

THE CHURCH POINT PLAN OF MANAGEMENT – THE LONG ROAD

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Aims

This paper aims to

- provide an outline of the process and history in the preparation of the draft Plan of Management (POM) for Church Point
- provide an understanding of Crown lands, the Crown Reserve System and the government policy that impacts and governs the management of these lands
- looks at the complexity of issues and problems at Church Point that required the former Department of Lands (Lands), now Land and Property Management Authority, to become involved in the equitable management of Crown lands in this location.
- show how the application of the amendments to the Crown Lands Act in 2005 provided solutions to the intractable management problems of Church Point
- show the value of good community consultation working within the political overlay that influenced the POMs recommendations.
- demonstrate the value of working cooperatively with local government.

My Role in the POM

I have had an interest in this project for eight years with various degrees of involvement. My role has been to:

- Advocate for the Government policy in respect to the management of Crown land.
- Liaise and consult with local government and various community groups to work towards solutions to seemingly intractable land management problems at Church Point.
- Provide professional support briefings and recommendations to the Lands executive and the Minister
- Project manage and work closely with Council and consultants on the preparation of the POM.
- Make the key decisions on behalf of Lands

Church Point

Where is Church Point

Church Point is located 32kms north of Sydney on the southern shores of Pittwater.

Church Point was named after the Chapel and Cemetery, which date back to 1872, which stood on the site. This site is still owned by the Uniting Church and has remnant gravesites.

Church Point can be accessed from Mona Vale Road from the west along McCarrs Creek Road, or from the east via Pittwater road from Mona Vale. Church Point is located at the junction of both McCarrs Creek and Pittwater Road.

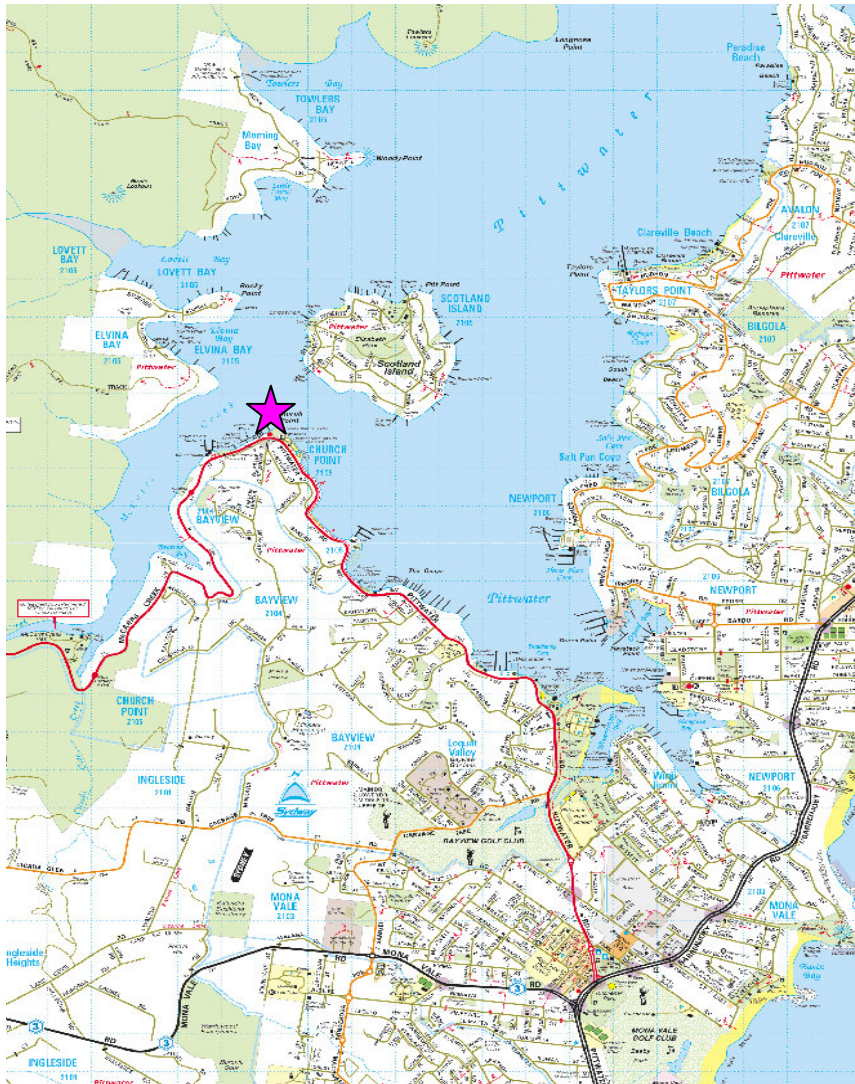


Figure 1 Church Point Location within Pittwater

Church Point's Role

The Point provides a transport hub for the offshore residents of Pittwater, approximately 560 households. These include the water access only residents of Scotland Island and the communities on the western foreshore of Pittwater. These residences are land locked by the Kur ring gai Chase National Park behind or to the west of the communities of Elvina Bay, Lovett Bay and Morning Bay. See Figure one. The Point acts as a transport interchange for boat or ferry to cars or public transport on the mainland.

The unique scenic qualities of the location make it an ideal tourist location for day-trippers, people using Pittwater, accessing the National Park and people coming to functions on the freehold Pasadena site.

Church Point Study area

The study area comprises (see figure 2)

- Land North of Bennett's Beach and east of Pittwater Road including the existing carpark known as Church Point reserve.
- Crown Land around the freehold Pasadena site.
- Sir Thomas Stephens Reserve
- The General Store, the land and structure around it including the public wharf.
- Land and structure west of the General Store including the commuter wharf and Cargo wharf up to Rosstrevor Reserve
- Rosstrevor Reserve
- McCarrs Creek Road
- The bed of Pittwater adjacent to the study site.



Figure 2 The study area

Church Point Land Status

The study area is predominately Crown land. The table below outlines the current Crown reserves and Crown tenures

Table 1 Church Point Current Tenures

Ref No	Description	Identifier Lot & DP	Tenure Details
	Pittwater Regional Crown Reserve (RCR)	Crown Reserve R1012329 (bed of Pittwater and Crown Land within the region, including all reserved Crown lands)	Reserved for Access and Public Requirements Rural Services, and Environmental and Heritage Conservation. No Trust appointed.
1	HolmePort Marina	Lot 308 / DP 729621, Lots 285, 273 / DP 752046, Lot 331 / DP 1020134	Lease 317742 from Lands
2	Rosstrevor Reserve	Crown Reserve R100084, Lot 7055 / DP 93800	Reserved for Public Recreation, notified 10.04.1987, The reserve trust is managed by Pittwater Council
A	Cargo Wharf & Commuter 'dinghy' Wharf		Licence 156948 from Lands for Reclamation, Jetty and Marina to Pittwater Council
4	General Store	Lot 318 / DP 824048	Lands Lease 318276 for Business Purposes to G & AM Romeo
B	General Store Waterfront		Lands Licence 192450 for Waterfront Business to G & AM Romeo
C	'Ferrymasters' Building		Lands Licence 195721 for Waterfront Business transferring to Lovett Bay Holdings
E	Wharf Building		Lands Licence 192546 to Scotland Island Traders (Revoked)
5	Thomas Stephens	Crown Reserve R100255, Lot 319 / DP	Reserved for Public Access and Recreation. The reserve trust is

Ref No	Description	Identifier Lot & DP	Tenure Details
	Reserve	824048	managed by Pittwater Council
6	'Pasadena'	Lot 142 / DP 752046	Freehold land - G & AM Romeo
7	'Pasadena' waterfront area	Lot 320 / DP 824048	Lands Lease 311606 for Parking & Business to G & AM Romeo
D	'Pasadena' Jetty		Lands Licence 312335 for Business Purposes to G & AM Romeo
8	Church Point Reserve	Crown Reserve R100256, Lot 321 / DP 824048	Reserved for Public Recreation and Urban Services (car parking). The reserve trust is managed by Pittwater Council.

