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# PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED CATEGORISATION OF WYATT AVENUE BIKE PARK, BELROSE

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FINAL REPORT

10 FEBRUARY 2022



NORTHERN BEACHES COUNCIL

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PUBLIC HEARING AND SUBMISSIONS REPORT  
FOR PROPOSED CATEGORISATION OF  
WYATT AVENUE BIKE PARK, BELROSE

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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](mailto:sandy@parklandplanners.com.au)

[www.parklandplanners.com.au](http://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 2 December 2021 regarding the proposed categorisation of two parcels of community land comprising the proposed Wyatt Avenue Bike Park in Wyatt Avenue, 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 their transfer to Council.

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 lots as Park, consistent with the guidelines for categorisation as Park in Clause 104 of the *Local Government (General) Regulation 2021*, 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.

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* including these parcels of land 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. The public hearing was held on Thursday 18 February 2021. After considering the submissions on the proposed categorisation as Park to the public hearing and to the public exhibition of the *Generic Parks Plan of Management – former Warringah*, the recommendation to Council was to categorise the Wyatt Avenue Bike Park (Lot 102 DP1244381 and Lot 2620 DP752038) and Lot 2 DP536909 as Park (Parkland Planners, Public Hearing and Submissions Report For Proposed Categorisation of Community Land in Wyatt Avenue, Belrose, June 2021).

Subsequently, legal advice to Council suggested that a Plan of Management should be specifically prepared for the Wyatt Avenue Bike Park, and that another public hearing be held into its proposed categorisation as Park.

At its meeting on 26 October 2021, Council resolved by exception:

8. Council publicly exhibit the draft Wyatt Bike Park Plan of Management in relation to Lots 102 DP 1244381 and 2620 DP 752038, being 4-6 Wyatt Avenue Belrose, for 42 days.
9. Council hold a public hearing in respect of the proposed categorisation of Lots 102 DP 1244381 and 2620 DP 752038 as Park in the draft Wyatt Bike Park Plan of Management.
10. The outcomes of the public exhibition of the draft Wyatt Bike Park Plan of Management and the public hearing be reported to Council.

The Draft Plan of Management for Wyatt Avenue Bike Park was on public exhibition from 29 October until 12 December 2021. The public hearing was held on Thursday 2 December 2021.

### 1.3 Land covered by this report

The location of Wyatt Avenue Bike Park (Lot 102 DP1244381 and Lot 2620 DP752038) at Wyatt Avenue in Belrose is in Figure 1.

Figure 1 Location of Wyatt Avenue Bike Park



## 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 Wyatt Avenue Bike Park. The submissions comprise verbal submissions made at the public hearing held on Thursday 2 December 2021, and written submissions received by Council between Friday 29 October and Sunday 12 December 2021.

