

ITEM 13.4	OUTCOME OF PUBLIC EXHIBITION AND ADOPTION FOR THE TRIAL USE OF MCCARRS CREEK RESERVE BY CASTLE TRIBE INC.
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2019/680921
ATTACHMENTS	1 ↓ Advice from NSW Rural Fire Service to Council 2 ↓ Overview of community feedback and Council responses - Castle Tribe Inc. Proposed Use of McCarrs Creek Reserve

SUMMARY

PURPOSE

To consider the community feedback received from the public exhibition of the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12-month trial.

EXECUTIVE SUMMARY

At the Council meeting held 27 August 2019, Council resolved that:

- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. 310 responses were received:

- 161 Northern Beaches residents responded - 76% supported the trial, 22% did not support the trial and 2% provided no objection or non-relevant feedback.
- 59 residents living near the Reserve responded - 39% supported the trial, 56% did not support the trial and 5% provided no objection or non-relevant feedback.

The key reasons for supporting the trial included the sense of community arising from attending these events and the importance of connecting with others.

The key reasons for not supporting the trial were the negative impacts from drumming noise and the risks associated with permitting a fire at their events.

Following consideration of the advice from the NSW Rural Fire Service (RFS) (Attachment 1), Northern Beaches Local Area Command (Police) and community feedback it is recommended that a 12-month trial proceed on conditions, outlined in this report, including:

- 10 events during the trial period January 2020 to December 2020.
- Event timing 12noon to 10pm (including bump in/out).
- Ceremonial fire (one only)
 - Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high.
 - Not permitted during a total fire ban.
 - RFS conditions are to be met regarding fires including that nearby residents, the RFS and Emergency Services are appropriately notified.

- RFS be arranged to inspect the fire place at the first event where a fire is held.
- Alcohol prohibited.
- Drumming to cease at 9pm and continuous drumming not permitted.
- Organisers to notify and minimise impacts on nearby residents and other users of the Reserve.

In developing these conditions consideration has been given to the lack of trust and goodwill expressed by some local residents in Castle Tribe Inc. Building trust and goodwill in the local community is an important factor for Castle Tribe Inc's proposed events.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council note the community feedback received during the public exhibition period for the proposed use of McCarrs Creek Reserve by Castle Tribe Inc.
 2. Council approve Castle Tribe Inc's use of McCarrs Creek Reserve for 12 months on a trial basis as outlined in this report.
 3. The outcomes of the trial be reported to Council.
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REPORT

BACKGROUND

At the Council meeting held 27 August 2019, Council considered a submission from Castle Tribe Inc. to use the western area of McCarrs Creek Reserve to hold a community-drumming event on the first Saturday of every month. Proposed activities included; children's activities, sharing and support circles, food and drinks made available (alcohol prohibited) and drumming, playing music and dancing near a fire. It was resolved at this meeting that:

- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

Public Exhibition

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. During this time feedback could be made via an on-line Have Your Say feedback form.

The opportunity to provide feedback was publicised on Council's website, in local print media and signs at the Reserve. Letters were also delivered to nearby residents and e-mails sent to key stakeholders and Council's Community Engagement Register contacts.

Feedback on the Proposed Trial

310 responses were received about the proposed trial. A summary of responses is outlined below:

- 310 Responses (293 on-line and 17 emails / letters).
 - 247 (80%) supported the proposed trial.
 - 58 (19%) did not support the proposed trial.
 - 5 (2%) provided no objection or non-relevant feedback.
- 310 Responses
 - 161 (%) from Northern Beaches residents.
 - 149 (%) from residents living outside the Northern Beaches.
- 161 Northern Beaches Responses
 - 122 (76%) supported the proposed trial.
 - 36 (22%) did not support the proposed trial.
 - 3 (2%) provided no objection or non-relevant feedback.
- 59 responses from the suburbs of Bayview, Church Point, McCarrs Creek, Elvina Bay, Lovett Bay, Morning Bay and Scotland Island
 - 23 (39%) supported the proposal.
 - 33 (56%) did not support the proposal.
 - 3 (5%) provided no objection or non-relevant feedback.
- The Bayview, Church Point Residents Association made a submission objecting to the proposed trial and highlighted the extreme bushfire risks and unsociable levels of noise.

- Staff also attended a resident organised meeting at the Reserve. The 14 people who attended all opposed the proposed trial.

Reasons for supporting the proposed trial include:

- 103 responses referred to the sense of community arising from attending these events, the importance of connecting with others and the inclusivity of group.
- 71 responses referred to the safe nature of these events as they are alcohol free, family friendly and for all ages.
- 50 responses referred to the positive impact attending these events has on mental health and wellbeing.
- 26 responses referred to the suitability and importance of the Reserve and its natural setting as the location.
- Six responses mentioned the creative/artistic nature of these events.

