

PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED CATEGORISATION OF COMMUNITY LAND IN WYATT AVENUE, BELROSE

FINAL REPORT

16 JUNE 2021



NORTHERN BEACHES COUNCIL

PUBLIC HEARING AND SUBMISSIONS
REPORT FOR PROPOSED
CATEGORISATION OF
COMMUNITY LAND IN
WYATT AVENUE, BELROSE

FINAL REPORT

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Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR: Sandy Hoy

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1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to convey to Northern Beaches Council the verbal and written submissions made in relation to a public hearing held on Thursday 18 February 2021 regarding the proposed categorisation of three parcels of community land on Wyatt Avenue in Belrose.

This report has been prepared under Section 40A of the *Local Government Act 1993*.

1.2 Background to the public hearing

The NSW Government sold several parcels of land on Wyatt Avenue, Belrose (previously owned by NSW TAFE) to Northern Beaches Council in March 2019 on the conditions that it be classified as community land under the *Local Government Act 1993* (NSW) (LG Act), and that Council develop an open space, public recreation facility on the site. These parcels of land (Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose) were classified as community land upon the transfer to Council. These land parcels are referred to in this document as “the subject lots”.

Council wants to ensure that the subject lots are used and enjoyed by the local community. With the growth of cycling on the Northern Beaches, Council is seeking to provide opportunities for young local riders to develop their skills and confidence. Council developed a concept plan for a junior bike skills park on Lot 102 DP1244381 and Lot 2620 DP752038 directly adjacent to John Colet School. The concept plan includes a junior bike trail loop, an informal grassed open space for practicing bike skills (e.g. bunny hop), a seating/picnic area, an accessible entry path loop and other landscape elements. Community engagement about the concept plan undertaken between 9 October and 9 November 2020 showed community support for the proposed junior bike skills park.

Community land is required to be categorised under the LG Act. It is proposed to categorise the subject sites as Park, consistent with the guidelines for categorisation as Park in Clause 104 of the *Local Government (General) Regulation 2005*, and the core objectives for the Park category in Section 36G of the LG Act, in order to facilitate the use of the land for public recreation.

Community land is also required to be subject to a Plan of Management prepared under the LG Act. The *Generic Parks Plan of Management (PoM) – former Warringah 2008* will be amended to include these parcels of land.

At its meeting on 15 December 2020, Council resolved to:

1. place on public exhibition for a period of 56 days a proposed amendment to the *Generic Parks Plan of Management – former Warringah* to incorporate Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4-6 Wyatt Avenue, Belrose.
2. hold a public hearing in respect of the proposed amendment to the *Generic Parks Plan of Management – former Warringah*.

Council placed the proposed amendments to the *Generic Parks Plan of Management – former Warringah* on public exhibition from Friday 22 January to Sunday 21 March 2021.

A public hearing is required under Section 40A of the *Local Government Act 1993* to receive community submissions about categorising community land. Under the Act the public hearing must be chaired by an independent facilitator.

1.3 Land covered by this report

The three subject lots (Lot 102 DP1244381, Lot 2620 DP752038 and Lot 2 DP536909,) are shown in yellow in Figure 1.

Figure 1 Location of community land in Wyatt Avenue, Belrose



1.4 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed categorisation of the subject lots. The submissions comprise verbal submissions made at the public hearing held on 18 February 2021, and written submissions received by Council between Friday 22 January and Sunday 21 March 2021.