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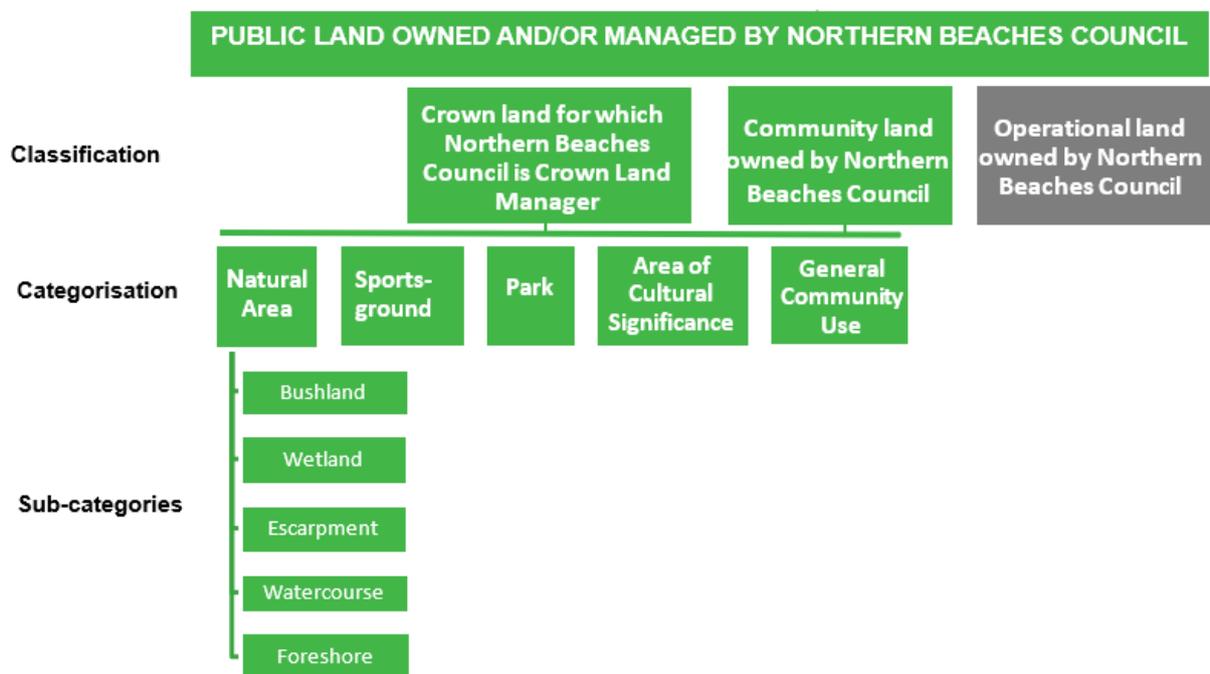
# 2 PLANNING CONTEXT

## 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). Wyatt Avenue Bike Park (Lot 102 DP 1244381 and Lot 2620 DP752038) is 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 2021*.

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 the Wyatt Avenue Bike Park are in Table 1.

Table 1 Guidelines and core objectives for categories of community land considered for the Wyatt Avenue Bike Park

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
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"> <li>- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>- provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>
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"> <li>- encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games, and</li> <li>- ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>
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"> <li>- 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"> <li>- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</li> </ul> </li> <li>- 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).</li> </ul>

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
Natural Area	<p>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.</p>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- maintain the land, or that feature or habitat, in its natural state and setting.</li> <li>- provide for the restoration and regeneration of the land.</li> <li>- 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.</li> <li>- 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>.</li> </ul>
<p>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.</p>		
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>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"> <li>- 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.</li> <li>- protect the aesthetic, heritage, recreational, educational and scientific values of the land.</li> <li>- 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.</li> <li>- restore degraded bushland.</li> <li>- protect existing landforms such drainage lines, watercourses and foreshores.</li> <li>- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.</li> <li>- protect bushland as a natural stabiliser of the soil surface.</li> </ul>

1 *Local Government (General) Regulation 2021*

2 *Local Government Act 1993*

## 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 Wyatt Avenue Bike Park Plan of Management, and the proposed categorisation of Lot 102 DP1244381 and Lot 2620 DP752038 comprising the bike park.

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# 3 PROPOSED CATEGORISATION OF WYATT AVENUE BIKE PARK

## 3.1 Site features

Photographs of the proposed bike park site are shown in Figure 3.

Figure 3 Site photos



### 3.2 Ownership of the subject lots

The land comprising Wyatt Avenue Bike Park is owned by Northern Beaches Council as shown in Figure 4.

Figure 4 Ownership of Wyatt Avenue Bike Park



### 3.3 Current and proposed categorisation of the Wyatt Avenue Bike Park

Wyatt Avenue Bike Park (Lot 102 DP1244381 and Lot 2620 DP752038) has not yet been formally categorised.

Council proposes to categorise the Wyatt Avenue Bike Park as Park, consistent with its proposed development and use as a junior bike skills park as shown in Figure 5 below.

Council believes 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).

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



The Park category as it is proposed to apply to the Wyatt Avenue Bike Park is shown in Figure 6.

