes and efforts of many public spirited people over the years. This construction reflects an increasing public awareness and appreciation of the environment and an interest in walking and passive outdoor recreation.

The Walkway is significant as it makes many foreshore areas of Sydney Harbour available to the public and provides panoramic views over the Harbour. It passes



**Overlooking Manly Wharf from Arabanoo Look-out**

through a variety of native vegetation communities and connects many sites of heritage value and historic interest. The Walkway also connects with similar projects in adjoining areas, namely the Mosman Quakers Hat Rock walk from The Spit to Quakers Hat and the Pittwater and Warringah Bicentennial Coastal Walkway from Queenscliff to Palm Beach.

## **1.1 History of construction and cost**

In 1983 work began to connect existing tracks, and to construct paths in the previously impassable or overgrown areas to create a complete walkway above the high water mark from Manly Wharf to the Spit Bridge.

The first stage was the construction by Manly Council of approximately 0.5km of track in easy terrain near Beatty Street for the National Parks and Wildlife Service at a cost of \$15,000. In 1984 the Spit Bridge to Fisher Bay section, approximately 0.5km including raised a boardwalk and a timber bridge was completed for \$20,000.

In 1985 another 0.5km to Sandy Bay was completed for \$17,000. During 1986 and 1987 the 0.8km from Clontarf to Castle Rock was constructed in very difficult and steep terrain, through large areas of almost impenetrable lantana as well as weeds and rubbish from adjacent houses. Previous standards of track width and surface finish were relaxed to avoid excessive cost, and damage to vegetation and landform. This section included three wooden bridges and a boardwalk at a cost of \$42,500. In 1988 approximately \$30,000 was spent on further construction maintenance, signs and bush regeneration.

In 1994 funding was provided by Sydney Water for bushland restoration work between Castlerock Beach and Clontarf Beach. This work was carried out by Sydney Bush Regeneration Company at a cost of \$87,472 between August 1994 and June 1996. Bush rehabilitation works included primary and secondary weed removal, pile burning of woody weeds to stimulate natural seed germination, land stabilisation and tubestock planting.

In 1995 funding of \$840,000 was received from the Federal Government Department of Employment Education and Training under the New Work Opportunities Programme to extend the track from Shelly Beach around the Headland and south to the Hole in the Wall to the boundary of Sydney Harbour National Park. This work was completed in June 1996.

Work around Spring Cove was completed by the National Parks and Wildlife Service in 1994 to provide good access to Collins Beach Reserve. Further work was also completed by the Service around Reef Beach in 1996.

During 1997 refurbishment of the track between Castle Rock Beach and Clontarf beach was completed at a cost of \$17,000. This work aimed to reduce safety risks associated with a deterioration in the quality of the track, as well as to address problems of inadequate drainage which contributed to this erosion and general deterioration.

The work undertaken to fulfil these objectives included the construction of handrails, boardwalks and stairs to improve the level of safety for walkers, as well as the installation of water bars and drains designed to carry water away from the walking track surface.

## **1.2 Purpose of The Plan of Management**

- a) to provide a detailed working document for the ongoing maintenance and management of the Manly Scenic Walkway
- b) to provide guiding principles to ensure a consistent management direction as the members of the Committee change.

## **1.3 How this Plan will be implemented**

### **1.3.1 Statutory considerations**

#### *Ownership*

The majority of the Walkway is on land owned by the Crown. For any proposed works the consent of the Department of Land and Water Conservation will be required prior to the carrying out of the proposed work or the lodging of any development application.

The 900m section from Shelly Beach carpark to the National Park is through St Patrick's College Estate. This land is being leased by Council from the Catholic church for the Walkway.

#### *Manly Local Environmental Plan 1988*

The majority of the Walkway that runs along the foreshore is zoned Open Space under Manly Local Environmental Plan 1988. The remainder of the Walkway is either zoned National Park or Main Road. The entire route is within the Foreshore Scenic Protection Area. The majority of the reserves and all of the foreshore through which the Walkway passes are listed as items of Environmental Heritage.

In the Open Space zone all development other than landscaping, gardening or fire hazard reduction requires the consent of Council. Works to be done in the National Park areas are covered by the National Parks and Wildlife Act 1974.

#### *State Planning Instruments:*

##### ► **Sydney Regional Environmental Plan No. 23**

##### a) **Sydney and Middle Harbours**

All of the Manly Scenic Walkway is covered by REP No.23. The general aim of the REP is to ensure sensitive development along the foreshore and to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the foreshore. The provisions of Clause 18 of REP No.23 require additional considerations when a development application is lodged. There is no conflict with these considerations.

The REP also requires that certain development proposals be referred to the Office of Marine Administration. See Appendix 1 for a copy of REP No. 23.

b) **Draft Development Control Plan for Sydney Harbour and its Tributaries**  
Draft DCP to supplement SEPP 23. This strategy includes the development of a number of guiding principles for determining future land use adjoining harbour foreshores.

It establishes a set of performance criteria and assessment guidelines for proposed works within the area covered by SREP 23.

► **State Environmental Planning Policy No. 19 —  
Bushland in Urban Areas**

Substantial parts of the Walkway pass through identified or potential SEPP No.19 Bushland. The general aim of this Policy is to protect and preserve bushland within urban areas. See Appendix 2 for a copy of SEPP No. 19.

► **Other state legislation**

a) **National Parks and Wildlife Act, 1974**

The National Park zones are covered by the National Parks and Wildlife Act 1974.

b) **Threatened Species Conservation Act, 1995**

If the Walkway passes through land determined as critical habitat for a Threatened Species or Population under this Act, an eight point test is required before the track can be upgraded or extended. Manly has both the Little (Fairy) Penguin, *Eudyptula minor* population at Manly Point and the Long-nosed Bandicoot, *Perameles nasuta* population at North Head listed as endangered populations under this Act.

The critical habitat for each species has not been determined and there is no time frame for this to be done. However, a recovery plan must be established within three years of the populations being listed.

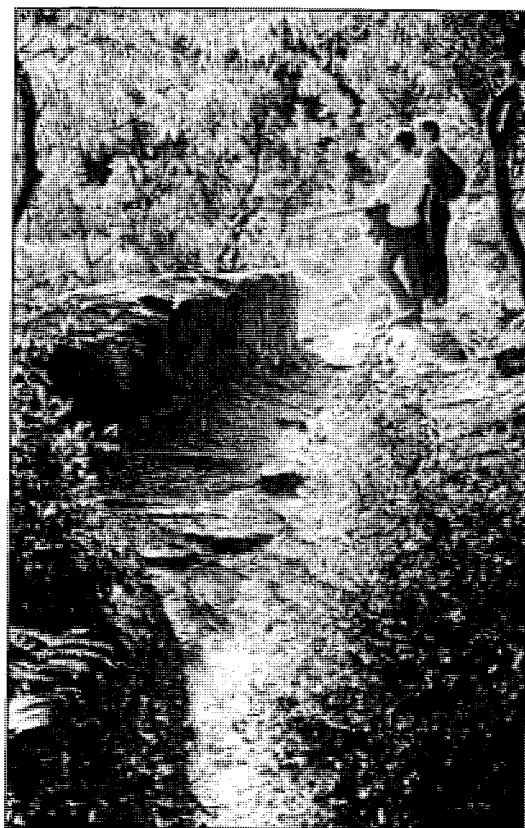
***Relationship to 'Plans of Management' under the  
Local Government Act, 1993.***

The Local Government Act, 1993 requires the preparation of Plans of Management for land owned by Council and defined as 'community lands'. The Manly Scenic Walkway Plan of Management is not a statutory document in accordance with Section 36 of the Local Government Act as it is mostly on Crown land.

Any reserve through which the Walkway passes that is classified 'community land' will have its own statutory Plan of Management. Refer to the Plan of Management for Community land for information on each Council reserve.

The areas of 'community land' through which the walkway passes or is adjacent to are:

- ▶ Esplanade Park Areas
- ▶ North Harbour Reserve
- ▶ Forty Baskets Beach Reserve
- ▶ Clontarf Reserve
- ▶ Sandy Bay (drainage reserve)
- ▶ Fisher Bay Area.



### **1.3.2 Reference to other documents**

#### ***Construction specifications for the Manly Scenic Walkway***

This document will be used in conjunction with the Plan of Management for the Manly Scenic Walkway. It will be a guide for the construction of the Walkway. The document will include design details, diagrams, measurements and the materials that are to be used.

#### ***Landscape Management Plan***

A Landscape Management Plan has been prepared for all public spaces in the Manly Local Government Area. It is an 'umbrella' document which gives recommendations and a listing of priorities for outdoor works in Manly. The plan describes the relationship of the Walkway as part of Council's circuit linear park and path system to other bushland and recreational spaces.

#### ***Manly Identity Programme***

This document evolved from the Landscape Management Plan when Council decided to produce a more uniform and corporate image. The Identity Programme identifies all the colours and styles that are to be used for graphics, signage and street furniture. The document will be added to as new designs and colour schemes are required.

### ***Improving the Manly Corso Masterplan***

The Manly Corso Masterplan outlines a strategy for the improvement and upgrading of the Manly Corso precinct. It will outline options to:

- a) refurbish and maintain the Corso as the jewel in the crown of Manly's Town Centre
- b) achieve a more cosmopolitan atmosphere in the Corso with a simpler layout, better quality finishes, better quality furnishings and more sophisticated lighting
- c) create one of the finest pedestrian environments in the world by linking the Corso to the relandscaped ocean beach at one end and a gateway place over the ferry wharf bus interchange at the other.

### ***Ocean Beach Masterplan***

The Ocean Beach Masterplan is intended to guide a progressive improvement of the Manly ocean beach area. The sections relevant to the Manly Scenic Walkway Plan of Management will be those from The Corso to Manly Surf Life Saving Club and from the Surf Club to Shelly Beach along Marine Parade.

### ***Plan of Management for Community Lands***

A Plan of Management for Community Lands has been prepared pursuant to the requirements of Division 2 of the Local Government Act, 1993. The Plan contains details of each Council reserve as well as objectives and the means of achieving these objectives for each.

### ***Bushland Management Plan***

A Bushland Management Plan is currently being prepared for all Manly Council controlled reserves. This Plan will describe the location, function and condition of each reserve and outline and prioritise future works to be done in each.

### ***Stormwater Management Plan***

A stormwater management plan is being prepared for all of the Manly Local Government Area. The plan will be finalised by September 1998.

### ***Recommendations by the Waste Management Committee***

The Waste Management Committee is preparing recommendations regarding the minimisation and removal of litter along the Manly Scenic Walkway.

### ***Lease Agreement***

Council has a Lease Agreement with the Catholic Archdiocese of Sydney for land forming part of the St Patrick's College Estate.



### **1.3.3 Relevant committees**

#### ***Manly Scenic Walkway Committee***

The Manly Scenic Walkway Committee is responsible for making recommendations to the Parks and Reserves Committee on all matters relating to the care, control and management of the Walkway.

The Committees Action Plan lists its functions and responsibilities as:

- a) to develop, maintain and enhance a world class Scenic Walkway within the Manly Council area to provide passive recreation activities and contribute to the eco-tourism industry
- b) to extend the Scenic Walkway through Manly in a progressive manner
- c) to seek funding for the completion of the track by the Year 2000
- d) to provide comprehensive interpretive material and signage
- e) to involve the community in the Manly Scenic Walkway
- f) to review Development Applications and Building Applications which may impact on the Scenic Walkway.

Appendix 4 contains the *Key Performance Areas* and 95/96 Achievements.

#### ***Parks and Reserve Committee***

The Parks and Reserve Committee will authorise any recommendations made by the Manly Scenic Walkway Committee and then recommend these to Council.

#### ***Landscape Management and Urban Design Committee***

The Landscape Management and Urban Design Committee was established to implement the Landscape Management Plan. Certain proposed works will need to be referred to this Committee for its comment.

#### ***Waste Management Committee***

The Waste Management Committee is responsible for a waste education programme.

### **1.3.4 Areas not addressed in the Plan of Management**

#### ***Established Parks and Reserves***

The reserves through which the Walkway passes, such as West Esplanade Park, North Harbour Reserve, Wellings Reserve, 40 Baskets Reserve, Clontarf, Sandy Bay and Ellery's Punt Reserves, are not considered in this report except where construction or direction is required for the Walkway. These reserves are addressed in Council's Landscape Management Plan.

#### ***Sydney Harbour National Park***

The 4km of track in the Sydney Harbour National Park is not discussed, as its management is controlled by the National Parks and Wildlife Service.





## 2.0 Aims

Parkland and recreational facilities require guidelines for effective use, maintenance and development.

Detailed guidelines for the Walkway are set out in PART 2 of this Plan as "Management Objectives and Actions" to achieve the aims listed below.

The actions require the agreement of Council for funding, and the support of the local community and visitors for the success of the Manly Scenic Walkway.

### 2.1 A quality experience

- a) to emphasise the high quality recreational experience with extended scenic views and diverse native vegetation
- b) to provide a walking exercise route
- c) to maintain and improve the aesthetic qualities of the harbour foreshore reserves as "natural settings" both from the reserves and when viewed from the harbour
- d) where possible to make this resource available to both able and disabled people
- e) to minimise conflict between passive and active uses of the Walkway.



**Fairlight Walk**

## **2.2 Conservation and restoration**

- a) to identify and conserve the different environmental characteristics, vegetation patterns and indigenous wildlife along the Walkway so that the route can be restored to the native vegetation pattern and be included as SEPP No.19 Bushland where possible
- b) to increase public awareness as to the importance of the natural environment and to enrich the experience of visitors by giving them a better understanding of the scenic, heritage and natural values of Manly and the Walkway.

## **2.3 Education/ heritage/ culture**

- a) to provide an environmental education resource and promote the heritage aspects of the area
- b) to create an understanding and appreciation of the scenic, heritage and natural values of the Walkway.

## **2.4 Facilities and maintenance**

- a) to provide a range of facilities to enhance public enjoyment of the recreational and scenic qualities of the Walkway
- b) ensure high quality maintenance to promote pride and discourage vandalism, without significant impairment of the natural, educational or scenic values of the Walkway.

## **2.5 Safety**

- a) to develop a safe and hazard free Walkway compatible with the provision of a recreation facility through diverse environments.

## 3.0 Summary of existing conditions

### 3.1 An overview

The Manly Scenic Walkway connects Shelly Beach and Little Manly Point with the Spit Bridge via Manly Wharf. The Walkway traverses open space and roads adjacent to the harbour. It is close to the harbour foreshore for most of its length.

At peak high tide it is accessible via the streets, while at other times the beaches and rock platforms can be walked. Five kilometres of the Walkway is on Council maintained public reserve and 5km is in the Dobroyd Head and Spring Cove sections of the Sydney Harbour National Park. There are established picnic grounds and harbour swimming pools along the route.

#### 3.1.1 The track

The track runs mostly in an east-west direction and has a southerly aspect. There are stunning views from many locations, particularly when the track is high above the water.

The 2.1km from Manly Wharf to King Avenue are classified as being of a gentle grade. The section from Commonwealth Parade to Lauderdale Avenue is accessible by wheelchair. The Clontarf to Spit Bridge, and North Harbour to Forty Baskets sections are easy walking while the Castle Rock and Dobroyd sections require reasonable fitness and agility.

The Walkway from Manly Wharf to Shelly beach is entirely accessible to people with disabilities. The Walkway from the wharf through East Esplanade Park is accessible however, the rest of this Walk varies from a gentle to medium grade. The Council sections of the Walkway vary from class A to class B track while the National Parks and Wildlife section varies between A, B and C track classification. Refer to 5.4.1 and the Construction Specifications document.



**The track**

### **3.1.2 Flora and fauna**

The Walkway passes through vegetation communities typical of those found on Hawkesbury sandstone. These include areas of low woodland and open forest, closed heath, and moist areas and sheltered gullies with temperate rain forest species. The vegetation is exposed to strong southerly winds, except where it is protected by headlands and bays. The dry sclerophyll vegetation provides habitats for small mammals, reptiles and birds, including threatened populations at North Head.

There are also areas of very bad weed infestation, particularly in the nutrient enriched disturbed soils below residential development.

### **3.1.3 Soils**

The soils are naturally shallow and sandy with a poor nutrient content, but there are areas where stormwater and sewer drains have changed these conditions resulting in increased nutrient levels.

### **3.1.4 Usage**

A wide variety of active and passive recreational experiences (refer to 4.4) are possible due to the variety of landscape in both natural bushland areas and developed areas. The Walkway is well used by both individuals and groups.