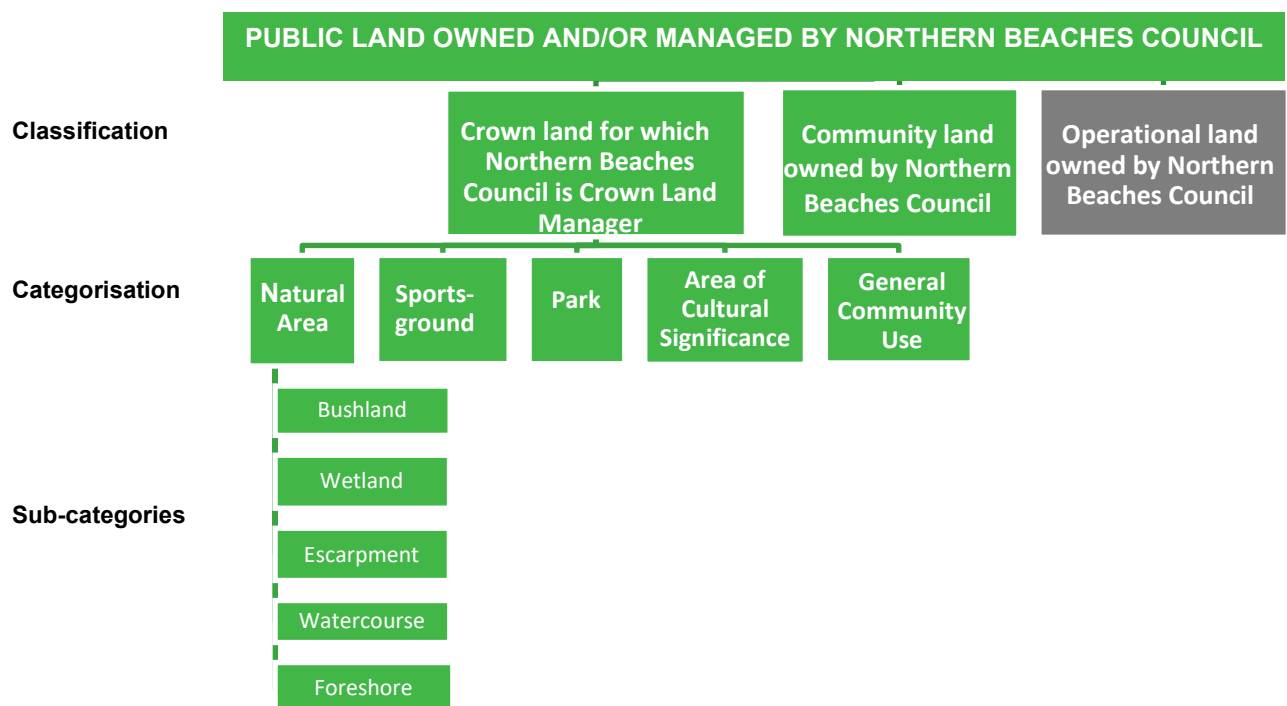
2 PLANNING CONTEXT

2.1 What is community and Crown land?

The *Local Government Act 1993* sets out a range of requirements for the management of public land that Northern Beaches Council is legally bound to adhere to.

The Local Government Act requires that all public land owned by Council must be classified as "community" or "operational" land (Section 26). Lot 102 DP1244381, Lot 2620 DP752038 and Lot 2 DP536909 are community land owned by Northern Beaches Council.

Figure 2 Classification and categorisation of community land



Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period of time, and can be sold.

2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

As shown in Figure 2, community land may be categorised as one or more of the following under Section 36(4):

- ☐ a natural area.
- ☐ a sportsground.
- ☐ a park.
- ☐ an area of cultural significance.
- ☐ general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

2.3 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."

2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

2.5 Guidelines and core objectives for categories for this public hearing

The guidelines and core objectives for the categories which were considered for Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose are in Table 1.

Table 1 Guidelines and core objectives for categories of community land considered for the subject lots

Category	Guidelines ¹	Core objectives ²
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities - provide for passive recreational activities or pastimes and for the casual playing of games - improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games - ensure that such activities are managed having regard to any adverse impact on nearby residences.
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> - promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Category	Guidelines ¹	Core objectives ²
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.	<ul style="list-style-type: none"> - conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. - maintain the land, or that feature or habitat, in its natural state and setting. - provide for the restoration and regeneration of the land. - provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion. - assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.
Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.		
Natural Area – Bushland	<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation:</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p>	<ul style="list-style-type: none"> - ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land. - protect the aesthetic, heritage, recreational, educational and scientific values of the land. - promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion. - restore degraded bushland. - protect existing landforms such drainage lines, watercourses and foreshores. - retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term. - protect bushland as a natural stabiliser of the soil surface.
1	<i>Local Government (General) Regulation 2005</i>	
2	<i>Local Government Act 1993</i>	

2.6 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Among the requirements of the Local Government Act for the contents of a Plan of Management for community land are:

- ☐ categorisation of the land
- ☐ core objectives for management of the land.

