

PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED CATEGORISATION OF 40 STUART STREET, MANLY

FINAL REPORT

31 AUGUST 2021



NORTHERN BEACHES COUNCIL

PUBLIC HEARING AND SUBMISSIONS
REPORT FOR PROPOSED
CATEGORISATION OF
40 STUART STREET, MANLY

FINAL REPORT

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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 submissions made in relation to a public hearing held on Thursday 12 August 2021 regarding the proposed categorisation of a parcel of community land at 40 Stuart Street in Manly as Park.

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

1.2 Background to the public hearing

The former Manly Council purchased 40 Stuart Street in Manly in 2012 to add the land to Little Manly Beach Reserve.

The Little Manly Reserves Landscape Masterplan was adopted by Northern Beaches Council on 26 November 2019. The Masterplan proposes demolishing the dwelling at 40 Stuart Street, and incorporating the land into Little Manly Beach Reserve as open space.

From 28 October to 1 December 2020 Council notified the community and issued a public notice about a proposal to reclassify the Council-owned land at 40 Stuart Street from operational land to community land under the *Local Government Act 1993*. 89% of the 65 submissions received were in favour of the reclassification of 40 Stuart Street from operational to community land. On 23 February 2021 Council resolved to reclassify 40 Stuart Street from operational to community land.

Community land is required to be categorised under the Local Government Act. It is proposed to categorise 40 Stuart Street in Manly 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 Local Government 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 Local Government Act. The *Little Manly Coastline Management Plan 2004* will be amended to include 40 Stuart Street in Manly.

Council is required to place on public exhibition and receive submissions for a minimum period of 42 days a proposed amendment to the *Little Manly Coastline Management Plan 2004* to include 40 Stuart Street in Manly (Lot 3 DP 252420) as community land. Council is also required to hold a public hearing in respect of the proposed categorisation of 40 Stuart Street as Park and that amendment to the *Little Manly Coastline Management Plan 2004*.

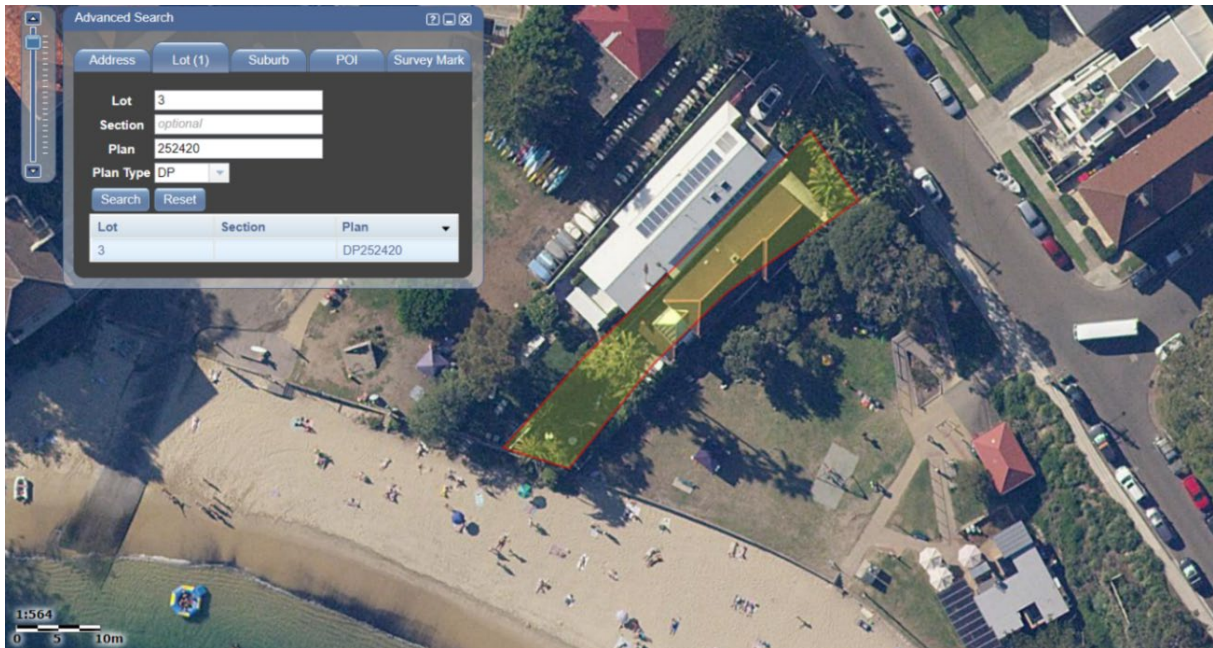
Council has placed the proposed amendments to the *Little Manly Coastline Management Plan 2004* on public exhibition from Wednesday 7 July to Wednesday 18 August 2021.

