
Community and Stakeholder Engagement Report

Classification of land, 62 and 85 Hillside Road Newport (Stage 1 of 1)

Impact level: Four

Consultation Period: 3 December 2020 to 31 January 2021

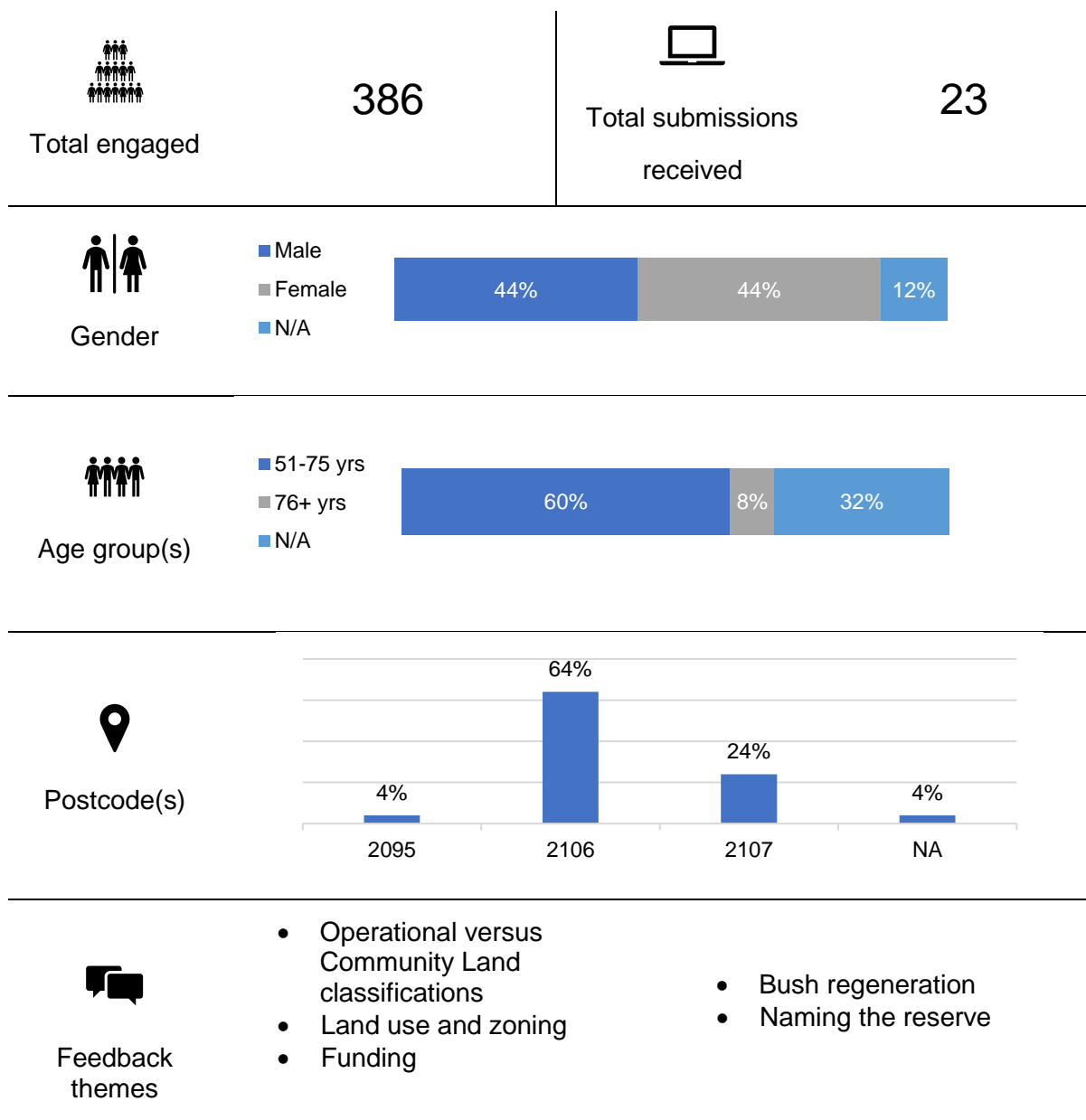
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1. Summary¹

This report outlines the community and stakeholder engagement conducted as part of the Classification of land, 62 and 85 Hillside Road Newport project. The consultation period documented is from 3 December 2020 to 31 January 2021.