The figure 3 below shows the location of the above tenures

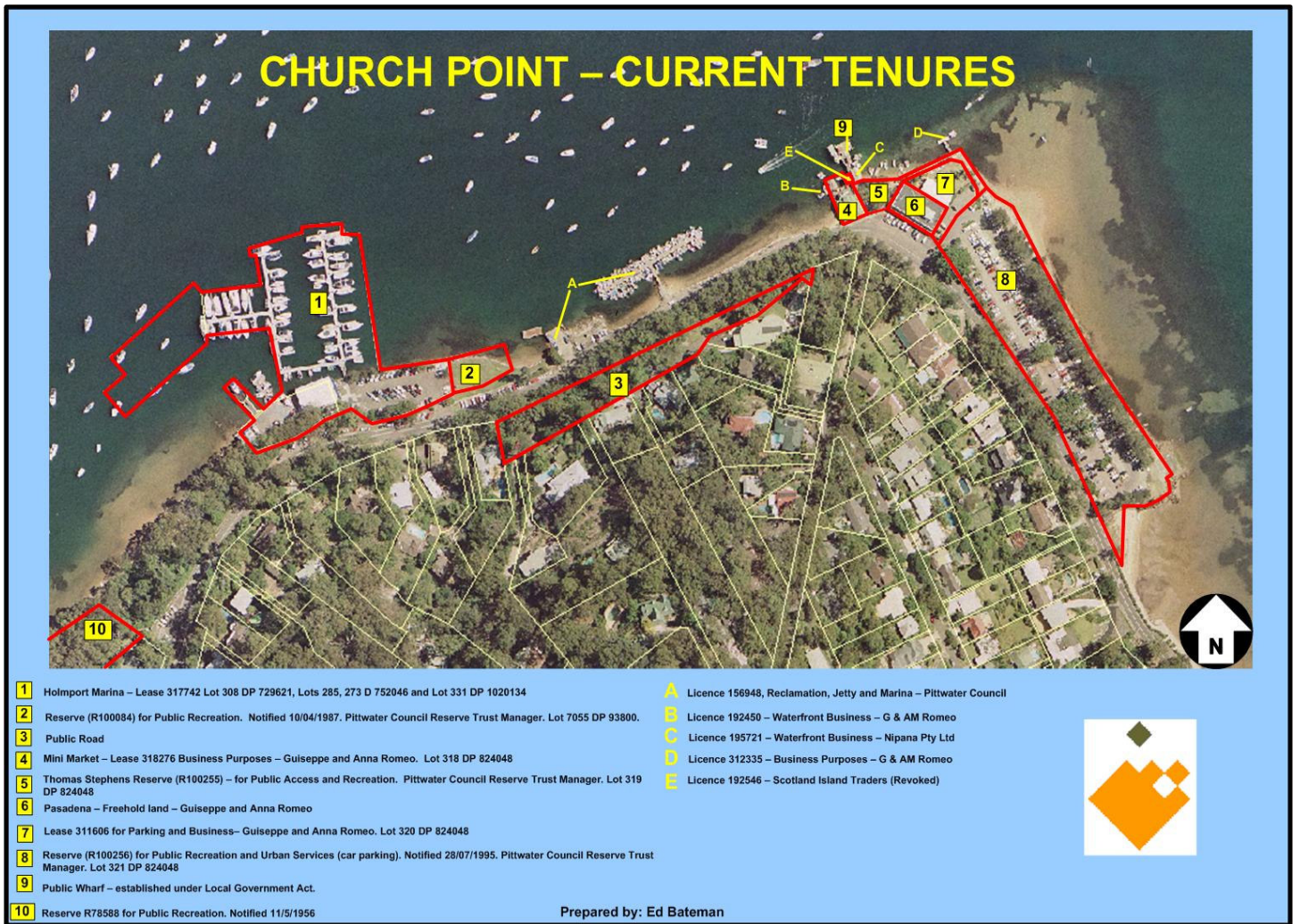


Figure 3 Tenure Locations

Crown Land

The Crown Lands Act 1989 defines Crown Land as *Land that is vested in the Crown or acquired under the Closer Settlement Act. ...But not being land dedicated for a public purpose or land that has been sold or contracted to be sold.....*

Crown land can be leased, licenced or reserved by the Minister. Crown land that is leased provides an exclusive occupation and use by the holder where a licence may confer non-exclusive rights

A Crown Reserve is defined as lands, which are dedicated or reserved under the Crown Lands Act.

The Act allows for the appointment of reserve trusts which are corporate entities established to manage reserves on behalf of the Crown. Trusts can be managed by

Councils, a Trust Board, a corporate body or an administrator. A Trust is able to lease or licence Crown reserve land.

The Act provides for the Minister to direct a Trust to prepare a Plan of Management and for the Minister to dictate the matters that must be considered within the Plan. The Minister also has the power to amend the Plan of Management prior to his adoption.

Crown Reserve Policy

It is essential to understand the policy or case law that governs the use of Crown reserves in order to understand the Land's position and the reasons why the management of the Crown land at Church Point is of concern.

Crown reserves are reserved or dedicated for a public purpose.

There are a number of key principles that have been established in case law or Common law that dictate the use of Crown reserve lands, in particular the use of reserves for public recreation. In summary

- The use of a Crown reserve must be consistent with the **public purpose** for which it has been reserved. Only uses conducive and ancillary to that purpose can occur on the reserve.
- Reserves must be open to the public as of a right, however reasonable entry fees should not be a barrier to entry
- Reserves must be accessible to the public and cannot be diminished by private use.
- A Crown reserve cannot be used to support an off reserve use. For example parking supporting an adjoining use such as a shopping centre or as is the case at Church Point parking for the purpose of "overnight" or commuter parking.

The key issues

The Church Point reserve (8 in Table 1 above) is reserved for the public purposes of *Public Recreation and Urban Services (parking)*, which is an area of about 1 ha on the eastern side of the point. Currently, 80% the land is used for private car parking predominantly by offshore residents. Whilst the public purpose includes parking this must be public parking and not private usage, as currently occurs. In effect the reserve is totally alienated by offshore commuter parking. The case law that governs the usage of Crown reserve land strongly supports the notion that **public purpose reserved land must be open to the public generally as of a right**, the commuter and overnight parking is a private use. Furthermore, the Lands and Pittwater Council have indicated that it is not its role/s to provide private parking on public land.