2.7 Public hearings

2.7.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* and Section 3.23(7)(d) of the *Crown Land Management Act 2016* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the public land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the public land covered by the Plan of Management

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed categorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the proposed amendments to the *Generic Parks Plan of Management – former Warringah*, and the proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose.

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3 PROPOSED CATEGORISATION OF WYATT AVENUE COMMUNITY LAND

3.1 Site features

The subject lots are shown in Figure 3.

Figure 3 Site photos of the subject lots



Lot 102 DP1244381 and Lot 2620 DP752038



Lot 2 DP536909

3.2 Ownership of the subject lots

The three subject lots are owned by Northern Beaches Council as shown in Figure 4.

Figure 4 Ownership of the subject lots



The land owned by Sydney Water (Lot 1 DP536909) is not subject to the Local Government Act and is not required to be categorised.

3.3 Current and proposed categorisation of the subject lots

Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 have not yet been formally categorised.

Council proposes to categorise the subject lots as Park. Categorisation of Lot 102 DP1244381 and Lot 2620 DP752038 as Park would be consistent with the proposed development and use as a junior bike skills park, as shown in Figure 5.

Figure 5 Wyatt Avenue, Belrose: Concept Plan – Proposed Bike Skills Park



Council considers the Park category best fits the proposed development and use of Lot 102 DP1244381 and Lot 2620 DP752038 as a junior bike skills park and for public recreation as shown on the concept plan, because the proposed uses are consistent with the guidelines and core objectives for categorisation of community land as Park (refer to Table 1).

Council has no current proposal for use of Lot 2 DP536909, which is vegetated and fenced to limit access to nearby sensitive land. Council considers the most appropriate category for management and maintenance of Lot 2 DP536909 is Park, consistent with the guidelines and core objectives for the Park category (refer to Table 1).

The Park category as it is proposed to apply to the subject lots is shown in Figure 6.

Figure 6 Proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038



4 THE PUBLIC HEARING

4.1 Advertising and notification

4.1.1 Public notification and exhibition requirements

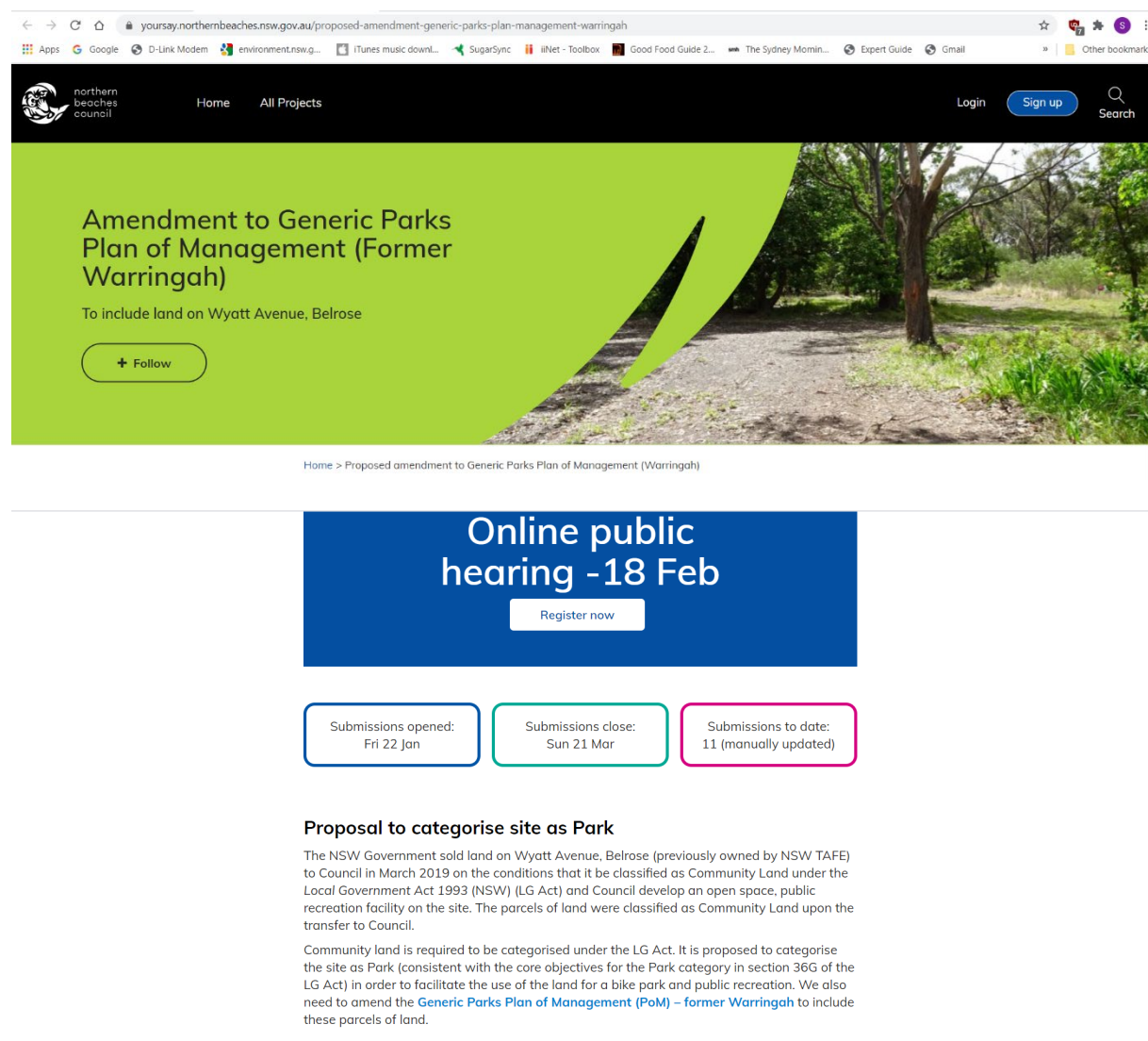
Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

