
F40. Foreshores – Public Right of Way – Ocean and Harbour Policy

Title: Foreshores – Public Right of Way – Ocean and Harbour Policy

Policy No: F40

Keywords: Right of Way, Foreshore

Responsible Officer Deputy General Manager – Land Use and Sustainability

1. PURPOSE AND AUTHORITY

The aim of this policy is to set out Council's adopted objectives with respect to facilitating public access to and use and enjoyment of the Ocean and Harbour foreshores of the Manly local government area.

2. POLICY STATEMENT

That it be a policy objective that the whole of the Ocean and Harbour foreshores of the Municipality be available to the public as of right either as foreshore reserve or public right-of-way over the privately owned land with frontage to the harbour foreshores.

OM 09/12/69

That in regard to Council's policy objective Council adopt a 50ft Foreshore Building Line in the foreshore Building Line in the foreshore area extending from Stuart Street to Little Manly Beach.

OM 22/07/69

3. PRINCIPLES

The underlying principles of this policy are as follows:

- firstly, the public has a basic right to be able to use and enjoy the Ocean and Harbour foreshores of the Manly local government area; and
- secondly, Council decision-making should, whenever possible and feasible, proceed on the basis that every opportunity should be taken so as to facilitate public access to and use and enjoyment of the Ocean and Harbour foreshores of the Manly local government area.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

5. DEFINITIONS

See the Environmental Planning and Assessment Act 1979 and instruments made under that Act for the definitions of any relevant terms and expressions.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of Insert the review period as required by legislation, generally every two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Environmental Planning and Assessment Act 1979

State Environmental Planning Policy No 56-Sydney Harbour Foreshores and Tributaries

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
OM	9/12/1969		Manager, Strategic Land Use Planning	
	25/05/2011	Add to Policy Register	DGM-LUS	Manager Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance