

6.5 Narrabeen Lagoon Multi-Use Trail - Stage 2B

NOTE: This item was carried over from the Council Meeting of 18 October 2011.

EXECUTIVE SUMMARY

Purpose

To select a preferred concept for Stage 2B of the Narrabeen Lagoon Multi-Use Trail (NLMUT) adjacent to the Sydney Academy of Sport, Cromer Golf Club and through South Creek Reserve, being the final section required to complete the lagoon loop.

Summary

The existing trail network around Narrabeen Lagoon currently extends from South Creek Reserve and Berry Reserve through Pittwater Council controlled areas to Deep Creek. Works have just been completed on the link between Deep Creek and Middle Creek Reserve (known as Stage 1), and upgrades to Middle Creek Reserve (Stage 2A) will be completed by June 2012.

The main difficulty in completing the remaining link from Middle Creek to South Creek Reserve (also known as Stage 2B) has been the need to secure crossings through and/or adjacent to the Sydney Academy of Sport and Cromer Golf Club lands. Following extensive investigations, technical analysis, and consultation with the community and stakeholders, an Options Report for Stage 2B has been produced (Attachment Booklet 1). The preferred concept for the trail alignment is called Option 3B and consists of a predominantly on-ground trail along the lagoon foreshore, with bridge crossings at Middle Creek and South Creek. Option 3B is considered a superior design outcome which will offer users a high-quality experience within the available budget and site constraints.

While the preferred alignment has been nominated by Council staff, formal agreements will need to be negotiated with Sydney Academy of Sport and Cromer Golf Club to give effect to Option 3B. It is also intended that the preferred option and associated documentation be placed on public exhibition. Following conclusion of the negotiations and the exhibition period, it is proposed to report the findings back to Council prior to executing agreements with any party.

Financial Impact

The budget allocated for the construction of Stage 2B from Middle Creek to South Creek Reserve is \$ 4.4 million and all options have been assessed against this available funding (Part 4.3 of Attachment Booklet 1). The estimated cost of the preferred Option 3B is \$3.92 million and hence below budget, with residual contingency available. This estimate of Option 3B construction cost includes reasonable contingency and price escalation component, up to \$220,000 allowance for negotiations with the Academy and a budget allowance of up to \$400,000 for the golf course reconfiguration, construction access and approvals.

Policy Impact

The NLMUT Project has been developed in consideration of recommendations contained within a number of strategies and plans including Warringah Regional Multiple Use Trail Strategy 2007, Dee Why and South Creek Open Space Corridor Plan of Management 2008, Sydney Metropolitan Strategy "City of Cities" 2005: Draft North East Sub-Regional Strategy, Narrabeen Lagoon Estuary Management Plan 2002, Warringah Recreation Strategy 2009 and the Warringah Bike Plan 2010.

RECOMMENDATION OF ACTING DIRECTOR COMMUNITY AND ENVIRONMENTAL SERVICES

A. That Council endorse the Option 3B concept including a primarily on-ground trail through the

Crown Land adjoining the Academy of Sport and Cromer Golf Course and through an existing track along the foreshore of South Creek Reserve and that the Options Report (Attachment Booklet 1) containing technical assessments and consultation outcomes be publicly exhibited;

- B. That Council endorse the negotiation of an agreement with the Academy of Sport by 23 December 2011 for it to relocate its watercraft activities away from the current boatshed location on Crown land to allow the trail to be constructed along the foreshore (Option 3B) with the public access area fenced one side and open to the lagoon, noting that up to \$220,000 has been included for boatshed relocation and/or rebuilding in the Option 3B budget estimate;
 - C. That Council endorse the negotiation of an agreement by 23rd December 2011 with the Cromer Golf Club to reconfigure the golf course to remove the existing 15th hole and to allow access for the trail to be constructed along the lagoon foreshore. The total of Council's contribution for the golf course reconfiguration, including construction access, approvals and other costs is to be limited to \$400,000;
 - D. That public access be directed along the Option 3B foreshore route through South Creek Reserve and that development of a contiguous 4 hectare habitat area be further explored by fencing off informal tracks, removing the current unsafe access across the weir and revegetating and limiting general public access to the public reserve along the western foreshore of South Creek;
 - E. That staff prepare a further report to Council on the outcomes of the public exhibition of the Options Report and negotiations with the Academy and Cromer Golf Club, prior to executing any agreements between the parties.
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REPORT

Background

Warringah Council has long recognised the importance of establishing a continuous link around Narrabeen Lagoon. The existing trail network around Narrabeen Lagoon currently extends from James Wheeler Reserve through Jamieson Park and Pittwater Council controlled areas including Bilarong Reserve to Deep Creek.