The offshore community viewed the reserve purpose as being compatible; since parking was included as a reserve purpose in 1995. After legal opinion the Lands viewed that it was inappropriate to have dual-purpose reservations that are considered incompatible. In this instance the two public purposes, public recreation and urban services (parking), are mutually exclusive uses and are considered to be incompatible as the parking alienates the public recreation usage. This view was confirmed in other locations, with similar circumstances, where Lands has moved to remove areas of private parking from the Crown reserves system eg Berowra Waters.

Furthermore, it is Departmental and Government policy to maximise public access to foreshore land, in particular to publicly owned land. The alienation of such land by car parking is contrary to this policy.



Figure 4 Showing the alienation of the Church Point reserve by parking

The management issues at Church Point are deeply entrenched within the interest of offshore and on shore communities. For the off shore community the Point and mainly the Church Point reserve is a vital connection to the mainland for parking, local services and a meeting place. However, the on shore community value the area as a recreational resource connecting with walkways to Mona Vale.

The reserve currently accommodates 220 cars with about 370 accommodated in the precinct. There is a demand for about 400 to 500 spaces. This is particularly apparent on weekends when there is no parking available for the visiting public.

Further, Crown reserves are set aside for the use of the broader community. The *Principles of Crown Land Management* Section 11 of the Crown Lands Act states Crown Lands are to be used in the *best interest of the State*, not just the local community. Effectively the recreational amenity of the reserve for the broader community is nonexistent and a key aim of the POM is to re-establish useable recreation space within the reserve.

Additionally, the General Store and the Pasadena Restaurant and function centre along with the visiting public wishing to use the area have no parking set aside for their needs. Both of these facilities have been subject to development applications refused by Council but determined in favour of the applicant by the Land and Environment Court. Interestingly the court found that these facilities have existing use rights parking over the reserve. This was contrary to the Lands long held position that parking was only to be for the allied recreational use on the reserve.

There is also continued animosity towards the owners of these businesses from some of the offshore community due mainly to conflicts of parking demands and berthing areas and the commercial monopoly they hold in this locality.

The Lands position is best summarised in a letter to Pittwater Council in May 2004 that states *'Whilst neither the Department nor Council has an obligation to provide private parking for off shore residents, this planning process is being undertaken with Council, the community and the Department in an attempt to resolve these long standing issues. It is proposed to examine the suitable use of reserve with a view to determining alternatives to the present parking issues and to provide a coordinated planning approach involving the community and the whole of Government.'*

Some of the other issues that impact on the area

-The commuter wharf is too small to accommodate the number of commuters, boats are moored two and three deep which is unsightly and presents significant OH&S risk.



The commuter wharf



Entrance to commuter wharf



Cargo wharf

-The Cargo wharf to transport building materials to Scotland Island and the offshore communities is poorly run and maintained resulting in building refuse laying around along vehicle obstructing traffic when in use. There is also insufficient parking to support this facility.



Tight access around Pasadena & unregulated tie ups



Access around Minimart & McCarrs Creek

-The movement of pedestrians is constrained particularly around the general store, the northern side of the Pasadena and along McCarrs Creek Road

- The unregulated tie ups of dinghys that hamper the operations of the Minimart and Pasadena



Sir Thomas Stephens reserve



Heritage Wharf

-The Sir Thomas Stephens reserve lacks any real identity as the community-meeting place and the general precinct is run down with hindrances to the existing temporary wharf. The existing public wharf while heritage listed is no longer functional.

- The public wharf has been declared a heritage item but however is in disrepair with a temporary wharf established in front of the Sir Thomas Stevens Reserve.

The *Church Point plan of Management issues and options paper December 2006*, a 26-page document, outlines in detail the issues that impact on Church Point

The evolution and development of the Plan

The mainland, island and western foreshores between 1940 – 1970s were predominantly holiday areas. There was a small full time local population given the isolated location, cheaper rental properties and limited parking requirements, except for peak periods i.e. weekends.

However, 1970 to now many residents of both Church Point and Scotland Island are commuting to Sydney for work, or working from home. This has resulted in different requirements for parking, access and local recreational facilities.

Prior to 1977 the then Warringah Council held Church Point Reserve as a permissive occupancy for the purpose of reclamation and carpark. It was subsequently reserved for public recreation on 25 June 1977 in order to accommodate “reserve parking, access and day picnic use”. Whilst this decision was and still is consistent with current foreshore policy allowing public access to the foreshore, had it remained as a permissive occupancy or tenure where the land was leased or licensed to Council the current policy issues would not be relevant.

Interestingly, in 1993 the then Area Manager for the then Department of Conservation and Land Management stated, “the area is set aside for public recreation, not a private carpark...and should be seen to support *carparking* to meet the needs of the recreating public ...”

It was also indicated that 50% of the site could be used for carparking to support the recreational use. Subsequent correspondence from both Council and Lands watered down the position, seeming to suggest that parking did not necessarily need to be tied to recreational use of the reserve.

In May 1994 a Land Assessment under the Crown Lands Act was undertaken that recommended the reserve be reserved for *Public Recreation and Urban Services (parking)*, the current reservation, and that a Plan of Management be undertaken to “finalise the parking ratios subject to the consideration of the competing interest”

In 1998 Council undertook to prepare a POM, which mainly consisted of a diagram of a proposed carpark. The Lands rejected this POM.

In 2000 Council prepared a POM without consultation with the Lands. Lands suggested that the only way of resolving the matter was to revoke the reserve and have Council lease the land and in turn Council could charge a parking fee. Council did not support this approach. Furthermore, Council has a discriminating policy that local rate payers do not pay to park on Council run reserves, but residents outside the Pittwater Local Government Area pay to park. Effectively, free long-term parking was available to the local residents where the wider recreating public had to pay significant rates to park, if they were able to find a spot.

Council was also reminded that based on legal opinion the reserve purposes were regarded to be public purposes and did not allow for the private use of the reserve i.e. overnight commuter parking. Furthermore Council was advised that legal opinion suggests that the

gazetted purposes of 1995 public recreation & urban service (parking) may be in conflict, as Urban Services (parking) is not compatible with Public Recreation.

In June 2002 Lands was invited onto the Church Point Offshore Liaison Committee, which was created to provide advice to Council in the management of the area.

As a result of a smoother relationship between all parties, the Minister, in August 2002 directed that a Plan of Management be prepared that was based on a landscape plan for the whole of the Church Point precinct. A dollar for dollar grant of \$30000 was provided for this work

The Offshore liaison group then became the Church Point Design Committee which was made up of representatives of the

- Bayview Church Point Residents Association Inc
- The Church point Reserve Association
- Scotland Island Residents Association
- West Pittwater Community Association
- Pittwater Council
- Department of Lands –myself

This committee brought with it significant profession skills apart from the representation of the local communities. In 2004 this committee worked successfully to develop a master plan proposal that featured an underground Carpark proposal. This proposal was capable of providing up 572 spaces, with 300 of these spaces underground and 73 for visitor parking on the reserve essentially reinstated. Figure 5 shows this plan

Whilst the Department provided \$30000 towards this work with a view to moving forward to a POM, Council was unwilling to match this funding for the procurement of a consultant to prepare a POM, but committed to providing staff support and time.