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 locational context of Lot 3 DP 252420 at 40 Stuart Street in Manly is in Figure 1.

Figure 1 Location of 40 Stuart Street in Manly



The subject land is owned by Northern Beaches Council as shown in Figure 2.

Figure 2 Ownership of the subject land



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 40 Stuart Street in Manly. The submissions comprise verbal submissions made at the public hearing held on 12 August 2021, and written submissions received by Council between Wednesday 7 July and Wednesday 18 August 2021.

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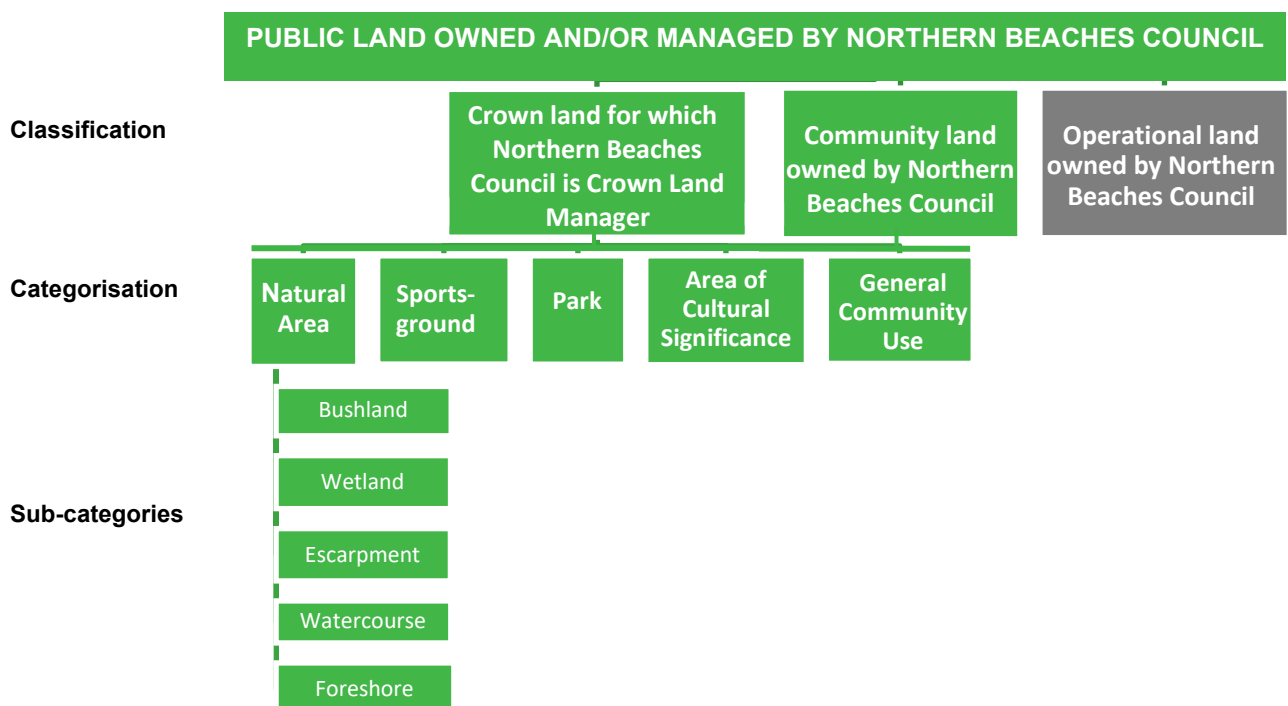
2 PLANNING CONTEXT

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). 40 Stuart Street in Manly (Lot 3 DP 252420) is community land owned by Northern Beaches Council.

Figure 3 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 such as those that it may want to restrict public access to (for example a works depot), 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 3, 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 of community land considered for 40 Stuart Street, Manly

The guidelines and core objectives for the Park category and other categories which could be considered for 40 Stuart Street in Manly are in Table 1.