1.1. Who we engaged



¹ Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

1.2. How we engaged

	Visitors: 386	Visits: 517	Av. time onsite: 1.5 minutes
Have Your Say			
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	Community Engagement newsletter: 2	Distribution: 20,000	
Electronic direct mail (EDM)			
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2. Background

In 2018, Council resolved to purchase parcels of land at 62 and 85 Hillside Road, Newport due to the presence of largely untouched Littoral Rainforest on the sites.

Under Section 31 and 34 of the Local Government Act 1993, prior to acquisition of land Council is required to classify land as either 'operational' or 'community' land and give public notice of this proposed resolution.

We are proposing to classify 85 Hillside Road (Lot 2 DP 1036400) as operational land and 62 Hillside Road (Lot 1 DP 408800) as community land within the meaning of the Local Government Act 1993.

3. Engagement approach

The objective of the engagement was to notify the residents and broader community of Council's intent to classify two parcels of land on Hillside Road and to provide an opportunity for people to comment.

Community engagement was conducted from 3 December 2020 to 31 January 2021. The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Matrix](#) (2017). Notification details, location plans and submission form were included on the Council's [Have Your Say page](#).

The project was promoted in the Community Engagement e-newsletter to increase awareness of the project and drive interest community members to the project page.

4. Findings²

Theme	What we heard	Council Response
Operational Land classification	Concerns were raised that the proposed Operational land classification on 85 Hillside Road would mean that the land could be sold or subdivided and would not be Community land.	Under the Land Transfer Agreement, which must be signed by Council before DPIE transfers the land, the land cannot be sold or subdivided and at least 80% of the land must be retained as open space.
Community Land classification	Some submissions raised the issue of why the site cannot be wholly classified as Community Land either now or in the future.	The Operational classification permits a degree of flexibility regarding the future use of the dwelling on 85 Hillside, and the overall use of the land for public open space is protected under the Land Transfer Agreement mentioned earlier. Moreover, the land is due to be rezoned to a zoning that respects the bushland conservation and public ownership of the land. The operational classification of one parcel in and of itself does not mean that Council can sell this land and additional levels of protection, such as zoning and the Land Transfer Agreement are available.
Open space	The majority of submissions supported the inclusion of this site to open space. There is a feeling that the community has worked hard to acquire this land and they are happy this endangered rainforest will be retained as public open space into the future and not turned into housing.	Council is pleased that this stand of endangered Littoral Rainforest is preserved for current and future generations to enjoy.
Zoning	A submission was made requesting that the zoning of the site be E2 – Environmental Conservation.	No specific proposals have been made regarding the future zoning of the site, however given that the land is now publicly owned it is anticipated that the site will be zoned for bushland conservation and public recreation.
Funding	A query was raised as to how much this land will cost and why this money cannot be spent on other areas, such as footpath renewal, given that the area has ample bushland open space already.	The money for this land was allocated by Council and DPIE for this purchase due to the presence of untouched Littoral Rainforest, a once common local ecosystem that has become endangered over time.

² Note: This analysis does not include any 'late' feedback received after the advertised closing date for consultation.

Theme	What we heard	Council Response
Bush regeneration	<p>A request was made that the site be made available to bush regeneration teams to help rehabilitate the site.</p> <p>A submission has questioned whether rental income from the house on 85 Hillside could be used for bush regeneration on the site.</p>	<p>As soon as the land is in Council's ownership, the Environment and Sustainability team will add the site to its existing bush regeneration list.</p> <p>Council's current practice is not to allocate income from specific sites to other specific sites. Regardless, Council will be funding bush regeneration on the site.</p>
Animals	<p>A request was made that tenants of the house not be permitted to have cats or dogs on site.</p> <p>A request was made that Council make and implement a plan to rid the peninsula of invasive and destructive animals such as Indian Mynah birds and rabbits.</p>	<p>Currently, the tenant does not have pets and as such this concern will be examined at a later date if the issue arises.</p> <p>While this is outside the scope of this report, Council does run regular programs designed to address this issue.</p>
Naming the reserve	One submission was received enquiring about naming the reserve.	Any future name for the reserve will be determined in accordance with Council's "Naming our Reserves, Facilities and Roads Policy" which can be found on Council's website.
Use of the building	A suggestion that the building be used as an information centre for coastal rainforest and endangered species.	Currently, the building is being leased for residential purposes, and the future use of the building is yet to be decided.

