



## Agenda

### Planning and Strategy Committee

Notice is hereby given that a Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 6 April 2009**

Commencing at 7:30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

**TO:** Planning and Strategy Committee - 6 April 2009  
**REPORT:** General Managers Division Report No. 9  
**SUBJECT:** Report on installation of fencing at the eastern point of Stuart St Manly, also known as Jump Rock  
**FILE NO:**

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## SUMMARY

This report is a response to Council's resolution of 9<sup>th</sup> February 2009. It seeks to inform the Council on matters relating to the installation of fencing, in June 2007, at the eastern point of Stuart Street Manly, at the location colloquially known as *Jump Rock*.

## REPORT

### Background

Jump Rock is a popular location for people to jump from an overhanging rock ledge approximately five metres into Manly Cove (refer to Attachment 1 for location photo). Two people have been killed jumping from this particular rock (in 1998 and 2004), and a woman airlifted to safety in late 2006. Others have been injured up and down the Peninsula (including the Warriewood blowhole) whilst engaging in similar thrill seeking activities.

By February 2007 many large groups of young people were making pilgrimages to the rock as a result of the exposure on national and international web sites extolling the challenge and thrill of this particular water jump. Noise nuisance, bush degradation, parking, loss of amenity and drinking at this spot were all issues when the then Mayor was lobbied by local residents to take direct action. In June of 2007 fencing was installed at this location.

At its Ordinary Meeting held on 9<sup>th</sup> February 2009, Council resolved [10/09] as follows:

*"That staff bring back a report regarding the legal and social reasons for installing a fence at the Eastern point of Stuart St Manly known colloquially as 'Jump-Rock'.*

*That the report would include the following but not be limited to:*

- 1. a brief synopsis of the history behind the installation of the fence;*
- 2. the reasoning that led to the type of fence installed;*
- 3. a response from staff (Rangers etc.), Manly Police and Council's solicitor as to the recent problems that appear to have arisen over this summer period;*
- 4. costs, including the cost of the fence and continuing maintenance*

*Finally, the report would comment on*

- a) the legal ramifications of dismantling the fence as well as any alternatives in amending the fence whilst satisfying Manly Council's legal responsibility.*
- b) Any alternatives that Council could install at Little Manly Beach or elsewhere in the LGA, that would provide a similar level of 'excitement' for our young people."*

### Installation of fencing

In June of 2007 fencing was installed at the eastern point of Stuart Street Little Manly.

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The type of fencing installed was designed to:

- Restrict the run up from the flat rock prior to jumping. Hence the fence was erected right at the lip of the rock. NB: this has also reduced the number of groups who used to congregate drinking at the back of the rock platform;
- Have something sturdy enough to hinder vandalism and galvanised steel to minimise ongoing maintenance. Vandals subsequently used portable battery driven angle grinders to vandalise (refer to see chronology report attached);
- Be built with end returns to stop people climbing around and in front of it ; and
- Be constructed with an upper overhang section to hinder climbing (subsequently removed due to public pressure).

**Response from staff, Manly Police, and Council’s Solicitor as to the recent problems that appear to have arisen over the summer period:**

- Civic Services staff report there has been no further vandalism of the fence this summer that has required maintenance, although it does currently require painting;
- Rangers report that the fence has been patrolled at random on 30 occasions, and on 19 occasions following a complaint from either the public or Council management. Persons intending to jump are warned against it and threatened with fines. However, rangers have no powers to physically prevent people from jumping;
- Police have also attended on a number of occasions and issued fines at least once over the summer period;
- Council’s Solicitor has advised that the existence of the fence, if it be adequate for ordinary users (that is those who don’t deliberately and intentionally try to climb over it, thus defeating its intended purpose), reduces Council’s risk of potential actionable liability. Certain provisions of the *Civil Liabilities Act 2002 (NSW)*, also give Council considerable protection.