Figure 6 Proposed categorisation of Wyatt Avenue Bike Park



# 4 THE PUBLIC HEARING

## 4.1 Advertising and notification

### 4.1.1 Public notification and exhibition requirements

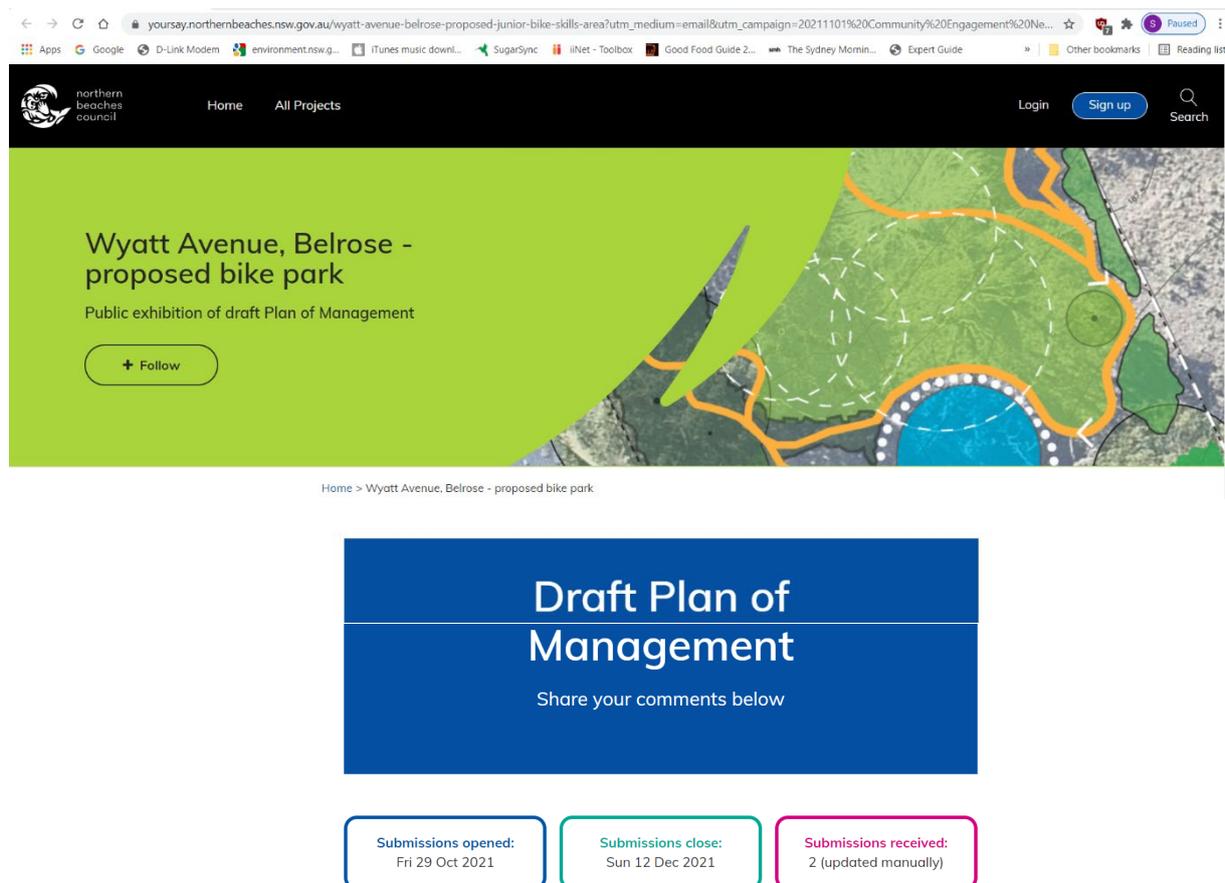
Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

### 4.1.2 Online notification

Council notified the community of the online public hearing on its website <https://yoursay.northernbeaches.nsw.gov.au/wyatt-avenue-belrose-proposed-junior-bike-skills-area> from Friday 29 October to Sunday 12 December 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



## Seeking feedback on a site-specific Plan of Management

In March 2019, the NSW Government sold land on Wyatt Avenue, Belrose on the condition that Council classify the land as Community Land and develop a public recreation facility on the site.

