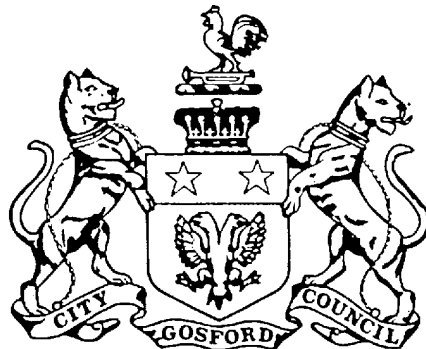




# OPEN SPACE ENCROACHMENT



## **OPEN SPACE ENCROACHMENT**

### COMMUNITY GROWTH - CULTURE

#### **BACKGROUND**

Encroachment is the unauthorised use or management of Open Space reserve by neighbours. Encroachments include the construction of buildings, the erection of sheds and shelters, the storage of material, the establishment of gardens, the placement of play equipment and mowing or slashing of vegetation.

At an individual level, the majority of encroachments may have a minor impact on the adjacent reserve; however cumulative encroachments are responsible for the degradation and loss of amenity of a substantial amount of reserve land managed by Gosford City Council's Culture Unit.

#### **POLICY OBJECTIVES**

To identify that encroachments on to Council managed Open Space reserves have the potential to impact on their values and purposes, as well as imposing an unnecessary burden on reserve management budgets.

To minimise and mitigate disturbance through the promotion of responsible community interaction with Open Space reserves.

To establish a strategic, cost-effective and consistent approach to managing encroachments on Open Space reserves.

To recognise that Gosford City Council has a limited capacity to manage all occurrences of encroachment within Council-managed assets and prioritisation of response will be required.

#### **POLICY STATEMENT**

- 1 Culture Unit and identified as R0, R1, R2 and R3 on Council's mapping system. This land is predominantly zoned 6(a) under the Gosford Planning Scheme Ordinance, which will change on adoption of a new Gosford Local Environment Plan. The land identified as Open Space Reserves may be Council freehold, Crown Land managed by Council or land leased by Council.
- 2 Encroachments can be regarded as unauthorised extensions of the use or management of reserve land by neighbours such as the construction of buildings, the erection of sheds and shelters, the storage of material, the establishment of gardens, the placement of play equipment and mowing or slashing of vegetation.
- 3 A range of activities encroach and impact Open Space reserves managed by Gosford City Council. These activities include (but are not limited to) the following:
  - Extension of private boundaries and gardens into adjacent open space reserve areas
  - Unauthorised plantings and gardens
  - Informal and constructed access tracks
  - Firewood collection (including tree removal and pruning activities)
  - Collection of bushrock and bush timber

- Storage of firewood, seating, barbeques, outdoor settings, play equipment, caravans, boats and trailers
- Unauthorised use of the reserve associated with developments on adjacent land such as the storage of soil/building materials during construction of neighbouring developments and/or retaining walls;
- Unauthorised access through the reserves for activity undertaken on adjoining private land (i.e. swimming pool installation);
- The diversion of urban runoff, pool overflow outlets and stormwater discharge into reserves;
- Removal of native plants;
- Removal/disturbance of habitat;
- Unauthorised engagement of contractors for clearing of vegetation within the reserves;
- Unauthorised mowing of reserve vegetation;
- Unauthorised bushfire hazard reduction measures
- Unauthorised foreshore protection works
- Domestic pets being allowed to enter the reserves unattended.

4 Unauthorised encroachments in Open Space reserves have the potential to:

- Compromise the integrity of natural and cultural values, specifically in relation to threatened species, endangered ecological communities, critically endangered ecological communities, rivers and foreshores, ecosystem services, and Aboriginal and non-Aboriginal heritage protected under NSW and Commonwealth Legislation.
- Alienate public land from public use and or access
- Increase safety, liability and risk issues relating to reserve users and neighbouring properties.
- Increase bushfire risk
- Impede safe access by fire and emergency management response vehicles and personnel
- Increase the potential for weed encroachment into native vegetation
- Increase the potential for erosion in environments such as lagoon, creek and estuary foreshores, sand dunes and steep land
- Detract from aesthetic appearance
- Potentially divert funding and resources from other reserve management activities to the management of encroachments

5 It is recognised that such encroachments do not always impose a constraint on the community use or effective operation of the reserve, and options for Council's responses to encroachments are required.