Table 1 Guidelines and core objectives for categories of community land considered for 40 Stuart Street

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, and - provide for passive recreational activities or pastimes and for the casual playing of games, and - improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sports-ground	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 active recreation involving organised sports and informal sporting activities and games, and - 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).
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>.

Category	Guidelines ¹	Core objectives ²
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 – Foreshore	Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<ul style="list-style-type: none"> - maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area - facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use
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* 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 *Little Manly Coastline Management Plan 2004*, and the proposed categorisation of 40 Stuart Street in Manly as Park.

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3 PROPOSED CATEGORISATION OF 40 STUART STREET, MANLY

3.1 Site features

The subject land at 40 Stuart Street in Manly is shown in Figure 4.

Figure 4 Site photos of 40 Stuart Street in Manly



View south-east from Stuart Street



View north-west from Little Manly Beach Reserve



View south-west from Little Manly Beach Reserve



View north-east from Little Manly Beach

3.2 Current and proposed categorisation of the subject lots

40 Stuart Street in Manly (Lot 3 DP 252420) has not yet been formally categorised under the *Local Government Act 1993*.

Council proposes to categorise the subject land as Park, which would be consistent with the Little Manly Beach Reserve Masterplan showing incorporation of 40 Stuart Street into Little Manly Beach Reserve as open space, as shown in Figure 5.

Figure 5 Little Manly Beach Reserve Masterplan



Council believes the Park category best fits the proposal to demolish the dwelling on 40 Stuart Street and incorporate the land into Little Manly Beach Reserve as open space.

The Park category as it is proposed to apply to 40 Stuart Street, Manly is shown in Figure 6.

Figure 6 Proposed categorisation of 40 Stuart Street, Manly (Lot 3 DP 252420)



The proposed categorisation of 40 Stuart Street in Manly as Park requires amendments to the *Little Manly Coastline Management Plan 2004* which were placed on public exhibition from Wednesday 7 July to Wednesday 18 August 2021.

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-little-manly-coastline-management-plan> from Wednesday 7 July to Wednesday 18 August 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

The screenshot shows the Northern Beaches Council website. The header includes the council logo, navigation links (Home, All Projects), and user options (Login, Sign up, Search). The main content area features a large blue banner with the text "Proposed amendment to Little Manly Coastline Management Plan" and "Categorisation of Community Land at 40 Stuart Street, Manly". Below this is a "Follow" button. A secondary blue banner reads "Public hearing this Thursday" with a "Register below" link. Three colored boxes provide submission details: "Submissions opened: Wed 7 Jul" (blue), "Submissions close: Wed 18 Aug*" (green), and "Submissions received: 47 (updated manually)" (pink). A disclaimer at the bottom states: "*Please note that that the original submission close date has been brought forward to 18 August 2021. We know our community would like to see a decision made on this project as soon as possible. We were able to launch the engagement a little earlier than we'd anticipated and would like to get a recommendation back to Council in late August. The new close date still meets our statutory requirements. The date of the public hearing has not been changed."

Next step toward returning land to open space

We are [proposing to amend the Little Manly Coastline Management Plan 2004](#) to include and categorise the Community Land at 40 Stuart Street, Manly as Park.

Our aim is to return the land to the community as public open space so it can be enjoyed for recreational activities.

Community Land is required to be categorised under the Local Government Act. The Park category has been identified as most appropriate to meet our objectives.

In 2019, following community engagement, an action was included in the Little Manly Reserves Landscape Masterplan that would see the property at 40 Stuart Street demolished and the land incorporated into the adjoining park (Little Manly Reserve). The first step toward this was the reclassification of the land as Community Land earlier this year.

Site plans and further info about the categorisation process can be found below, as well as links to relevant Council documents and resolutions.

View the proposed amendments to the Little Manly Coastline Management Plan#

Please note that we have changed the amendments document to reflect the current land classification status of 34 and 36 Stuart Street as being community land not operational land. We have also removed the proposed amendments relating to actions to acquire 40 Stuart Street, there is no need to make those amendments because Council has since acquired the land.

If you have any questions about this, please contact Russell Jenkins on 8495 5220 or by email on Russell.Jenkins@northernbeaches.nsw.gov.au

How to have your say

There are several ways to have your say:

1. [Register to attend an online public hearing session](#) on Thursday 12 August 2021 from 6 to 7.30pm. Bookings are essential for this session.
2. Complete the submission form below.
3. Email us at council@northernbeaches.nsw.gov.au.
4. Write to us marked 'Proposed amendment to Little Manly Coastline Management Plan' to Northern Beaches Council, PO Box 82 Manly NSW 1655.