5. Appendix 1 Verbatim community and stakeholder responses*


	Comments
1	<p>I support the Northern Beaches Council's proposal to classify No. 62 Hillside Road Newport NSW as "Community" as the Northern Beaches Council states that "open space is classified as community, which means that it is set aside for community uses for the public". However, I am concerned that Council intends to classify No. 85 Hillside Road Newport NSW as "Operational", stating that "some land, such as Council depots and land that is being used as an investment, is classified as operational which means it can be used for a broader number of purposes". This is because we the Hillside Road residents have been extremely proactive for 20 years in seeking to protect the significant EEC Littoral rainforest that covers both these properties.</p> <p>Council also mentions that it is taking into consideration that there is a tenant living in the house on 85 Hillside Road Newport NSW and for this and a variety of other reasons, that it is proposing that this land be classified as Operational. It would be good if Council could state and inform the public exactly what these variety of reasons are for wanting the land to be Operational.</p> <p>Ideally, for the local and the greater community, this land really needs to be classified as "Community land" for the long-time protection of the Littoral rainforest, i.e. being Council owned and kept for use for the general public with a plan of management, as opposed to "Operational land" which can be held as a temporary asset/investment and which enables the council to carry out its own functions.</p> <p>The concerns with this are:</p> <ul style="list-style-type: none"> • There is a substantial amount of Littoral Rainforest which is beside and behind the present house on this site. • Future Councils can sell this land for financial reasons, so it is not completely protected against future development. • The Council is under no legal obligation to open this land for community use by the general public. <p>The Northern Beaches Council, the residents of Hillside Road, the community of Newport and the broader community have all recognised that the Littoral Rainforest on this site is significant as it is an Endangered Ecological Community (EEC) under NSW Legislation and Critically Endangered Ecological (CEEC) under Commonwealth Legislation. No 62 Hillside Road also adjoins Attunga Reserve which is an important corridor for wildlife.</p> <p>I personally had a leading role in the Hillside Road 20-year campaign to protect this Endangered Littoral Rainforest, gaining the support of local residents and the community. We participated in many meetings, spoke at the at the Northern Beaches Independent Assessments and Environmental Court Hearings and wrote extensively to the councils and politicians. Leading up to Australia Day in January 2020 at the Northern Beaches Council Australia Day Award Ceremony, I was a recipient and received an Outstanding Community Award from the Northern Beaches Council for my role in this campaign.</p> <p>Having won this battle, most Hillside Road and local residents were of the understanding that this Littoral Rainforest will be preserved in its entirety as a protected littoral rainforest for eternity. The Hillside Road residents were somewhat aghast when there was an enormous real estate sign, which was advertising the sale and intended development of</p>

* Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

	<p>this property. We have been very opposed to any form of development on this site. We are concerned that if the property is classified as Operational Land, then we will again be faced with the same situation of endeavouring to protect the littoral rainforest. If the house is required to be retained, then one option/solution would be to subdivide off the section immediately around the house for Council use, while retaining the surrounding Littoral Rainforest as "Community" Land.</p> <p>I also want to point out that the Hillside Road residents are very keen to be involved with the management of both 62 and 85 Hillside Road. I have personally approached and spoken to Michael Kneipp the Environmental Volunteers Coordinator and Ed McPeake the Manager of Greener Communities at Northern Beaches Council about starting up a Hillside Road Bush Care/Regeneration Group on the sites. Both have expressed their support. I have also been assured by Councillors that there will be proper consultation with Hillside Residents and local residents before changes are made to either site.</p> <p>I sincerely hope that the Northern Beaches Council and Councillors will take into consideration that the Hillside Residents are the ones who will be most directly will be affected by any future proposals if No 85 Hillside Road becomes Operational Land. I look forward to hearing any considerations which the Councillors and the Northern Beaches have for both these properties, as well as the decision regarding their classification.</p>
2	<p>I hope Council will classify 85 Hillside Road as Operational Land to be used for cultural purposes such as art gallery and artist residence, as being presently used by the artist Michael Glasheen. I believe that the house is of Architectural significance, and this use is appropriate.</p> <p>62 Hillside Rd should be Community land, it contains valuable ecological vegetation communities and abuts more community land.</p> <p>I congratulate Council on obtaining these valuable sites and saving them from further development.</p>
3	<p>I believe both parcels of land, 62 and 85 Hillside Rd Newport should be classified as Community. The current lease is allowable under the Community classification and it would be preferable that it stays Community. The purpose of buying this land was to stop any development and allow for the natural rainforest to remain and be enjoyed by everyone. An Operational classification could lead to a number of different scenarios in the future which could be against the principle of purchasing this land for the Community.</p>
4	<p>I am concerned that the classification of 85 Hillside Road as Operational will expose it to exploitation by Council and property developer partnerships. I therefore do not support the classification of this site as operational. I suspect that the temptation to exploit a vulnerable classification would be too great for parties whose interests lie in profit from land sales and development. Countless precedents exist for this type of shady activity. Therefore I support classification for both sites should be community. Community classification would protect the sites for public and community use which is far preferable.</p>
5	<p>We live at [REDACTED] We support and applaud the purchase of these two lots as public land. It is an essential move for the public ownership of the bushland environment above Porter Reserve.</p> <p>We do not understand why all the land cannot be community land with a note that 85 Hillside Road is temporarily leased to a private lessee? Does this not ensure that the land remains in public ownership in perpetuity?</p>
6	<p>As 62 and 85 Hillside Road have only relatively recently been transferred from private ownership to the State Government and no Plan of Management is in place, there must be a mechanism by which 85 Hillside Road can be classified as community land to permit a</p>