The offshore community representatives indicated, at that time, that up to 200 offshore residents were willing to pay between \$50000 and \$60000 for a strata title car space.

In March 2005 Lands wrote to Council again
-giving a Minister's direction to prepare a POM based on the agreed master plan to be completed by 30 June 2007,
-made a direction that all cars were to be removed from the reserve by 30 June 2007 to allow for construction of the underground facility
-indicated to Council that it charge parking fees to recover its share of the cost of the POM.

The committee then set about preparing a consultant brief and at the same time engineers and quantity surveyors were commissioned to undertake initial feasibility studies of the underground carpark. The design was significantly progressed with an aim of keeping cost to no more than \$70000 per car space.

During this period the attitude of the offshore community representatives changed with the change in executive of their committees. As such, the support for any option that meant offshore residents would pay for car space evaporated. The POM needed to deal with schemes in which a car space could be made available to all offshore residents at minimal cost.

The feasibility studies and costing took most of the grant funds. It was recognised that a new POM would cost in the order of \$80000. The Department provided a further \$40000 to employ a consultant to prepare the POM.

In 2006 GHD consultants were appointed to prepare the POM. GHD undertook the first round of community meetings in October and November 2006 with the onshore and offshore communities. This resulted in the Issues and Options paper in December 2006.

In April 2007 it was concluded that the underground carpark option was no longer feasible. This decision was taken on the outcome of the costings that indicated a cost of possibly \$100000 per car space, but mainly the concern for the potential crippling maintenance cost to the community.

In May 2007 the offshore community undertook a comprehensive survey in an effort to ensure that their committee understood their needs and wishes. This survey indicated that potentially 500 vehicles were needed to be accommodated at Church Point or at other locations in Pittwater and there was not a lot of support for purchasing a car space.

A new master plan had to now be considered. In May 2007 a further round of community consultation occurred producing a new plan which included surface car parking. See Figure 6. This plan provided for the removal of car spaces to give usable recreation space where alternative parking locations could be found. At the time the Department and Council had commenced negotiation with the Holmport Marina (Crown lease tenant) with a view to an expansion of its marina to accommodate commuter parking. The marina is located just west of the study area on McCarrs Creek Road.

Church Point Plan of Management

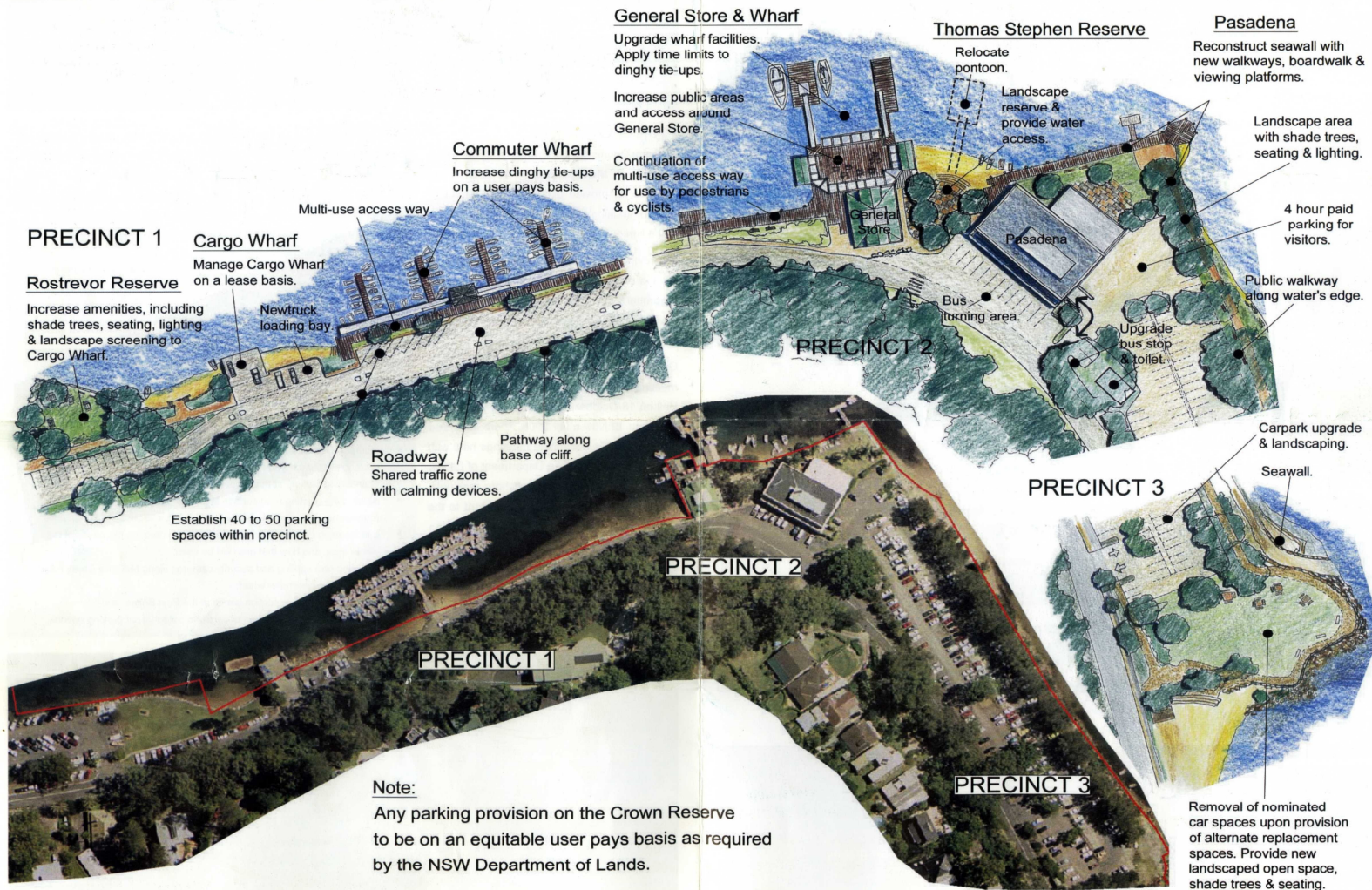


Figure 6 Master Plan 2007

This option retains the status quo in that no extra needed car spaces are found to relieve the current situation on the reserve, nor did it provide greater public access. The position was unacceptable to the offshore members of the community. The offshore and onshore community set about preparing separate master plans

Figure 7 shows the plan was prepared by off-shore representatives utilizing the 2004 plan but redesigning elements to make them work generally through infilling into Pittwater.

Figure 8 shows the master plan developed by the on shore community

Lands and Council needed to determine which option needed be supported in order to move forward to prepare the POM.

The essential difference between both plans is that the off shore plan, figure 7, proposes significant infill of Pittwater creating a bulge along McCarrs Creek Road which allows for the relocation of the road and new car park between the relocated road and the cliff-face. This proposal provides 40 additional parking spaces and is likely to gain the approval of the RTA. Further infill is proposed along the Church Point reserve to maximise car spaces and provide for usable level of open space.

The on shore plan is based on the earlier premise that no more cars should be allowed on the reserve. Given that the underground option was no longer feasible any master plan needs to be mindful that the current demand for car spaces cannot be ignored, as the offshore residents need to park somewhere to access their homes.