A bridge over Deep Creek has been constructed by Pittwater Council with contributions from Warringah Council's project budget and the NSW Roads and Traffic Authority. Warringah Council has recently completed construction of the Stage 1 section of trail from Deep Creek Bridge to Middle Creek Reserve and has also completed an upgrade of the Middle Creek Reserve toilet facilities. The upgrade of the Reserve itself, called Stage 2A is in design stage and due for completion in June 2012.

The remaining section to complete the Narrabeen Lagoon Multi-Use Trail (NLMUT) is described as Section 2B and is the subject of this report. The trail needs to pass through the Sydney Academy of Sport (Academy), past Cromer Golf Club (Cromer GC) and through South Creek Reserve to join the existing trail and complete the loop.

Options development

The conceptual development of the trail has been occurring over a number of years, with a particular focus on stakeholder negotiations and ecological and other studies. This conceptual work accelerated over the past 12 months, with the appointment of a design team and subsequent documentation and costing of the most promising route alignment options. Community and stakeholder consultation has been undertaken using a range of methods throughout concept development. Feedback has been used to refine the alternative schemes and in the development of a preferred option. An Options Report has now been prepared detailing the concept development process, technical and risk assessments, cost estimates and consultation outcomes (Attachment Booklet 1). The key issues arising for each section of Stage 2B are summarised below.

Sydney Academy of Sport

The Sydney Academy of Sport partially occupies a strip of foreshore Crown land containing boat sheds and other infrastructure. This land has been occupied under a Permissive Occupancy Agreement with the NSW Crown Lands Division, with the condition that the tenant shall not unnecessarily obstruct access by the public across the foreshore.

Until recently, one of the difficulties in completing the Narrabeen Lagoon Multi-Use Trail has been resolving the link through the Sydney Academy of Sport, as the trail has to also cross over Academy controlled land in order to access the Crown Land reserve. Up until 2008, the Sydney Academy did not support a multi-use trail through their site due to security concerns in line with the Child Protection Act 1999. These concerns mainly relate to the perceived increase in risk to Academy users as well as general security concerns.

In September 2008, the NSW Minister for Sport and Recreation formally announced consent for a ground-level track being built through the Sydney Academy. The agreement enabled the Sydney Academy and Warringah Council to enter into negotiations and agree on a possible trail route. To address security and safety concerns, the proposed on-ground trail was to require fencing on both sides and would need to be locked from dusk until dawn. This proposal would therefore have impacts on the operations of the Academy and require significant on-going management from Council.

Whilst it was Council's preference for a lower cost on-ground trail, staff have undertaken a risk assessment of several options as set out in the Options Report to explore innovative solutions to address the concerns of the Academy and Council.

Cromer Golf Club

The Cromer Golf Club course is also partly constructed on Crown land occupied under a Permissive Occupancy Agreement. This consists of a strip of land adjoining the foreshore of Narrabeen Lagoon and South Creek. The permissive occupancy agreement stipulates that "the tenant shall not unnecessarily obstruct access by the public across the foreshore".

For many decades the public have been free to walk along the foreshore of South Creek and Narrabeen Lagoon adjoining Cromer Golf Course. The number of users has been small and most users are assumed to be locals who are more likely to understand the need for caution with golf balls in play. The entry points to this land are currently via a weir across South Creek (a potentially dangerous crossing) and from Toronto Avenue in the South.

In 2004 Warringah Council approved a Development Application for the rebuilding of Cromer Golf Course. Condition 27 of Development Consent DA2003/0856 required the Cromer GC to prepare plans for a Public Access track for the Crown Land corridor and, in part, on Club owned land. This Plan was approved in August 2004, with the condition that Cromer GC construct the trail within 5 years. Construction of this trail has not progressed as Council and the Golf Club have been unable to resolve issues around the safety of trail users and potential liability resulting from exposure to errant golf balls. Construction of this trail has also been delayed subject to obtaining an agreement with the Sydney Academy.

The Crown land occupied by the Cromer Golf Club under the Permissive Occupancy Agreement is considered a vital link to the multi-use pathway, however development of the trail is problematic due to the existing golf club infrastructure constructed within the Crown Land area and in particular the 15th and 16th holes and the 13th tee (refer Part 2.2.2 Attachment Booklet 1).