(Min No 2013/388 - 16 July 2013 - Review of Policies)

## **PROCEDURE**

Attachment A provides Council's decision-making process in regards to managing encroachments on reserves managed by Gosford City Council's Culture Unit.

This procedure, being an administrative process, may be altered as necessary by the Chief Executive Officer.

**ATTACHMENT A - PROCEDURE**

**OPEN SPACE ENCROACHMENT**

The extent and impact of encroachments affecting Open Space managed reserves, coupled with the limitation in resources allocated to address the problem, requires a method to prioritise the course of action relevant to each case of reported encroachment.

A decision making tool by way of a flowchart to help guide Council Officers in determining the most appropriate course of action when dealing with encroachments on Council Open Space reserves will be developed.

To ensure the most cost-effective use of Council resources, the following rating matrix has been adopted from Ku-ring-gai Council's Encroachment Policy to evaluate the socio-environmental impact of individual encroachments on Council-managed land.

The following table and figure can be used to determine the priority rating for the area subject to the encroachment. The outcome of this is then utilised in conjunction with the decision making flowchart to determine the most appropriate course of action.

<b>SPATIAL EXTENT</b>	<b>Large (&gt;15m)</b>	<b>B</b>	<b>A</b>	<b>A</b>
	<b>Moderate (5-15m)</b>	<b>C</b>	<b>B</b>	<b>A</b>
	<b>Small (&lt;5m)</b>	<b>C</b>	<b>C</b>	<b>B</b>
		<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>
		<b>MEASURE OF IMPACT (refer to Table 1)</b>		

**Figure 1 – Priority Rating Matrix**

The table below provides a guide to determining specific objectives for each class of encroachment to guide management prioritisation and outcomes.

**Table 1 – Class Objectives and Associated Operational Response**

Class	Priority	Definition	Operational Response	Objective
<b>A</b>	HIGH	Encroachments impacting: <ul style="list-style-type: none"> <li>• areas of significant ecological value (i.e. those areas identified as containing threatened species and / or their known habitat, or areas containing endangered ecological communities)</li> <li>• sensitive environments such as creeklines, waterbodies, coastal sand dunes or SEPP 14 Wetlands</li> <li>• significantly on the social values of those using the reserve</li> <li>• public safety, public access or operational outcomes (including fire trail access or established firebreaks)</li> <li>• emergency or management access to the reserve</li> </ul>	Emphasis on voluntary compliance underpinned by regulation and education. Report incidents concerning legislative breaches through to relevant legislative body for their determination. Area affected by encroachment made safe.	Complete removal and rehabilitation
<b>B</b>	MEDIUM	Encroachments impacting: <ul style="list-style-type: none"> <li>• areas of moderate ecological (regionally significant vegetation communities and / or regionally / locally significant flora and fauna species)</li> <li>• social values of those using the reserve</li> </ul>	Emphasis on education and negotiating voluntary compliance	Voluntary removal and rehabilitation
<b>C</b>	LOW	Encroachments impacting: <ul style="list-style-type: none"> <li>• areas of limited ecological (e.g. heavily impacted by weed species, areas formally maintained / mown by Council)</li> <li>• basic social values</li> </ul>	Written notification and education materials sent and voluntary compliance only upon resident initiation	Documentation and promotion of voluntary removal.

The reimbursement of any costs, or part thereof, to Council associated with addressing a safety issue resulting from an encroachment may be sought from the perpetrator of the encroachment.

A register of all encroachment sites has been developed and will be regularly updated through the Culture Unit. This will assist in prioritising, planning and budgeting for future works as well as providing a reporting tool for Council. To assist in the prioritisation of encroachments affecting Council managed lands, the development of a Reserve Prioritisation Matrix through Council's Asset Management System (Hansen) will be investigated.