Church Point Masterplan Option



Masterplan

August 2007

Figure 7 Off shore master plan

Church Point Masterplan CPRA Option



- Overall**
- Environmental**
- Minimise inflis
 - Protect marine envin
 - Retain significant tre
 - Enhance landscapin
 - Retain low key ambix
- Social**
- Prioritise public bene
 - Minimise disruption
 - Enhance pedestrian
 - Opportunites to conri
 - Improve views & vist
- Economic**
- Minimise cost to rate
 - Make efficient use of
 - Utilize & enhance ex possible
- Car spaces - no more**
- Turning Area
 - Holmport west
 - Cargo west
 - Cargo east
 - McCarrs Ck
 - Pasadena
 - RESERVE
 - TOTAL
- Tie ups**
- Commuter wharf
 - Short term
 - TOTAL

Master Plan

November 2

Figure 8 On shore master plan

In November 2007 the Department and Council at senior management level agreed in principle to support the off shore master plan. A master plan is required as the basis to prepare a POM.

Council and the Department saw the need to also cater for parking and access for the broader residents given recreational nature of Crown reserve and the commercial/transport nodal character of the area. People need to be able to access the recreational opportunities of the area. Also, the provision of further parking needs to be developed in a responsible way recognising the principles of good urban design, road and pathway design standards and the need to relate to the water and foreshore and most importantly the amenity of local residents. This is seen as providing a triple bottom line approach where the social, economic and environmental outcomes were maximised with this option.

The 2005 amendments the Crown Lands Act, outlined below, allowed new flexibility to consider this matter and enabled the Department to take a the triple bottom line approach unconstrained by the case law and reserve policy frame work.

Understandably, the onshore groups objected to the master plan. Their main areas of objection were the infill to create green space as required by the Department and financial cost this would impose, the depth of filling required, no Department of Fisheries approval, the extent of the waterway occupied by the commuter berthing and concern that Church Point is being turned into a carpark.

A public meeting of both onshore and offshore residents was held on 4 December 2007 to outline the position of both Council and the Department prior to the detail preparation of the POM document.

Both Fisheries and the RTA had given in principle approval to the selected components of master plan and some investigations were done as to the depth of infill to its feasibility. Individual works items as proposed by the POM will generally be subject to individual Development Applications that may be called in by the State Government as significant development. The Government's Infrastructure State Planning Policy now allows for elements in a POM adopted by the Minister for Lands not requiring development approval. This will be further investigated at the appropriate time.

The 2005 Amendments to the Crown Lands 1989

A number of the 2005 amendments to the Crown Land Act are of particular relevance to this Plan of Management and will provide assistance in resolving the land administration and land management concerns of the area. More importantly, amendments provide a way forward to policy matters mentioned above. Specifically:

- ▶ Section 34A allows the Minister to enter into a lease or licence over Crown land that has been reserved for a public purpose. This allows for the Minister to give regard to uses of Crown reserves outside the stated public reserve purpose and allows the Minister to enter into a lease or licence over that land. This allows the minister to deal with reserved land without the constrains of the reserve purpose.
- ▶ The Minister can now authorise an additional purpose for a Crown reserve by the provision of section 112A by way of a Plan of Management or by directly gazetting a new purpose under section 121A. In the past the reserve needed to be revoked

before a new purpose can be declared.

In this POM there was no need to declare additional purposes as sec 34A leases are being proposed. However, Sec 121A is suitable where infrastructure uses are needed.

- ▶ Section 92 (6A), (6B) and (6C) allow for the establishment of different reserve trust managers to manage different parts of a reserve or be established to manage a reserve for a defined function. This has allowed the department to establish Regional Crown Reserves throughout the State over broad areas of reserved, leased and unoccupied Crown lands. Parts of these reserves can now be managed by different trust managers.

In 2007 the Department created Regional Crown Reserves (RCR) to facilitate integrated management of reserves across the State. No Trust or trust managers have been appointed to these reserves. The Pittwater RCR included the bed of Pittwater and all the Crown lands in Church Point. Pittwater Council can be appointed the trust manager of the relevant parts of the RCR at Church Point to allow it to facilitate the outcomes of the POM.

The Plan of Management

The POM went on formal display for public comment on 28 July 2008.

Aims of the Plan of Management

- To ensure ongoing access to public transport and the foreshore generally including ongoing upgrade and management of associated public facilities.
- To recognise and create a high level of natural foreshore and recreational amenity for users of the reserve and associated facilities.
- To provide the maximum possible spectrum of recreational opportunity for local residents, the broader residents of Pittwater and the people of NSW.
- To ensure ongoing responsible management of Crown land through the trustee and local "ownership" by onshore and offshore residents alike

The future Vision for Church Point

The POM defines the vision for Church Point as:

"A maritime transport hub recognizing the social and historical significance of the Church Point precinct, surrounded by high quality recreational facilities servicing the communities of Pittwater and of New South Wales"

Management Principles

The management principles on which the POM is based for the future management of Church Point

- ▶ Create an integrated and well-connected network of public spaces along the fore shore from Mona Vale to McCarrs Creek Reserve;
- ▶ Provide a diverse range of recreational, economic and social opportunities while maintaining the mercantile function of the area;
- ▶ Minimise negative impacts on the natural environment;
- ▶ Recognise Church Point as the town centre and transport hub for offshore communities;
- ▶ Maintain mercantile character and cultural integrity of the area; and
- ▶ Provide opportunities for economic and social activities to meet future community needs.

Management Strategies

The study area was divided into three precincts.

- ▶ Precinct 1 - McCarrs Creek Road (Car park west of HolmePort Marina to General Store, including Rosstrevor Reserve)
- ▶ Precinct 2 - Village Square (General Store, Thomas Stephens Reserve and Pasadena surrounds)
- ▶ Precinct 3 - Church Point Reserve (Car Parking area to Bennetts Beach)

The management strategies and actions are outlined in figures 9 to 11 below from the Draft POM