A reasonable proportion of Walkway users are accompanied by a dog, and although this may increase their own security or fulfil their normal dog walking activity, it is often threatening to other users and noticeably fouls the Walkway. Dogs must be on leads at all times with the exception of designated unleashed areas. The National Parks and Wildlife Service do not allow dogs on its portions of the Walkway.

Joggers also use the Walkway, and though this is not a problem in parkland areas, they cause greater erosion and are overly imposing to walkers in the bushland sections. School groups have used the Walkway as a cross country running track. This activity can interfere with passive use and risk injury to runners at the cliff side locations. Cyclists, especially 'mountain bike' riders have been observed on the track. This is a prohibited activity. Cycling is not encouraged along the Walkway as it causes erosion and is a safety risk. The National Parks and Wildlife Service do not allow bicycles on its portions of the Walkway.

### **3.1.5 Heritage items**

The Walkway passes through many sites of importance to Aboriginal and European culture, and items of architectural and archaeological significance can be viewed.

### **3.1.6 Management**

A Committee of Manly Council comprising three Councillors and a minimum of three citizens make recommendations to Council through the Parks and Reserves Committee regarding the care, control and management of the Walkway.

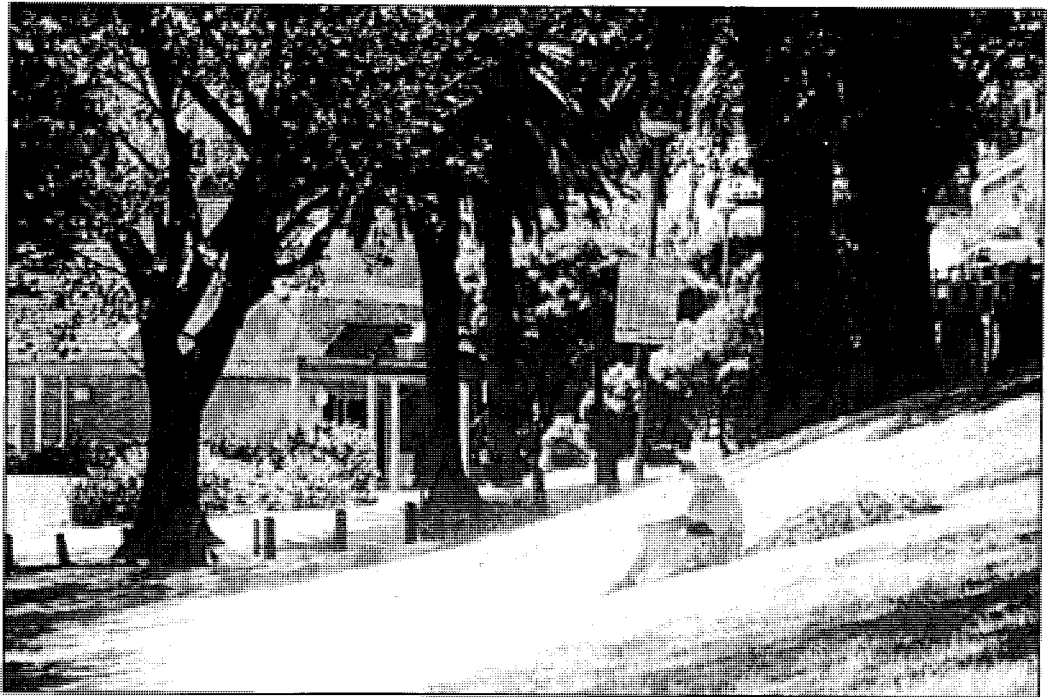
## **3.2 Esplanade Park —**

Manly Wharf to Bolingbroke Parade

### **3.2.1 The track**

This 1km section of track runs east-west and has a southerly aspect. There are stunning views across North Harbour to North Head, South Head and Dobroyd Head. The grade of the track is classified gentle, with an even surface, being suitable for wheelchairs and strollers. The only steep grade (that is, greater than 1 in 14) being that from the Manly Art Gallery to Commonwealth Parade.

The track from the Wharf to the Art Gallery is over 3m and is accessible to wheelchairs and strollers. At Manly Art Gallery there are two possible routes. The signed path is that which runs in front of the Manly Art Gallery and onto Commonwealth Parade. The width of the path varies from 1.2m to 2.5m. There are several sections of the track that have a drainage problem.



**West Esplanade**

### **3.2.2 Flora and fauna**

This is an area of landscaped parkland. The most prominent feature of this section of the walk are the Norfolk Island Pines which were planted last century along West Esplanade and along the Walkway to Delwood Beach.

The steep banks have been specifically planted with *Banksia integrifolia*, *Westringia fruticosa*, *Lomandra longifolia*, *Actinotus helianthii*, *Banksia ericifolia*, *Dianella*, *Kennedia rubicunda*, *Themedia australis* (Kangaroo Grass).



The Walkway is bordered by private gardens, generally planted with exotics. In several areas the private gardens have encroached into the reserve of the Walkway. There is an exotic garden which is maintained by the residents behind the units at 33-35 Lauderdale Avenue.

The foreshore area in front of Lauderdale Avenue has been infested with exotics such as Morning glory, palms, fennel, parietaria, wandering jew, coral trees, oleanders and a rubber tree. However this thick cover provides habitat for the small fauna. Some of this area has been cleared and replanted with native shrubs.

### **3.2.3 Soils**

See 3.1.3

### **3.2.4 Usage**

This section of the Walkway is heavily used by residents on their daily routines and by visitors exploring Manly. This part of the Walkway is used to access Manly Art Gallery, Ocean World, Delwood Beach and Fairlight pool as well as many residences. As well as being popular with walkers and joggers, people fish off the rocks, enjoy the views and picnic on the flat of the embankment or at the beaches.

The Walkway is also used by cyclists even though this activity is prohibited. The section of the track between the wharf and Manly Art Gallery and the section west of Ocean World to Lauderdale Avenue are accessible to people with disabilities. The calmer waters of the harbour make the beaches along the Walkway very popular.

Seats and tables are located along the Walkway. Dinghies are informally stored at Fairlight pool and near the boatshed at Bolingbroke Parade.

### **3.2.5 Heritage items**

- ▶ The foreshore
- ▶ Esplanade Park
- ▶ Manly Wharf
- ▶ Dressing Pavilion and amenities block
- ▶ Governor Phillip Monument
- ▶ Aboriginal Relics - Shells and Carvings

### **3.3 Esplanade Park —**

Bolingbroke Parade to North Harbour Reserve

#### **3.3.1 The track**

This 0.8km track in Esplanade Park from Bolingbroke Pde to Lauderdale Ave is 1.2m wide before joining the narrower footpath along King Avenue. The grade is classified easy, having gentle grades and a good surface with regular steps. However, the path is in poor condition due to heavy usage and runoff from adjoining properties. The path edges are eroded and the area adjoining the track is subject to compaction and erosion.

There are often cars parked along the informal road that forms after Bolingbroke Parade. The narrowness of the footpath along King Avenue means users of the Walkway tend to walk on the roadway. This creates conflict between pedestrians and vehicles.

There are grassy slopes, shaded areas as well as glimpses of North Harbour through the trees. Views across the water are not as clear in this section of the Walkway, therefore no chairs and tables have been installed. However, there is plenty of land for these facilities to be provided. Aerial power lines stretch along the reserve detracting from the scenic and natural quality of the Walkway.

#### **3.3.2 Flora and fauna**

This section of the Walkway is bordered by private gardens, some of which have encroached into the Council reserve. The gardens are generally dominated by exotic species. The steep embankment to the foreshore is densely vegetated by a mixture of exotic and native species.

The dominant native species include *Eucalyptus botryoides* (Bangalay), *Banksia spinulosa* (Banksia) and *Angophora costata* (Smooth bark Apple Tree). There are several heavily pruned cheese trees located under the power lines in Esplanade Park.

#### **3.3.3 Soils**

See 3.1.3.

#### **3.3.4 Usage**

This is a less frequently used section of the of the track due to its narrowness, weed infestation, and the obstruction of views. It is used by walkers, joggers and cyclists. Cyclists are not permitted to use the Walkway. The track is accessible to people with disabilities as far as King Avenue.

Part of the track after Bolingbroke Parade is used by residents to park their vehicles and obtain vehicular access to off street parking. However this is not public road. It is part of the reserve.



### **3.3.5 Heritage Items**

- ▶ The foreshore
- ▶ Esplanade Park
- ▶ House at 13 King Avenue.

## **3.4. North Harbour Reserve to Forty Baskets**

### **3.4.1 The track**

This 1.5km section of track is generally 1.2 m wide. As it runs through reserves, there are no space constraints. The grade is classified easy, having gentle grades and a good surface with regular steps. Access at peak high tide is along Gourlay Avenue and the maintenance road. However most of the time users can walk along the foreshore over rocks. This 'stepping stone' track to the south of the marina is not well defined.

### **3.4.2 Flora and fauna**

Wellings Reserve is identified as SEPP No.19 Bushland. It is fringe forest with the dominant species in the reserve being *Angophora costata* and *Ficus rubiginosa*. The species identified in the Bushland survey carried out by the National Trust of Australia in 1981 are listed in Appendix 5.

### **3.4.3 Soils**

See 3.1.3.

### **3.4.4 Usage**

This section of Walkway is mainly used by walkers and joggers doing all or part of the Walkway. It passes through North Harbour reserve which is a very popular park for both active and passive forms of recreation. Vehicular access behind Wellings reserve to Forty Baskets is restricted to maintenance vehicles. Forty Baskets Beach is popular for picnickers as well as swimmers.

The beaches at Davis Marina and Forty Baskets are also used as places to informally store dinghies.

### **3.4.5 Heritage Items**

- ▶ The Foreshore
- ▶ Moreton Bay Fig Tree (North Harbour Reserve)
- ▶ Waterfall
- ▶ Wellings Reserve
- ▶ Canary Island Palm Trees (Forty Baskets Beach Reserve)

## 3.5 Clontarf Track —

Castle Rock Steps to Clontarf Reserve

### 3.5.1 The Track

This 1.3km section of the Walkway comprises both a dirt path and a 1.2m wide boardwalk. The grade of this section of the Walkway is classified as hard. It includes rough, steep sections some of which may require clambering over natural obstacles. This section of the Walkway was improved in 1997 to reduce safety risks and address problems of inadequate drainage which caused erosion of the track.

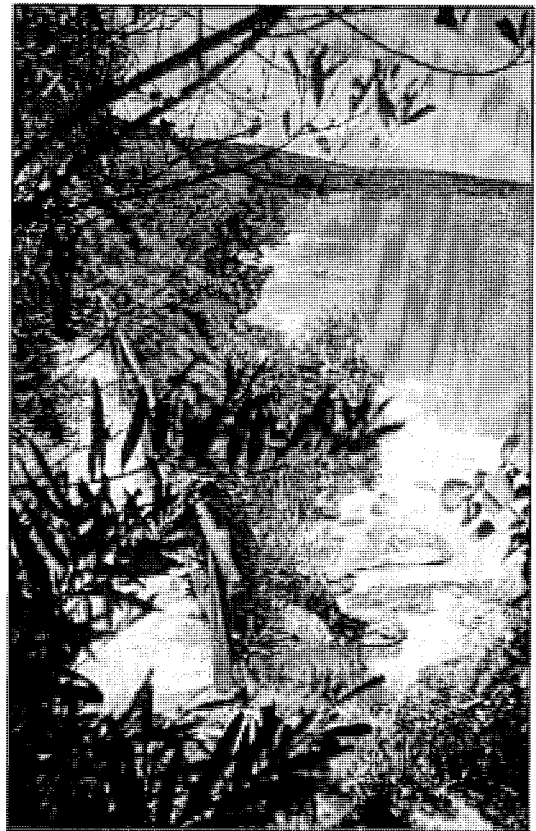
### 3.5.2 Flora and Fauna

The bushland at Duke of Edinburgh Parade (off Cutler Road) is classified as SEPP No.19 Bushland.

This section of the Walkway passes through vegetation communities typical of those found on soils derived from Hawkesbury Sandstone. These include moist areas and sheltered gullies with temperate rainforest species. These vegetation communities are dominated by canopy species including *Tristaniopsis laurina* (Watergum), *Acmena smithii* (Lilly Pilly), *Ceratopetalum apetalum* (Coachwood) and *Callicoma serratifolia* (Black wattle). Ground cover species include bracken fern and native creepers. Open forest and low woodland also dominate this section of the walkway. Dominant canopy species include *Angophora costata*, *Banksia integrifolia* and *Banksia serrata*, while the lower ground level predominantly features native grasses including *Imperata* (Blady grass), *Lomandra longifolia* (Mat rush) and *Themeda australis* (Kangaroo grass).

The dry sclerophyll vegetation and sandstone formations provide habitat for small mammals, reptiles and birds. Minimal disturbance to these areas should occur in order to protect the areas importance as fauna habitat.

Areas of very bad weed infestation exist along this section of the Walkway. Infestation of Fishbone, Parietaria, Crofton and Asparagus fern, Lantana and Privet dominate areas of bushland between the Spit and Sandy Bay. These occur in areas characterised by high levels of stormwater and sewer runoff.



Clontarf Track

### **3.5.3 Soils**

Increased water and nutrient levels in the soil arising from stormwater and sewer drains has favoured the development of significant exotic weed infestations throughout the bushland component of the Walkway between Castle Rock beach and the Spit Bridge. This section of the Walkway also features areas of soil erosion arising from stormwater runoff.

### **3.5.4 Usage**

This part of the track is generally used for walking or jogging through bushland. Cyclists also use the track, despite this being prohibited. Dogs are taken on to the beach reserve despite being prohibited. Castle Rock is used for swimming.

### **3.5.5 Heritage items**

- ▶ The Foreshore
- ▶ Clontarf Park and the Norfolk Island Pine Commemorative tree in the reserve
- ▶ Middle Harbour Submarine Syphon.

## 3.6 Fisher Bay Walk —

Clontarf Reserve to The Spit Bridge.

### 3.6.1 The track

Fisher Bay Walk is 1.7km long. It incorporates the Mitchell Walk which provides elevated views. Through the bushland it is a dirt track with several duckboard crossings over creeks. The track varies in width depending on erosion and the location of vegetation. Some sections of the track are as narrow as one metre with some sections badly eroded. The grade is classified medium, with mostly good surfaces, but with some rough or steep sections.

Several benches are located along the Walkway at points with significant views or where rests may be required. Chairs and tables are also provided at Ellery's Punt Reserve.

### 3.6.2 Flora and fauna

See 3.5.2.

This section of the Walkway has a section of SEPP No.19 Bushland at Fisher Bay.

The species identified in the Bushland survey carried out by the National Trust of Australia in 1981 are listed in Appendix 5. Birds in Fisher Bay are different and sometimes more visible than many other sections of the track.

### 3.6.3 Soils

See 3.5.3.

### 3.6.4 Usage

This section of the Walkway is mainly used by walkers and joggers through bushland. Ellery's Punt reserve is used by picnickers.

### 3.6.5 Heritage items

- ▶ The Foreshore
- ▶ 2 trees (*Ficus rubiginosa* and *Pinus radiata*) on Lot B DP 393 053
- ▶ Fisher Bay Park
- ▶ Reserved track for trams (from Whittle Avenue to the Spit Bridge)
- ▶ Vehicular Ferry Ramp (The Spit Bridge)
- ▶ The Spit
- ▶ Monument (The Spit Bridge)
- ▶ Tram terminus and the Wharf for the tram punt.

### **3.7 Cabbage Tree Bay Walk**

Manly Wharf to Shelly Beach via the Ocean Beach

#### **3.7.1 The track**

This walk from Manly Wharf to Shelly Beach via the Corso and Fairy Bower is approximately 1.8km long.

It passes through the main commercial area of Manly and along the ocean front to Cabbage Tree Bay and Shelly Beach. The Manly Visitors Information Centre and Manly Surf Life Saving Club are located along the Walkway. The Walkway is relatively wide for the whole of this section although the surfaces are not smooth at all times. Cabbage Tree Bay Walk is accessible to people with disabilities but has not been signposted as part of the Manly Scenic Walkway.

#### **3.7.2 Flora and fauna**

The Corso contains several planter beds. In 1997 a fig tree was planted as well as 12 Cabbage Tree Palms. Norfolk Island Pines are the dominant species along the ocean front. Cabbage tree palms are the dominant features along the walk to Shelly Beach. There also several exotic plant beds along the walk to the headland. Weeds and exotics escape from the properties on top of the cliff infesting the reserve below. The species identified in the Bushland survey carried out by the National Trust of Australia in 1981 are listed in Appendix 5.

#### **3.7.3 Soils**

The Corso and oceanfront consist of sandy soil. The section of the Walkway along Marine Parade is rock.

