

[Agenda Report](#)

Council Resolution Item

Action is required from the Council Meeting on **06 December 2011** as per the Resolution outlined below.

↓ **Spit Reserves Plan of Management (EP)**

EP/130 Spit Reserves Plan of Management

MOSPLAN REF: 03.03.05

REPORT BY: Strategic Planner, Joe Vertel

SUMMARY

Consideration of submissions following exhibition and finalisation of the draft Plan of Management for the Spit Reserves.

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends:

That

- A. The draft Plan of Management for the Spit Reserves be adopted (as circulated) subject to amendments detailed in this report and forwarded to the Minister for Primary Industries for final adoption.
- B. Council inform all persons who made a submission of Council's decision and thank them for their involvement.

Mr Shannon O'Brien (Sydney Harbour Kayaks) addressed the Committee on this item.

COUNCIL RESOLUTION

Motion Connon/Reid

That

- A. The draft Plan of Management for the Spit Reserves be adopted (as circulated) subject to amendments detailed in this report and forwarded to the Minister for Primary Industries for final adoption.
- B. Council inform all persons who made a submission of Council's decision and thank them for their involvement.
- C. All references to the Plan of Management to the proposed pedestrian bridge over Spit Road which convey support for its construction or actions related to it be deleted.

CARRIED UNANIMOUSLY

REPORT

On 2 November 2010, Council resolved (EP/196) to exhibit the draft Plan of Management for the Spit Reserves (draft PoM) for a period of four weeks and that a further report be submitted to Council considering any submissions received.

The draft PoM was publicly exhibited from 17 November to 16 December 2010. This involved:

- Written notification, including a copy of the draft Landscape Concept Plan, was sent to 236 residents in the area surrounding the Spit Reserves;
- Notices were placed in the Mosman Daily on 18 November and 25 November 2010;
- An exhibition was placed in the foyer of Council offices;
- An exhibition was created on Council's website.

In response to the exhibition seventeen submissions (summary of submissions attached) were received. The issues raised in the submissions are discussed in the following sections:

1. Houseboats

The draft PoM proposes that the three houseboats located in Pearl Bay be phased out at the end of their leases.

Ten submissions raised objection to the proposed phasing out of the houseboats. The submissions argue that the houseboats are part of the rich cultural heritage of Pearl Bay and that they should be retained.

Comment:

The action in the draft PoM to phase out the houseboats at the end of their current leases was based on the understanding that this was NSW Maritime (now known as the Roads and Maritime Service) policy. Council has subsequently obtained advice from NSW Maritime dated 22 February 2012 which states that:

“NSW Maritime has recently issued a new 20 year lease for one houseboat and is currently negotiating new 20 year leases in respect to the remaining houseboats. Therefore, it would be anticipated that the houseboats would have the ability to remain on site for a minimum of 20 years.”

In light of this advice, the reference to the phasing out of the houseboats in the draft PoM has been deleted.

Concerns relating to the poor appearance of one of the houseboats may be addressed by writing to the Roads and Maritime Service and requesting that existing lease conditions relating to repairs and maintenance be enforced in order to improve the appearance of this houseboat.

2. Kayak storage

The draft PoM proposed the removal of the unauthorised kayak storage area located on Crown land adjacent to Smiths Boatshed at Spit East and re-location to an area north of Fergusons Boatshed or within Ellery Park.

Three submissions have raised objection to the proposed re-location of the kayak storage area. These submissions are summarised below:

Shannon O'Brien (owner of the kayak rental business) – submits that the current location of the kayak storage area should be allowed to remain for a number of reasons, including:

- The area where the kayaks are stored is unsuitable for passive recreational use due to it being located close to 5 lanes of traffic which results in high noise levels and poor air quality. A noise and air quality assessment report has been submitted and this concludes that the noise levels were typically above the maximum noise levels recommended for recreation areas and the air quality measurements were only marginally less than the Department of Environment, Climate Change and Water (DECCW) prescribed air quality criteria;
- The area where the kayaks are stored is located behind an electrical substation;
- The kayak rental business provides a positive community benefit by allowing affordable access to Sydney Harbour as well as providing health benefits associated with promoting exercise;
- Locating the storage area north of Fergusons Boatshed creates logistical and health and safety problems for the business in moving kayaks.