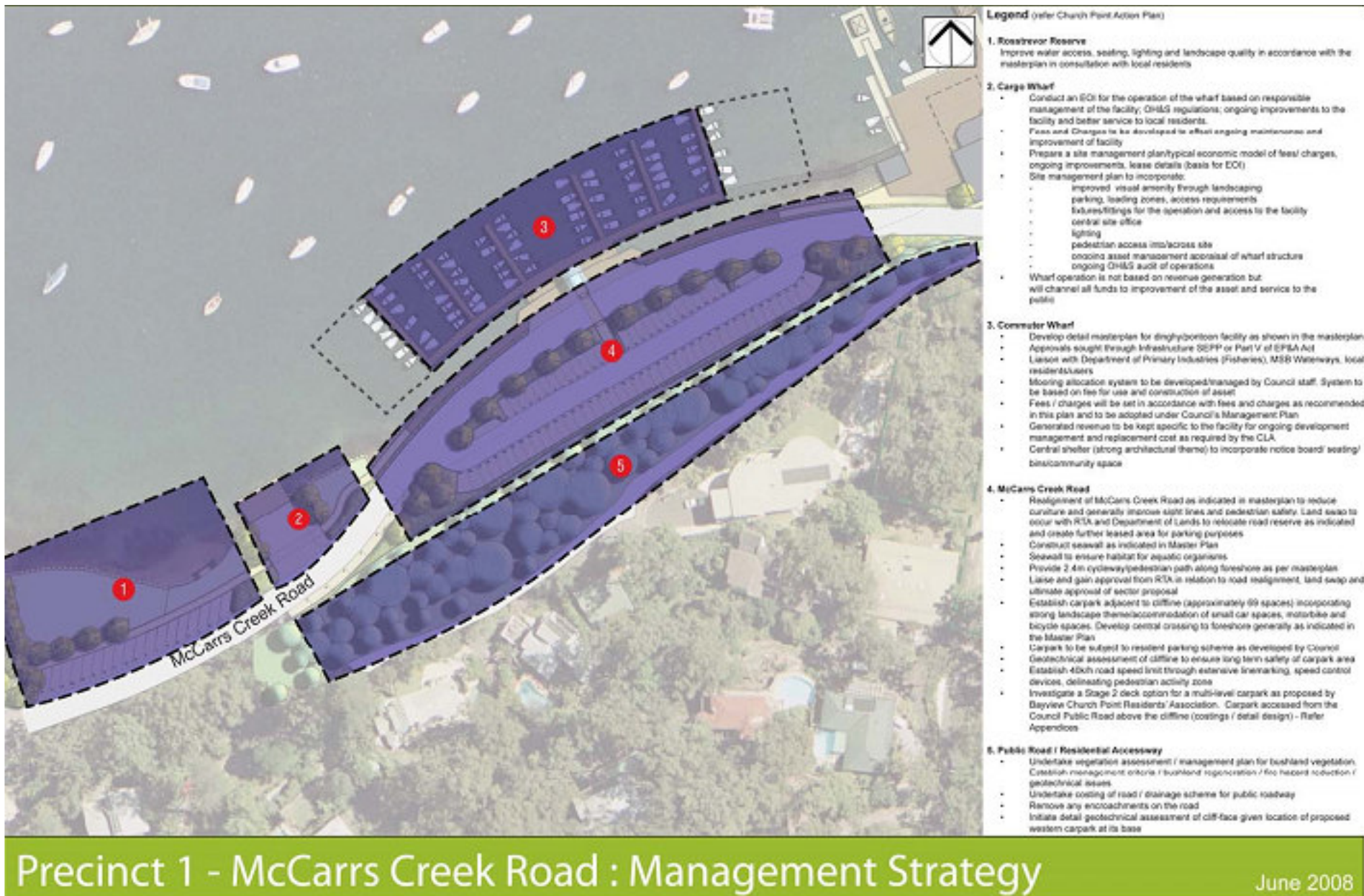


Figure 9



Precinct 2 - Village Square : Management Strategy

June 2008

Figure 10

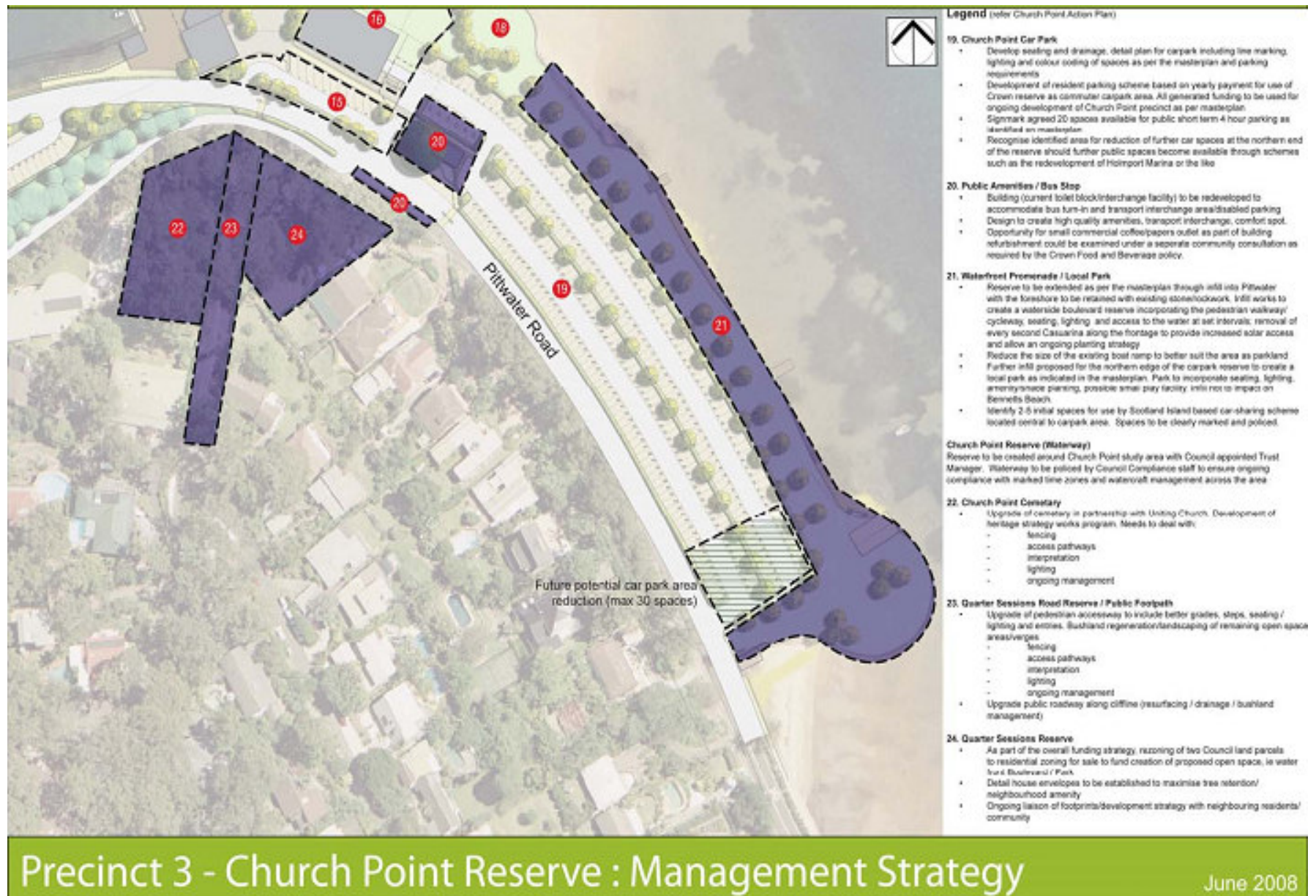


Figure 11

Proposed tenure arrangements

As discussed above 2005 amendments to the Crown Lands Act provided an opportunity to apply this new legislation to achieve the goals of the POM.