#### **3.7.4 Usage**

This section of the Walkway is very popular with locals and tourists and is heavily used. It is a pedestrian thoroughfare connecting Manly Wharf with the Ocean Beach. The Corso provides numerous shopping, eating and entertainment facilities for tourists and locals. The promenade along the Ocean Beach and Marine Parade are popular for walking, jogging, cycling and roller blading. The chairs and tables provide a pleasant location for resting and observing the views as well as to enjoy a meal. Sheltered Shelly Beach is a popular area for swimming, scuba diving and snorkling. There are currently seven license permits that have been issued for diving schools in the Manly Local Government Area.

### **3.7.5 Heritage items**

- ▶ The Corso Conservation Area including historical buildings, monuments and trees
- ▶ Shelter Sheds, South Steyne
- ▶ Norfolk Island Pines
- ▶ Ocean Foreshore.

## **3.8 Little Manly Point Walk**

Manly Wharf to Shelly Beach via Stuart Street and the Hole in the Wall

### **3.8.1 The track**

The Walkway from the Wharf to Little Manly Point reserve is along existing footpaths of varying widths. This section of the Walkway has a combination of gentle and medium grades. The Walkway from the south-eastern end of Stuart street to the Hole in the Wall is along a dirt track to Collins Flat and on to Collins Beach Road then Blue Fish Drive. The Walkway alternates through reserves along the foreshore and along residential streets before entering dense bushland. The section from Blue Fish Drive to the hole in the wall has not been formalised, and is not signposted.

### **3.8.2 Flora and fauna**

East Esplanade Park is dominated by Norfolk Island Pines.

The replanting of native vegetation in Little Manly Park has provided habitat and foraging areas for small native mammals, reptiles and birds. A list of plant species is included in Appendix 5. The Long Nosed Bandicoots and Little Penguins in the area are listed as protected populations under the Threatened Species and Conservation Act 1995. The narrow piece of land running from Little Manly park to Spring Cove is of special concern to the population as it provides little vegetative protection from domestic pets. The Walkway then runs through National Park which can be described as Coastal Forest.

### **3.8.3 Soils**

East Esplanade Park has sandy soil. Little Manly Point is characterised by shallow, highly permeable soils with low fertility. The site was used for gas works so contaminated soils have been remediated containing substantial soil capping and groundwater drainage measures. The next section to Collins Flat consists of a shallow layer of permeable soils overlaying a sandstone base.

#### **3.8.4 Usage**

As this section of the Walkway is not yet signposted, it is used relatively little. East Esplanade Park is not as popular as West Esplanade Park. It has chairs and tables from where people can enjoy the views across the harbour and watch the ferries come in. It is also used for boating repairs that occur along the beach. Esplanade Park is used to access Manly Rowing and Sailing Club and Manly Yacht Club. This Walkway is also used to access Little Manly Park which is very popular for picnicking and enjoying the views across the harbour.

#### **3.8.5 Heritage items**

- ▶ Manly Wharf
- ▶ Manly Fun Pier
- ▶ East Esplanade Park
- ▶ The Broken Column Fountain
- ▶ Manly Rowing and Sailing Club
- ▶ 8 Stuart Street
- ▶ 34 Stuart Street
- ▶ The Gas works site-Little Manly Point
- ▶ Stone walls-North Head
- ▶ Parkhill Reserve gateway
- ▶ Norfolk Island Pines.

### **3.9 Sydney Harbour National Park Walk —**

Shelly Beach Headland to the Hole in the Wall

#### **3.9.1 The Track**

The walkway from Shelly Beach to the Hole in the Wall is approximately 1.0km long.

This section of walkway was upgraded in 1995/96. The upgrading was funded under the Commonwealth Government's Jobskills Program at a cost of \$200,000. Part of this route traverses St. Patricks College Estate, the land is owned by the Roman Catholic Church. Manly Council currently leases a section of the estate from the Catholic Church for a fee of \$1.00 per annum. The licence gives Council the right to construct and maintain a walway on the leased land. Appendix 10 displays a map of the leased section of walkway.

#### **3.9.2 Flora and Fauna**

The area contains some significant vegetation and fauna. The vegetation is mostly coastal heath. Long Nosed Bandicoots are known to inhabit sections of this route.

#### **3.9.3 Soils**

Sandy, shallow soils of low fertility dominate this section of the walkway.

#### **3.9.4 Usage**

This section of walkway is less used than other more accessible areas of the walkway. It is used by joggers and bushwalkers. The route provides extensive views of the ocean.

#### **3.9.5 Heritage Items**

Stone walls - North Head  
St Patricks College Estate





## 4.0 Future Demands/ Development

Due to the increase in housing densities, greater environmental awareness, an increasing emphasis on healthy living, and the increasing number of tourists, it can be expected that use of the Scenic Walkway will experience a great increase over the next five years.

It will also attract people using adjoining walks such as the Mosman Quakers Hat Rock Walk from the Spit and Warringah Coastal Walk. It will also connect Manly to the Great North Walk along Middle Harbour through to Ku-ring-gai National Park and Berowra.

Monitoring of the walkway will be necessary in order to assess the extent and nature of any increased use on the walkway and its environs.

### 4.1 Extensions to the walkway

#### 4.1.1 The Spit to Seaforth Oval extension

There is an opportunity to extend the walkway from the Spit to Seaforth Oval. This would form part of the Circuit Linear Park.

The Landscape Management Plan recommends that a circuit linear park and path around the perimeter of the Local Government Area, with links to Manly Dam and the district parks be established. The Manly Scenic Walkway will form part of this Circuit Linear Park but will remain a separate entity with its own identifiable maps and signage. Refer to the Manly Landscape Management Plan for further details on the Circuit Linear Park.

#### 4.1.2 An alternative route behind King Avenue

The possibility of an alternative route along the foreshore behind the houses in King Avenue is being investigated. This requires a survey of the property boundaries and consultation with the Office of Marine Administration.

#### 4.1.3 An alternative route behind Manly Yacht Club

There is an option of an alternative route running behind and over the Yacht Club. Access to the street would be along the existing path behind the Skiff Club.

#### **4.1.4 A route between Spring Cove and the Hole in the Wall**

An alternative route between the above locations may be provided by utilising existing tracks that are not currently recognised as part of the walkway system. Sections of these existing tracks require upgrading. The proposed route travels from Spring Cove to the Hole in the Wall. From Spring Cove the route extends east to the Sydney Harbour National Park. The route may then go through either the grounds of Manly Hospital or continue through the National Park to Darley Road. After crossing Bluefish Drive the route continues north-eastward into the National Park and on to the Hole in the Wall.

This proposed extension passes through a number of significant bushland areas that contain considerable fauna and flora. Of critical concern is the habitat of the Long Nosed Bandicoot and Little Penguin. An extension in this area would be subject to the Threatened Species Act 1995. Whether or not any extension should be approved must consider the impact on these species. The precautionary principle must apply. It is recommended the extension of the walkway through this section be assessed after the National Parks and Wildlife Service (NPWS) has completed the Recovery Plans for the bandicoots and penguins that are currently under preparation. Consultation regarding the flora and fauna and track funding is being undertaken with the NPWS. Further action regarding the proposed extension should await the outcome of these discussions.

## **4.2 Works and facilities**

Access for people with a disability for identified paths, Walkway widening for heavily used areas, high tide access can be improved to enable greater access to the Walkway and improve the route. Toilets and drinking water facilities when provided should be near the Walkway but located in parks. These facilities and kiosks and seating could be affected by future demands and development.

## **4.3 Bushland**

The natural areas of bushland should be protected against any future demands for housing, more formal parks and reserves and intensification of activities.

Fortunately, many areas of bushland are covered by SEPP No.19, under which Council is obliged to protect, maintain and restore urban bushland. This involves not only removal of weeds and replanting, but control of the water source nutrients and pollution.



## 4.4 Objectives and actions for desired landscape character & recreational experience

### 4.4.1 Esplanade Park

Manly Wharf to Bolingbroke Pde	
Objectives	Actions
<p><i>Desired Recreational Experience</i> Picnicking, viewing, strolling, jogging, walking dogs, swimming, fishing.</p> <p>Minimise conflict between passive and active uses.</p> <p>Signage is to indicate that the Walkway passes in front of Ocean World and that the route behind the Art Gallery and Museum is for wheelchairs and strollers.</p>	<p>Retain existing seating and provide additional chairs and tables where suitable. Prepare a Landscape Plan.</p> <p>Provide a path 1.8m wide to cater for people with disabilities, strollers and the increasing number of pedestrians. Put up a bid to Council for funding.</p> <p>Erect a new sign to indicate this. Include this route on the brochure. The grade of the path from West Esplanade to Commonwealth Parade in front of the Art Gallery is not to exceed 1 in 14.</p>
<p><i>Desired Landscape Character</i> Semi-formal landscape with unfolding views and vistas - large grassed areas on top of banks, native trees and shrubs.</p> <p>Indigenous vegetation, especially <i>Banksia integrifolia</i>.</p> <p>Encourage planting of local native plants in adjoining properties.</p> <p>Rock edges at the top of low cliffs to be kept free of grass.</p> <p>Above ground level rocks in grassed areas to be treated as sculptural elements in the landscape.</p> <p>Headlands to be kept clear of shrubs to allow for panoramic viewing.</p> <p>Rock ledges and beaches above high water mark to be kept clear of rubbish.</p> <p>Minimise the visual impact of stormwater pipes and drains.</p> <p>Minimise the visual and environmental impact of dinghies.</p> <p>Relocate overhead cables and powerlines underground.</p> <p>Clear and up to date signage.</p>	<p>Prepare a Landscape Plan Residents currently maintaining gardens within the Reserve will be allowed to continue. Gardens which cease to be maintained or when associated properties are sold shall be maintained and landscaped by Council using native species.</p> <p>Prepare a Landscape Plan.</p> <p>Educate residents Implement free tree give-away</p> <p>See Construction Specifications for the Manly Scenic Walkway.</p> <p>Prepare a Landscape Plan.</p> <p>Prepare a Landscape Plan.</p> <p>Educate the public Only provide rubbish bins at the top of the stairs behind Ocean World and at Fairlight Beach. Cleansing staff to undertake at least weekly removal of rubbish</p> <p>Cover or place underground and remove where possible.</p> <p>Provide storage near the boat shed Rangers to book and impound any incorrectly stored or abandoned craft.</p> <p>Investigate with Energy Australia the cost implications and timing.</p> <p>Removal of old signs and erection of new signs. Rationalise signage. Investigate new signage options.</p>

Bolingbroke Pde to Lauderdale Ave	
Objectives	Actions
<p><i>Desired Recreational Experiences</i> Continuation of wheelchair route, strolling and viewing, walking dogs and jogging.</p> <p>Because the path is in close proximity to houses, and also because of the steep topography other passive activities are not possible.</p>	<p>Provide a 1.8m wide path with a gentle grade, not exceeding 1 in 14. Refer to AS1428.1-3.</p>
<p><i>Desired Landscape Character</i> Reinstate bushland character to enhance the more intimate scale of the head of North Harbour.</p> <p>Reinforce existing vegetation by planting <i>Banksia integrifolia</i>, <i>Angophora costata</i> and <i>Eucalyptus botryooides</i> in the steeply sloping grassed areas, in order to provide a canopy for smaller shrubs and native plants.</p> <p>Regeneration of native vegetation to include as SEPP No.19 Bushland.</p> <p>Retain glimpses to water and harbour activity.</p> <p>Restrict vehicles parking in the reserve west of Bolingbroke Parade.</p> <p>Relocate the overhead cables and powerlines underground.</p> <p>Minimise the visual and physical impact of dinghies.</p> <p>Clear and up to date signage.</p>	<p>Retain existing canopy structure and under plant with suitable indigenous species.</p> <p>Carry out planting Remove the large heavily pruned trees that are located under the power lines</p> <p>Retain existing canopy structure and underplant with suitable indigenous species.</p> <p>Ensure future planting will not block existing views.</p> <p>Investigate the status of the land and approvals of carports opening onto the reserve.</p> <p>Investigate with Energy Australia the cost implications and timing.</p> <p>Provide storage away from the main beach area. Rangers to book and impound any incorrectly stored craft.</p> <p>Removal of old signs and erection of new signs. Rationalise signage. A directional sign at Lauderdale Avenue.</p>

#### 4.4.2 King Avenue to North Harbour Reserve

Objectives	Actions
<p><i>Desired Recreational Experiences</i></p> <p>Walking in residential street past houses of interesting architectural character.</p> <p>Walk along the foreshore on a boardwalk.</p> <p>Access for people with disabilities.</p> <p>A safe path for pedestrians walking in King Avenue.</p>	<p>Ensure DA approvals meet the aims and objectives of REP No.23.</p> <p>Investigate the feasibility of a boardwalk along the foreshore behind King Avenue.</p> <p>Provide suitable footpath and ramped access for wheelchairs from King Avenue into North Harbour.</p> <p>Widen the footpath along Lauderdale and King Avenues.</p>
<p><i>Desired Landscape Character</i></p> <p>Improve visual continuity between the Reserve and surrounding streets.</p> <p>Retain potential for access below King Avenue properties.</p>	<p>Continue concrete paving along the footpath.</p> <p>Impose a condition on DAs for works along this section of the foreshore so that no structures are built to impede any potential Walkway.</p>

#### 4.4.3 North Harbour Reserve along the foreshore

Refer to the Landscape Management Plan for details on the Reserve.

Objectives	Actions
<p><i>Desired Recreational Experiences</i></p> <p>Gatherings of people for active and passive recreation.</p> <p>Improved seating.</p> <p>Provide shade for seating.</p>	<p>Provide adequate facilities.</p> <p>Investigate the possibility of integrating seating into sea wall.</p> <p>Plant suitable trees in appropriate locations.</p>
<p><i>Desired Landscape Character</i></p> <p>Views across to Wellings Reserve along North Harbour with seagrass beds and moored boats, towards the heads.</p>	<p>Retain as public reserve.</p>

#### 4.4.4 North Harbour Reserve to Davis Marina

##### a) Low tide access

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Walking along sand and over rocks at all times.</p> <p>High tide access from North Harbour Reserve to bushland path.</p>	<p>Keep beach clean and enable walkers to use informal stepping stones.</p>
<p><i>Desired Landscape Character</i> Minimise visual impact of dinghies.</p> <p>A clean beach and natural bushland.</p> <p>Remove or minimise visual impact of storm water pipes.</p> <p>Clear signage regarding access at peak high tide and at all other times.</p>	<p>Limit location of dinghies by providing storage facilities. Rangers to book and impound any incorrectly stored or abandoned craft.</p> <p>Remove discarded maritime waste from boating activity from the beach.</p> <p>Remove, cover or place underground if possible.</p> <p>Provide a sign indicating access at peak high tide along the road and then other times along the foreshore.</p>

#### North Harbour Reserve to Davis Marina, via Gourlay Ave

##### a) General access

Objectives	Actions
<p><i>Desired Recreational Experiences</i> View from bridge above waterfall into North Harbour.</p> <p>A safe walking path with a separate footpath from road.</p> <p>Provide suitable footpath and ramped access for people with disabilities.</p>	<p>Maintain the bridge and native vegetation.</p> <p>Investigate the possible location of the path through bushland to the North of Gourlay Avenue or adjacent to the existing road. Accessible path to join with this path.</p> <p>Investigate the most suitable route for pedestrian and wheelchair access.</p>
<p><i>Desired Landscape Character</i> Views of Angophoras and large rock formations.</p> <p>Views of boating activity.</p>	

#### 4.4.5 Wellings Reserve Between road and harbour foreshore

Refer to Landscape Management Plan for other areas of the reserve.