Submissions now closing Wednesday 18 August 2021 at 5pm.

Register for the online public hearing

Background information

Scroll through the image slider for site plans and categorisation information. You can also read the full background information document by clicking the button below.



Location of subject land - 40 Stuart Street, Manly

View the background information document

Links

- [Little Manly Coastline Management Plan 2004](#)
- [Council Minutes - 23 February 2021 \(Item 13.3\) - Reclassification of Council Land at 40 Stuart Street, Manly](#)
- [Reclassification of Council Land - 40 Stuart Street, Manly](#)
- [Council minutes - 26 Nov 2019 \(Item 13.1\) - Little Manly Reserves Landscape Masterplan](#)
- [Little Manly Reserves Landscape Masterplan Your Say project page](#)

Submission form

Open

Do you agree with the proposal to categorise the Community Land at 40 Stuart Street, Manly as Park? (Please explain why or why not in your submission below) Required


- ☐ Yes
☐ No
☐ Neutral
☐ Prefer not to say

Do you support the proposed amendments to the Little Manly Coastline Management Plan? Required

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

Please share your submission below

Alternatively, you can upload your submission

 Choose file...

Allowed file types: pdf,doc,docx,txt,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

☐ Please tick this box if you do not wish to receive email updates on this project.

Submit

Document Library



UPDATED Proposed amendments to Little Manly Coastline Management Plan to add 40 Stuart Street - 21 July 2021
PDF (178.82 KB)





Public hearing background document - Proposed categorisation of Community Land at 40 Stuart Street, Manly



SUPERSEDED Proposed amendments to Little Manly Coastline Management Plan 2004
PDF (195.34 KB)

Have an enquiry?

 Name Russell Jenkins - Senior Asset Management Officer

 Phone 1300 434 434

 Email council@northernbeaches.nsw.gov.au

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 Little Manly Coastline Management Plan by:

- ☐ placing signs on-site
- ☐ letterbox drop to parts of Manly 2095 postcode
- ☐ Emailing 237 stakeholders on two occasions
- ☐ Community Engagement (fortnightly) e-newsletter to 20,000 subscribers on 3 occasions
- ☐ Council (weekly) e-news to 150,000 subscribers on two occasions.

4.2 Public hearing arrangements

The public hearing for the proposed categorisation of 40 Stuart Street in Manly was scheduled on Thursday 12 August 2021 from 6:00pm to 7:30pm 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-little-manly-coastline-management-plan> before 12 noon on Thursday 12 August 2021.

Community members who registered for the public hearing were invited to submit any comments or questions before the hearing. Seven community members registered to attend the public hearing.

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), Russell Jenkins (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.

Five 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.

Jeremy Smith explained the background to and reasons for Council proposing to categorise 40 Stuart Street as Park:

One of the things that came through community consultation, and what Council resolved to do, was to eventually knock down 40 Stuart Street to expand the park. The house is an

expanded park area which will be turf, some tree planting, and some outdoor park furniture such as picnic tables and benches.

The most obvious category that fits with the description of the land type that we want to achieve in the future is the Park category. Obviously it's not clear Sportsground. Obviously it's not a natural area. The intention is to provide more open space. General Community Use could have been an option. However, we felt that when you look at the core objectives of Park to encourage, promote and facilitate recreation, cultural and educational pastimes and activities they fit more appropriately with what our intention was rather than General Community Use.

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 40 Stuart Street in Manly (Lot 3 DP 252420) 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 6.45pm.

4.5 Submissions

Submissions about the proposed categorisation of 40 Stuart Street in Manly could be made:

- ☐ via the online submission form on Council's Your Say page: <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-little-manly-coastline-management-plan> from Wednesday 7 July to Wednesday 18 August 2021
- ☐ verbally at the public hearing on 12 August 2021 by joining the hearing via Microsoft Teams, or by calling in by phone.
- ☐ in writing: 'Proposed amendment to Little Manly Coastline Management Plan' to Northern Beaches Council, PO Box 82 Manly NSW 1655 until Wednesday 18 August 2021.

Five people attended the public hearing, online submissions via Your Say were received from 69 people, and one emailed written submission was received by email by 18 August 2021.