In late 2020, we engaged with the community on a concept plan for a proposed junior bike skills area on the land known as Lot 102 DP 1244381 and Lot 2620 DP 752038.

Earlier this year, we proposed to categorise the site as Park and amend the Generic Parks Plan of Management (Former Warringah) to include the land and facilitate its use for a bike park and public recreation.

Thank you to everyone who provided feedback on these proposals.

While there was general support for the Park categorisation and use of the site as a bike park, we received feedback that, due to the specialised nature of the proposed bike park, a site-specific Plan of Management would be preferable.

We have therefore created and are now seeking feedback on the [draft Wyatt Avenue Bike Park Plan of Management](#) (PoM).

The draft PoM will:

- set out how the Wyatt Avenue Bike Park will be established, maintained and managed into the future
- balance community recreational use of the site with environmental considerations.

It addresses issues such as vehicular access, site usage and Duffy's Forest vegetation management and plant regeneration.

Wyatt Avenue Bike Park will be a local scale entry-level junior bike skills park which can be used by the entire community for bike riding and complementary recreation and social activities in a natural and attractive landscape setting.

*Vision statement - Draft Wyatt Avenue Bike Park Plan of Management*

## Learn more and have your say

[View the draft Plan of Management](#) and have your say by:

- completing the submission form below
- emailing [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)
- writing to us marked 'Draft Wyatt Bike Park Plan of Management' to Northern Beaches Council, PO Box 82 Manly NSW 1655.

An online public hearing will be held on **Thursday 2 December 2021, 6 - 7.30pm** regarding the proposed categorisation of Lots 102 DP 1244381 and 2620 DP 752038 as Park in the draft Wyatt Bike Park Plan of Management.

Bookings are essential, [register now](#) for the session.

Alternately, please feel free to contact the Park Assets - Planning, Design & Delivery Team on 1300 434 434 (during business hours) with your enquiries.

[Register for the online public hearing](#)

## Snapshot of draft Plan of Management



[Download the draft Wyatt Avenue Bike Park Plan of Management](#)

## Submission form

Open

Do you support the draft Wyatt Avenue Bike Park Plan of Management? Required

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

Do you support the proposed categorisation of Lots 102 DP 1244381 and 2620 DP 752038 as Park? Required

- Yes
- Yes, with changes
- Neutral
- 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

Next

## Engagement history

With the growth of cycling on the Northern Beaches, we're looking to provide opportunities for young local riders to develop their skills and confidence.

Between 9 October 2020 and 9 November 2020, we sought feedback on a [concept plan for a junior bike skills area](#) in the reserve on Wyatt Avenue, Belrose directly adjacent to the 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.

The vast majority of the 176 comments we received expressed a positive sentiment toward the proposed junior bike skills area. Supportive comments noted the need for such a facility, the health and community benefits it would provide, and its respect for the natural surroundings.

Some respondents expressed concerns, including about additional noise, potential increase to traffic and congestion, parking issues on local streets, and impacts on local biodiversity.

You can view the community engagement report [here](#).

### Concept plan



## Document Library

-  Draft Wyatt Avenue Bike Park Plan of Management - Oct 2021  
PDF (3.52 MB)
-  Wyatt Avenue Bike Park Proposed Categorisation and Public Hearing Background Information - Nov 21  
PDF (3.44 MB)
-  Revised Concept Plan - Wyatt Avenue, Belrose bike park - Sep 2021  
PDF (6.69 MB)
-  Draft concept plan for Wyatt Avenue, Belrose - proposed junior bike skills area - Oct 2020  
PDF (6.66 MB)
-  Community Engagement Report - Wyatt Ave junior bike skills area - Oct 2020 concept plan  
PDF (407.58 KB)