Reasons for not supporting the proposed trial:

- 40 responses referred to the negative impact on people living near the Reserve and other Reserve users from drumming noise. Some responses indicated that the impact arises from the volume of drumming, the length of continuous drumming time, the drumming ongoing for the entire event and the drumming being held late into the evening.
- 35 responses referred to the risks associated with permitting a fire at their events. Some submissions indicate a fear that Castle Tribe Inc. will not safely manage their fire and that there is a possibility of the fire spreading to homes, the nearby Ku-ring-Gai National Park and flora and fauna.
- The events will attract anti-social behaviour.
- Concern that Castle Tribe Inc. and people attending their events will not comply with Council's conditions of use of the Reserve particularly; safe management of a fire, overnight parking, no alcohol and ending the event and drumming at the permitted times. Some responses indicate their concern is based on the notion that some people in Castle Tribe Inc. are the same people that conducted unauthorised drumming events in the Reserve in 2018.
- Concern that Council will not monitor and enforce Castle Tribe's compliance with its conditions of use of the Reserve particularly regarding the fire, noise and removing rubbish.
- Can these events be held in a range of different locations.
- The amenities in the Reserve are not sufficient for large events.
- At the resident meeting those who attended indicated they had a lack of trust and confidence that the people proposing this event would; take care of the Reserve, responsibly manage the fire and drumming noise and abide by conditions set by the Council. For these people the lack of trust and goodwill has arisen from the fact that unauthorised events were held in this Reserve in 2018 which included drumming and an open fire.

Responses to the feedback themes are outlined in Attachment 2.

In the report to Council 27 August 2019 it was reported that the NSW Rural Fire Service (RFS) had no objection to Castle Tribe lighting a fire provided appropriate fire safety is in place. A permit would not be required outside the Bush Fire Danger Period, 1 October to 31 March. The RFS also recommended they notify adjoining properties of their intent to have fires at their events.

Further advice was sought from the RFS about Bush Fire Danger Ratings. The RFS recommended that *no fires are permitted when fire danger rating is very high or above*. The rating categories are: catastrophic, extreme, severe, very high, high, low moderate or none. Should the trial proceed a fire could be permitted only when the rating is high, low moderate or none.

The RFS also clarified that they and Emergency services are also to be notified of event dates. This will ensure, amongst other things, that any calls from the community about the event are directed to the RFS and not Fire Rescue NSW.

The NSW National Parks and Wildlife Service were informed about the proposed trial and the proximity to Ku-ring-Gai National Park - their response was that they had *no comment*.

As previously reported the Northern Beaches Local Area Command (Police) has no objection to their events conditional on noise ceasing at 10pm and that they abide by Council's regulations.

Proposed Trial

Following consideration of the advice from the RFS, Police and community feedback it is recommended that a 12-month trial proceed on conditions including:

- Trial period - 12 months from January 2020 to December 2020.
- Frequency of events - 10 events during the trial period, maximum 1 event a month on a Saturday.
- Location - western area of the Reserve.
- Event timing 12pm to 10pm (including bump in/out).
- Reserve gate closure
 - Council's security to arrive 9.45pm, inform attendees the Reserve gate is closed at 10pm and close the gate at 10pm.
- Ceremonial fire (one only)
 - Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high.
 - Not permitted during a total fire ban.
 - RFS conditions are to be met regarding fires including that nearby residents, the RFS and Emergency Services are appropriately notified.
 - RFS be arranged to inspect the fire place at the first event where a fire is held.
- Open fires for cooking not permitted.
- Alcohol prohibited.
- Drumming
 - To cease at 9pm.
 - Continuous drumming throughout each event is not permitted.
- Organisers to notify and minimise impacts on nearby residents and other users of the Reserve.
- Council's usual conditions and fees for Reserve use also apply.

CONSULTATION

Community engagement would be undertaken during a trial if it proceeds. Feedback received would inform a report to Council about the trial.

TIMING

Should Council agree to the proposed trial the following timetable would apply in 2020:

- January:
 - No event permitted.
 - Castle Tribe Inc. to notify residents, RFS, Emergency Services including Police of event dates.
- February, March, April, May, June, July, August, September, October, November:
 - Ceremonial fire permitted.
- December:
 - No event permitted - Trial ends – report to Council on the results of the trial

LINK TO COUNCIL STRATEGY

This proposal relates to the Community Strategic Plan Community Outcomes:

Places for People:

- Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

Community and Belonging:

- Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.
- Goal 12: Our community is friendly and supportive.