4.1.2 Online notification

Council notified the community of the online public hearing on its website <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-generic-parks-plan-management-warringah> from Friday 22 January to Sunday 21 March 2021. The project page on Council’s website is shown in Figure 7.

A background information document explaining the proposed categorisation and the public hearing, and an online submission form, were also provided on the project page.

Figure 7 Public hearing information on Council’s website



At its meeting on 15 December 2020, [Council resolved](#) to place the proposed amendment to the Generic Parks Plan of Management (PoM) – former Warringah on public exhibition and hold a public hearing.

View the related [Council report](#) including the [draft changes to the Generic Parks PoM](#).

How to have your say

There are several ways to have your say:

1. [Register for the online public hearing session](#). Local residents are invited to register to attend the online public hearing session taking place on Thursday 18 February 2021, 6 - 7.30pm. Please note that bookings are essential for this session. If you're having trouble with the [online registration form](#), please contact us on 1300 434 434 (during business hours).
2. Complete the submission form below.
3. Write to us marked 'Proposed amendment to Generic Parks PoM - Wyatt Avenue, Belrose'
Northern Beaches Council, PO Box 82 Manly, NSW 1655.

Submissions close Sunday 21 March 2021

Register for the 18 February online public hearing session

Site map



Related Council documents

- Generic Parks Plan of Management – former Warringah - 2008
- Report to Council - 15 December 2020 - Item 13.4
- Minutes of Council meeting- 15 December 2020 - Item 13.4
- Wyatt Ave Belrose - proposed junior bike skills area - Your Say page

Document library

- From Dec 2020 Council report: Draft changes to Generic Parks PoM (Former Warringah) - Wyatt Ave Belrose
PDF (128.53 KB)
- Public hearing for proposed categorisation of community land - Background Information
PDF (2.92 MB)

Submission form


Open

Do you agree or not with the proposal to categorise community land comprising Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose as Park?
(Please explain why or why not in your submission below) Required

- ☐ Yes
☐ Yes, with changes
☐ Neutral
☐ No
☐ Prefer not to say

Please provide your submission below

Alternatively, you can upload your submission

 **Choose file...**

Allowed file types: pdf,doc,docx,bxt,xls,xlsx,rtf,png,gif,jpg,jpeg Size limit: 1.00 MB

First Name

Last Name

Email

The following questions help us understand if we've made engagement accessible and inclusive

Postcode

You have 4 characters left

Gender




Year of Birth


We'll send you regular engagement updates.