## Related project and Council documents

-  [Proposed amendment to Generic Parks Plan of Management \(former Warringah\) - Wyatt Avenue, Belrose](#)
-  [Council Minutes - 26 October 2021 \(Item 13.7\) - Outcomes of public exhibition of Generic Parks Plan of Management \(Former Warringah\) and public exhibition of draft Wyatt Ave Bike Park PoM](#)
-  [Report to Council - 26 October 2021 \(Item 13.7\) - Outcomes of public exhibition of Generic Parks Plan of Management \(Former Warringah\) and public exhibition of draft Wyatt Ave Bike Park PoM](#)
-  [Attachment Booklet 2 - 26 October 2021 \(Item 13.7\) - Outcomes of public exhibition of Generic Parks Plan of Management \(Former Warringah\) and public exhibition of draft Wyatt Ave Bike Park PoM](#)

## Have an enquiry?

-  Name [Jeremy Smith - Manager, Park Assets - Planning, Design & Delivery team](#)
-  Phone [1300 434 434](tel:1300434434)
-  Email [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)
-  In writing 'Draft Wyatt Avenue Bike Park Plan of Management', Northern Beaches Council, PO Box 82, Manly NSW 1655.

### 4.1.3 Other notification methods

Council also promoted the public hearing and the invitation to make a submission about the Draft Plan of Management for Wyatt Avenue Bike Park by:

- placing signs on-site
- mailing or emailing 441 residents and stakeholders who provided a submission on the Wyatt Avenue, Belrose proposed junior bike skills area project and the Generic Parks Plan of Management project
- sending a media release about the public exhibition
- including a notice about the consultation in Council's e-News (weekly) on one occasion
- including a notice about the consultation in Council's fortnightly Community Engagement Newsletter EDM on three occasions.

### 4.2 Public hearing arrangements

The public hearing for the proposed categorisation of Wyatt Avenue Bike Park was held on Thursday 2 December 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/wyatt-avenue-belrose-proposed-junior-bike-skills-area> before 12 noon on Thursday 2 December 2021.

Community members who registered for the public hearing were invited to submit any comments or questions before the hearing. 11 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.

Scot Hedge (Acting Executive Manager-Parks and Recreation), 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 either based at Northern Beaches Council offices at Boondah Road, Warriewood or online from home for the public hearing.

Seven 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 the Wyatt Avenue Bike Park (Lot 102 DP 1244381 and Lot 2620 DP 752038) 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 7:25pm.

### 4.5 Submissions

Submissions about the proposed categorisation of Wyatt Avenue Bike Park could be made:

- via the **online submission form** on Council's Your Say page: <https://yoursay.northernbeaches.nsw.gov.au/wyatt-avenue-belrose-proposed-junior-bike-skills-area> until **Sunday 12 December 2021**
- verbally at the public hearing on Thursday 2 December 2021** by joining the hearing via Microsoft Teams, or by calling in by phone. Prior registration is required (see above)
- emailing **council@northernbeaches.nsw.gov.au**

- ❑ **in writing to Council** at 'Draft Wyatt Bike Park Plan of Management', Northern Beaches Council, PO Box 82, Manly NSW 1655 until **Sunday 12 December 2021**.

Seven people attended the public hearing, 166 online submissions were received, and seven written submissions were received by email. One person provided a submission at the public hearing, via the online Your Say platform and via email; two people provided a submission at the public hearing and via the online Your Say platform, and one person provided a submission via the online Your Say platform and via email; so a total of 175 unique submissions were made.

# 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 175 people who attended the public hearing and/or made a written submission, 89% agreed with the proposed categorisation, 6% agreed but with changes, less than 1% were neutral, and 5% disagreed with the proposed categorisation.

Table 2 Level of support for proposed categorisation as Park

	Public hearing	Online	Email	TOTAL	%
Yes	5	150	3	156*	89.1%
Yes with changes	1	9	2	10*	5.7%
Neutral	1	-	-	1	0.6%
No	-	7	2	8*	4.6%
<b>TOTAL</b>	<b>7</b>	<b>166</b>	<b>7</b>	<b>175*</b>	<b>100.0%</b>

*\*Seven people attended the public hearing, 166 online submissions were received, and seven written submissions were received by email. One person provided a submission at the public hearing, via the online Your Say platform and via email; two people provided a submission at the public hearing and via the online Your Say platform, and one person provided a submission via the online Your Say platform and via email; so a total of 175 unique submissions were made.*

## 5.3 Public hearing submissions

People who attended the public hearing made the following verbal and written submissions to the public hearing.