The five people who attended the public hearing also made an online submission via Your Say. One person who attended the public hearing also emailed a written submission. In total, submissions were received from 72 people.

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5 CONSIDERATION OF SUBMISSIONS

5.1 Introduction

Verbal and written submissions relating to the proposed categorisation of 40 Stuart Street in Manly 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

730 unique visitors visited the Have Your Say project page on average 1.41 times, spending an average of 1:24 minutes online.

Submissions about the proposed categorisation were received from 72 people.

Four people attended the public hearing as well as made an online submission through Your Say. One person attended the public hearing, made an online submission through Your Say, and emailed a submission.

Of the 72 people who made a submission, 90% agreed with the proposed categorisation as Park, 1% are neutral, and 8% disagreed with the proposed categorisation as Park.

Table 2 Level of support for proposed categorisation as Park

	Public hearing	Online Your Say	Email	TOTAL people who made a submission	%
Yes	5*	63	2*	65	90.3%
Neutral	-	-	1	1	1.4%
No	-	6	-	6	8.3%
TOTAL	5*	69	3*	72	100.00%

*The five people who attended the public hearing also made an online submission via Your Say. One person who attended the public hearing also made an online submission via Your Say and emailed a written submission.

5.3 Public hearing submissions

Table 3 Verbal submissions to the public hearing

Submissions		Council response
Support for the Park category		
General support for Park category	Yes, it should be a Park. Let's get on with it.	Noted
	I'm happy for it to be a Park and very supportive and agree that we should get on with it.	Noted
	I totally agree. I think it should be a Park. And let's get on with it.	Noted
	I'd be delighted for 40 Stuart St to be part of the park. Long awaited and very much looking forward to it, it would be wonderful. The category is right. It should be a Park, definitely.	Noted
	I live in the Blue Mountains now, but I used to live just above Little Manly Beach and Addison Road. I have very fond memories of my grandchildren learning to swim there and having family picnics. The more popular the park became, the more the space constraints. I would love it if the park was bigger to allow enough or more families to have those wonderful experiences I had with my family. I'm very much for making it a Park.	Noted
Other questions and comments		
Parking	The only trouble is parking. It's sort of terrible now that everybody knows about Little Manly, but there's nothing much we can do about that.	Noted
Kiosk and toilets at 40 Stuart Street	<p>The masterplan is very nice, but Council "wimped out" on a major move to move the kiosk and toilet out of the middle of the beachfront. It is really a very unsatisfactory arrangement.</p> <p>We will have to leave it for another generation then, because the land is worth \$10,000 or \$30,000 a square metre? In comparison the cost of the infrastructure of a toilet seems to be small.</p>	<p>During the masterplan process Council hired valuers to look at whether Council could demolish the kiosk and turn the existing house at 40 Stuart Street into a café.</p> <p>We found that parking is a concern, and it restricts making an ongoing concern of a larger café/kiosk than that which is in the park. The expense of moving the kiosk, developing a new public toilet, and a new café /restaurant which a lot of people suggested is too much for Council.</p> <p>The prospect of granting consent for a development application for that type of development is low due to the lack of parking. Onsite parking would also be prohibitively expensive, so it isn't feasible.</p>

Submissions	Council response
	<p>We also received a lot of feedback during the masterplan consultation that they like the cafe where it is. Without unanimous support in the community, it is an economic reality of moving the café.</p> <p>The potential value of the land, given it is classified as community land, is very little. Council can't realise the value of the land or leverage off the potential value of the land, so we can't say that we would get the same price based on the sale price of 38 Stuart Street, which sold for \$15 million. The cost of the land would be borne entirely by the ratepayers. The Park categorisation doesn't prohibit that kind of development in the future. We just need to change the plan of management.</p>
<p>Starting date for works</p> <p>What was the start date on this?</p>	<p>2022-23. We would ideally start in early July depending on the procurement process. We don't want to be doing demolition in Little Manly over summer.</p>
<p>Amendments to the Little Manly Coastline Management Plan</p> <p>Will the references to 34, 36 and 40 Stuart Street be altered to being classified as community land in the new plan of management?</p> <p>What will be the name of the plan? The Little Manly Coastline Plan of Management? Will it be dated 2004 or will it be 2021?</p>	<p>We are changing all the references to 34 and 36 being community land. The second version of the amendments reflecting the correct community land classifications was sent out a couple of weeks ago.</p> <p>The new plan of management will be dated 2021.</p> <p>The plan of management isn't the mechanism to make those blocks community land, but it's important that the revised document reflects that.</p> <p>The original version of the plan of management we have is a paper document in electronic format. It will take us time to convert it all into something you expect.</p>