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Views of moored boats and boating activity across North Harbour to Fairlight.</p> <p>Foreground views of sandstone formations.</p> <p>Restrict vehicular access.</p>	<p>Ensure boom gate is locked. Ensure the security key is only accessed by authorised persons. Charge a bond for the use of the key.</p>
<p><i>Desired Landscape Character</i> Native bushland</p> <p>Provide a suitable walking track to 40 Baskets Reserve.</p> <p>Minimise visual impact and damage to vegetation by dinghies.</p>	<p>Remove exotic trees, upgrade and reinforce bushland quality.</p> <p>Narrow, compacted gravel road to 40 Baskets Reserve.</p> <p>Provide dinghy storage. Rangers to book and impound any incorrectly stored or abandoned craft.</p>

#### 4.4.6 40 Baskets Beach

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Views of boats and boating activity at the beach and in North Harbour, swimming pool, dinghy storage, barbeques and picnics.</p> <p>Restrict vehicular access.</p> <p>No dog access on the beach.</p>	<p>Ensure boom gate is locked. Ensure limited access to the keys</p> <p>Enforcement by Council rangers</p>
<p><i>Desired Landscape Character</i> Minimise the visual and environmental impact of the informally stored dinghies.</p>	<p>Provide dinghy storage. Rangers to book and impound any incorrectly stored crafts.</p>

#### 4.4.7 40 Baskets to Sydney Harbour National Park

##### a) General tide access

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Walking over sand and rocks</p>	<p>Place large rocks close to the shoreline so that they can act as stepping stones for high tide access. Investigate options which would enable foreshore access at all times.</p>
<p><i>Desired Landscape Character</i> Retain Harbour Foreshore in its present condition.</p> <p>Remove or minimise visual impact of stormwater pipes.</p>	<p>Investigate options to remove, cover, or place underground.</p>



#### 40 Baskets to Sydney Harbour National Park via Beatty Street

##### b) Peak high tide access

Objectives	Actions
<i>Desired Recreational Experiences</i> Walking in residential street.	Ensure a suitable, well maintained footpath is provided in Beatty Street. Provide adequate directional signage.
<i>Desired Landscape Character</i> Visual continuity with the rest of the walkway.	Consistent tree planting. Ensure a suitable, well maintained footpath is provided.

#### 4.4.8 Castle Rock steps to Clontarf Beach

Objectives	Actions
<i>Desired Recreational Experiences</i> Views and glimpses of Middle Harbour across to Mosman.  Resting and picnicking areas.  Make the harbour accessible at low tide.  Easy understanding of the Walkway routes.	  Provide picnic and resting facilities where possible.  Provide paths leading off the walkway to foreshore.  Provide a map indicating location along the walkway. Provide clear signage to street exits.
<i>Desired Landscape Character</i> Reinforce bushland character (low woodland, open forest).  Track winding through bushland.	Maintain all indigenous vegetation. Exotic trees to be gradually removed. Weed infested areas to be replanted with local native plants after sewerage and drainage problems fixed. Investigate options to prevent weed encroachment from neighbouring properties.

#### 4.4.9 Clontarf Beach

Objectives	Actions
<i>Desired Recreational Experiences</i> Walk along sand past an interesting variety of houses.  Beachcombing.  Close views of extensive boating activity on the harbour.	Ensure beach remains clean through regular litter removal.  Ensure beach remains clear of clutter. Dogs not allowed on beach.
<i>Desired Landscape Character</i> Pleasant visual and recreational quality of an open beach.  Stabilised dunes.	Regular cleaning and combing of the beach. Regular maintenance of gross pollutant trap. Bury stormwater drain.  Plant with suitable vegetation and edge treatment in accordance with the approved DA. (See file DA No. 0056/97) Access via board and chain.

#### 4.4.10 Clontarf Reserve

Refer to the Landscape Management Plan.

Objectives	Actions
<p><i>Desired Recreational Experiences</i></p> <p>Gatherings of people.</p> <p>Picnicking, swimming (pool), boating, barbecues.</p> <p>Passive recreation and restaurant.</p> <p>Interpret heritage aspects.</p>	<p>Provide adequate facilities, including chairs, tables and barbecue facilities.</p> <p>Provide educational signage.</p>
<p><i>Desired Landscape Character</i></p> <p>Grassed areas and native trees for shading.</p> <p>Pleasant playing area.</p> <p>Grassed areas for sitting.</p> <p>Landscaped parking areas.</p> <p>Stabilised dunes.</p> <p>Provide small ferry wharf.</p> <p>Minimise the visual impact of informally stored dinghies</p>	<p>Ensure vegetation is well maintained.</p> <p>Cover open stormwater drain.</p> <p>Investigate the most suitable option.</p> <p>Plant with suitable vegetation and edge treatment in accordance with the approved DA.</p> <p>Investigate the feasibility and use of this with the Office of Marine Administration.</p> <p>Provide dinghy storage between the sewerage outfall building and the houses. Rangers to book and impound any incorrectly stored craft.</p>

#### 4.4.11 Clontarf Reserve to Sandy Bay

Objectives	Actions
<p><i>Desired Recreational Experiences</i></p> <p>Views across Middle Harbour to Spit Bridge and beyond.</p> <p>Extensive boating activity.</p> <p>Picnicking, rest areas, storage at Sandy Bay. Extensive sand flats - the habitat of thousands of crabs. Beachcombing.</p>	<p>Provide sufficient dinghy storage. Rangers to book and impound any incorrectly stored craft.</p> <p>Provide seats and tables at appropriate locations. No dogs allowed on beach reserve.</p>
<p><i>Desired Landscape Character</i></p> <p>Stabilised dunes.</p> <p>Provide a clear path for the Walkway.</p> <p>Pleasant visual and recreational quality of the beach.</p>	<p>Plant with suitable vegetation and edge treatment in accordance with the approved DA.</p> <p>Separate path 2.5m wide with associated planting of local species in accordance with approved DA. Improve access and signage to Mitchell Walk.</p> <p>Relocate stormwater outlets and construct gross pollutant traps. Carry out improvements outlined in the approved DA.</p>

#### 4.4.12 Sandy Bay to Ellery's Punt Reserve

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Walking through bushland with expansive views and glimpses of Middle Harbour and Fisher Bay.</p> <p>Picnicking, resting and viewing areas.</p> <p>Extensive sand flats - crab habitat.</p>	<p>Repair the foreshore wall.</p> <p>Provide adequate seating.</p> <p>Prohibit dogs along the beach reserve. Council Ranger to enforce policy.</p>
<p><i>Desired Landscape Character</i> Reinforce bushland quality.</p> <p>Track winding through bushland.</p> <p>Panoramic viewing.</p> <p>Retain heritage value.</p> <p>Minimise the visual impact of the pipes along the Walkway.</p>	<p>Remove exotic weeds and trees and replace with native species.</p> <p>Ensure track remains clear.</p> <p>Keep headlands clear of shrubs.</p> <p>Retain remnants of tramway route and other items of Environmental Heritage.</p> <p>Remove where possible, or cover or place underground.</p>

#### 4.4.13 Ellery's Punt Reserve

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Fishing from rocks and sea wall.</p> <p>The main beginning or end of Walkway.</p> <p>Picnic and barbecue areas.</p> <p>Heritage value.</p>	<p>Maintain access to rocks and seawall.</p> <p>Provide a clear map of the entire Walkway. Signage should provide informative material including prohibited uses. Request the RTA to provide a directional sign to the bus stop.</p> <p>Provide adequate seating and barbecue facilities.</p> <p>Retain all heritage items.</p>
<p><i>Desired Landscape Character</i> Semi-formal landscape with emphasis on rain forest species.</p> <p>Provide small ferry wharf.</p> <p>Interpret heritage aspects.</p>	<p>Remove exotics and retain and assist the growth of all rain-forest species.</p> <p>Investigate the possibility of providing a ferry wharf with the Office of Marine Administration.</p> <p>Provide informative signage.</p>

#### 4.4.14 Cabbage Tree Bay Walk

Refer to the Ocean Beach Master Plan for Marine Parade and Shelly Beach Reserve

Refer to the Corso Improvement Plan for the Corso

Objectives	Actions
<i>Desired Recreational Experiences</i> High volumes of people through a busy corridor of diverse activity.  Cycling, roller blading and walking along Marine Parade.  Sitting observing the views and picnicking.  Diverse uses of the ocean and beach.  A clean and pleasant tourist area.	Retain a mix of commercial uses with extended hours of operation. Maintain access for people with disabilities.  Maintain the track in a good condition.  Maintain seating in appropriate areas. Maintain flat grassed areas along the walkway. Plant trees in appropriate locations to provide shade.  Investigate options for limiting access points for divers.
<i>Desired Landscape Character</i> Native vegetation and maintain and extend the use of existing landscape elements.  Retain vistas down the Corso and out to the ocean from the Walkway.  Wildlife habitat at Shelly Beach Reserve.	Progressively implement the landscaping works as outlined in the Ocean Beach Master Plan.  Implement the Corso Improvement Plan and the Ocean Beach Masterplan.  Plant substantial low, dense prickly indigenous vegetation to provide habitat for the bandicoot population.

#### 4.4.15 Little Manly Point Walk

Objectives	Actions
<p><i>Desired Recreational Experiences</i> Picnics, barbeques, expansive views across the harbour, strolling, jogging and walking dogs in designated areas.</p> <p>Views of boats and boating activity.</p>	<p>Provide a ramped walkway behind and over the Manly Yacht Club for stroller and wheelchair access.</p>
<p><i>Desired Landscape Character</i> A clear path.</p> <p>Native vegetation and wildlife habitat.</p> <p>Heritage value.</p>	<p>Provide clear directional and educational signs.</p> <p>Retain and enhance the native vegetation. Provide substantial low, dense prickly indigenous vegetation to provide habitat for the bandicoot population and a continuous link with the National Park for foraging. Ensure dogs are on leads at all times in Little Manly Point park and the access area to the National Park to ensure bandicoots are not killed or disturbed.</p> <p>Retain all items of Environmental Heritage and provide educational signage.</p>





# 5.0 Management objectives and actions

## 5.1 Management/ administration

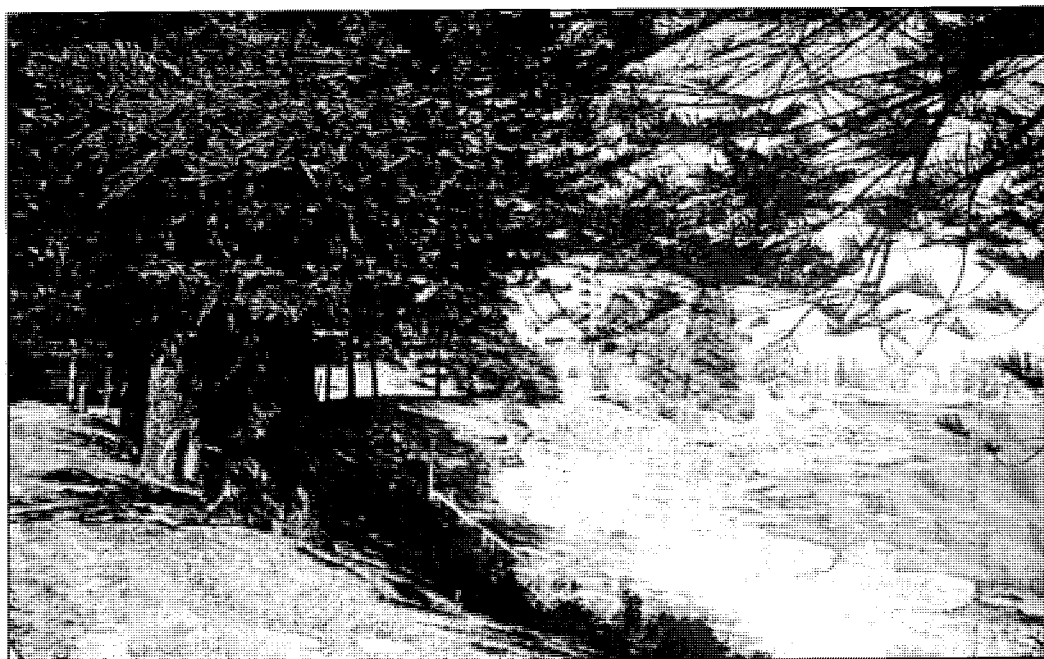
### 5.1.1 The Manly Scenic Walkway Committee

#### *Objective*

The Manly Scenic Walkway Committee will make recommendations to Council on all matters relating to the care, control and management of the Manly Scenic Walkway.

#### *Action*

- a) the Committee shall comprise three (3) Councillors and a maximum of twelve Citizen Members
- b) liaise with National Parks and Wildlife Service
- c) Council representatives will be elected at the same time as other Council Committees
- d) Council shall appoint Citizen representatives for a two year term at the same time as other Council Committees. Nominations for Citizen membership shall be called for by advertisement in the Manly Daily in August every second year
- e) the Committee will meet bi monthly
- f) the Committee shall make an inspection of sections of the Walkway in March and September of each year.



**Fairlight Walk**



### **5.1.2 Plan of Management review**

#### *Objective*

The Plan of Management shall be reviewed at five year intervals in order to evaluate its effectiveness and reconsider Walkway issues in relation to other Council activities and changing public recreation behaviour.

#### *Action*

- a) the Manly Scenic Walkway Committee is to regularly collect and collate information leading up to the five year review
- b) the Manly Scenic Walkway Committee will be responsible for reviewing and reporting on the Plan of Management.

## **5.2 Management/ maintenance**

### **5.2.1 Role of the Group Manager for Asset Management and Contract Administration**

#### *Objective*

Provide effective day to day and ongoing management of the Walkway, and through adequate maintenance, the provision of facilities and sound environmental management, ensure the specified natural qualities of the Walkway are retained.

#### *Action*

The Group Manager for Asset Management and Contract Administration shall:

- a) carry out management of the Walkway in accordance with the approved Plan of Management
- b) ensure that construction and maintenance is carried out by Council Staff with the assistance of contractors when necessary
- c) direct staff within his/her control to carry out remedial or experimental work
- d) refer any situation outside the scope of this Plan, to the Committee.

### **5.2.2 Staff Requirement and Volunteers**

#### *Objective 1*

Employ suitable staff or contract workers, to maintain the Walkway, and enlist the assistance of volunteers.

#### *Action*

Employ suitably skilled people full-time, and when necessary, skilled casual and contract workers to maintain and enhance the Walkway in areas controlled by council.

### *Objective 2*

To promote voluntary assistance in the maintenance of the Walkway.

### *Action*

- a) to hold special working days for volunteers
- b) to provide instruction for volunteers at other times.

## **5.2.3 Maintenance and Works Program**

### *Objective*

To establish a framework and set of priorities for maintenance, and construction and development.

### *Action*

#### a) Maintenance Program

The information gathered from the weekly inspection report sheets shall form the basis for maintenance and repairs to be carried out. (See Appendix No. 5 for copy of report sheet)

#### b) Yearly Works Programme

Each year the Committee shall have a special meeting to establish the priorities for development and construction to make recommendations to Council for inclusion in the Council's Capital Program for the following year.

The Committee shall review its current year's work program at the first Committee Meeting each year, and establish projects in order of priority.

#### c) Five Year Development Program

A five year development program shall be established in order of priority and reviewed by the Committee at its last meeting each year.

A progress report shall be tabled by the chairman at the end of five years, and a further five year program established.

## **5.2.4 Inspections and Reports**

### *Objective*

The Walkway shall be inspected regularly to ensure it is kept in a safe and pleasant condition.

#### *Action*

a) **Weekly - by the maintenance worker**

The bushland sections between Castle Rock and Clontarf and between Sandy Bay and the Spit shall be inspected weekly and inspection report sheets completed (see 5.2.3).

b) **Monthly - by the Bushland Coordinator**

A progress report shall be submitted to each Committee meeting, with particular reference to track maintenance and bush regeneration.

c) **Six monthly - by the Committee**

The Committee shall inspect the Walkway in March prior to Council's Budget meeting, and in September.

d) **Yearly**

The Walkway shall be inspected in April or May by the Parks and Reserve Section of Council and a report which is to include fire risk management is to be submitted to the Group Manager for Asset Management and Contract Administration so that works can be carried out in June. See Appendix 6 for a copy of the November 1996 Survey of Bushfire Risk in Manly.

### **5.2.5 Information gathering**

#### *Objective*

Surveys of user numbers, vegetation and other environmental factors should be carried out as necessary to provide information for management decisions.

#### *Action*

- a) the Group Manager for Asset Management and Contract Administration shall carry out surveys as required, or directed by the Committee
- b) information gathering requiring the use of consultants shall be reported to the Committee for direction.

### **5.2.6 Rubbish collection and control**

#### *Objective*

To keep the Walkway as clean as possible.

#### *Action*

- a) supervise and monitor cleaning activity
- b) provide rubbish bins where appropriate
- c) do not provide rubbish bins along the bushland track
- d) implement any suitable recommendations made by the Waste Management Committee.

## 5.3 Specific activities

### *Objective*

To promote those activities which are sympathetic to the desired nature of the Walkway, and to restrict or prohibit those activities which are not sympathetic or conducive to the enjoyment of others.

Conserve native fauna and flora, and minimise the presence of domestic and exotic animals and their faeces in the vicinity of the reserve so that native species within the reserve are not harmed or deterred from their natural habitat.

### *Action*

#### 5.3.1 Promotion

- i) annual Picnic Walk, sponsored by Council and the NPWS
- ii) annual fitness Walk (if sponsor available)
- iii) special 'bush experience', 'heritage sites', 'photography', 'painting' and other suitable activities by community groups
- iv) commercial operators and guided walking tours with suitable leaders should apply to Council for permission and fees.
- v) through Tourist Information Centre.