	<p>residential lease on transfer to the Council.</p> <p>Both lots should be classified community land with a residential lease put in place for the dwelling on 85 Hillside Road. Relying of a Land Transfer Agreement with the State Government does not provide sufficient protection for this land's environmental value into the future.</p>
7	<p>I strongly believe that both parcels of land, being 62 & 85 Hillside Road, should be classified as 'Community'.</p> <p>I understand the reasons council has suggested classifying 85 Hillside Rd as 'Operational' and support the continued ability of the artist [REDACTED] to be able to live in the residence situated on that parcel of land. However, we note that the Act would allow the land to be classified as Community and grant a lease or licence to the occupier as long as it did not exceed 30 years. I encourage council to classify both parcels as 'Community' land and grant an appropriate lease/licence with regard to 85 Hillside Rd</p>
8	<p>I agree with the proposed classification of 85 Hillside Road (lot 2 DP 1036400) as operational land and 62 Hillside Road (Lot 1 DP 408800) as community land within the meaning of the Local Government Act 1993.</p>
9	<p>As a resident of Hillside Road, I have followed this land for some years. Now it has finally been purchased by Council both parcels of land should be zoned as community land and the bushland rehabilitated. This land was purchased at the request of the community and because it is a significant example of the federally listed threatened ecological community - Littoral Rainforest. It should therefore be protected and preserved in perpetuity for the people and not as a potential asset for Council.</p>
10	<p>While I agree with the proposal to classify 62 Hillside road as community land, I would like the land at 85 Hillside Road to revert to community use once the long term tenant has vacated the property.</p>
11	<p>The classification proposal is supported, but in addition to the continuity of occupation of the existing house in the medium term, the protection of the site as an important natural area is paramount. Rezoning to Environmental Conservation is desirable.</p> <p>The commencement of professional bushland restoration in conjunction with community Bushcare volunteers is urgently needed.</p>
12	<p>These blocks were purchased with the sole intention of preserving the bush corridor. The classification of the blocks should only be community. To classify in part as operational would be a major breach of community trust. The community and State Government by way of Land Environment Court and grants that have dedicated the best part of a decade to this project.</p> <p>Operational is at odds with all that has been submitted in the past. Parking issues of a dead end street. The nature habitats. All of this is on your records. If you classify operational, then you might have well saved the money and let the developers take over.</p>
13	<p>I support the classification of the two properties as recommended by Council, No. 85 Hillside Road as 'Operational' and No. 62 Hillside Road as 'Community'.</p>
14	<p>As a previous neighbor for 10 years [REDACTED] I agree with the classifications of the parcels of land 62, 85 Hillside Rd.</p>
15	<p>85 Hillside Road should be classified as Community land, whilst protecting the current single tenant. It's important littoral forest, and it's possible that the council would want to subdivide this land in the future unless the proper classification is made now.</p>