FINANCIAL CONSIDERATIONS

Should Council agree to the proposed trial, fees and a bond will be applied as per Council's adopted fees and charges 2019/20 and 2020/21.

SOCIAL CONSIDERATIONS

Based on the community feedback the Castle Tribe Inc. proposed events provides opportunities for social interaction to facilitate friendships and mental and physical wellbeing.

Council's parks and open spaces are places that can be used to provide opportunities for community building which has benefit for individuals and our the community as a whole.

In developing this report consideration has also been given to the lack of trust and goodwill expressed by some local residents in Castle Tribe Inc. This group have indicated that their intent is to hold these events in the Reserve on a regular basis after the trial. Building trust and goodwill in the local community is an important factor for their proposed events.

The proposed timetable and conditions of this report provides Castle Tribe Inc. the opportunity to build rapport with the local community.

ENVIRONMENTAL CONSIDERATIONS

Should Council agree to the proposed trial they would be required to minimise impacts on the Reserve and to ensure the Reserve is clean and tidy after each event. Relevant environmental conditions would apply.

GOVERNANCE AND RISK CONSIDERATIONS

Should Council agree to the proposed trial Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions outlined in this report.

Council would also undertake random inspections to ensure conditions of use are met (particularly regarding fire management) and noise levels would be measured at the first event and feedback provided to the group.

Advice from NSW Rural Fire Service to Council 6/11/19

Fire Permits

RFS do not issue or is there a requirement for a Fire permit for the purpose of a cooking fire, a social fire (keeping warm), or a ceremonial fire. This is the case during the Bush fire danger period also. There would however need to be a trigger to say on any particular event that NO FIRES are permitted when FIRE Danger Rating is VERY High or above. Generally a fire permit only last 21 days so would have to be issued every month/ event. If fires are within a contained vessel and water is on hand things should be ok. Fire for the purpose of cooking is ok if within the established BBQ sites, or Gas BBQs are brought in.

Resident's notice

Advice was provided and is noted in the documents, that a letter box drop be provided to adjoining properties, firstly regarding the use of Fire, as many 000 calls are generated from properties in McCarrs Creek Road and possibly higher up from property in Bayview Heights, Kennedy Place etc. The letter box drop will also allow the organisers to notify residents about potential noise as well. One letter box drop could be sufficient out lining all dates of festival.

The problem with all properties that may call 000 due to a potential fire is that they are within FRNSW boundary. With this in mind, some form of notice would be required to 000 advising of the days/s of the events. A general notice to our Office would assist in knowing when things are happening also, as we can get local calls aside from 000.

Attachment 2: Community Feedback, Castle Tribe Inc. Proposed Use of McCarrs Creek Reserve.

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- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. 310 responses were received. A summary of the comments received and responses is presented in the following table.

Community Feedback (arranged by theme)	Responses
<p>1. Noise from drumming.</p> <ul style="list-style-type: none"> • 40 responses referred to the negative impact on people living near the Reserve and other Reserve users from drumming noise. Some responses indicated that the impact arises from the volume of drumming, the length of continuous drumming time, the drumming ongoing for the entire event and the drumming being held late into the evening. 	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"> • 10 events are permitted during the trial period January 2020 to December 2020 (request was 12 events a year). • Event timing 12noon to 10pm including bump in / out (request was for 12noon to 12 midnight). • Drumming ceases at 9pm and continuous drumming throughout each event is not permitted. • At the first event in the trial period, Council will measure noise levels and provide feedback to the Castle Tribe Inc. • Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions. <p>Council would also undertake random inspections to ensure conditions of use are met.</p>
<p>2. Risks from the Proposed Fire</p> <ul style="list-style-type: none"> • 35 responses referred to the risks associated with permitting a fire at their events. Some submissions indicate a fear that Castle Tribe Inc. will not safely manage their fire and that there is a possibility of the fire spreading to homes, the nearby Ku-ring-Gai National Park and flora and fauna. 	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"> • Ceremonial fire (one only permitted per event) • Not permitted during a total fire ban. • Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high. (as per advice to Council from RFS 6/11/19). • RFS conditions to be met regarding fires including that nearby residents, RFS, Emergency Services are notified (as per advice to Council from RFS 6/11/19). • RFS be arranged to inspect the fire place at the first event where a fire is held (Castle Tribe Inc. suggestion). • Appropriate fire safety is in place (as per advice from RFS 3/4/19) • Fires are to be within a contained vessel and water must be on hand. Castle Tribe indicate they will use a large fire dish as their vessel for the fire. Water buckets, fire extinguisher and fire blankets to be onsite, at the fire location at all times during each event. • Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions. • Additional fires, as requested for cooking, not permitted. <p>Council would also undertake random inspections to ensure conditions of use are met.</p>