Preferred Concept – Option 3B

The Options Report concluded that Option 3B is the preferred concept for the final Stage 2B completion of the Narrabeen Lagoon Multi Use Trail, based on assessments and consultations carried out over the past three years.

Option 3B involves generally (from north to south);

- A bridge over Middle Creek and a trail on-ground along the public foreshore Crown Land, fenced one side and open to the Lagoon. The existing Academy boatsheds are proposed to be relocated, with a resulting secure separation between trail users and Academy activities;
- A raised boardwalk through the vegetation bordering the Academy and Cromer Golf Club and then an on-ground path along the public foreshore Crown Land adjoining the golf course. The Cromer golf course will be required to be reconfigured, with their signature 15th hole being removed from the public foreshore land with the resulting separation of trail users and golf activities;
- A bridge crossing near the mouth of South Creek and an on-ground trail continuing along the Lagoon foreshore and built over an existing track to join with the existing Jamieson Park trail and proposed South Creek cycleway. By containing the public access to a single route through South Creek reserve and with the golf course redesign, the opportunity arises to fence off informal tracks, close off the unsafe weir access route, revegetate the western shore of South Creek and hence create a 4ha contiguous environmental protection zone at South Creek Reserve.
- A brief discussion of the key features for each section is provided below.

Academy Section

Brief Description: The preferred concept involves the trail running on-ground through the area occupied by the existing Academy boatsheds and predominantly occupying the foreshore Crown Land reserve.

The Middle Creek Bridge will pass to the east of the Academy's Climbing Tower with its ramp landing within a secured general public area along the edge of the existing carpark. Academy personnel and vehicles will be able to pass freely under the bridge structure to access the peninsula. The trail will then utilise the existing footpath alongside the Academy's volleyball court, continue on-ground along the foreshore at the boatsheds, and then to a raised boardwalk through the boundary with the Cromer golf course

The opportunity to develop Option 3B has arisen from ongoing stakeholder discussions that involve the Academy relocating its water-craft activities away from the area currently occupied by their two boatsheds. Moving the boatsheds would result in a complete separation of Academy activities and trail users and allow the public to gain open access along the lagoon foreshore.

The Academy management have indicated that a narrow foreshore zone would be acceptable to them for the trail route. However, they are concerned that the design should encourage the public to move through the area and not picnic or loiter outside of its fence and so a larger grassed area here would be problematic. Further negotiations with the Academy on this issue and over the potential alternative locations for the boatsheds are required. Negotiations need to resolve whether the boatsheds can be moved or have to be rebuilt, the cost of relocation and any funding arrangements.

Advantages

1. Allows open public access along the foreshore to maximise amenity for trail users;
2. Complete separation of public and Academy users to address safety and security concerns of the Academy;
3. Agreement exists with the Minister for Sport and Recreation for an on-ground route and acceptance has been received in principle from Academy management, although with significant outstanding issues still to be resolved;
4. Low aquatic environmental impacts and low geotechnical risk;
5. Lower maintenance requirements and avoids the ongoing operational management issues of alternative schemes;
6. Cost estimates are within budget;
7. Primarily utilises Crown Land with bridge cross-over of Academy land.

Disadvantages

1. Requires further negotiations with the Academy to relocate their operations and negotiations over the cost of this, estimated at approximately \$220,000 for moving and re-establishing two boatsheds to a new location. (This cost has been included in the Option 3B budget estimate);
2. Some clearance of Endangered Ecological Community (EEC) in Middle Creek Reserve for bridge approach ramps and through the Swamp Oak south of the boatsheds

Cromer Section

Brief Description: The trail alignment consists of a terrestrial boardwalk (set back from the Lagoon edge) from the Academy section to around the back of the 13th tee, linking to an on-ground path along the Crown Land reserve on the Lagoon's southern foreshore currently occupied by the 15th hole. The golf course would require redesign (by suitable expert) to relocate the 15th hole and accommodate its flow-on impact on other golf holes. From the existing 15th green location the trail ramps up to a bridge over South Creek.