5.4 Written submissions

5.4.1 Submissions about the proposed categorisation

Table 4 Specific comments about the proposed categorisation

Submissions
Support for Park categorisation
<p>I agree that the Categorisation of 40 Stuart Street should be 'Park'.</p> <p>I support this because Little Manly is very busy and popular and more space is needed for passive recreation. Little Manly is such a beautiful harbour beach and having the foreshore as 'Park' is a wonderful asset for the community. The beach is particularly popular with seniors and with families with small children and is visited by people from all over the Northern Beaches and actually from all over the World.</p> <p>The community has been campaigning for this since 2005 and the plan for open space has been in place since the early 1950s when the Cumberland Plan designated the land as green open space.</p>
<p>Yes we agree to the Community Land at 40 Stuart St being in the category of Park. It will increase the size of the existing park and it was bought for that purpose.</p>
<p>Keen for 40 Stuart to become Park in line with long term vision. Park space is desperately need in this part of Manly to help families enjoy Little Manly space.</p>
<p>I'd like to register my support for the reclassification (sic) of 40 Stuart Street to Park</p>
<p>Categorising this land as a park is clearly in the interest of the community, as expressed by the engagement of the community in this matter. We fully support it.</p>
<p>I believe that the Community Land at 40 Stuart Street, Manly, should be categorised as Park. The intention of myself and many other community members is that this parcel at 40 Stuart Street should join the parcels of Community Land at 34 and 36 Stuart Street to form a Park that is available to all community members to share. The unification of these blocks is long overdue.</p>
<p>I support the proposal to reclassify [categorise] 40 Stuart street, Manly as Park and to return the land to the community as public open space so it can be enjoyed for recreational activities.</p>
<p>Excellent idea to include this lot as part of the Little Manly Beach Park, which is well-used and could do with the extra space which this inclusion would result in. I believe the community needs this and agree that it should be reclassified [categorised] and the plans moved forward as soon as possible.</p>
<p>This matches the surrounding categorisation and is appropriate. Well done.</p>
Support for 40 Stuart Street as park/open space
<p>It is the most common sense decision. Additional 'park' land has community and environmental benefit.</p>
<p>It will be great to have some additional park/open space at Little Manly Beach. We live in a very dense area and within the residential areas there is really very little open space. This is not a large area but every little bit helps.</p>
<p>So many people, mostly families, enjoy the Little Manly beach space, particularly over the warmer months. I believe this extra park area will be wonderful for them.</p>
<p>The whole of the Little Manly beachfront was gazetted decades ago to become Open Space and park land for the benefit of the community and to enhance the beauty of the area. The demolition of 40 Stuart Street and park land to be developed will be a step in the right direction. The former Manly Council totally compromised Little Manly's Open Space beachfront when they allowed 38 Stuart Street become a private dwelling - against all the years of the community's hard work in campaigning for Open Space as was the govt mandate. The concept of more Open Space such as will occur with the demolition of 40 Stuart Street is truly welcomed by all - for general public use and enjoyment.</p>

Submissions

At last this land will be part of the community park as has been envisaged for the last forty years. A really good idea that I totally support.

With the upgrade of the kiosk at Little Manly (which I agree with), it makes sense to have extra parkland so people can spread out more and enjoy the facilities. It also gives children more playing space while parents enjoy the kiosk. I support the move.

The park at Little Manly is heavily patronised on weekends and public holidays. Most of the attendees seem to be residents of the Northern Beaches. The ferry day trippers seem to regard this beach as too far to walk to.

This land will be a wonderful addition to the Little Manly Reserve, allowing beautiful Sydney Harbour to be enjoyed by more than just a select few!

It is what the public want, only pity is that the Council can not purchase all properties, through resumption if necessary, so that all of the land area can be incorporated as Community land. Council and the fantastic Community group who let the fight to retain this site as Community land are to be congratulated on their decision to demolish No.40 Stuart Street and return this site to the Little Manly Coastline Management plan.