☐ Please tick this box if you wish to opt out.

Submit

Enquiries?

 **Name** Cameron Henery, Senior Asset Management Officer
 **Phone** 1300 434 434 (during business hours)
 **Email** council@northernbeaches.nsw.gov.au

 In writing 'Proposed amendment to Generic Parks PoM - Wyatt Avenue, Belrose', Northern Beaches Council, PO Box 82, Manly NSW 1655.








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4.1.3 Other notification methods

Council also promoted the public hearing and the invitation to make a submission about the proposed amendments to the Plan of Management by:

- ☐ placing signs on-site
- ☐ emailing 127 residents and stakeholders who provided a submission on the Wyatt Avenue, Belrose proposed junior bike skills area project
- ☐ Council e-News (weekly) on two occasions
- ☐ targeted emails to Council's fortnightly Community Engagement Newsletter mailing list on four occasions.

4.2 Public hearing arrangements

The public hearing for the proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose was held on Thursday 18 February 2021 from 6:00pm to 7:30 pm as an audio-visual conference using Microsoft Teams due to COVID-19 public gathering restrictions.

Community members were able to join the public hearing online or call in by telephone. Registrations prior to the hearing were requested at <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-generic-parks-plan-management-warringah> before 12 noon on Thursday 18 February 2021.

Community members who registered for the public hearing were invited to submit any comments or questions before the hearing. Five community members registered, and of these three community members provided comments or questions before the hearing, which are addressed in Section 5.

4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Jeremy Smith (Manager, Park Assets – Design and Delivery), Cameron Henery (Senior Asset Management Officer) and Jacinthe Brosseau (Community Engagement Officer) represented Northern Beaches Council, providing information and answering questions on Council's behalf during the public hearing.

The independent chairperson and Council staff were based at Northern Beaches Council offices at Boondah Road, Warriewood for the public hearing. Social distancing protocols were followed at all times.

Three community members attended the public hearing online.

4.4 The public hearing

Ms Hoy opened the public hearing at 6:05pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings, based on the background information document provided online.

The question that the Chair asked people attending the hearing to address is:

Do you agree or not with the proposal to categorise community land comprising Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose as Park? Why or why not?

The content of submissions which are relevant to the proposed categorisation are outlined in more detail in Section 5 of this report. Other comments and questions were noted but are outside the scope of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 7:15pm.

4.5 Submissions

Submissions about the proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 on Wyatt Avenue, Belrose could be made:

- ☐ via the online submission form on Council's Your Say page: <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-generic-parks-plan-management-warringah> from Friday 22 January to Sunday 21 March 2021
- ☐ verbally at the public hearing on 18 February 2021 by joining the hearing via Microsoft Teams, or by calling in by phone.
- ☐ in writing to Council at 'Proposed amendment to Generic Parks PoM - Wyatt Avenue, Belrose', Northern Beaches Council, PO Box 82 Manly, NSW 1655 until Sunday 21 March 2021.

Three people attended the public hearing, 20 online submissions were received, and three written submissions were received by email by 21 March 2021. One person attended the public hearing and made a written submission, so 25 submissions in total were received.

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5 CONSIDERATION OF SUBMISSIONS

5.1 Introduction

Verbal and written submissions relating to the proposed categorisation of the subject lots are set out below, according to:

- ☐ verbal submissions to the public hearing and Council's response
- ☐ written submissions about the proposed categorisation
- ☐ other topics outside the scope of categorisation and the public hearing.

5.2 Level of support for proposed categorisation

Of the 25 people who attended the public hearing and/or made a written submission, 68% agreed with the proposed categorisation, 16% agreed but with changes, 8% were neutral, and 8% disagreed with the proposed categorisation.

Table 2 Level of support for proposed categorisation as Park

	Public hearing	Online	Email	TOTAL	%
Yes	1	15	1	17	68%
Yes with changes	1	3	-	4	16%
Neutral	1	1	1	2*	8%
No	-	1	1	2	8%
TOTAL	3	20	3	25	100%

*One person attended the public hearing as well as emailed a submission.