**Costs including the cost of the fence and continuing maintenance:**

The total cost to date (capital \$21,000 + maintenance \$5,000) is \$26,000

**The legal ramifications of dismantling the fence, as well as any alternatives in amending the fence whilst satisfying Manly Council’s legal responsibility:**

A risk assessment of the fence was undertaken by Council insurers risk assessor:

<b>RISK</b>	<b>POSSIBLE CONTROLS</b>
Jumpers may slip on fence top and not get sufficient clearance from rocks:	Height of fence is a deterrent to younger children and less athletic climbers  Erect additional signage at fence to warn of hazards below, and risk of injury
Jumpers may land on previous jumpers who had not cleared the area:	Redesign top of fence to prevent jumpers being able to stand on it  Alternate option to locate fence away from edge making it impossible for jumpers to jump  Alternate option –remove or redesign rock platforms

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The fence could be amended by reinstating the top overhang to deter climbers but with possible negative public opinion; alternatively, an angle iron could be welded along the whole length of the top rail which would make standing, in preparation to jumping, more difficult, if not impossible, without footwear. Moving the fence back from the edge would not stop people climbing up and over the fence and then having a wider ledge from which to jump. Demolishing the rock platforms would be unacceptable on geophysical risk, aboriginal and geo-heritage grounds. The presence of the fence has reduced overall numbers of jumpers (less reckless older and younger jumpers i.e the last reported injury was to a forty year old woman), and associated partygoers, and reduces Council's risk of potential actionable liability, particularly in those age groups. Also night jumping has now ceased, with one of the fatalities having occurred while jumping at 2 a.m.

**Alternatives that Council could install at little Manly Beach or elsewhere in the LGA that would provide a similar level of excitement for our young people:**

The level of excitement for this "jump rock" activity is directly related to the element of risk and danger involved and would be difficult to replicate in any alternative, without incorporating a similarly dangerous element. This runs counter to Council's basic role and responsibility of care.

Manly Council's jurisdiction ends at the high water mark and any alternative structure for public water recreation facilities would first require development consent and approval and indemnity from NSW Maritime. However it is possible to build floating pontoons and boardwalks out into the water similar to the one at Balmoral beach and the like, which, while not necessarily offering the same level of excitement, would cater to recreational needs. These could only be installed in a netted environment given the current concern over the prevalence of sharks in the harbour and, furthermore, would have to undergo a rigorous risk and environmental assessment. This will be the subject of a separate report to Council (refer to Council resolution 8/09 from Ordinary Meeting held on 9<sup>th</sup> February 2009).

**Survey of residents**

An anonymous survey of residents was conducted, with twenty two (22) surveys going out from the dead end of Stuart Street to just past Marshall Street. Twelve (12) people responded (or 54.5% of those surveyed). Residents were asked if the fence had improved the situation, made it worse, or made no difference; whether they wanted the fence retained or not; and any general comments on the fence and rock.

An analysis of responses indicates that:

- Eight (8) respondents (66.7%) wanted the fence retained;
- Four (4) did not support the fence being retained; Of these four, one (1) said they did not support its retention in its current form unless modified to prevent jumping;
- Three (3) said it had made things worse;
- Three (3) said that it had made things better; and
- Two (2) responded that the fence had made no difference.

Some general comments from residents surveyed were:

*"Parking not affected as most people come on foot.*

*Now jumping from top of fence.*

*Waste of money, kids just having fun.*

*Fence should be improved so impossible to jump off, not in favour in its current form.*

*Other people who do not live in the area are not affected or aware, pointless asking them.*

*There has been a reduction in the number or overall visitations, associated noise, foul language, screaming and litter.*

*Night jumping has been eliminated with quieter nights and most people from the moored boats have now stopped swimming over and jumping.*

*Vandalism in the area no longer a concern.*

*Little penguins are safer with less people in area.*

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*There are still jumpers at weekends but numbers have been reduced.  
Removing the fence would make things worse again and signal it's OK to jump.  
Fence should stay put.  
Thanks for installing the fence."*

**RECOMMENDATION**

It is recommended that:

1. The report be received and noted; and
2. The fence be retained.

**ATTACHMENTS**

**AT- 1** Photo of fencing at Jump Rock 1 Page

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\*\*\*\*\* End of General Managers Division Report No. 9 \*\*\*\*\*

ATTACHMENT 1

General Managers Division Report No. 9 - Report on installation of fencing at the eastern point of Stuart St Manly, also known as Jump Rock  
Photo of fencing at Jump Rock