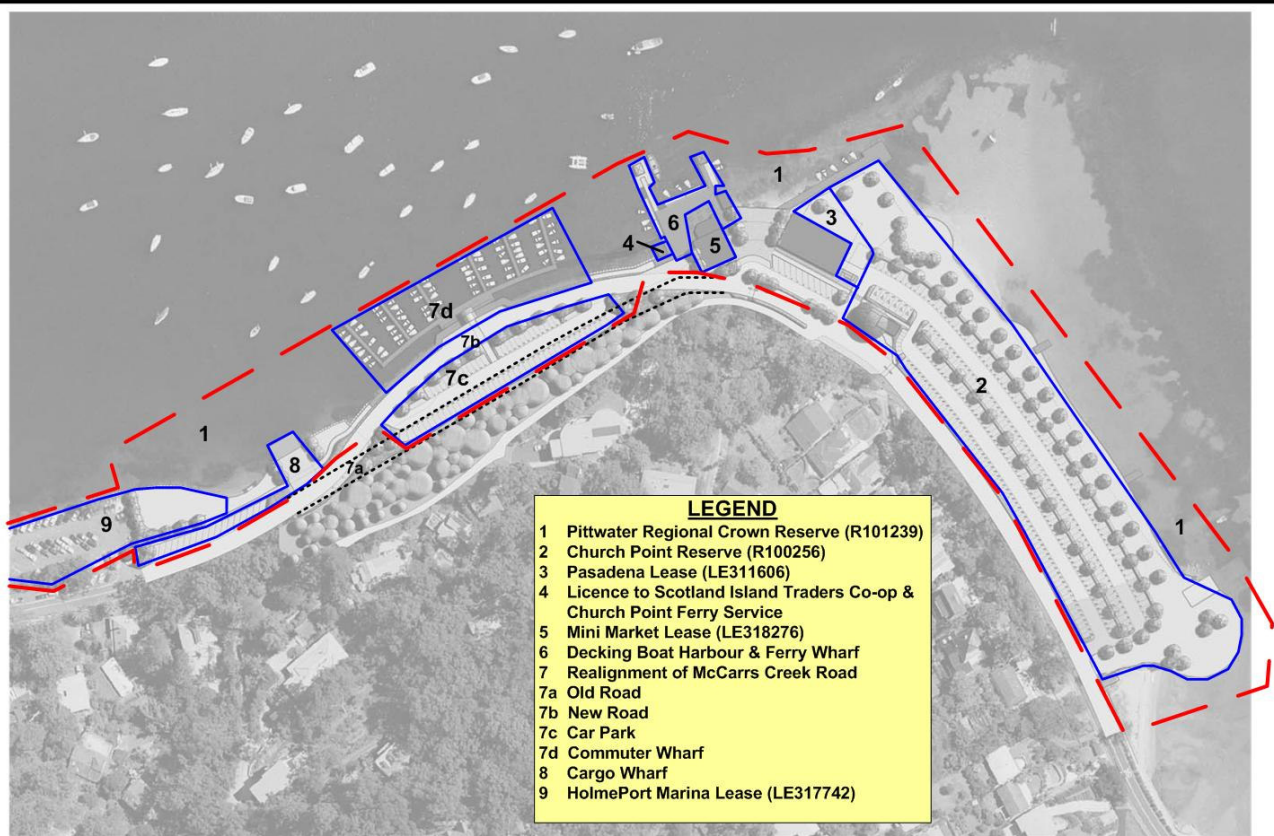
Ref No	Description	Proposed Tenure Details
1	Pittwater Regional Crown Reserve (RCR)	<p>Crown Reserve R1012329 for Access and Public Requirements, Rural Services, and Environmental and Heritage Conservation.</p> <ul style="list-style-type: none"> ▶ This Reserve has been established over the bed of Pittwater and all adjoining Crown lands identified within this Plan of Management. ▶ It is proposed to appoint Pittwater Council as reserve trust manager of all the Crown land shown enclosed by the red broken line on Figure 5.1, including the bed of Pittwater adjoining Church Point. ▶ All land currently leased directly from the Crown (Pasadena waterfront lease and General Store lease) and additionally the: <ul style="list-style-type: none"> - 'Pasadena' jetty ramp and pontoon (ref no 3); and - General Store and waterfront tie-up area (ref no 5 & 6) <p>are excluded from the land of which Council is to be appointed Trust Manager.</p> ▶ As Trust Manager, Council may lease and license areas within the reserve it controls and regulate activities within this land i.e. boat tie up times etc.
2	Church Point Reserve	<p>Crown Reserve R100256 for Public Recreation and Urban Services (car parking)</p> <ul style="list-style-type: none"> ▶ The current reservation will remain, however Council's Trust management will be revoked, as new trust management will be established over the RCR. ▶ A Section 34A* lease will be established over that part of the reserve used for car park between the Crown and Council for the purposes of allowing for commuter parking on this land. A long-term lease would be negotiated and the statutory

Ref No	Description	Proposed Tenure Details
		<p>minimum rent to apply.</p> <ul style="list-style-type: none"> ▶ The Section 34A* lease will be conditioned with the following requirements: <ul style="list-style-type: none"> - at least 20 spaces are to be time limited, from 8am to 8 pm, to allow for public access to the area; - in the long term, as potential new parking spaces become available from the development of HolmePort Marina or other alternative locations (except where the Stage 2 deck option on the western car park, McCarrs Creek Road is implemented), the equivalent number of spaces will be removed from this site (maximum 30 spaces), and the land returned to open space recreational land; - Council is to set appropriate fees and parking arrangement for commuter parking users. ▶ Easements for access have been granted to the Pasadena freehold proprietor and to the Crown lease area adjacent to the Pasadena site ▶ Opportunity for additional lessee within amenities building for small kiosk outlet to be investigated
	'Pasadena'	Freehold land
3	'Pasadena' waterfront area	Lands Lease 311606 <ul style="list-style-type: none"> ▶ The lease area will be reduced
3	'Pasadena' Jetty / Pontoon	Lands Lease <ul style="list-style-type: none"> ▶ Lease established with the Department associated with the revised 'Pasadena' lease (311606) ▶ The existing licence (312335) will be terminated
	Thomas Stephens Reserve	Crown Reserve R100255 for Public Access and Recreation Area included within Pittwater Regional Crown Reserve (RCR)
4	'Ferrymasters' Building	Lands Licence (195721) to Church Point Ferry Service <ul style="list-style-type: none"> ▶ As an interim measure, tenure will relocate to a

Ref No	Description	Proposed Tenure Details
		<p>shared facility at the end of the heritage wharf. Separate leases will be negotiated by Council, as Trust manager, in locations within the proposed new deck, as indicated on the master plan.</p> <ul style="list-style-type: none"> ▶ Council will construct basic facilities only. Floor space provision for Ferry Master's Quarters to be identical to floor area in previous lease. Internal fit-outs will be the responsibility of the respective occupiers. ▶ Opportunity for additional lessee within Ferry Master's building for small kiosk outlet to be investigated
4	Wharf 'Co-Op' Building	<p>Licence (192546) to Scotland Island Traders' Co-Operative</p> <ul style="list-style-type: none"> ▶ As an interim measure, tenure will relocate to a shared facility at the end of the heritage wharf. Separate leases will be negotiated by Council, as Trust manager, in locations within the proposed new deck, as indicated on the master plan. ▶ Lease for the development of Co-Op facilities will be negotiated with Scotland Island Residents' Association (SIRA) & West Pittwater Community Association (WPCA) ▶ Council will construct basic facilities only. Internal fit-outs will be the responsibility of the respective occupiers.
5	General Store	<p>Lands Lease 318276</p> <p>The lease area of this site will remain largely unchanged. A small extension at the northeast corner, incorporating the former site of the Co-Op facility (to square off) will be considered.</p>
6	General Store Waterfront	<p>Decking Area and Public 'Ferry' Wharf</p> <ul style="list-style-type: none"> ▶ The decking around the general store lease will be located within the RCR and built by Council. Lessee of the general store may utilize identified space within the deck as part of a tenure agreement with Council.