I used to live near Little Manly Beach and was able to observe activities by families from all over Manly as well as Sydney. I taught my grandchildren how to swim there and had many picnics with friends as well; however, the park area is too small for people to enjoy this ideal family location. Even when this community beach was first planned many years ago, it was never to be occupied by private property. Little Manly Beach should be shared by everyone!

I am greatly in favour of this proposal to upgrade and increase public space around this beautiful area and increase the amount of natural environment

It is a long awaited change that 40 Stuart is officially integrated in the public park, as should all dwellings on the little manly beach front.

I support increased public open space in urban areas adjacent to the harbour

I believe this property should never have been available as private land so close to a public beach. The community will benefit from the conversion proposed.

I'd very much like to see this parcel of land (in fact the whole dune area) made public space. All beaches should be for that matter. A costly and lengthy plan but well worth it for the human and natural benefits it will bring in the form of outdoor recreational space.

I have seen many public spaces on the Harbour side in Manly be taken over by restaurants, shops & bars over the years I have grown up & lived on the Northern beaches... I agree & would like to see this area changed to park, allowing more public space & ensuring it is kept for community to use and allowing many rather than just few to enjoy an open, beautiful area & coastline.

My wife and I live on Osborne Rd. We regularly use Little Manly Beach and the associated small green area for family recreation activities. As a long term resident, I note that increasing numbers of people, including plenty of non Manly people, are making good use of Little Manly. More park space is urgently needed, and its taken a while.

The proposal will result in much needed open space for community use

Expansion of public open space is an advantage to the community

Land for the enjoyment of all.

It's a terrific idea, well done Council.

Any plan to increase public land in Sydney, especially Manly, gets my full support

The areas is a popular areas for families with young children and locals more amenities for their enjoyment would be worthwhile

Submissions

Yes, love emphasis on natural features, sandstone, playground upgrade, improved pedestrian access and not over developing. Also traffic calming important. Doesn't always feel safe near road with little kids.

So it can be enjoyed by the community as recreational space and return back to the community for shared use. For community to enjoy. Encourage recreational and community shared spaces and support the health and well being for the community

This is important public land, and should be part of the Little Manly Beach precinct. The beach is used by many locals and others - it is a popular friendly beach, much used by families. The house should simply not be in private hands.

The park at Little Manly is loved and used by increasing numbers of people each year. We need more space, so adding the land at 40 Stuart St to the park is a necessary and wise move. Also, it is the just and right thing to do, as 40 Stuart St was purchased by Council solely for the purpose of adding the land to the Little Manly park.

Foreshore land should be accessible to the public

Support for categorisation as Park but with conditions

What happens after the 21 years or 30 years with Minister's consent as community reclassification to Park? I think this should be open space in perpetuity to remain as is with no intervention of new Councils in the future

The land and house at 40 Stuart Street under the Council motion by the Administrator was really the way to go. We still have a café surrounded by toilets under your present system. Categorisation of 40 Stuart Street should allow the inclusion of a café system.

Don't support categorisation as Park

There is no sense in this proposal. You wish to destroy an existing house where people can live and replace it with grass for "recreational purposes". The area called Little Manly Reserve is adequate as it is.

We do not believe the change makes a significant difference to the Park area. The Council would have better use of funds by selling the land and using the money on other necessary activities. Our rates have jumped 25% this year and we need some control on the budget. This asset is valuable and would benefit more ratepayers by selling the land.

The lovely house at 40 Stuart St should remain as a buffer to the road traffic as removing it will destroy the heritage of the area. We do not require any more vacant land as the park area currently being used, has never been maintained (and still isn't). The only people I have seen maintaining the grass are residents who actually watered the lawn to keep it semi-usable, including the previous owners of No. 40.

Until a proper maintenance schedule is in force, please leave well alone, and do not spoil the ambience of the area. I have used this beach for over 60 years but am sick of the poor maintenance of the gardens and lawn, and especially the bindii.

We have the whole of little manly point park that is under-utilised. Clear out the shrubs and use the parkland already available. It is a complete waste of fund knocking down this house, just so a few residents can get their view back. There is already limited parking in the area.

5.4.2 Submissions outside the scope of the public hearing and categorisation

Submissions which are not related to the proposed categorisation or are relevant to the proposed amendments to the *Little Manly Coastline Management Plan* are listed below but are outside the scope of this report. Such submissions and comments include:

- ☐ make corrections to the classification of land at 34 and 36 Stuart Street from 'operational' to 'community'. Please be sure this is reflected in all documentation of the whole process, as well as in the new Little Manly Coastline Management Plan.