Table 3 Verbal and written submissions to the public hearing

Issue	Submission	Council response
Agree with the proposed categorisation as Park	Agree with the categorisation as Park	Noted

Issue	Submission	Council response
Support for bike park	It is exciting to have for the community and for kids	Noted
A junior bike park should be included in the Bare Creek Bike Park	<p>A junior bike park was part of the original plan for the Bare Creek Bike Park.</p> <p>Why is this bike park not incorporated into the new multi-million dollar bike facility at Bare Creek?</p> <p>Now it is a duplicate facility in a residential street.</p> <p>The junior bike park is trying to be “all things to all people” as a feeder to Bare Creek.</p>	<p>Council is not providing a duplicate facility. Council is trying to fill a gap in places for small children learning to ride on small bikes.</p> <p>Bare Creek is not meant to be for all riders. The Wyatt Avenue Bike Park would allow progression to the pump track and the lower-graded tracks at Bare Creek.</p>
Skills progression from Wyatt Avenue Bike Park to Bare Creek Bike Park	<p>Questions around the concept plan, in particular whether thought is being given to the relationship with Bare Creek Bike Park.</p> <p>Ensure that this facility fits in appropriately with Bare Creek Bike Park.</p> <p>The intention is that kids start riding at this beginner junior bike park, build their skills, and seamlessly transition to the adult bike park without the need for an intermediate facility.</p> <p>Park features must be adequate to allow development of basic skills needed before progressing to Bare Creek Bike Park. Make sure it is an ongoing design bridge between the junior and adult bike park.</p> <p>Children 5 to 8 years want to start on the big jumps at Bare Creek. Children who don't have the necessary skills have been hurt at Bare Creek Bike Park. This is an opportunity to provide something for that demographic. We want to have somewhere to send them and their family so they have a good day.</p> <hr/> <p>A progression to Bare Creek is needed. There is nothing around to make that step for younger kids.</p> <hr/> <p>Great idea if it fills a gap between Bare Creek and this bike park</p>	<p>There is a lengthy learning curve between this bike park and Bare Creek Bike Park as a hub for experienced riders.</p> <p>Council expects multiple levels between this junior facility and others. This facility will have features that are somewhat progressive regarding how to ride on dirt and jumps. We are not expecting any riders to get off the ground here.</p> <p>Council is looking at a suite of bike facilities for different skill sets, including:</p> <ul style="list-style-type: none"> <li>- JJ Melbourne Hills Reserve, which is a learn-to-ride transition pump track between beginner and advanced bike parks.</li> <li>- A new bike park (pump track) is proposed at Lynne Czinner Park in Warriewood.</li> </ul> <p>Council will be engaging with the community on the details of the Wyatt Avenue Bike Park.</p>
Access to the bike park	How can the bike park be accessed?	There will be no gates accessing the adjacent properties, because it is important to protect adjacent bushland as best we can.
Connection with local bike routes	The Wyatt Avenue Bike Park should connect with local bike routes and paths along Forest Way if possible to help kids learn.	<p>The active transport and bike path network for the Northern Beaches is being planned.</p> <p>A shared path, and widening of the pathway from the bus stop in front of the bike park, will connect to bike paths along Forest Way and the wider cycleway network.</p>