The Committee needs to investigate the possibility of accrediting tour operators so that some financial cost can be charged for commercial use of the Walkway. This money can then be used in the maintenance and improvement of the Walkway.

Investigate if any fees imposed on tour operators be enforced and if a fee is charged for commercial use of the Walkway does this money go to the Crown?

#### 5.3.2 Prohibited uses

##### *In all sections:*

- ▶ motor vehicles
- ▶ bicycle riding (except Cabbage Tree Bay Beach Walk)
- ▶ camping
- ▶ horses
- ▶ dog faeces.

##### *In bushland sections:*

- ▶ walking of dogs and other domestic animals
- ▶ running events/competitions.

## **5.4 Track maintenance**

### **5.4.1 Standard of track surface and grades**

#### *Objective*

Provide a standardised and consistent Walkway with suitable surface and grades.

#### *Action*

- a) Ensure that track width, surface and grades from Manly Wharf to King Avenue are suitable for wheelchair use. Ensure that paths in parks and footpaths along roads are kept clear and well maintained. Provide access for people with disabilities from the Manly Wharf to North Harbour Reserve and from the Wharf to Shelly beach via the ocean front.
- b) Ensure that the track in bushland areas is stable and suitable for walking in heavy shoes and that steps and grades are acceptable to the standard of Class B track, 'a well defined track of narrower and rougher standard than a Class A track which may have some steep sections'.  
The National Parks and Wildlife Service define a Class A track as 'a physically well-defined track, generally 1m in width, benched and well drained and having a good surface, the edges of which are clearly defined.
- c) The present track in bushland areas to be maintained rather than greatly improved over the next five years so that degradation does not occur. Consideration of major upgrading can be made in report form to the Committee for approval at that time with better knowledge of sustained usage and available funding.

### **5.4.2 Standards for existing reserves**

#### *Objective*

Provide a reasonably smooth path or turf area where suitable and provide ramp access for wheelchair and strollers where possible. Do not conflict with the guidelines in the Manly Landscape Management Plan.

#### *Action*

- a) maintain paths and turf in suitably smooth conditions
- b) replace or construct ramps where suitable when funds permit.

### **5.4.3 Details of bushland track construction**

#### *Objective*

Construct bushland track sections to a consistent acceptable standard and detail, and to provide continuity within Council and NSW National Parks and Wildlife areas.

#### *Action*

Continue to construct or repair in accordance to the details drawn up and shown in Appendix No. 7 as 'Track Construction - Preliminary Sketches'.

## **5.5 Adjoining land use**

### **5.5.1 Building and Development Controls**

#### *Objective*

To comply with SEPP No. 19 and REP No. 23 as well as Council's Local Environmental Plan, Development Control Plans, Tree Preservation Order and the Plans of Management.

To control the nature of development on land adjoining the Walkway so as not to unduly detract from the nature of the Walkway.

#### *Action*

General compliance with Council's Development Control Plan for Residential Areas as follows:

- a) define a building setback of 6m from the reserve boundary
- b) provide for control of building shape so that building mass is not unreasonably imposing on the reserve
- c) specify maximum height of 1.2m for retaining walls on the boundary or 1.8m for fences and walls which are suitably softened by landscaping
- d) foster the planting of local native species in property adjoining the Walkway
- e) ensure adequate on site drainage.

General compliance with all the relevant documents listed in section 1.2.1.

### **5.5.2 Boundary clarification**

#### *Objective*

To define all boundaries of the reserves through which the Manly Scenic Walkway passes so that management decisions can be made with the knowledge of what land the Committee is responsible for.

#### *Action*

Identify and locate all boundaries both on plan and on the ground.

### **5.5.3 Removal of encroachments**

#### *Objective*

Remove and avoid all encroachments on public land.

#### *Action*

- a) existing encroachments shall be considered by the Committee and recommendations made to Council as to their removal and/or modification
- b) encroachments that occur subsequent to the adoption of the Plan of Management will not be permitted
- c) if any encroachment should occur and is not removed at Council request, Council will remove and dispose of the encroachment and charge the cost to the property rates account.

### **5.5.4 Stormwater disposal**

#### *Objective*

To comply with SEPP 19, and to control the disposal of stormwater from adjoining properties and roadways in order to minimise weed infestation, increased nutrient levels and surface runoff to the Walkway and surrounding bushland.

#### *Action*

- a) stormwater runoff from properties adjacent to the Walkway shall be disposed or dispersed by the provision of a system of on-site detention or dissipation which controls runoff entering the Walkway so as not to cause erosion or increase nutrient levels
- b) details of stormwater control shall be developed to incorporate sediment control
- c) investigate the use of silt control fences, absorption trenches, gross pollutant traps, rainwater tanks, minimise impervious services and other stormwater and silt controls measures to prevent the degradation of native bushland
- d) conditions for the control and disposal of stormwater shall be included in Development Applications
- e) all work is to be carried out to the satisfaction of the Group Manager for Asset Management and Contract Administration and the Group Manager for Land Use Management.

### **5.5.5 Sewerage and services**

#### *Objective*

Control future sewerage and services installations and modify existing services to minimise impact on the Manly Scenic Walkway and reserves by placing all services below ground where possible.

#### *Action*

- a) require all new services to meet a Council Walkway specification - above ground riser to be set back greater than 1m from the Walkway edge, riser or service to be suitably constructed or landscaped to minimise impact
- b) details of specifications shall be developed by the Infrastructure Services Group
- c) include conditions in Development Applications to ensure appropriate sewerage and other services are provided.

### **5.5.6 Lopping of bush and trees for views**

#### *Objective*

To restrict lopping of vegetation in reserves in order to maintain the natural and scenic qualities of the Walkway's surroundings.

#### *Action*

Allow limited pruning and removal, in compliance of the Tree Preservation Order as listed below.

- a) exotic trees not planted by Council - consideration of sympathetic thinning or removal
- b) native trees not planted by Council - consideration of sympathetic thinning only
- c) self sown or Council planted native trees - no thinning or removal
- d) self-sown or Council planted exotic trees - consideration of thinning or removal with agreement of the Committee.

Work is to be carried out by Council or under Council direction at the resident's cost after inspection by Council.



### **5.5.7 Rubbish dumping and burning**

#### *Objective*

- a) avoid alienation of the reserve caused by the depositing of garden refuse, household rubbish, builder's waste and chemical waste
- b) to avoid the spread of weeds and nutrients into the reserve
- c) avoid the increased fire risk created by the presence of rubbish.

#### *Action*

- a) require the removal of, and prohibit all dumping of garden refuse, household rubbish, builder's waste and chemical waste, etc.
- b) advise residents in writing that any refuse found after 10 working days from the date of the notice will be removed and charged to the property rates account
- c) people observed depositing rubbish etc. will be liable for a fine as prescribed under the Local Government Act 1993.

### **5.5.8 Access across reserve**

#### *Objective*

To minimise impact of other paths on the Walkway.

#### *Action*

Access paths from residential properties across the reserve shall have a maximum width of 1m, and shall be constructed to Council's specification and in keeping with the materials used in construction of the Walkway.

## **5.6 Risk management**

### **5.6.1 Fire hazard reduction**

The bushland from the Spit to Castle Rock is considered to be a low fire risk area due to its southerly aspect and high moisture content.

Note: The area from Castle Rock around Dobroyd Head to 40 Baskets Beach is in the Sydney Harbour National Park. Fire hazard reduction in this area is controlled by the NPWS.

#### *Objective*

To reduce the risk of fire and associated dangers in bushland reserves.

#### *Action*

- a) remove rubbish
- b) remove/reduce weeds
- c) inspect bushland within 10 metres of boundaries for fuel load
- d) remove excess fuel load if necessary
- e) DO NOT carry out controlled burns
- f) the Bushland Management Coordinator is to provide a report on fire risk each April or May – see Appendix 6 for the November 1997 report.

### **5.6.2 Track stability**

See 5.4.1 and 5.4.3.

### **5.6.3 Construction of barriers, fences**

#### *Objective*

To carry out the minimum amount of construction necessary to provide a safe Walkway.

#### *Action*

The Walkway has been constructed with reasonable set backs from edges or handrails have been installed. These areas should be monitored and planting or guard rails installed if considered necessary. See Appendix No. 7 for construction details – 'Track Construction - Preliminary Sketches'.

### **5.6.4 Responsibility, duty and care**

#### *Objective*

Provide conservation and care of bushland in its natural state while ensuring that dangerous conditions to the public do not exist.

#### *Action*

Remove or treat dangerous conditions adjacent to the track. Do not interfere with natural processes of bushland greater than 2m from the track except for dead trees or limbs in danger of collapse, these are to be assessed and treated on merit.

## **5.7 Interpretation/ education**

### **5.7.1 Brochures**

#### *Objective*

Provide well presented information brochure for public use.

#### *Action*

- a) continue printing and using the Walkway coloured brochure
- b) update the coloured brochure when necessary
- c) provide other material as considered necessary by the Committee.

### **5.7.2 Directional signs**

Refer to drawings in Appendix No. 8.

#### *Objective*

Provide adequate clear signage which is consistent through the length of the Walkway to avoid confusion of walkers.

#### *Action*

- a) replace the dark blue and white wooden signs with recycled plastic signs in the corporate colours
- b) provide sufficient signs to avoid confusion
- c) continue and extend use of direction posts
- d) provide at least three directional maps along the Walkway route.

### **5.7.3 Educational/ interpretive signs**

#### *Objective*

Provide educational material to assist in walkers' appreciation and to promote care of the Walkway.

#### *Action*

- a) existing aluminium interpretive signs to be kept in good repair and slowly replaced with new, improved signage
- b) investigate an alternative signage option which is in keeping with the corporate image.

## 5.8 Enforcement of walkway activities

### *Objective*

Provide protection of Walkway facilities and landscape, and security for Walkway users.

### *Action*

- a) Council's Rangers and Honorary Rangers shall conduct regular weekend patrols of the Walkway
- b) the Bushland Coordinator shall notify the Rangers of any damaging or offensive behaviour along the Walkway
- c) Committee members shall be appointed sections of the Walkway and are to report any damage to Council
- d) signs indicating prohibited activities shall be placed at entrances to the Walkway.

## 5.9 Bushland

There are many problems including high costs, involved in the conservation of linear bushland parks in suburban areas such as the bushland reserves on the Walkway. They are the subject of nutrient increase, particularly phosphorus, pollution damage, weed infestation, erosion and attacks on fauna. Control measures such as nutrient and pollution collection or filtration, and buffer zones are essential if the bushland is to survive.

The major source of nutrient and weed increase on the Walkway results from exfiltration and overflows along the sewer line and unpiped stormwater outlets.

### 5.9.1 Management, quality and changes in vegetation

#### *Objective*

- a) retain and reinforce the areas of bushland to ensure viability and a variety of indigenous species, and restore weed infested areas to bushland so that they can be included as SEPP No.19.

#### *Action*

- a) carry out appropriate bush regeneration or bush restoration.
- b) remove *Pittosporum undulatum* (Sweet Pittosporum), *Glochidion ferdinandii* (Cheese Tree) and *Cissus hypoglauca* (Water Vine) when they are:
  - i) threatening the viability of other indigenous species
  - ii) hindering views and appreciation of other native vegetation.
- c) crop Pittosporum to help restore the soil nutrient level to a more natural low phosphorus state.
- d) investigate with Sydney Water the possibilities to improve soil conditions and reduce exfiltration and overflows.

### **5.9.2 Control of sewerage and stormwater**

See 5.5.4 & 5.5.5.

### **5.9.3 Fire risk**

See 5.6.1.

### **5.9.4 Public awareness**

#### *Objective*

To increase public awareness that bushland reserves are public property and should be fully available for public use. Also that damage can be caused directly or indirectly by careless or uneducated actions.

To promote an attitude of caring for bushland, and a willingness to protect bushland adjacent to private property.

#### *Actions*

- a) provide residents and interested people with information on the qualities of bushland and how to care for bushland, by holding seminars and public meetings, and distributing newsletters
- b) invite residents to become trained in caring for bushland
- c) distribute Council's "Bushland Management" brochure annually to residents living adjacent to Council's reserves and the Walkway
- d) specify in the Bushland Coordinator's Job Description that time is provided to talk to residents to foster an interest and involvement in bush care.

## 6.0 Finance/ funding/ budgets

The Committee shall make a submission to Council for funds taking into account track maintenance, bushland management, promotion and all other items necessary for the care, control and management of the Walkway, for consideration at the Budget meeting.

Capital works requiring loan funds shall be considered at the May meeting of the Committee, each year, and referred to the appropriate Department for the Performance and Audit Committee.





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# **PART 3**

# **APPENDIX**



# **Sydney Regional Environmental Plan No 23 Sydney and Middle Harbours**

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## **TABLE OF AMENDMENTS**

Sydney Regional Environmental Plan No 23 — Sydney and Middle Harbours,  
notified in Gaz 88 of 13 July 1990, as amended by:

<b>Gazette Number</b>	<b>Date of Gazette</b>
50	25 March 1994

LOCAL GOVERNMENT PLANNING & ENVIRONMENT NSW

[The next page is B 32,009]

## PART 1 – PRELIMINARY

### [132,005] Citation

1 This plan may be cited as Sydney Regional Environmental Plan No 23 — Sydney and Middle Harbours.

### [132,010] Aims, objectives etc

- 2 (1) The general aims of this plan are—
- (a) to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway, islands and foreshores of Sydney and Middle Harbours; and
  - (b) to establish an efficient and effective development control system for the Harbours and their foreshores and islands; and
  - (c) to ensure that the Harbours and their foreshores are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point; and
  - (d) to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control; and
  - (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control; and
  - (f) to ensure that appropriate facilities are provided for water based and foreshore recreational activities which are compatible with the commercial role of the Port of Sydney and give due regard to environmental and cultural attributes; and
  - (g) to encourage balanced multiple use of the Harbours and their foreshores, in a manner that is consistent with their environmental and cultural attributes and the commercial functions of the Port of Sydney; and
  - (h) to ensure that consistent guidelines are applied to the assessment of development of the Harbours and their foreshores and islands; and
  - (i) to encourage an appreciation of the Harbours and their foreshores and islands as areas of outstanding heritage significance and, in particular, the significance of individual heritage items within those areas; and
  - (j) to encourage an appreciation of the remaining natural foreshores around the Harbours.

[subcl (1) am Gaz 50 of 25 March 1994]

- (2) The specific aims of this plan are—
- (a) in relation to commercial, governmental and administrative uses and activities—
    - (i) to maintain the role of the Port of Sydney in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
    - (ii) to establish an appropriate balance between commercial, governmental and administrative activities and recreational activities; and

- (b) in relation to administration and management—
  - (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark; and
  - (ii) to ensure that for any development proposal there is only one consent authority; and
  - (iii) to ensure that all consent authorities apply consistent criteria when considering development applications; and
  - (iv) to establish clear and consistent guidelines on the use and development of the Harbours and their foreshores; and
- (c) in relation to open space and recreation—
  - (i) to recognise the fundamental role that existing foreshore open space areas have in providing access to the waterway and in accommodating water based recreational activities; and
  - (ii) to give priority to recreational activities which require or are enhanced by a foreshore location; and
  - (iii) to improve access to the waterway and from the waterway to foreshore parks; and
  - (iv) to encourage in appropriate circumstances the provision of additional foreshore open space; and
- (d) in relation to boating facilities—
  - (i) to recognise the value of the Harbours as an outstanding location for recreational, tourism and sports boating activities; and
  - (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels; and
  - (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
- (e) in relation to the natural environment—
  - (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway; and
  - (ii) to improve and maintain the water quality of the harbours and to provide a healthy habitat for marine and bird life and for water based recreational pursuits; and
  - (iii) to more carefully identify the biological resources of the inter-tidal and sub-tidal zones; and
  - (iv) to preserve known areas of biological conservation value in the inter-tidal and sub-tidal zones; and
- (f) in relation to the visual environment—
  - (i) to protect and enhance the landscape and special scenic qualities of the Harbours; and
  - (ii) to ensure that adequate consideration is given to the visual impact of development; and
  - (iii) to preserve the natural foreshores of the Harbours and to ensure development does not detract from their natural character; and

(g) in relation to the environmental heritage –

- (i) to conserve and enhance the environmental heritage of the Harbours and their foreshores and islands, including their underwater archaeological resources; and
- (ii) to encourage an appreciation of the role of the Harbours in the history of both Aboriginal and European settlement.

[subcl (2) am Gaz 50 of 25 March 1994]

### **[132,015] Land to which plan applies**

3 (1) This plan applies to such part of the land declared to be the Sydney Region by the Minister for Planning by order published in Gazette No 38 of 7 April 1989 on page 1841, as is shown edged heavy black on the map.