16	<p>I cannot thank the Council enough for taking this very unique opportunity to take command of this land. So very valuable for both flora, fauna and humans, especially in the long term. Gee I do hope there are similar opportunities ahead.</p> <p>While you're at it please look to the broader area and PLEASE make and execute a plan to rid this importantly positioned peninsula of invasive and destructive feral critters: Start with Indian Mynah birds (mostly carrying spreading lice) that threaten the population of our local birds and shit all over our shops, cars and dining areas. Discourage pet rabbits whose escapee off-spring wreck the place causing huge cost in their eradication.</p> <p>Off my soap-box now. THANK YOU AGAIN FOR YOUR FORE THOUGHT IN SECURING THESE PROPERTIES.</p>
17	<p>I believe these 2 parcels of land should be preserved as public land for the public to enjoy the beauties of a littoral rainforest. So much has already been lost to housing development. The house that exists can become a information centre for northern beaches or even NSW coastal rainforest and endangered species. The Manly to Palm Beach walk can have a detour to this information centre.</p> <p>Furthermore, I suggest this rainforest be given a name, such as Ros Reserve, named after Rosalind Gooding who has done so much over the past decades to have the land preserved for public use.</p>
18	<p>RE: proposing classification of 85 Hillside Road (Lot 2 DP 1036400) as operational land and 62 Hillside Road (Lot 1 DP 408800) as community land within the meaning of the Local Government Act 1993.</p> <p>The primary distinction between community land and operational land classifications is that</p> <ul style="list-style-type: none"> • Operational land can be alienated from the public, ie: sold or leased for more than 21 years. • Community land cannot be sold, is subject to restrictions to ensure its long term retention for the public and is required to be used and managed in accordance with an adopted plan of management. <p>As this whole area was to be an extension of the green reserves for wildlife, plants and people, I find this proposal in opposition to the original premise for acquiring this land and hereby OBJECT - it should all be 'community land'. You have not stated what your intentions are in making one parcel 'operational' - so; is the intention to sell it? This certainly allows for the opposite of what the premise was to be done. Please stick to what has already been communicated to you and meet community expectations on this acquisition.</p>
19	<p>Firstly, I would like to know just how much of ratepayers' money would be required to purchase these blocks of land?</p> <p>Secondly, and more importantly, I would much prefer that any such money would be put to a practical benefit for many people_</p> <p>I would suggest that upgrading the very poor and dangerous condition of Cheryl Cres footpath should be a priority- a more pressing issue as this footpath has ongoing problems- falling rocks in several places, runoff from several points that, after any rain flood the footpath making access dangerously slippery or requiring pedestrians to go onto the roadway at a dangerous dip, plus overgrowing weeds for much of the year.</p> <p>Lastly, I would suggest that there is already more than adequate rainforest, green belt and tree canopy all over this council area. This area proposed would seem to be unusable for the public in any way.</p>
20	<p>So relieved and pleased that the hard work of the community paid off and the land was purchased for future generations to enjoy - and particularly, that the flora and fauna have a</p>

	home into the future. Our family support the classification of these land parcels - as long as this means that the land remains as untouched bushland/rainforest and that no (further) structure/development is allowed on the sites. Would be preferable if 85 Hillside Rd could be community land also - but understand there is a leased residence on the site - Can a caveat be added to the effect that if this house was ever vacated, the classification of that parcel would be changed to community land also? Thank you.
21	<p>Why not make it all community land?</p> <p>Keep it in the community & current & future councils wont be tempted to sell it off.</p> <p>The community fought for this land to be saved from development & state government put money up as an election promise. The land belongs to the community, lets keep it that way.</p>
22	I am a resident [REDACTED] and I fully support this proposal.
23	<div style="display: flex; align-items: flex-start;">  <div> <p>Newport Residents Association Inc.</p> <p style="text-align: right;">PO Box 1180 Newport Beach NSW 2106</p> <p style="text-align: right;">President - Gavin Butler (gebutler@aapt.net.au) 0409 395 102</p> <p style="text-align: right;">Vice-President - Kyle Hill 0412 221 962</p> <p style="text-align: right;">Hon. Secretary - (wendydunnet@gmail.com) 0418 161 074</p> <p style="text-align: right;">www.newport.org.au</p> </div> </div> <hr style="margin: 20px 0;"/> <div style="text-align: right; margin-bottom: 20px;">29th January 2021</div> <p>The General Manager, Northern Beaches Council, PO Box 82, Manly NSW 1655.</p> <p>Dear Sir,</p> <p><u>Re Classification of Land 62 and 85 Hillside Road, Newport</u></p> <p>We refer to the above matter which is open for comment and we do so as follows;</p> <p>We strongly believe that both parcels of land, being 62 & 85 Hillside Road, should be classified as 'Community'.</p> <p>We understand the reasons council has suggested classifying 85 Hillside Rd as 'Operational' and support the continued ability of the old and established artist to be able to live in the residence situated on that parcel of land. However, we note that the Act would allow the land to be classified as Community and grant a lease or licence to the occupier as long as it did not exceed 30 years.</p> <p>We would appreciate and support council classifying both parcels of land as "Community" with an appropriate lease or licence be granted to the artist (Mr Mick Glasheen) to continue to reside in the residence.</p> <p>Yours sincerely,</p>

Version control	
Report date	3 February 2021
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Status	Final