- ❑ why are the properties at 34 and 36 Stuart St not also included in the scope of this amendment in the Little Manly Coastline Action Plan?
- ❑ when and if No 38 becomes available for sale the price would be over the top for purchase be Northern Beaches Council so Council should forget about purchasing in the future. It would be a very expensive block to turn into parkland & the money would be better used elsewhere where it would do more good for the complete Council area.
- ❑ I would also support installing exercise equipment in the top corner of the property (out of the way) near to Stuart Street.
- ❑ thank you for taking utmost care regarding pedestrian traffic in this area. There is a very sensitive intersection between Stuart and Addison where pedestrians do not have yet have the appropriate settings to be protected from traffic. There is a need for 2 crosswalk sections on that intersection. It is increasingly busy with pedestrians and cars are driving too fast. Thank you very much for your consideration.

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

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6 RECOMMENDATIONS

6.1 Consideration of submissions

The written and verbal submissions regarding the proposed categorisation of 40 Stuart Street as Park have been carefully considered and assessed below.

90% of people who made a submission about the proposed categorisation supported 40 Stuart Street in Manly being categorised as Park for reasons including:

- ☐ the local community has been waiting a long time for the land to become a park
- ☐ Council purchased the land specifically to add to Little Manly Beach Reserve
- ☐ it will increase the size of Little Manly Beach Reserve
- ☐ it will implement the long term vision and masterplan for Little Manly Beach Reserve
- ☐ it will return public access to public land from private use
- ☐ it will allow shared community use of the land
- ☐ the community supports it
- ☐ it will provide more space for passive recreation in Manly for locals, families, visitors
- ☐ it will allow public access to the harbour
- ☐ the Park category will match the categorisation of adjoining land as Park
- ☐ several people at the public hearing asked Council to “get on with it”.

8% of people who made a submission did not agree with 40 Stuart Street becoming a park and being categorised as Park for the following reasons:

- ☐ residents live in the house to be demolished
- ☐ Little Manly Beach Reserve is of adequate size. Adding 40 Stuart Street to the park will not make a significant difference to the park size
- ☐ the land was expensive to purchase for a park
- ☐ Council should sell the land and use the proceeds for other benefits to ratepayers
- ☐ the house should remain to act as a buffer to road traffic, and to retain local heritage
- ☐ Little Manly Beach Reserve is not well maintained by Council
- ☐ limited parking is available for users of the park.

As the land is already owned by Council and is classified as community land, and Council intends to implement the Little Manly Beach Reserve Masterplan with 40 Stuart Street as informal public parkland, the Park category is the most appropriate category for the land.

The guideline for categorisation of the Park category (Clause 104, *Local Government (General) Regulation 2005*) is:

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.

As such, the Park category is the best fit of the five categories of community land under the *Local Government Act 1993* for the future use and management of 40 Stuart Street in Manly as an extension to Little Manly Beach Reserve.

6.2 Recommendations

Based on the representations to the public hearing on 12 August 2021 and written submissions made to Council by 18 August 2021, my recommendations to Northern Beaches Council are that Council:

1. Note the verbal and written submissions made in Section 5.
2. Categorise 40 Stuart Street in Manly as Park according to the proposed categorisation map which was publicly exhibited, as shown in Figure 8 below.

Figure 8 Recommended categorisation of 40 Stuart Street in Manly



6.3 Adoption of proposed categorisation

This public hearing report will be presented to Council for its information as part of its approval of the proposed categorisation of 40 Stuart Street in Manly.

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. No alternative categorisations to Park were put forward by the community.

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.

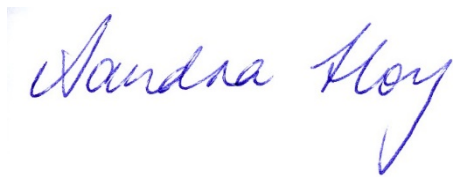
If Council adopts the proposed categorisation of 40 Stuart Street in Manly as Park, Council will update the *Little Manly Coastline Management Plan* and its Land Register to reflect the categorisation.

If Council decides to alter the proposed categorisation of 40 Stuart Street from the Park category 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 registered and/or 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 Manly Library.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

31 August 2021

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