Advantages

1. High-quality experience for trail users traversing along lagoon foreshore;
2. Separates Cromer golf course from trail users, with a low key fence to demarcate a boundary;
3. Low risk of golf ball strikes, increasing safety and reducing the need for safety fencing;
4. Provides an opportunity to revegetate foreshore land adjacent to the mouth of South Creek, and areas along the western foreshore of South Creek as a result of the golf course redesign;
5. Low cost for trail construction;
6. Utilises the Crown Land corridor;
7. Good access for bridge and trail construction (subject to arrangements with Cromer GC)
8. Low aquatic environmental impacts and low geotechnical risk.

Disadvantages

1. Requires redesign and construction of golf course, as current 15th hole is required for the trail alignment.
2. Some impacts on the terrestrial environment, although ranked well in comparison to alternatives in the Options Report. The environmental impact will be mitigated through a range of measures including revegetation and fencing to gain protection of at least 4 hectares of contiguous Endangered Ecological Communities and threatened fauna habitat along the edges of South Creek.
3. Further detailed negotiations with the Cromer GC are required over the selection and management of the golf course realignment, construction access and funding.

South Creek Reserve Section

The Option 3B trail alignment consists of an on-ground trail, with drainage culverts to allow natural surface water to flow between the reserve and the lagoon. The trail alignment is positioned along an existing informal track through South Creek Reserve, through Swamp Oak Forest, with views to the lagoon. The trail then connects with the existing walking trail to Jamieson Reserve.

By locating the trail along the existing informal track in this location and confining public access to this single route, a large contiguous environmental protection area is enhanced through South Creek Reserve and along South Creek. This includes the thickening of vegetation along the western shore of South Creek as part of the golf course modifications, fencing of the current unsafe weir crossing at South Creek and selective fencing around the EEC protection area to discourage further informal tracks being created.

Advantages

1. Aligns with safest route through the Cromer GC.
2. Pleasant trail user experience for users close to lagoon foreshore, and opportunities for environmental education of trail users.
3. Utilises existing trails, reducing ecological impact, and with mitigation is considered to have lower impact than a trail along South Creek.
4. On-ground is comparatively low cost.
5. Low aquatic ecological impacts.
6. Fencing can create a large EEC protection zone and keep users to the path.
7. Regeneration of existing informal trails can occur by formalising one defined trail route.

Disadvantages

1. Some clearance of EEC required to widen informal tracks and allow bridge construction.
2. Dissects existing threatened species and other fauna habitat on eastern side of South Creek.
3. On-ground trail needs to be raised on fill with drainage, with potential impacts to existing hydrology and EEC's.
4. Increased traffic in South Creek Reserve has potential to disturb fauna.

The attached Options Report provides more detailed assessments of environmental and technical issues for each of the trail concepts assessed.

Status of stakeholder negotiations

Both the Academy of Sport and the Cromer Golf Club occupy the lagoon foreshore land under separate Permissive Occupancy Agreements. The agreements are administered by the NSW Crown Lands Division. Each of these agreements include the right of the general public to access the lagoon foreshore.

Council have held discussions with Crown Lands regarding accessing the lagoon foreshore to allow the construction of the Narrabeen Lagoon Trail and how the Permissive Occupancy Agreements might be changed or replaced. However, the Division has indicated their preference for an agreed outcome prior to implementing any changes to the existing Permissive Occupancy Agreements.

Council therefore has taken a pragmatic view in dealing with the existing occupation of Crown Land by both the Academy of Sport and the Cromer GC and has sought to reach a negotiated agreement with both these stakeholders. Council has also received legal advice confirming the appropriateness of this approach.

Negotiations with the Academy of Sport

Council has held a number of meetings with the Academy, since the the Minister of Sport approved an on-ground trail through the Academy in 2008. The preferred solution Option 3B has been developed based on a relocation of Academy watercraft activities from the Crown Land. Some alternative boatshed and relocation proposals have been explored with the Academy, however the simplest and lowest cost solution of lifting and moving the two boatsheds to another location on Academy land has been incorporated into the concept plans and budget for Option 3B.

This Option has not been yet been formally agreed to by the Academy, however it has been endorsed in principle although their preference is for a higher cost solution of a new boatshed constructed on the peninsula east of the proposed Middle Creek bridge. A detailed agreement would nevertheless appear to be achievable through further negotiations.

Key negotiation points to be resolved in any Academy agreement are the ability for Council to utilise Academy land for construction access and the management of operational impacts, obtaining an easement over Academy land for the Middle Creek bridge and ramps and agreement on allocation of the estimated \$220,000 cost liability for relocation of the two Academy-owned boatsheds or a higher cost of new construction of one of the boatsheds. The allocation of public space and fencing alignment through the Crown Reserve also needs to be resolved.