(2) In addition, Part 4 of this plan extends to any land upon which there is a heritage item (within the meaning of that Part) even if the land is not identified in subclause (1).

[subcl (2) insrt Gaz 50 of 25 March 1994]

[cl 3 am Gaz 50 of 25 March 1994]

### **[132,020] Relationship to other environmental planning instruments**

4 (1) In the event of an inconsistency between this plan and any other environmental planning instrument (other than a State environmental planning policy), whether made before, on or after the date on which this plan takes effect and which applies to the land to which this plan applies, this plan shall, to the extent of the inconsistency, prevail.

(2) Clause 7(3) of State Environmental Planning Policy No 4 – Development Without Consent does not apply to a building on land having a frontage to the waterway.

### **[132,025] Definitions**

5 (1) In this plan –

“aids to navigation” means buoys, signs, lights or other structures, located on the waterway or on land, which are designed to assist the safe and efficient movement of vessels on the waterway;

“aviation facilities” means an area of the waterway set aside, or a structure provided, for the purpose of aircraft landing or taking off;

“Board” means the Maritime Services Board of New South Wales;

“boardwalk” means a structure providing pedestrian access which extends over or beyond the intertidal zone but is not intended to provide direct access to a vessel;

[def insrt Gaz 50 of 25 March 1994]

“boating industry facilities” means buildings, structures or facilities used primarily for the construction, maintenance, repair, sale or hire of boats, whether or not including the storage of boats or other vessels, but does not include a marina or a large marina;



“boat launching ramp” means a structure designed primarily for the launching of trailer borne recreational vessels and includes associated car parking facilities;

“boat lift” means a device used for lifting or steering a vessel out of water but does not include such a device if it forms part of a boating industry facility, marina or large marina;

“boat shed” means a building or other structure used for the storage and routine maintenance of a boat or boats and which is associated with a private residence, and includes any skid used in connection with the building or other structure;

[def am Gaz 50 of 25 March 1994]

“charter and tourism boating facilities” means any structure used for charter boating or tourism boating purposes which is only open to the users or operators of the structure and which has a direct structural connection between the shore and the waterway;

“clearing”, in relation to land, means the destruction or removal in any manner of trees, saplings, seedlings or shrubs growing on the land but does not include:

- (a) the destruction or removal of plants declared noxious by proclamation pursuant to section 467 of the Local Government Act 1919, by means not likely to be significantly detrimental to the native ecosystem; or
- (b) the incidental destruction or removal of native plants lying adjacent to any such noxious plants;

“commercial port facilities” means any structure used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes and which has a direct structural connection between the shore and the waterway;

“Committee” means the Foreshores and Waterways Planning and Development Advisory Committee constituted under Sydney Regional Environmental Plan No 22 – Parramatta River;

“development” has the same meaning as in section 4 of the Act, and includes the clearing of land, earthworks, the placement of mooring piles and dredging;

“dredging” means removal of material from the sea or harbour bed or the bed of a river, where the activity is for the purpose of construction of a new or deeper navigational area or channel or re-opening of a discontinued navigational area or channel, but does not include maintenance dredging;

“flora and fauna enclosure” means a net or other structure used for the purpose of protecting or encouraging the growth of flora and fauna, including a structure used for the observation of flora and fauna or for the maintenance of the net or other structure;

“houseboat” means a vessel or structure which is floating on, or fixed in, the waterway and which is used for the purpose of providing permanent residential accommodation;

“land based development” means all development completely above mean high water mark and those categories of development listed in Schedule 1, but does not include land/water interface development;

“land/water interface development” means development listed in Schedule 2;

“large marina” means—

- (a) a boat storage facility; or
- (b) some other permanent boat storage structure, located on the waterway which contains 30 or more berths (or other storage facilities) and associated support facilities and which may include shops, restaurants, offices and a manager’s residence on an adjoining area of land or the waterway;

“maintenance dredging” means removal of material from the sea or harbour bed or the bed of a river where the activity is for the purpose of maintaining the previously established harbour or river depth;

“marina” means a permanent boat storage facility located on the waterway with support facilities on an adjoining area of land or the waterway, and includes any single mooring or multiple mooring managed in association with the facility and in its vicinity but does not include a large marina;

[def am Gaz 50 of 25 March 1994]

“mean high water mark” means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being a height of 1.44 metres above the Zero of Fort Denison tide gauge and 0.515 metres Australian Height Datum;

“mooring structure (large)”

[def rep Gaz 50 of 25 March 1994]

“mooring structure (small)”

[def rep Gaz 50 of 25 March 1994]

“multiple mooring” means an apparatus located on or in the waterway and used for restraining two or more vessels;

[def insrt Gaz 50 of 25 March 1994]

“public authority” has the same meaning as in the Act;

[def insrt Gaz 50 of 25 March 1994]

“public water transport facilities” means any structure that will be used primarily in connection with transporting the public by water;

[def am Gaz 50 of 25 March 1994]

“recreation facility” means a building or place used exclusively for sporting or leisure activities, whether operated for the purpose of gain or not and whether used for activities based on land or water;

[def insrt Gaz 50 of 25 March 1994]

“sea wall” means a structure placed partially or wholly along the land/water interface to protect the land from the sea or to stop accelerated erosion of the shoreline, but does not include a breakwater;

“single mooring” means an apparatus located on or in the waterway and used for restraining one vessel;

[def am Gaz 50 of 25 March 1994]

“skid” means an inclined ramp used for the manual launching of small craft but does not include a slipway;

[def insrt Gaz 50 of 25 March 1994]

“slipway” means a structure, usually in the form of 2 supported parallel rails on which a wheeled cradle is run, to draw a vessel out of the water for maintenance and repair;

“swimming enclosure” means a net or other structure placed in the waterway for the purpose of providing a protected swimming area;

“the Act” means the Environmental Planning and Assessment Act 1979;

“the Map” means the map marked “Sydney Regional Environmental Plan No 23 – Sydney and Middle Harbours (Amendment No 1)” deposited in the Head Office of the Department and a copy of which is deposited at the office of each consent authority;

[def am Gaz 50 of 25 March 1994]

“tourist facility” means a building or place, such as a hotel or motel, used by tourists or holidaymakers for the purposes of holiday accommodation, sport or recreation, and includes –

- (a) shops attached to or incorporated within the building or located at the place; and
  - (b) other facilities servicing the needs of tourists and holidaymakers using the building or place,
- but does not include a caravan park;

[def insrt Gaz 50 of 25 March 1994]

“water based development” means all development completely below mean high water mark and those categories of development listed in Schedule 3, but does not include land/water interface development;

“water based restaurants and entertainment facilities” means floating or fixed structures on a waterway used as clubs or restaurants or for entertainment (on a commercial basis) and which have a direct structural connection between the shore and the waterway;

[def am Gaz 50 of 25 March 1994]

“waterfront access stairs” means stairs or a ramp for pedestrian access to the foreshore but not for the launching of or direct access to a vessel on the waterway;

[def insrt Gaz 50 of 25 March 1994]

“water recreational facilities” means piers, wharves, boatsheds or other structures which have a direct structural connection between the shore and the waterway and are used primarily for public recreational purposes;

“waterway” means those parts of Sydney Harbour and Middle Harbour to which this plan applies within Zone No W1, W3, W4 or W5;

[def am Gaz 50 of 25 March 1994]

“waterway access stairs”

[def rep Gaz 50 of 25 March 1994]

(2) In this plan –

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose; and
- (b) a reference to land within a zone specified in the table to clause 10 is a reference to land shown on the Map in the manner indicated in clause 9 as the means of identifying land of the zone so specified.

## [132,028] Adoption of Model Provisions

5A Nothing in this plan is to be construed as restricting, prohibiting or requiring development consent to be obtained for, or enabling the consent authority to

restrict or prohibit or require development consent to be obtained for, the carrying out of development of any description specified in Schedule 1 to the Environmental Planning and Assessment Model Provisions 1980.

[cl 5A insrt Gaz 50 of 25 March 1994]

### **[132,030] Suspension of laws**

6 (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act in relation to development carried out in accordance with this plan (as so in force), section 33 of the Sydney Harbour Trust Act 1900, to the extent necessary to serve that purpose, shall not apply to the development.

(2) Nothing in this clause excludes the application of section 33 of the Sydney Harbour Trust Act 1900 otherwise than in respect of the obtaining of development consent in accordance with this plan.

(3) Pursuant to section 28 of the Act, before the making of this clause—

- (a) the Minister for the time being administering the provisions of the Sydney Harbour Trust Act 1900 referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of subclause (1); and
- (b) the Governor approved of subclause (1).

### **[132,035] Foreshores and Waterways Planning and Development Advisory Committee**

7 The functions of the Committee are—

- (a) to advise a consent authority on matters relevant to any decision required to be made by the consent authority under this plan and under the Act; and
- (b) to exercise any other functions conferred on it by this plan.

### **[132,040] Consent authority**

8 (1) The consent authority for land based development or land/water interface development is the council of the local government area in which or nearest to which the land on which it is proposed to carry out the development is situated, except as provided by subclauses (2) and (3).

(2) The consent authority for any such development is the Minister or the Director of Planning in a case in which:

- (a) the land on which it is proposed to carry out the development is within a local government area; and
- (b) another environmental planning instrument specifies the Minister or the Director as the consent authority for the same kind of development if it were proposed to be carried out on that land.

(3) The consent authority for any such development is also the Minister or the Director of Planning in a case (such as may occur when land/water interface development is proposed to be carried out wholly or partly in the waterway) in which:

- (a) the land on which it is proposed to carry out the development is not within a local government area; and

- (b) another environmental planning instrument specifies the Minister or the Director as the consent authority for the same kind of development if it were proposed to be carried out on the nearest land that is within a local government area.
  - (4) The consent authority for water based development proposed to be carried out on any land to which this plan applies is the Board.
- [cl 8 subst Gaz 50 of 25 March 1994]

[The next page is B 32,025]

## PART 2 – GENERAL RESTRICTIONS ON DEVELOPMENT OF LAND

### [132,045] Zones indicated on the map

9 (1) For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the Map in the manner specified hereunder in relation to that zone:

Zone No W1 – General Waterways – edged heavy black and lettered “General Waterways” on the Map.

Zone No W3 – Environmental Protection – edged heavy black and hatched on the Map.

Zone No W4 – Naval Waters – edged heavy black and lettered “Naval” on the Map.

Zone No W5 – Aviation – edged heavy black and lettered “Aviation” on the Map.

Zone No 8(a) – National Parks – edged heavy black and lettered “National Parks” on the Map.

[subcl (1) am Gaz 50 of 25 March 1994]

(2) A boundary or part of a boundary of a zone shown on the Map as following the water’s edge is taken to follow the mean high water mark.

[subcl (2) insrt Gaz 50 of 25 March 1994]

### [132,050] Zone objectives and development control table

10 (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which –

- (a) development may be carried out without development consent; and
- (b) development may be carried out only with development consent; and
- (c) development is prohibited,

are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the consent authority shall not grant consent to an application to carry out development on land to which this plan applies unless it is of the opinion that the carrying out of the development is generally consistent with the aims and objectives of this plan and of the zone within which the development is proposed to be carried out.

#### TABLE

##### ZONE NO W1 – GENERAL WATERWAYS

#### 1. Objectives of zone

The objective of this zone is to permit waterway activities and facilities and land/water interface development which –

- (a) maintains or enhances important, natural and visual attributes of the Harbours; and
- (b) is compatible with the existing or planned future character of the waterway and adjoining foreshores;

**2. Without development consent**

Aids to navigation; maintenance dredging; single moorings (other than single moorings that form part of a marina or large marina).

**3. Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4. Prohibited**

Large marinas.

**ZONE NO W2 – RECREATIONAL BOATING FACILITIES**

[repealed]

**ZONE NO W3 – ENVIRONMENTAL PROTECTION**

**1. Objectives of zone**

The objectives of this zone are—

- (a) to identify and protect areas of the waterway having significant natural or cultural conservation value; and
- (b) to permit waterway activities and facilities while ensuring that development does not adversely impact on any significant natural or cultural conservation value of adjoining land.

**2. Without development consent**

Aids to navigation; flora and fauna enclosures.

**3. Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4. Prohibited**

Aviation facilities; boat lifts; boat sheds; boating industry facilities; charter and tourism boating facilities; commercial port facilities; houseboats; marinas and large marinas; reclamation; swimming pools; water based restaurants and entertainment facilities.

**ZONE NO W4 – NAVAL WATERS****1. Objectives of zone**

The objectives of this zone are—

- (a) to identify the areas of the waterway required for naval activities; and
- (b) to ensure that other activities and facilities are compatible with naval uses.

**2. Without development consent**

Aids to navigation; maintenance dredging; uses or activities conducted by the Royal Australian Navy.

**3. Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4. Prohibited**

Any use or activity prohibited under the Control of Naval Waters Act 1918 of the Commonwealth; large marinas.

**ZONE NO W5 – AVIATION****1. Objectives of zone**

The objectives of this zone are—

- (a) to identify the area of the waterway used for marine aviation activities; and
- (b) to ensure that aviation activities safely co-exist with other activities and facilities.

**2. Without development consent**

Aids to navigation; maintenance dredging; single moorings (other than single moorings that form part of a marina or large marina).

**3. Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4. Prohibited**

Large marinas.

**ZONE NO 8(a) – NATIONAL PARKS****1. Objectives of zone**

The objectives of this zone are—

- (a) to identify land reserved or dedicated under the National Parks and Wildlife Act 1974 as national parks, nature reserves, historic sites, state recreation areas, Aboriginal places and State game reserves; and



- (b) to allow for the management and appropriate use of that land as provided for in the National Parks and Wildlife Act 1974; and
- (c) to encourage visits to Clark Island, Fort Denison, Goat Island and Shark Island consistent with their natural attributes, cultural heritage and the facilities available; and
- (d) to facilitate development on those islands compatible with the overall management strategy for the Sydney Harbour National Park.

**2. Without development consent**

Aids to navigation; anything authorised by the National Parks and Wildlife Act 1974.

**3. Only with development consent**

Nil.

**4. Prohibited**

Any purpose other than a purpose included in item 2.

[cl 10 am Gaz 50 of 25 March 1994]

[The next page is B 32,039]

### PART 3 – SPECIAL PROVISIONS

#### **[132,055] Consultation required for certain development applications**

**11** (1) The consent authority shall not grant consent to development listed in Schedule 4, unless it has referred the development application to the Committee.

(2) In the case of an application to carry out development part of which is listed in Schedule 4 and part of which is not so listed, the consent authority is only required to refer to the Committee that part of the application relating to the development listed in Schedule 4.

(3) Where a development application has been referred to the Committee under this clause, the consent authority shall not determine the application until after—

(a) it has received a representation with respect to the application from the Committee; or

(b) a period of—

(i) in the case of development other than development referred to in subparagraph (ii) — 30 days; or

(ii) in the case of designated development or development for which the concurrence of the Minister or a public authority is required — 50 days, has elapsed from the date on which the application was forwarded to the Committee,

whichever occurs first.

#### **[132,060] Consultation in the preparation of local environmental plans, development control plans and other development control guidelines**

**12** (1) In preparing a draft local environmental plan or a development control plan applying to land having frontage to the waterway, a council may, prior to the public exhibition of the draft plan, refer a copy of it to the Committee.

(1A) The Director should refer a copy of any proposed development control plan for land to which this plan applies prepared by the Director to the Committee before it is adopted.

[subcl (1A) insrt Gaz 50 of 25 March 1994]

(2) If the Department or any other government organisation prepares any guidelines for development control affecting land having frontage to the waterway (whether or not the guidelines are in the form of a plan of management), the Department shall, and the government organisation should refer a copy of the guidelines to the Committee before they are adopted.

(3) A council and the Department shall, and a government organisation concerned should have regard to any submission received from the Committee within 30 days after the date on which the draft plan, development control plan or guidelines were forwarded to the Committee.

**[132,065] Referral of proposed actions by the National Parks and Wildlife Service**

13 (1) In the preparation of any plan of management for land reserved or dedicated under the National Parks and Wildlife Act 1974, comprising land having frontage to the waterway, the Director of National Parks and Wildlife may refer the plan to the Committee.

(2) The Director of National Parks and Wildlife should have regard to any submission received from the Committee within 30 days after the date on which the plan was forwarded to the Committee.

(3) [subcl (3) rep Gaz 50 of 25 March 1994]

(4) [subcl (4) rep Gaz 50 of 25 March 1994]

**[132,067] Preparation of plans of management**

13A (1) A council may prepare a plan of management in respect of any land within the council's area, whether or not in conjunction with the Board.