Martin Thompson (Director of Smiths Boatshed) – would like to see the kayak storage area remain in its current location for similar reasons and suggests the provision of a storage building or screen planting.

Kylie Short (owner of Fergusons Boatshed) – objects to the re-location of the kayak storage area on the basis of safety risks associated with kayaks entering the water in a busy 'boat manoeuvring' area. She is also concerned about noise and security for the re-located area.

Comment:

The unauthorised storage of a large number of kayaks must be resolved as it detracts from the appearance of the area. Given that there are positive community benefits associated with the provision of an affordable means by which people can enjoy the Harbour, options to help resolve this issue have been investigated.

Storage of the kayaks within Smiths Boatshed or one of the other surrounding marinas is the preferred option. This option was put to the owner of the business but he submits that due to a re-organisation of the commercial area within Smiths Boatshed there is no available storage space and that storage within other marinas in the surrounding area would make the business financially unviable.

While the proposed re-location of the kayak storage area to an area north of Fergusons Boatshed would reduce the visibility of the storage area when viewed from Spit Road, it is accepted that this option represents a less safe option for the launching/retrieval of kayaks due to the close proximity to the boat manoeuvring area of Fergusons Boatshed and the Spit Bridge.

It is also noted that the area where the kayaks are currently stored does suffer from traffic noise and is not an ideal area for passive recreation. Therefore, if alternative commercial space is unavailable, it is considered that the most appropriate resolution to this issue is to allow the kayak storage area to remain in its current location behind the electricity substation subject to:

- A commercial lease for the kayak storage area being entered into;
- The sprawl of kayaks being contained within a more confined and defined area (details to be negotiated with the applicant with the possibility of utilising a racking system); and
- Maintenance and repair activities not being undertaken in the Reserve; and
- Landscaping to the satisfaction of Council being provided at the applicants' expense to screen the kayak storage area.

The draft PoM has been amended to state – *“work with the watercraft hire operator to resolve issues about kayak storage, including screening the storage area”*.

3. Toilets

The draft PoM proposes the removal of the unauthorised toilet/laundry building located north of Fergusons Boatshed.

Kylie Short (owner of Fergusons Boatshed) and Martin Thompson (Director of Smiths Boatshed) – object to the proposed removal of the structure on the basis that the toilets are needed to cater for existing demand.

Comment:

The toilet/laundry building is a converted shed which has been placed on the site without Council approval and detracts from the appearance of the area. It is acknowledged that there is a need for such facilities in this area but these should be contained within a building approved by Council which has an acceptable appearance. To address the concerns relating to the unauthorised building, the owner of the premises lodged a Section 96 application (5.1998.157.5) on 16 September 2011 to formalise and refurbish this structure so as to improve its appearance. This application is yet to be determined. Accordingly, the reference to the removal of this structure from the PoM has been deleted and replaced with the wording – *“Improve visual amenity and public use of the toilet/laundry building north of Fergusons Boatshed.”*

4. Parking restriction

Kylie Short (owner of Fergusons Boatshed) has objected to a "No Stopping" sign being erected outside her premises.

The "No Stopping" sign was erected at the request of a member of the public in order to facilitate turning movements at the end of Parriwi Road. No change to the PoM is required to address this issue.

5. Rubbish

Martin Thompson (Director of Smiths Boatshed) has raised the issue of rubbish being dumped in Parriwi Road and the surrounding area. He suggests the provision of a garbage area to cater for the general public rubbish. He also suggests that the street sweeper be re-directed to cover the end of Parriwi Road.

Comment:

It is acknowledged that the dumping of rubbish in the area surrounding the marinas is an issue. The provision of a garbage collection area is a matter that would require further investigation and an action has been included in the PoM to undertake this investigation. The re-direction of the street sweeper to cover the end of Parriwi Road has been done.