Ref No	Description	Proposed Tenure Details
		<ul style="list-style-type: none"> ▶ The proposed ferry wharf will be within the RCR under Council management. ▶ Council is able to license the ferry and other access to the wharf. ▶ The time-limited water access along the north of the proposed deck and west of the deck are within the RCR under Council's regulatory control. A similar arrangement applies to the time-limited water access alongside the Pasadena. ▶ The existing licences in this area will be terminated ▶ Lands to issue new licence to the operators of the General Store for a time limited tie-up zone that services the General Store, replacing the current licence
7b / 7c	Western Car Park	<p>Proposed car park to south of realigned McCarrs Creek Road</p> <ul style="list-style-type: none"> ▶ Realignment of McCarrs Creek Road will be subject to road opening and closure arrangements negotiated with the RTA. ▶ The car parking area resulting from such realignment will be covered by a Section 34A* lease to Council, statutory minimum rent to apply. ▶ Council will determine the appropriate fees for commuter access to the car park. ▶ In the event that the Stage 2: Upper deck proposal comes to fruition Council will renegotiate new lease terms with Lands, particularly where car spaces are sold as leasehold sites to individuals
7d	Commuter 'dinghy' Wharf	<p>Area included within Pittwater Regional Crown Reserve (RCR)</p> <ul style="list-style-type: none"> ▶ The existing licence with Lands will be terminated ▶ The Commuter 'dinghy' Wharf will be covered by a Section 34A* lease to Council ▶ Council will determine the appropriate fees for commuter access to the Commuter 'dinghy'

Ref No	Description	Proposed Tenure Details
		Wharf.
	Crown Land south of McCarrs Creek Road	Council Public road, (may form a potential access to the upper level of a proposed multi-layer car park on McCarrs Creek Road).
8	Cargo Wharf	<p>Area included within Pittwater Regional Crown Reserve (RCR) allowing Council (as Trust Manager) to lease the operation of the Cargo Wharf to a contractor.</p> <p>The existing licence with Lands will be terminated</p>



**CHURCH POINT
PROPOSED TENURES**

 Department of Lands

POM Economic model for implementation of works

The works proposed in the POM are significant with initial costing being approximately estimated at between \$10 to 12m.

Prior to the display of the Draft POM in July 2008 models for funding the works were being negotiated between Council, Lands and the offshore community. There was finally an acceptance by the offshore community that **a user pays principle should apply** for the works proposed in the POM. It was agreed that a special parking levy should apply to the offshore residents, along with berthing tie up fee for dinghys. The offshore community representatives sought to limit the annual fee to no more that \$1000 a year for parking and berthing fees.

A number of iterations of various financial scenarios were developed to attempt to achieve this fee target. Also, Council proposed to sell two parcels of community land opposite the Pasadena and seek a twenty-year loan to cover the cost.

Late in the development of the draft POM a deck to cover the proposed western carpark along the McCarrs Creek Road was cited as a possible future option. This allowed for a

further 60cars to be accommodated in the precinct. These would be regarded as premium spaces that would be rented to individual residents who could afford them.

While this proposal did not receive a similar level of community consultation as other proposals and there was serious concern about its visual impact, the economic models were developed with and without the deck proposal.

The Income to cost the cost of the proposed POM works are proposed to come from

- A Council 20 year loan
- Council funds
- Sale of Council owned land at Church Point
- User fees & rental
- Other available grants

The following table provides a summary of the estimated cost of capital works and anticipated Council funding for the Church Point for **Precinct 1** when incorporating inclusion of the construction and funding of a 60 space suspended car park over the proposed western car park on McCarrs Creek Road.

Cost with suspended slab in precinct 1

Precinct 1	\$7,864,900
Precinct 2	\$1,542,000
Precinct 3	\$2,222,000
Total	\$11,628,900

The table below suggests indicative fee to residents over 20years paid as a flat fee for 20years or rising a 4%pa.for the suspended deck option

Annual Cost per Space for 20 years	Flat Fee	First Year Fee (rising by index of 4.0%)
Extended car park / McCarrs Creek roadway reserve re-route	\$ 450	\$ 300
Suspended car park and partial costs for roadway reserve re-route	\$ 5,960	\$ 4,000
Commuter 'dinghy' Wharf	\$ 644	\$ 430

Cost without Suspended Slab in precinct 1

Precinct 1	\$6,364,900
Precinct 2	\$1,542,000
Precinct 3	\$2,222,000
Total	\$10,128,000

The table below suggests indicative fee to residents over 20years paid as a flat fee for 20years or rising a 4%pa.for the no deck option

Annual Cost per Space for 20 years	Flat Fee	First Year Fee (rising by index of 4.0%)
Extended car park / McCarrs Creek roadway reserve re-route	\$ 859	\$ 577
Commuter 'dinghy' Wharf	\$ 644	\$ 430

Public comment to the Plan of Management

The POM was displayed for formal comment for six week between July and September 2008.

About 100 written responses where received.

Due to the contentious nature of this POM Council and Lands determined that an independent panel should prepare a report on all the submissions to the POM. This report was received in early 2009 . The recommendations of this report were only recently released after Council and Lands had an opportunity to respond to its key findings. The , six key concerns raised by the community are:

1. Additional Parking provision being linked directly to funding strategy.
 - The high cost relative to the number of beneficiaries
 - The considerable financial risk of the financial model
 - the desire for more that 40additional space throughout the precinct
2. Low community acceptance of the elevated deck proposal.
3. The need to consider alternative to lower the capital work budget
 - a number of items in the plan considered for removal included reclamation along the Church Point reserve, deck carpark and amenities block.
4. Sustainable Strategy for Pedestrian and Vehicle Safety.
 - lack of RTA sign off
 - alternative schemes i.e. car share, coordinated public transport
5. The Ecological impact of infill of Pittwater
 - the perceived lack of sign off from Fisheries.
6. The Sale of Community land

The next stage of this project is to have Pittwater Council formally resolve to approve the draft POM with any amendments that may flow from the comments received. In my view Council is now well prepared to make the hard decisions as the time that this process has taken has given them an opportunity to be well informed. The level of consultation and the community's opportunity to examine all the issues should provide Council some confidence going forward.

The next challenge will be developing both a business plan and capital works implementation plan following the adoption of the Plan of Management .

Acknowledgements

It is necessary to acknowledge the assistance and collaboration of Mark Eriksson from Pittwater Council and the community members of the design committee for the many hours of hard yards put in the preparation of the draft POM.

References

NSW Department of Lands	(1991- 2009)	Lands File MN91R 41
Pittwater Council and NSW Department of Lands	(2008)	Church Point Draft Plan of Management
Maurice Daley Zada Lipman Peter Walsh	(2009)	Report to Pittwater Council on submissions to the exhibited draft Plan of Management – prepared by an independent panel.
Pittwater Council	(2009)	Council's response to the Independent panel report
Pittwater Council	(2009)	Church Point Plan of Management Public submission summary