5.3 Public hearing submissions

Table 3 Verbal submissions to the public hearing

Submission	Council response
Is there any information about General Community Use or other categories? Why choose Park?	Council considers Park to be the most appropriate categorisation of the area. It allows Council to reinforce the native vegetation while also providing the ability to use the land for passive recreation. Council has proposed a beginners bike park for Lot 2620 and Lot 102 as this will complement the nearby Bare Creek Bike Park and also allows Council to design around the mature trees on site and incorporate the planting of endemic vegetation. It will also provide a peaceful area, particularly during school days, for people to sit in amongst the bushland setting.

Submission	Council response
This meeting was understood to be about the <i>Generic Parks Plan of Management – former Warringah</i> , and it didn't mention a bike park.	The purpose of the public hearing was explained.
John Colet School would have loved the school's original proposal to Jonathan O'Dea to still be considered, but they understand the logic of choosing the Park category.	Noted
What are the plans for fencing of the junior bike park on the road boundary and from the Roads and Maritime Services' (RMS) biobank land? The fence between the school and the Council lot is lower than the fence around the rest of the perimeter. The fence on the border of the school and the Council lot should be the same height. The school is concerned about security. The school doesn't want to encourage anyone to jump over the lower fence.	Council will commit to erecting a suitable fence between the junior bike park and the school.
Council takes bookings for Wyatt Reserve across the road. Could the school make bookings to exclusively use the bike park, such as for bike lessons? Will bookings be shared equitably?	Bookings are always a good idea, but the junior bike park can be used informally. Council won't book out the junior bike park for events or on weekends. It will be available for schools to book during the week.
What are Council's plans for the land on the corner of Wyatt Avenue and Forest Way?	Council has no immediate plans for the open space on the corner of Wyatt Avenue and Forest Way, however the Park categorisation provides more flexibility for the use of this open space into the future.
Could the school rent the corner block for signage space in the meantime?	Private advertising signage is not permitted on community land, but is permitted on operational land. Any request for the school to buy the land would require reclassification to operational land including a public hearing.
It would be wonderful to have the corner block looking more beautiful.	Noted
Concern that there has been no community consultation about handing over the land from the State to Council, other uses for the bike park land (Lot 102 DP1244381 and Lot 2620 DP752038), and now the use of the land for a bike park is a fait accompli.	175 submissions were received on testing the vision and the concept for the bike park. Positive feedback was received from the community.

Submission	Council response
Could the corner block be handed over to RMS to enhance the bushland?	This was considered at the time of the sale of the neighbouring land to RMS, however it was felt that Council could make better use of it.
Concern about categorising the land as Park and concern about an 'active' park encouraging people to come to the site. Parking is already an issue in the area, and there will be no onsite parking.	Unlike soccer, the scale of the bike park would not encourage many people arriving to the area at once. A junior bike park is informal use, not an intense use, and doesn't involve a changeover. Council doesn't expect the bike park will increase traffic and parking. The bike park will not be a major attractor to people from outside the area, rather Council anticipates it servicing mainly locals. Bike park users will be encouraged to use active transport to the bike park.
Will a report go to Council on how the land will be used?	Yes, it's a statutory obligation to report the outcomes of the public hearing and draft Plan of Management amendments to Council, where it is proposed to put forward the concept plan for the bike park. For now, Council is testing the waters for a bike park and recreation. This process is about checking in with the community about the categorisation of the land. The next step is to categorise the land as Park. If the bike park land is categorised as Park, the bike park concept plan, amendments to the Plan of Management, Review of Environmental Factors, the Community Engagement Report, submissions from the bike park proposal, and the public hearing report about categorisation will be presented to Council.

5.4 Written submissions

5.4.1 Submissions about the proposed categorisation

Table 4 Specific comments about the proposed categorisation

Issue	Submissions
Support for Park categorisation for all lots	I support the categorisation of these 3 parcels of land as community land to facilitate the use of the site as a park for public recreation.
	We need to retain public open space for future generations to use as they require.
	It is important that Council secure parkland on behalf of the community.
	Seems an appropriate process
Support for categorisation of Lots 102 and 2620 as Park	I support the classification of Lots 102 and 2620 as Park, as to allow the council to develop this area as a junior bike training area. The use of this land in this way is to be commended.
	Agree as part of support for use of these lots for the proposed bike park on Wyatt Avenue
Support for categorisation as Park but with conditions	The idea seems ok however, it needs changes and clarification on many aspects.
	I agree with the proviso that local residents, including the school, have input. Overall it seems a good idea as long as there is extra parking provided and no access from the main road, Forestway.