6. Stormwater

Martin Thompson (Director of Smiths Boatshed) has raised the issue of stormwater build up at the end of Parriwi Road/Spit Road due to insufficient drainage pits.

Comment:

Council has written and consulted with the RTA about this issue as it involves drainage on Spit Road. The RTA asserts that the drainage is satisfactory and does not propose any additional works. No change to the PoM is required to address this issue.

7. D'Albora Marina expansion

Concern has been raised in regards to the proposed expansion of D'Albora Marina.

Comment:

The proposed expansion of D'Albora Marina is the subject of a Part 3A application which is currently being assessed by the NSW Department of Planning and Infrastructure (DoPI). Council has also raised concerns about the proposed expansion and these have been referred to the DoPI. The application has been significantly reduced for the land based component but remains undetermined. No change to the PoM is required to address this issue.

8. Permissible development

Concern has been raised in relation to the objectives and permissible development applicable to the waters adjoining the Spit Reserves.

Comment:

The legislation relating to the use of the waters adjoining the Spit Reserves is contained with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is referenced in the draft PoM for information purposes and to provide guidance. No change to the PoM is required to address this issue.

9. Pedestrian bridge

Concern has been raised in relation to the proposed pedestrian bridge over Spit Road.

Comment:

The pedestrian bridge is an RTA proposal. Council has written to the RTA to express concerns about the proposal. The RTA has advised that it is re-evaluating the proposal with no decision at this stage whether it will proceed. No change to the PoM is required to address this issue.

10. Unleashed dog area

Concern has been raised that the permissible uses in the Spit Reserves may result in a reduction in the size of the unleashed dog area.

Comment:

There is no proposal to reduce the size of the unleashed dog area in the draft PoM. No change to the PoM is required to address this issue.

11. Steps into water

Concern has been raised that there is a long section of wall between the rowing club and the houseboats where there are no steps in the water and it would be difficult to rescue a child or small dog which fell into the water.

Comment:

Stairs have been provided between the rowing club and houseboats and these are considered sufficient to provide access into the water in this section of Spit Reserve.

12. Cycling infrastructure

Council in conjunction with the RTA is currently investigating options for the provision of cycling infrastructure from the Spit Bridge to Parriwi Road. It would be appropriate to include reference to the provision of this cycling infrastructure in the PoM.

Comments from Government Authorities

1. Crown Lands Division

The draft PoM was referred to the Crown Lands Division (formerly NSW Department of Lands) on 11 October 2010. In consultation with the Crown Lands Division, amendments were made to the draft PoM to update the status of some land parcels as well as to reflect the creation of the Mosman Foreshore Reserves Trust (MFRLT). In this regard, it is noted that the parcel of land at the base of the escarpment on the corner of Spit and Parriwi Roads (Lot 60 DP 1107363) has been omitted in the gazettal of the MFRLT. Inclusion of this parcel of land into the MFRLT has been included as an action in the PoM. A response was received

from the Crown Lands Division on 9 November 2011 to confirm that the draft PoM is now acceptable.

2. Other Authorities

The draft PoM was referred to the former Maritime NSW and the former RTA. No submissions were received from the RTA. While Maritime NSW provided information on the status of land under their control, no issues with the draft PoM were raised. Telstra was also advised but did not provide a submission.

Conclusion

The draft PoM provides guidelines on how the Spit Reserves will be used, improved and managed in the future. Following public consultation and input from local residents and businesses, a number of changes have been made to the exhibited draft PoM including deleting reference to the phasing out of the houseboats and entering into negotiations with the kayak hire operator to formalise the existing kayak storage area. It is recommended that the draft PoM be adopted (as circulated) subject to amendments detailed in this report and referred to the Minister for Primary Industries for final adoption.

COUNCILLORS' ATTACHMENTS

Minute Book Attachments

- Draft Plan of Management for Spit Reserves (circulated separately)

Circulations

- Summary table of submissions received
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