(2) The Board may prepare a plan of management in respect of any part of the waterway under its control, whether or not in conjunction with one or more councils.

(3) The format, structure and procedures for the preparation, public exhibition, approval, amendment and repeal of a plan of management shall be in accordance with Part 3 of the Environmental Planning and Assessment Regulation 1980 which shall be read as if—

- (a) a reference to a development control plan were a reference to a plan of management;
- (b) a reference to a local environmental plan were a reference to this plan; and
- (c) a reference to the council were a reference to the council (if the plan relates to land within the council's area) or to the Board (if the plan relates to part of the waterway) or to both of them to the extent that they may agree to exercise or perform any function jointly.

(4) A plan of management may, in respect of land to which it applies—

- (a) specify the types of recreational purposes for which the land may be used; and
- (b) specify the siting of all buildings or structures on, and landscaping details in respect, of the land.

(5) Before a plan of management is adopted and is made available for public inspection pursuant to subclause (6), a copy of it is to be referred to the Committee by the council or the Board and any representations made by the Committee in respect of the plan are to be considered.

(6) A plan of management adopted in accordance with this clause is to be available for public inspection, without charge, at the offices of the relevant council or the Board (or, in the case of a joint plan, of the relevant council and the Board) during ordinary office hours.

[cl 13A insrt Gaz 50 of 25 March 1994]

**[132,069] Referral of development proposals which do not require development consent**

13B (1) This clause applies to the following development —

- (a) development listed in Schedule 4; and
- (b) development that requires the provision of services (including water, sewerage or stormwater systems).

(2) Before carrying out any development to which this clause applies which does not require development consent, the person, whether or not a public authority, carrying out the development must —

- (a) give notice of the proposed development —
  - in the case of development listed in Schedule 4, to the Committee; or
  - in the case of development that requires the provision of services, to the public authority responsible for providing the service concerned; and
- (b) consider any matters concerning the development raised by those bodies which have been notified to the person not later than 30 days after the giving of such notice.

[cl 13B insrt Gaz 50 of 25 March 1994]

**[132,070] Additional open space provision**

14 A council when preparing a draft local environmental plan relating to land with a frontage to the waterway and which will result in a substantial change or intensification of land use shall consider the need for and the desirability of providing for additional public access to the foreshore.

**[132,075] Development on land in the waterway adjoining national parks**

15 Development for the purpose of anything authorised by the National Parks and Wildlife Act 1974 may be carried out without consent in the waterway adjoining a national park where the development spans mean high water mark and is part of development or an activity being carried out in the national park.

[cl 15 subst Gaz 50 of 25 March 1994]

**[132,080] Development and activities in the vicinity of a national park**

16 A consent authority must not consent to the carrying out of development, and a public authority or other person must not carry out any development which does not require development consent, in any part of the waterway which, in the opinion of the consent authority, is likely to affect a national park unless it has given notice of the proposed development to the Director-General of National Parks and Wildlife and considered any comments of the Director-General on the proposal received within 30 days of the day on which notice of the proposal was given.

[cl 16 subst Gaz 50 of 25 March 1994]

**[132,085] Development within 20 m of boundary of Zone No W3**

17 Notwithstanding any other provision of this plan, a consent authority may grant consent to the development of land which is within 20 metres of the boundary of Zone No W3 and another zone for a purpose for which development may be carried out in either Zone No W3 or the adjoining zone.

**[132,090] Matters for consideration in determining development applications**

18 A consent authority must not consent to the carrying out of development unless it is satisfied that the proposed development is consistent with development of the land to which this plan applies in accordance with the objectives of this plan, and it has considered such of the following matters as are of relevance to the development—

- (a) the appearance of the development from the waterway and the foreshores;
- (b) whether the development will cause pollution or siltation of the waterway to an extent that would jeopardise any existing or potential uses of the waterway;
- (c) whether the development will have an adverse effect on wetlands or flora and fauna habitats;
- (d) the noise likely to be generated by the development and any adverse effect that any such noise would have on existing uses of the waterway or nearby land;
- (e) whether the development will have an adverse effect on drainage patterns or cause shoreline erosion;
- (f) whether the development will cause excessive congestion of, or generate conflicts between, people using the waterway or the waterfront;
- (g) the demand for storage space for boats on the Harbours or on Parramatta River;
- (h) whether the development warrants a foreshore location;
- (i) whether the development will have an adverse effect on the views to and from the waterway as a result of the size of vessels capable of being accommodated within the development;
- (j) the effect of the development on any conservation area or on any building, work, relic, tree or place that is a heritage item of significance to the locality and the effect on its site and in its vicinity;
- (k) [repealed]
- (l) the Australian Standard — AS 3962 — 1991 — Guidelines for design of marinas;
- (m) [repealed]
- (n) any other relevant plan of management, urban design or other development control guidelines that apply to Sydney and Middle Harbours and their foreshores and which have been notified and provided to the consent authority by a public authority;
- (o) any representations of the Committee;
- (p) whether the development will affect swimming in the locality;
- (q) the provision of pedestrian access in the locality of the development and the impact of the development on existing pedestrian access;
- (r) the importance of giving priority to onshore access to the foreshores and waterway rather than access by means of boardwalks;

- (s) any development control plan prepared in respect of this plan or, until such a plan has been prepared, the Sydney and Middle Harbours — Design and Management Guidelines a copy of which is available at the Head Office of the Department.

[cl 18 am Gaz 50 of 25 March 1994]

#### **[132,095] Development in national parks by NPWS**

19 Nothing in this plan prohibits or requires development consent to be obtained for the carrying out of development by the National Parks and Wildlife Service on land dedicated or reserved under the National Parks and Wildlife Act 1974 as a national park.

[cl 19 am Gaz 50 of 25 March 1994]

#### **[132,100] Transitional provision**

20 (1) Any development application lodged before the commencement of this plan but not determined before its commencement, is to be determined as if the plan had not been made.

(2) This plan does not apply—

- (a) to an activity within the meaning of Part 5 of the Act in respect of which an application for approval made to a determining authority within the meaning of that Part has been made, but not determined, immediately before the commencement of this plan; or
- (b) to an activity within the meaning of that Part which was approved by a determining authority within the meaning of that Part before the commencement of this plan and which commences pursuant to that approval not later than 3 years after the commencement of this plan.

LOCAL GOVERNMENT PLANNING & ENVIRONMENT NSW

[The next page is B 32,053]



## PART 4 — HERITAGE PROVISIONS

[Pt 4 insrt Gaz 50 of 25 March 1994]

### [132,105] Definitions

#### 21 In this Part —

“alter”, in relation to a heritage item that is a building, means —

- (a) make structural changes to the outside of the building; or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the building, other than non-structural changes due to the maintenance of the existing detail, fabric, finish or appearance of the outside of the building;

“conservation” includes preservation, protection, restoration and enhancement;

“conservation plan” means a document resulting from a detailed assessment of the elements of a site to establish its heritage significance and indicating policies to enable that significance to be retained in its future use and development;

“demolition” of a heritage item means the damaging, defacing, destruction, pulling down or removal of the heritage item, in whole or in part;

“floor space ratio”, in relation to a building, means the ratio of the gross floor area of the building to the area of the site on which the building is, or is proposed to be, erected;

“gross floor area” means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level, excluding the following —

- (a) columns, fin walls, shade devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall;
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and air-conditioning ducts;
- (c) car-parking needed to meet the requirements of the consent authority and any internal access to that car-parking;
- (d) space for the loading and unloading of goods;
- (e) internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1400 millimetres high;

“heritage item” means a building, work, relic, tree or place described in Schedule 5. References to local government areas in that Schedule do not form part of the Schedule but are intended only to assist identification of the items;

“heritage significance” means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance;

“relic” means any deposit, object or material evidence relating to —

- (a) the use or settlement of the land to which this plan applies, not being Aboriginal habitation, which is more than 50 years old; or



- (b) Aboriginal habitation of the land to which this plan applies commencing before and continuing after its occupation by persons of European extraction, including human remains.

### **[132,110] Development control — heritage items**

22 (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item—

- (a) demolish or alter the building or work;
- (b) damage or move the relic;
- (c) excavate for the purpose of exposing the relic;
- (d) damage or despoil the place or tree;
- (e) erect a building on, or subdivide, land on which the building, work or relic is situated or land which comprises the place; or
- (f) damage any tree on land on which the building, work or relic is situated or which comprises the place,

except with the consent of the consent authority.

(2) The consent authority must not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

(3) The consent authority may decline to grant consent to a development application required by this clause until it has considered a conservation plan that will enable it to consider fully the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.

(4) This clause does not apply to land reserved as a national park under the National Parks and Wildlife Act 1974.

### **[132,115] Development in the vicinity of heritage items**

23 The consent authority must not grant consent to an application to carry out development on land in the vicinity of a heritage item or land on which there is a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

### **[132,120] Heritage advertisements and notifications**

24 The provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of development which consists of or includes the demolition of a heritage item in the same way as those provisions apply to and in respect of designated development.

### **[132,125] Demolition of heritage items**

25 Before granting consent to an application for consent to carry out development which includes the demolition of a heritage item, the consent authority must seek the views of the Heritage Council of New South Wales on the proposed development and consider any comments of the Heritage Council received within 30 days of the day on which notice of the proposed development was given to the Heritage Council.

**[132,130] Development affecting heritage items**

26 A public authority or any other person must not carry out development which does not require development consent and which is likely to affect significantly a heritage item unless it has sought the views of the Heritage Council on the proposed development and considered any comments of the Heritage Council notified to the public authority or person within 30 days of the day on which notice of the proposed development was given to the Heritage Council.

**[132,135] Conservation incentives**

27 (1) Nothing in this plan or in any other environmental planning instrument prevents the consent authority from granting consent to the use, for any purpose, of a building, work or structure that is a heritage item or the land on which the building, work or structure is erected if it is satisfied that—

- (a) the proposed use would have little or no adverse effect on the amenity of land in the vicinity of the item; and
- (b) the conservation of the building, work or structure would be assisted by the consent authority's granting consent.

(2) When considering an application for consent to erect a building on land on which a building, work or structure which is a heritage item is situated, the consent authority may—

- (a) for the purpose of determining the floor space ratio; and
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the gross floor area of the buildings erected on the land the floor area of the heritage item, but only if the consent authority is satisfied that the conservation of the building, work or structure depends upon the consent authority's making that exclusion.

**[132,140] Protection of archaeological significance of heritage items and their sites**

28 (1) Where a consent authority has received an application for consent to carry out development on the site of a heritage item, the consent authority shall not grant consent to the application unless—

- (a) it has assessed whether the item or its site has any potential archaeological significance and considered the likely impact of the proposed development on any potential archaeological significance of the item or its site;
- (b) in the case of a site of European heritage significance, any necessary excavation permit under the Heritage Act 1977 has been granted; and
- (c) in the case of a site of an Aboriginal place as defined in the National Parks and Wildlife Act 1974 or a relic (within the meaning of this Part) relating to Aboriginal habitation, the Director-General of National Parks and Wildlife has been notified of the proposal and any comments which have been received within 28 days of such notification have been considered.

(2) Nothing in this clause affects any obligation to obtain a permit or consent under Part 6 of the National Parks and Wildlife Act 1974.

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[The next page is B 32,067]

[132,145] SCHEDULE 1 – LAND BASED DEVELOPMENT

(cl 5 definition of “land based development”)

The following categories of development are land based development for the purposes of this plan, except where the development forms part of a category of development listed in Schedule 2 or 3:

- (a) boat shed;
- (b) reclamation;
- (c) sea walls;
- (d) swimming pools;
- (e) waterfront access stairs.

[Sch 1 am Gaz 50 of 25 March 1994]

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**[132,150] SCHEDULE 2 – LAND/WATER INTERFACE  
DEVELOPMENT**

(cl 5 definition of “land/water interface development”)

The following categories of development are land/water interface development for the purposes of this plan. When any of the following categories of development include as part of that development a category of development listed in Schedule 1 or 3 then that part is also to be taken to be listed in this Schedule:

- (a) boating industry facilities;
- (b) boat launching ramps;
- (b1) boardwalks;
- (c) large marinas;
- (d) marinas;
- (e) public water transport facilities;
- (f) water based restaurants and entertainment facilities;
- (g) water recreational facilities.
- (h) development for the purposes of any of the following, when carried out wholly or partly in the waterway—
  - (i) dwellings of any type (including serviced apartments);
  - (ii) commercial premises;
  - (iii) tourist facilities;
  - (iv) shops and retailing;
  - (v) restaurants;
  - (vi) recreation facilities;
  - (vii) car-parking.

[Sch 2 am Gaz 50 of 25 March 1994]

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**[132,155] SCHEDULE 3 – WATER BASED DEVELOPMENT**

(cl 5 definition of “water based development”)

The following categories of development are water based development for the purposes of this plan, except where the development forms part of a category of development listed in Schedule 2:

- (a) aids to navigation;
- (b) aviation facilities;
- (c) boat lifts;
- (d) charter and tourism boating facilities;
- (e) commercial port facilities;
- (f) dredging;
- (g) flora and fauna enclosures;
- (h) houseboats;
- (i) maintenance dredging;
- (j) multiple moorings;
- (k) single moorings;
- (l) skids;
- (m) slipways;
- (n) swimming enclosures;
- (o) wharves, jetties, pontoons.

[Sch 3 am Gaz 50 of 25 March 1994]



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**[132,160] SCHEDULE 4 – DEVELOPMENT TO BE  
REFERRED TO THE COMMITTEE**

(cl 11(1), 13B(1))

Development for the purposes of the following –

- (a) aviation facilities;
- (b) boardwalks;
- (c) boating industry facilities;
- (d) boat launching ramps;
- (e) boat lifts;
- (f) boatsheds;
- (g) charter and tourism boating facilities;
- (h) commercial port facilities;
- (i) dredging;
- (j) flora and fauna enclosures;
- (k) houseboats;
- (l) large marinas;
- (m) marinas;
- (n) multiple moorings;
- (o) public water transport facilities;
- (p) reclamation;
- (q) sea walls;
- (r) skids;
- (s) swimming enclosures;
- (t) water based restaurants and entertainment facilities;
- (u) water recreational facilities;
- (v) wharves, jetties, pontoons;
- (w) a commercial, residential or retail use of land carried out below or partly below mean high water mark,

but not including any alterations or additions to any existing buildings or works which, in the opinion of the consent authority, are minor and do not, to any significant extent, change the scale, size or degree of the existing development.

[Sch 4 subst Gaz 50 of 25 March 1994]

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[The next page is B 32,085]

[132,165]

## SCHEDULE 5 – HERITAGE ITEMS

(cl 21)

**City of Sydney Area**

Ferry wharves – Alfred Street, Circular Quay  
Man O'War Steps – Farm Cove Crescent  
The Andrew Charlton Pool – Mrs Macquarie's Road  
Site of Robinson's Baths – Mrs Macquarie's Road  
Woolloomooloo Deep Sea Wharves Nos 6, 7, 8, 9 and 11 and Cargo Sheds at  
Cowper Wharf Road and Lincoln Crescent, Woolloomooloo, and the land and  
the waterway between Wharf 11 and the other Wharves.