	<p>The NSW National Parks and Wildlife Service were informed about the proposed trial and proximity to Ku-ring-Gai National Park - their response was that they had <i>no comment</i>.</p>
<p>3. Compliance with conditions of use.</p> <ul style="list-style-type: none"> • Concern that Castle Tribe Inc. and people attending their events will not comply with Council's conditions of use of the Reserve particularly; safe management of a fire, overnight parking, no alcohol and ending the event and drumming at the permitted times. Some responses indicate their concern is based on the notion that some people in Castle Tribe Inc. are the same people that conducted unauthorised drumming events in the Reserve in 2018. • Concern that Council will not monitor and enforce Castle Tribe's compliance with its conditions of use of the Reserve particularly regarding the fire, noise and removing rubbish. 	<p>It is proposed that these conditions apply:</p> <p>Council to:</p> <ul style="list-style-type: none"> • Undertake random inspections to ensure conditions of use are met (particularly regarding fire management). • Arrange noise levels to be measured at the first event and feedback provided to the group. • Arrange for security to arrive at 9.45pm, inform attendees the Reserve gate is closed at 10pm and close the gate at 10pm. • Undertake an inspection of the Reserve prior to the first event. The outcome will determine the bond fee. The amount of bond retained will be based on a post event inspection after the final event during the trial. • Respond to feedback from the community during the trial as required. • Monitor and respond to Council compliance matters. <p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> • Ensure the Reserve is clean and tidy after each event. • Implement their approved waste management plan. • Pay for any additional waste services. • Implement their approved safety and risk management plan which includes no alcohol for these events at this Reserve. • Abide by all the Council's conditions for the trial. <p>In regard to fire matters refer to response in item 2.</p>
<p>4. The amenities in the Reserve are not sufficient for large events.</p>	<p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> • Liaise with Council throughout the trial about their numbers and the need (if any) for the provision of portable toilets (at their cost) and/or additional cleaning. <p>Council to:</p> <ul style="list-style-type: none"> • Continue to clean and service the toilets in the Reserve as usual. • Recover from Castle Tribe Inc. the cost of additional cleaning required / requested for their events.
<p>5. The events will attract anti-social behaviour.</p>	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"> • Alcohol prohibited. • Event timing 12noon to 10pm including bump in / out (request was for 12noon to 12 midnight) – reducing late night use of the Reserve.

	<p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> • Report any incidents to Council immediately – during office hours contact the Parks and Recreation team, otherwise contact Council’s via out of hours phone number. Council will action those matters for which it is responsible and refer other matters to relevant agencies. • Notify Police of all their event dates and during their events report any relevant matters to the Police. • To implement their approved safety and risk management plan and abide by the proposed timetable and conditions.
<p>6. Location</p> <ul style="list-style-type: none"> • 26 responses referred to the suitability and importance of the Reserve and its natural setting as the location. • Can these events be held in a range of different locations? Rather than all at the Reserve. 	<ul style="list-style-type: none"> • It is proposed to permit Castle Tribe Inc’s use of McCarrs Creek Reserve on a trial basis for 12 months. However, in response to community feedback it is proposed that 10 events are permitted during a trial period of January 2020 to December 2020. • Castle Tribe Inc. have indicated that if they did not get approval for all 12 events they would seek alternate locations for the other two (2) events.
<p>7. Sense of Community</p> <ul style="list-style-type: none"> • 103 responses referred to the sense of community arising from attending these events, the importance of connecting with others and the inclusivity of group. <p>8. Safe event</p> <ul style="list-style-type: none"> • 71 responses referred to the safe nature of these events as they are alcohol free, family friendly and for all ages. <p>9. Wellbeing</p> <ul style="list-style-type: none"> • 50 responses referred to the positive impact attending these events has on mental health and wellbeing. <p>10. Creative/ Artistic Events</p> <ul style="list-style-type: none"> • Six responses mentioned the creative/artistic nature of these events. 	<p>The Castle Tribe Inc. proposal relates to Council’s Community Strategic Plan Community Outcomes:</p> <p>Places for People and these goals</p> <ul style="list-style-type: none"> • Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing. • Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities. <p>Community and Belonging and these goals</p> <ul style="list-style-type: none"> • Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events. • Goal 12: Our community is friendly and supportive.