Issue	Submissions
	I don't live near there, so I don't know the area that well. Community land sounds good. Bike Park sounds good - if the actual neighbours are happy with the proposal.
Support for categorisation of Lots 102 and 2620 as Park, but with conditions	I would support classifying the site as a park only if it were managed as a quiet area of native vegetation with minimal infrastructure, a few seats and for passive recreation uses in line with the core objectives for managing land as a park. There is little in this area for peaceful outdoor appreciation of the locality, particularly for the less active. A quiet landscaped park would be of great benefit to old and young and would fulfil the core objectives for managing the site as a park, without the conflicts and intrusion created by the bike park plan.
The site should be used for a quiet park for local seniors	We again stress the need and importance of a quiet place for the "ageing community". We are continually told "we are an ageing community" so this is an opportunity for Council to provide for all the 65 to 100 year old people living in their own homes, Seniors Living homes or in Care homes. There are wall to wall aged facilities along Forest Way and many senior people still living in their own homes in the neighbourhood close to the subject site. This site should be: "Serenity Park". The state of being calm, peaceful and untroubled. An oasis of serenity amidst the bustling city.
The site should be a bushland buffer to adjoining high conservation vegetation	I would prefer to see the subject site rehabilitated as a bushland buffer to the high conservation vegetation on the adjacent RMS land.
A bike park conflicts with the core objectives of the Park category	The proposal to develop the site as a bike park is not a "passive" recreational use, and although active recreational uses are permitted in parks, this proposal will conflict with the guideline to "not unduly intrude on the peaceful enjoyment of the land by others".
Sportsground is a more appropriate category for a bike park	I do not agree with Council's proposal to create a bike park or to open the area up to active, essentially single-use, recreation. Those uses seem more aligned with the core objectives of a sportsground, namely: "to encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games".
Query about categorisation of Lot 2 as Park	Council has provided no justification for Lot 2 to be designated as Park. The statement - "The most appropriate category for management and maintenance of Lot 2 DP536909 is Park" does not provide any explanation why this designation as Park is most appropriate.

5.4.2 Submissions outside the scope of the public hearing

Submissions which are not related to the proposed categorisation or the proposed amendments to the *Generic Parks Plan of Management – former Warringah 2008* are listed below but are outside the scope of this report. Such submissions and comments include:

- ☐ support for and suggestions for planning and design of the bike park
- ☐ support for the bike park but with conditions
- ☐ opposition to a bike park on Lots 102 and 2620
- ☐ concern about use of Lot 2 for high level of physical activity
- ☐ provision for use of the land for gym/fitness
- ☐ suggestion to acquire the block of land for park space.

These comments are addressed in a separate Community Engagement Report prepared by Northern Beaches Council.

6 RECOMMENDATIONS

6.1 Consideration of submissions

The written and verbal submissions regarding the proposed categorisation of the subject lots have been carefully considered and assessed below.

In general, the proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 as Park is supported by most people who made a verbal or written submission (68% outright agreement, 16% agreement with changes). Reasons for supporting the proposed categorisation as Park include that it will secure and retain public open space for the community, and will facilitate use of the land for public recreation. Others support the categorisation of the land as Park with conditions, such as John Colet School having input to the proposed bike park, the neighbours being happy with the proposal, provision of parking, and no access from Forest Way.

Lots 102 and 2620 were generally supported to be categorised as Park to facilitate the proposed bike park. However local residents who oppose the proposed bike park would like a quiet, landscaped informal park with seats and catering for seniors on the site instead, and so their support for the categorisation of Lots 102 and 2620 as Park is conditional on the nature of the 'park' to be provided.