Negotiations with the Cromer Golf Club

An agreement with the Cromer Golf Club is required to reconfigure the golf course and to allow construction access across private golf club land in order to build the trail. Council has held a series of discussions with the Board and management of Cromer Golf Club, which included Council engaging Cromer's nominated golf course architect and exploring various course redevelopment options to confirm that a satisfactory redesign of the course is achievable.

Council has since made an indicative proposal to the Club, seeking their endorsement of the principal terms under which the parties could proceed to a formal agreement to enable construction of the Option 3B trail concept. This proposal is included within Attachment Booklet 2. Under this

indicative proposal, the total of Council's contribution for the golf course reconfiguration, including construction access, approvals and other costs is to be limited to \$400,000. Costs above this amount are to be met by the Club. At this time, total costs of the works are estimated in excess of \$500,000 and possibly \$550,000 or more. A more detailed discussion of the justification for this contribution is discussed in Attachment Booklet 2.

Council have received an email from the Club's President (Attachment Booklet 2) advising that at separate meetings of the Board and then the members, the Club considers that Council's proposal seems in principle to be a reasonable way forward. While this provides a useful basis for commencing detailed negotiations, the Club appears to be reserving its rights in progressing further negotiations and is objecting to Council's request for access across its land to construct the trail. It would be difficult to support the level of funding proposed at up to \$400,000 if the Club did not eventually concede to Council's requirement for trail construction access (noting that the form, location and timing of access has not been resolved between the parties at this time).

Although not fully endorsing Council's indicative position, we consider that the Cromer Golf Club response is sufficient to warrant continued negotiations at this time to try to conclude a formal agreement for the development of the Option 3B concept.

Timing

The reconfiguration of the Cromer golf course is the key issue impacting on the timing of the trail construction. Trail construction is dependent upon Cromer Golf Club vacating the 15th hole to enable construction to commence. The Cromer Golf Club in turn will require the reconfigured course to be constructed and playable before it can vacate this 15th hole. This requires that golf course works would ideally be designed and constructed prior to November 2012, to allow sufficient time to bed in the new turf through the growing season. It would then be possible for the 15th hole to be handed over for construction in April 2013. This program is quite tight and requires a signed agreement with the Cromer GC by December 2011 to be achievable.

Policy Impact

The NLMUT Project has been developed in consideration of recommendations contained within a number of strategies and plans including Warringah Regional Multiple Use Trail Strategy 2007, Dee Why and South Creek Open Space Corridor Plan of Management 2008, Sydney Metropolitan Strategy "City of Cities" 2005: Draft North East Sub-Regional Strategy, Narrabeen Lagoon Estuary Management Plan 2002, Warringah Recreation Strategy 2009 and the Warringah Bike Plan 2010.

Financial Impact

The budget allocated for the construction of Stage 2B from Middle Creek to South Creek Reserve is \$ 4.4 million and all options have been assessed against this available funding (Part 4.3 of Attachment Booklet 1). The estimated cost of the preferred Option 3B is \$3.92 million and hence below budget, with residual contingency available. This estimate of Option 3B construction cost includes reasonable contingency and price escalation component, \$220,000 allowance for negotiations with the Academy and a budget allowance of \$400,000 for the golf course reconfiguration, construction access and approvals.

Conclusion

The extensive analysis and community consultation undertaken over a considerable period of time has resulted in a preferred concept being recommended for the Narrabeen Lagoon Multi-Use Trail, known as Option 3B, being primarily an on-ground trail along the foreshore of the lagoon. The cost of this option is within Council's budget and is considered to be a high quality solution for the trail and one which separates the public trail users from both Academy and Cromer Golf Club activities and with moderate environmental impacts compared to alternatives.

It is recommended that the Options Report and its associated documentation be publicly exhibited to ensure a comprehensive disclosure of the relevant background information and to obtain any further community feedback on the conclusions of this report. It is further recommended that Council make every effort to negotiate agreements with both the Academy and Cromer GC stakeholders in a timely manner in order to keep the NLMUT project on schedule. A further report

should be provided to Council outlining the outcomes of the further community consultation and stakeholder negotiations prior to executing any formal agreements and proceeding with delivery of the trail.

Manager Natural Environment

Attachment CD – Narrabeen Lagoon Multi-Use Trail