**Ku-ring-gai Council Area**

Remains of Roseville Baths – 99 Babbage Road, Roseville  
Remains of Old Roseville Bridge – Babbage Road, Roseville  
Site of Echo Point Farm – Echo Point Park, Babbage Road, Roseville

**Land Cove Council Area**

Greenwich Baths – Albert Street, Greenwich  
Remains of Greenwich Point Wharf – 21 George Street, Greenwich  
Electricity tunnel – foreshore Manns Street, Greenwich  
Boat sheds and slips – O'Connell and Albert Streets, Greenwich

**Leichhardt Council Area**

Thames Street Wharf/Jetty – Thames Street, Balmain  
Waterview workshops – 37 Nicholson Street, Balmain  
Remains of Morts Dock – foreshore of park, Balmain  
Site and remains of ferry wharf – Yeend Street, Balmain  
Urban Transit Authority Ferry Maintenance Depot – Alexander and Waterview  
Streets, Balmain  
Site of Rowntree's Floating Dock – Hart Street and The Avenue, Balmain  
Fenwick and Co Tug Depot – 2 to 8 Weston Street, Balmain  
Stannard Bros Launch Service Depot – 19 Wharf Road, Balmain  
Remains of Former Tasmanian Ferry Terminal – Yeend Street, Balmain  
Tidal Pool – 13 Simmons Street, Balmain  
Brown Bros Marina Pty Ltd – 7 Alexander Street, Balmain  
Site of Darling Street Wharf – Darling Street, Balmain (currently occupied by  
rebuilt wharves)  
Site of the Jubilee Floating Dock – Datchett Street, Balmain

**Manly Council Area**

Manly Wharf – The Esplanade, Manly  
Obelisk, North Head – North Head Scenic Drive, North Head  
Remains of outer North Head Searchlights – North Head Scenic Drive, North  
Head  
Site of Manly Cargo Wharf – East Esplanade, Manly (now Manly Fun Pier)  
Remains of tram terminus and wharf for tram punt – Avona Crescent, Seaforth  
Remains of vehicular ferry ramp – Avona Crescent, Seaforth  
Remains of former bridge – Avona Crescent, Seaforth

Grotto Point lighthouse and remains of former wharf — Grotto Point, Balgowlah  
 Middle Harbour submarine syphon — Holmes Avenue, Clontarf  
 Manly Rowing and Sailing Club — East Esplanade, Manly  
 Little Manly Cove Pool — Stuart Street, Manly  
 Fairlight Pool — Lauderdale Avenue, Fairlight  
 Site and remains of Brightside cargo wharf — Stuart Street, Manly  
 Site and remains of harbourside pool and steps — Stuart Street, Manly  
 Remains of former Manly Gasworks — Little Manly Point, Carey Street, Manly  
 Remains of Manly public baths — East Esplanade, Manly

#### **Mosman Council Area**

The Explosives Wharf — Spit Road, Mosman  
 Remains of former "Grant Wharf" — The Spit, Mosman  
 Remains of old ferry wharf — Musgrave Street, Mosman  
 Mosman Bay sea wall — Mosman Bay, Mosman  
 Navigation Light Tower — Bradley's Head  
 Wharf remains — Bradley's Head Road, Mosman  
 Stone wharf — Bradley's Head, Mosman  
 Clifton Gardens Wharf and Pool — Clifton Gardens  
 Rosherville Lighthouse — Parrawi Road, Mosman  
 Mosman Rowing Club — Mosman Bay, Mosman  
 Site of Mosman Ferry Wharf — Avenue Road, Mosman  
 Athol Gardens Dance Hall and Wharf remains — National Park, Bradley's Head  
 Stone wharf — National Park, Bradley's Head  
 Sandstone Pillar — National Park, Bradley's Head

#### **North Sydney Council Area**

Remains of North Shore Gas Company Works — High Street, Kirribilli  
 Cremorne Point lighthouse — Cremorne Point  
 Former Quarantine Station Boat Depot — Balls Head Drive, Waverton  
 Stone Wharf — off Ross Street, Wollstonecraft Bay, Wollstonecraft  
 Lavender Bay waterfront relics — foreshore of Lavender Bay from McMahons  
 Point to Harbourview Crescent, Lavender Bay  
 "Sydney Harbour Queen" — moored west of Luna Park, Milsons Point  
 Site and remains of Cremorne copper smelter — off Green Street, Cremorne  
 Woodleys Slipways and shipyard — waterfront southern extremity of Balls Head  
 Road, Waverton  
 Site and remains of Port Jackson and Manly Steamship Company depot — Kurraba  
 Point Reserve, Kurraba Road, Neutral Bay  
 Site of Cavill's Baths — foreshore of Lavender Bay  
 Site of Old Cremorne Wharf — near Green Street, Cremorne (new ferry wharf built  
 on site)  
 Site of former Jeffrey Street Ferry Wharf — (now occupied by modern wharf) —  
 Jeffrey Street, Kirribilli  
 Site and remains of sewerage farm — Primrose Park, Cliff Avenue, Cammeray  
 Coal loader — Balls Head Drive, Waverton  
 Ship building and repair works — Munro Street, McMahons Point  
 Boatshed wharfage and slipway — 23a King George Street, McMahons Point  
 Site and remains of Eaton's Sawmill — Sawmill's Reserve, French Street,  
 McMahons Point

**Woollahra Council Area**

Ferry pier — Military Road, Watsons Bay  
 West Parsley Bay obelisk — 65 Fitzwilliam Road, Vaucluse  
 East Parsley bay obelisk — between properties 36A and 38 The Crescent, Vaucluse  
 Eastern channel leading light (front) — 80 Wentworth Road, Vaucluse  
 Eastern channel leading light (rear) — 12 Wentworth Road, Vaucluse  
 Remains of bath house and site of jetty — Darling Point Road, Darling Point  
 Pilot station — Marine Parade and Salisbury Street, Watsons Bay  
 Green Point obelisk — off Pacific Street, Watsons Bay  
 Site of former Rose Bay Flying Boat Base — Lyne Park, Rose Bay  
 Watsons Bay Pool — Marine Parade, Watsons Bay  
 Remains of old Watsons Bay Pool — Marine Parade and Salisbury Street, Watsons Bay  
 Gladswood House private-jetty — 11 Gladswood Gardens, Double Bay  
 Remains of Vaucluse Point ferry wharf — 83 Fitzwilliam Street, Vaucluse  
 Remains of Western Rose Bay ferry wharf — New South Head Road, Rose Bay  
 Group of remains of wharf, baths and waterfront relics — including former Tivoli  
 Pier and former Thorne's (or Claremont) Wharf — Bayview Hill Road, Rose Bay  
 Camp Cove tide gauge — Cliff Street, Camp Cove  
 Parsley Bay Suspension Bridge — Parsley Bay, Vaucluse  
 Vaucluse Baths — 68 Wentworth Road, Vaucluse  
 Site of Public Baths — Lyne Park, Rose Bay  
 Parsley Bay Ferry Wharf — The Crescent, Vaucluse  
 Former Nielson Wharf remains — Steel Point, Vaucluse  
 Parsley Bay Suspension Bridge — Parsley Bay, Vaucluse  
 Shark Beach promenade and amenities — Nielson Park, Steel Point, Vaucluse  
 Hermit Bay Wharf, slipway and landing — Vaucluse Road, Vaucluse  
 Site of wharf — Wingadal Place, Point Piper  
 Site of Village Point Wharf — Wharf Road, Watsons Bay  
 Site of Public Wharf — Bay Street, Double Bay (now occupied by new wharf)

**Other Items**

Shark Island, Sydney Harbour  
 Clark Island, Sydney Harbour  
 Fort Denison, Sydney Harbour  
 Goat Island, Sydney Harbour including:
 

- Former Harbour Master's Residence
- Pathway from Magazine Precinct to Water Police Station Precinct
- Former Ordinance Magazine
- Former Laboratory (original Cooperage)
- Former Cooperage
- Wall, Gate and sentry post (entry to magazine area)
- Former Barracks
- Former Kitchen
- Andersons Couch
- Lime Kiln
- Barney's Cut
- Former Water Police Station

 Navigation light tower — western channel (Georges Head), Sydney Harbour  
 Navigation light tower — eastern channel (Bottle and Glass Rocks), Sydney Harbour

Wreck of the "Itata" and wrecks of other unnamed vessels — Salt Pan Creek,  
Middle Harbour

Wreck of Maritime Services Board Hopper Barge — foreshore of Berrys Bay,  
Sydney Harbour

Navigation light tower — off Shark Island, Sydney Harbour

[Sch 5 insrt Gaz 50 of 25 March 1994; am erratum Gaz 68 of 13 May 1994]

Former Dorman Long wharf — Luna Park, Milsons Point (Crystal Palace built on wharf)  
Remains former Neptune Engineering Slipway — off King George Street, Lavender Bay, McMahons Point  
Group of slipways — 12, 14 and 26 West Crescent Street, McMahons Point  
Site and remains of Blues Point vehicular ferry dock — Blues Point Road, McMahons Point  
Site and remains of Blues Point Ferry wharves — Blues Point Road and Henry Lawson Drive, McMahons Point  
Remains of Sydney ferries lay-up wharf — McMahons Point  
Neutral Bay Wharf Group — Hayes Street, Neutral Bay  
Remains sea wall — former railway marshalling yards, Milsons Point  
Sea wall — boundary of Luna Park, Milsons Point  
Remains of Milsons Point ferry wharf and tram turning circle — Olympic Drive, Milsons Point  
Site and remains of Cremorne coal mine shaft — foreshores in front of No 5 Bromley Avenue, Cremorne  
Remains of original Cremorne Point wharf — near Kareela Road, Cremorne  
Sydney Amateur Sailing Club — off Green Street, Cremorne  
Remains of Ben Boyd Whaling Station — Ben Boyd Road, Neutral Bay  
Former Holmes slipway — 11a Henry Lawson Drive, Neutral Bay  
Lavender Bay ferry wharf — Walker Street, Kirribilli  
Paton's slipways — Willoughby Street, Kirribilli  
Careening Cove slipways — Bradley Avenue, Kirribilli  
Site of McMahons Point ferry wharf — McMahons Point (now occupied by new wharf)

#### South Sydney City Council Area

Site of Ithaca Road ferry wharf — Ithaca Road, Elizabeth Bay

#### Warringah Council Area

Bantry Bay Public Powder Magazine — foreshores of Bantry Bay, Killarney Heights  
Flat Rock Landing Place — Killarney Drive, Killarney Heights  
Former Killarney Picnic Ground — partially Garigal National Park, partially Mosman Rowing Club, Killarney Drive, Killarney Heights

#### Willoughby Council Area

Site and remains of wharfage — Fig Tree Point, Hallstrom Close, Northbridge  
Remains of HC Press picnic ground and public baths — Cammeray Road, Castle Cove  
Willis Road wharf — Willis Road, Castle Cove  
Sailors Bay boatshed — Clive Park, Northbridge  
Former Horsley's Boatshed and sea wall — 217B Edinburgh Road (now a house)  
Site and remains of early wharfage (now occupied by Castlecrag Marina) — Rockley Street, Castlecrag  
Stone walls — 297A Edinburgh Road, Castlecrag  
Remains of Municipal Baths, structures and access steps — 241 Edinburgh Road, Castlecrag  
Stone walls, steps and baths — 213 to 217B Edinburgh Road, Castlecrag





## **State Environmental Planning Policy No 19 – Bushland in Urban Areas**

[SEPP No 19 insrt Gaz 169 of 24 October 1986; am Gaz 178 of 2 December 1988]

### **[121,805] Citation**

1 This Policy may be cited as “State Environmental Planning Policy No 19–Bushland in Urban Areas”.

### **[121,810] Aims, objectives, etc**

2 (1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of—

- (a) its value to the community as part of the natural heritage;
- (b) its aesthetic value; and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are—

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area;
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;
- (c) to protect rare and endangered flora and fauna species;
- (d) to protect habitats for native flora and fauna;
- (e) to protect wildlife corridors and vegetation links with other nearby bushland;
- (f) to protect bushland as a natural stabiliser of the soil surface;
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape;
- (h) to protect significant geological features;
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores;
- (j) to protect archaeological relics;
- (k) to protect the recreational potential of bushland;
- (l) to protect the educational potential of bushland;
- (m) to maintain bushland in locations which are readily accessible to the community; and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

### **[121,815] Application of Policy**

3 (1) Subject to subclause (2), this Policy applies to the areas and parts of areas specified in Schedule 1.

(2) This Policy does not apply to—

- (a) land reserved or dedicated under the National Parks and Wildlife Act 1974, as an Aboriginal area, historic site, national park, nature reserve, state game reserve or state recreation area; or

- (b) land within a State forest, flora reserve or timber reserve under the Forestry Act 1916.

#### **[121,820] Interpretation**

4 (1) In this Policy, except in so far as the context or subject matter otherwise indicates or requires—

“bushland” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation;

“council”, in relation to the carrying out of any proposed development, means the council of the area in which the development is proposed to be carried out;

“main road” means a main road within the meaning of the Main Roads Act 1924;

“the Act” means the Environmental Planning and Assessment Act 1979.

(2) A reference in this Policy to bushland zoned or reserved for public open space purposes is a reference to bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation).

(3) A reference in this Policy to disturbing bushland is a reference to removing vegetation from the bushland or causing a change in the natural ecology of the bushland resulting in the destruction or degradation of that bushland.

#### **[121,825] Relationship with other environmental planning instruments**

5 (1) Subject to section 74(1) of the Act and subclause (3), in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on, or after the date on which this Policy is made, this Policy shall prevail to the extent of the inconsistency.

(2) Without affecting the generality of subclause (1), in the event of an inconsistency between this Policy and State Environmental Planning Policy No 4 — Development Without Consent, this Policy shall prevail to the extent of the inconsistency.

(3) Nothing in this Policy shall affect the operation of State Environmental Planning Policy No 14—Coastal Wetlands.

#### **[121,830] Consent to disturb bushland zoned or reserved for public open space**

6 (1) A person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council.

(2) Nothing in subclause (1) requires development consent for the disturbance of bushland where it is being disturbed—

(a) for the purposes of bushfire hazard reduction;

(b) for the purpose of facilitating recreational use of the bushland in accordance with a plan of management referred to in clause 8 of this Policy;

(c) for the purpose of constructing, operating or maintaining—

- (i) lines for electricity or telecommunication purposes; or
- (ii) pipelines to carry water, sewerage or gas or pipelines licensed under the Pipelines Act 1967; or
- (d) for the purpose of constructing or maintaining main roads.
- (3) Pursuant to section 30(4) of the Act, the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of development referred to in subclause (1) in the same way as those provisions apply to and in respect of designated development.
- (4) A consent authority shall not consent to the carrying out of development referred to in subclause (1) unless—
  - (a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy;
  - (b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland; and
  - (c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.

#### **[121,835] Public authorities**

7 (1) This clause applies to bushland zoned or reserved for public open space purposes.

(2) A public authority shall not disturb bushland for a purpose referred to in clause 6(2) unless it has first had regard to the aims of this Policy.

#### **[121,840] Plans of management**

8 (1) This clause applies to bushland zoned or reserved for public open space purposes.

(2) Where the council considers it necessary or desirable to provide more detailed provisions than are contained in this policy, it may prepare or cause to be prepared a plan of management in respect of bushland to which this clause applies.

(3) The format, structure and procedures for the preparation, public exhibition, approval, amendment and repeal of any such plan of management shall be in accordance with Part III of the Environmental Planning and Assessment Regulation 1980, which shall, for the purpose of its application under this subclause, be construed as if—

- (a) each reference to a development control plan were a reference to a plan of management prepared under this clause; and
- (b) the reference to a local environmental plan in clause 19(2) of that Regulation were a reference to this plan.

(4) The plan of management shall not be inconsistent with the aims of this Policy and, in respect of bushland to which it applies, it shall—

- (a) identify the bushland to which the plan applies;
- (b) describe and analyse the bushland taking into consideration the matters listed in clause 2(2)(a)-(m); and
- (c) specify measures to be taken—
  - (i) to implement the specific aims of this Policy;

- (ii) to enable recreational use of the bushland;
- (iii) to reduce hazard from bushfire;
- (iv) to prevent degradation of bushland, including degradation through alteration of drainage patterns, rubbish dumping, infestation with weeds and exotic plants or the intrusion of vehicles; and
- (v) to restore and regenerate degraded areas of bushland.

(5) A plan of management prepared in accordance with this clause shall be available for public inspection, without charge at—

- (a) the office of the council during ordinary office hours; and
- (b) such other premises operated or controlled by the council and at such times as are determined by the council.

#### **[121,845] Land adjoining land zoned or reserved for public open space**

9 (1) This clause applies to land which adjoins bushland zoned or reserved for public open space purposes.

(2) Where a public authority—

- (a) proposes to carry out development on land to which this clause applies; or
- (b) proposes to grant an approval or development consent in relation to development on land to which this clause applies,

the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account—

- (c) the need to retain any bushland on the land;
- (d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland; and
- (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

#### **[121,850] Preparation of local environmental plans**

10 When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall—

- (a) have regard to the general and specific aims of the Policy; and
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

[121,855]

#### **SCHEDULE 1**

(cll 2(1), 3(1))

#### **AREAS AND PART AREAS TO WHICH THE POLICY APPLIES**

Ashfield	Camden
Auburn	Campbelltown
Bankstown	Canterbury
Baulkham Hills	Concord
Blacktown	Drummoyne
Botany	Fairfield
Burwood	Gosford

Sch 1

SEPP No 19

[121,855]

Hawkesbury, excluding all of that  
part of the Shire which is north  
of the Colo River

Holroyd

Hornsby

Hunters Hill

Hurstville

Kogarah

Ku-ring-gai

Lake Macquarie

Lane Cove

Leichhardt

Liverpool

Manly

Marrickville

[Sch 1 am Gaz 178 of 2 December 1988]

Mosman

North Sydney

Parramatta

Penrith

Randwick

Rockdale

Ryde

Strathfield

Sutherland

Sydney

Warringah

Waverley

Willoughby

Woollahra

Appendix 3  
Manly Scenic Walkway brochure