One respondent pointed out that a bike park is not a "passive" recreational use, and although active recreational uses are permitted in parks, the proposal would conflict with the guideline for categorisation of community land as Park to "not unduly intrude on the peaceful enjoyment of the land by others." Whether the use of the proposed bike park would unduly intrude on the peaceful enjoyment of the land by others would not be known until the bike park was in operation. Council advises that it is highly likely that children would build their own bike park on this land if Council did not formalise one, which will lead to a potential liability issue, environmental damage, and angst in the community around an unauthorised use.

Another respondent disagrees with the proposed bike park, which would be used for active, single use recreation which would be more aligned with the core objectives of the Sportsground category.

The key question in the responses above would be whether a bike park would best fit the Park or Sportsground category. Elements of a bike park could fit both the Park and Sportsground categories, but on balance a junior bike skills park is essentially not intended for use for organised or informal sports or for playing outdoor games as outlined in the guideline for the Sportsground category. The proposed junior bike skills park better fits the guideline for categorisation of the Park category (Clause 104, *Local Government (General) Regulation 2005*):

Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

One local resident prefers that the subject site is rehabilitated as a bushland buffer to the high conservation vegetation on the adjacent RMS land. The resident did not explicitly state that the subject lots should be categorised as Natural Area-Bushland. A condition of sale of the land from the NSW Government to Northern Beaches Council stated that Council develop an open space, public recreation facility on the site which would seem to preclude only a bushland buffer on the site. The concept plan of the proposed bike park shows

existing trees on the boundary to be retained and protected, and tea trees and grass plantings using Duffys Forest species on the eastern boundary.

In relation to Council having not provided justification for Lot 2 to be designated as Park, it is understood from Council, as outlined in the background information to the public hearing, that:

“Council has no current proposal for use of Lot 2 DP536909, which is vegetated and fenced to limit access to nearby sensitive land. The most appropriate category for management and maintenance of Lot 2 DP536909 is Park, consistent with the guidelines and core objectives for the Park category (refer to Table 1).”

Further, at the public hearing it was explained by Council in response to a question about Council’s plans for Lot 2 that:

- ☐ the corner parcel (Lot 2 DP536909) is weed infested.
- ☐ Council has no immediate plans for this parcel.
- ☐ Council included this lot with the other two lots at the same time as part of amending the *Generic Parks Plan of Management – former Warringah 2008*.

Although it is understood that Council has no immediate plans for Lot 2, Council’s longer term intentions for Lot 2 would best fit the Park category of the five categories of community land.

6.2 Recommendations

Based on the representations to the public hearing on 18 February 2021 and written submissions made to Council by 21 March 2021, my recommendations to Northern Beaches Council are that Council:

1. Note the verbal and written submissions made in Section 5.
2. Categorise Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 as Park according to the proposed categorisation map which was publicly exhibited, as shown in Figure 8 below.

Figure 8 Recommended categorisation of subject lots



6.3 Adoption of proposed categorisation

This public hearing report will be presented to Council for its information as part of approval of the proposed categorisation of Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038 in Wyatt Avenue, Belrose.

Section 114 of the *Local Government (General) Regulation 2005* states that if Council receives any submission objecting to the proposed categorisation of land, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection. In this case, Council must address the reasons why it did not categorise Lot 102 DP1244381 and Lot 2620 DP752038 as Sportsground.

If Council intends to adopt the proposed categorisation, it must state the reasons why it did not make changes to categorisation in response to the objections received in its resolution to adopt the categorisation.

If Council adopts the proposed categorisation of the subject lots, Council will update the *Generic Parks Plan of Management (PoM) – former Warringah 2008* and its Land Register to reflect the categorisation.

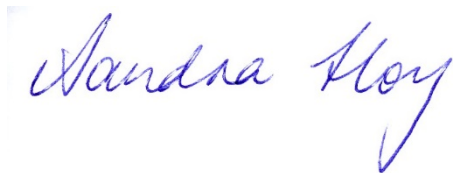
If Council decides to alter the proposed categorisation of the subject lots from that considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

6.4 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at Council's Customer Service Centres and at Glen Street Library.
- ☐ post an electronic copy of the public hearing report on Council's website.

A commitment was made at the public hearing for Council to send an email to people who attended the public hearing about when the public hearing report would be considered by Council.



Sandy Hoy
Director
Parkland Planners

16 June 2021