Issue	Submission	Council response
Internal design of the park	<p>I wish to comment on the internal design of the park (not fit for purpose)</p> <hr/> <p>It seems a little bit confused like it was trying to be all things to all people - a picnic facility, recreation places for kids parties.</p>	Council is engaging with the community on design details.
Mountain bike skills area rather than a bike learner facility	This seems more like a mountain bike skills area than a genuine facility for young people to learn to ride a bike safely	Noted.
Picnic area is small	The picnic area is tiny. A 10 metre diameter picnic area is not going to coexist with people learning to ride mountain bikes.	Noted
Use of the grassed area	The grassed area cannot be used for recreation if it is a bike skills area too.	Noted
Provision of toilets	Will toilets be provided?	No. Toilets are available at Wyatt Reserve Playing Fields
Endangered vegetation will not be conserved	There are contradictory statements in the Plan of Management. Why does Council consider it appropriate to put a bike track through a wildlife corridor and Endangered Ecological Community? Endangered vegetation should be conserved, but a bike track is going through the middle of it.	<p>All trees on site were assessed, with some identified for removal such as exotic species, and those in poor health.</p> <p>Council will replant trees from the Duffys Forest Endangered Ecological Community, and manage the trees on site.</p> <p>Council also has issues with managing bushfire. Council will manage the land to protect property and in accordance with requirements for asset protection zones.</p>
Impractical landscaping	The landscaping is impractical – plantings will not survive along tracks and are too close to fence	Noted
Parking	It is assumed that no parking is needed because local people will use the bike park. High use of the Bare Creek Bike Park shows that Wyatt Avenue Bike Park will be popular and heavily used. It will not be a local, neighbourhood practice facility that is the ideal concept for the bike park.	Noted
Fencing between the bike park and John Colet School	<p>The draft plan notes on p 26 that:</p> <p>Fencing is required to separate the bike park use from the adjoining school, natural bushland and wildlife corridor, neighbouring properties and for site security.</p> <p>Protect the adjoining bushland and wildlife corridor from human disturbance.</p>	<p>There is potential for people wanting to explore in sensitive bushland on adjoining properties not managed by Council.</p> <p>Council is providing secure fencing between the bike park, the school and bushland so people can't climb over the fence.</p>

Issue	Submission	Council response
	<p>The school would want fencing that would be similar or higher standard to the front fencing at the school. The school is happy with the proposal for fencing between the school and the bike park in the draft Plan of Management.</p>	<p>The fence to the school will be 2.1 metres high, and the fences on the northern and eastern sides will be 1.8 metres high.</p>
<p>Fencing of the viewing/launch area</p>	<p>The fence between the school and the bike park will be 2.1 metres high while fencing of the elevated viewing area/launch platform will be only 1.8 metres high. I'm wondering if that fence height is going to be adequate.</p>	<p>There is potential for people who want to explore off into the adjacent property, which is not managed or controlled by Council. Some sensitive vegetation and fauna are in that area.</p> <p>The platform will be only 300mm high for junior riders, so the fence height is adequate.</p>
<p>Impacts on surrounding land</p>	<p>There are no actions in the management plan for controlling noise and addressing impacts on surrounding land not owned by council.</p>	<p>Noted</p>
<p>Use agreements</p>	<p>We were previously told that the bike park would not be available for hire, but the Plan of Management states it can be leased or hired. Will private schools or private users lease it?</p>	<p>The bike park won't be leased or licensed.</p> <p>People will be able to book a space for a birthday party, for example, to help control expectation of what's available.</p> <p>The Wyatt Avenue Bike Park is not identified as a bookable space yet, but Council is considering taking bookings to help manage use and the ability to say no to some uses.</p>
<p>Prefer a passive park than a bike park</p>	<p>I realise the site is very disturbed, but I'm wondering why Council presented this bike park as pretty much the sole option originally, and then we went back and categorised it in the Generic Parks Plan of Management. Support for the bike park was there because it was presented as the only option.</p> <p>Why does Council believe there is a lack of bike facilities in the area when there are more bike riding opportunities and facilities than parks and picnic areas for the general public in this area? We've got so many sports fields and open space and bike facilities. We don't have a single park. Why is there not a passive park for picnics in the Belrose area? I want to sit at a picnic table in a park. During COVID we had neighbours putting tables on the sports-field because there's nowhere to have a picnic in Belrose so that was what I supported to have a park. But that's really not feasible with the design that we're looking at.</p> <p>Local parks in Belrose are like an empty corner block with a swing set. I want somewhere where people could sit at a picnic table or actively sit on a grassed area.</p>	<p>The suburb of Belrose is well provided with pocket parks. However, not along Wyatt Avenue because there's only the sportsfield, but there is a bit of open space around it.</p> <p>Demand for bike riding facilities is quite high across the LGA. We are seeing significant demand for the recreational pursuit of bike riding over the last 12 months or more at over 100 sites where kids build their own jumps.</p> <p>Council is also looking at other sites for bike facilities, so we're not looking to steer everyone just to Wyatt Avenue Bike Park.</p>

Issue	Submission	Council response
	<p>Council is giving a lot to mountain bike riders but not to the local community, which was the actual objective of the park to provide for the local community and not single use. The more you give bike riders, the more access that you actually get to an area. So this becomes the bike riding capital of the northern beaches. This is short-changing the people who live here.</p>	

## 5.4 Written submissions

### 5.4.1 Submissions about the proposed categorisation

One written submission referred to the proposed categorisation.

Table 4 Written submission about the proposed categorisation

Issue	Submission
<p>Natural Area-Bushland would be the more appropriate category than Park</p>	<p>The categorisation of 'Park' does not include environmental objectives. 'Natural area' (bushland) would be more appropriate to protect the DFEC [Duffys Forest Endangered Ecological Community] and wildlife corridor.</p>

### 5.4.2 Submissions outside the scope of the public hearing

Verbal submissions made to the public hearing and written submissions which are not related to the proposed categorisation 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 the Wyatt Avenue Bike Park as Park have been carefully considered and assessed below.

In general, the proposed categorisation of Wyatt Avenue Bike Park as Park is supported by a significant majority of people who made a verbal and/or written submission (89% outright agreement, and 6% agreement with changes).

Issues raised by the 7 people who opposed the Park categorisation in the online survey are:

- traffic and parking congestion in local streets, and vehicle/cyclist/pedestrian conflicts
- destruction and removal of trees and native habitat.

One person stated that the Natural Area-Bushland category would be more appropriate to protect the Duffys Forest Endangered Ecological Community and wildlife corridor. If the site remained in its current state the Natural Area-Bushland category would be appropriate. However, the Natural Area-Bushland category does not support or reflect the proposed use of the land as a junior bike park with associated structures.

While not detracting from concerns about traffic and parking congestion, vehicle/cyclist/pedestrian conflicts, and removal of trees and native habitat, the Park category is the most appropriate category under the Local Government Act if Northern Beaches Council proceeds with the Wyatt Avenue Bike Park according to the concept plan in Figure 5.

## 6.2 Recommendations

Based on the representations to the public hearing on 2 December 2021 and written submissions made to Council by 12 December 2021, my recommendations to Northern Beaches Council are that Council:

1. Note the verbal and written submissions made in Section 5.
2. Categorise Wyatt Avenue Bike Park (Lot 102 DP1244381 and Lot 2620 DP752038) as Park according to the categorisation map which was publicly exhibited in Figure 8 below.

Figure 8 Proposed categorisation of Wyatt Avenue Bike Park



## 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 the Wyatt Avenue Bike Park (Lot 102 DP1244381 and Lot 2620 DP752038) in Wyatt Avenue, Belrose.

Clause 114 of the *Local Government (General) Regulation 2021* 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.

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.

In this case, one submission stated that the Natural Area-Bushland category would be more appropriate to protect the Duffys Forest Endangered Ecological Community and wildlife corridor. Council must state in its resolution why it categorised the land as Park, and did not categorise the land as Natural Area-Bushland.

If Council adopts the proposed categorisation of the Wyatt Avenue Bike Park as Park, Council will amend the Draft Wyatt Avenue Bike Park and its Land Register to reflect the categorisation.

If Council decides to alter the proposed categorisation of Wyatt Avenue Bike Park 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.



**Sandy Hoy**  
Director  
Parkland Planners

10 February 2022