

PROPOSED RECATEGORISATION OF COMMUNITY LAND AT AVALON BEACH RESERVE

FINAL REPORT

SEPTEMBER 2019



CATEGORISATION LEGEND

 A NATURAL AREA - FORESHORE	 GENERAL COMMUNITY USE
 A NATURAL AREA - WATERCOURSE	 A STW
 SPORTS FIELD	

NORTHERN BEACHES COUNCIL

PROPOSED RECATEGORISATION OF COMMUNITY LAND AT AVALON BEACH RESERVE

FINAL REPORT

4 SEPTEMBER 2019

Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

tel: (02) 9938 1925
mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR: Sandy Hoy

CONTENTS

1	INTRODUCTION	1
1.1	Background	1
1.2	Land covered by this report	1
1.3	This report	3
2	PLANNING CONTEXT	5
2.1	What is community land?	5
2.2	What are the categories of community land?	5
2.3	Guidelines for categorisation of community land	6
2.4	Core objectives for managing community land	6
2.5	Proposed recategorisation of Avalon Beach Reserve	7
2.6	Plans of Management for community land	10
2.7	Public hearing for categorisation of community land	10
3	THE PUBLIC HEARING	11
3.1	Advertising and notification	11
3.2	Attendance at the public hearing	15
3.3	The public hearing	15
3.4	Submissions about the proposed recategorisation	19
4	CONSIDERATION OF SUBMISSIONS	21
4.1	Submissions	21
4.2	Assessment	22
5	RECOMMENDATIONS	25
5.1	Recommendations	25
5.2	Adoption of proposed recategorisation	26
5.3	Reporting	26

Figures

Figure 1	Avalon Beach Reserve	2
Figure 2	Site images	3
Figure 3	Community land categorisation	5
Figure 4	Concept plan for proposed sports courts at Avalon Beach Reserve in the Draft Plan of Management	8
Figure 5	Current categorisation of Avalon Beach Reserve	9
Figure 6	Proposed recategorisation of Avalon Beach Reserve	9

Figure 7	Public exhibition and public hearing information on Council’s website	12
Figure 8	‘Northern Beaches Weekly News’ in Manly Daily 22 June 2019	14
Figure 9	Email sent to people registered on Council’s Community Engagement Update email list – 14 June 2019	14
Figure 10	Revised concept plan for the proposed sports courts at Avalon Beach Reserve	23
Figure 11	Proposed recategorisation of Avalon Beach Reserve	25

Tables

Table 1	Guidelines and core objectives for Park, General Community Use, and Sportsground categories of community land	6
---------	---	---

1 INTRODUCTION

1.1 Background

Northern Beaches Council proposes to amend the *Pittwater's Ocean Beaches Plan of Management: Chapter 14 - Avalon Beach* (Pittwater Council, 2013) to recategorise some community land in Avalon Beach Reserve from Park and General Community Use to Sportsground to facilitate the construction of netball, basketball, and multi-purpose courts in Avalon Beach Reserve.

At its meeting on 28 May 2019 Council resolved to place the draft amendments to the Plan of Management and concept plans for the sports courts on public exhibition for comment.

Under the *Local Government Act 1993* Council must hold a public hearing, chaired by an independent facilitator, regarding the proposed recategorisation of community land. If Council approves the proposed recategorisation, the land would be managed according to the adopted categorisation.

The purpose of this report is to convey to Northern Beaches Council the verbal submissions about the recategorisation made at a public hearing held on Wednesday 26 June 2019, and the written submissions made during the public exhibition of the proposed recategorisation of community land in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (the Draft Plan of Management).

This report, as it relates to the public hearing and the proposed community land recategorisation in the Draft Plan of Management prepared for Northern Beaches Council in May 2019, has been prepared under Section 40A of the *Local Government Act 1993* (the Act).

1.2 Land covered by this report

This report addresses the proposed recategorisation of part of Avalon Beach Reserve in Avalon. The land is owned by Northern Beaches Council and is classified as community land under the *Local Government Act 1993*.

The location of Avalon Beach Reserve and the area within the reserve that is proposed to be recategorised are in Figure 1.

The land proposed to be recategorised is shown in photographs in Figure 2. Both the western and eastern sections are grassed. Netball goalposts are installed in the western section.

Figure 1 Avalon Beach Reserve



Figure 2 Site images



Avalon Beach Reserve west – looking north



Avalon Beach Reserve east – looking north



Avalon Beach Reserve west – looking south



Avalon Beach Reserve east – looking south

1.3 This report

The remainder of this report outlines the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and recategorisation of community land, and public submissions regarding the proposed recategorisation of community land in Avalon Beach Reserve in the Draft Plan of Management. These submissions comprise verbal submissions made at the public hearing held on 26 June 2019 and written submissions about the proposed recategorisation received by Council during the public exhibition of the Draft Plan of Management.

This page is left blank intentionally

2 PLANNING CONTEXT

2.1 What is community land?

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

Figure 3 Community land categorisation



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.

The Local Government Act requires that all public land owned by Council must be classified as “community” or “operational” land (Section 26). Northern Beaches Council owns and manages the land comprising Avalon Beach Reserve, which is classified as 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.

Community land may be categorised as one or more of the following under Section 36(4): natural area, sportsground, park, area of cultural significance, or 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, or a category prescribed by the regulations.

2.3 Guidelines for categorisation of 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 states:

“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*. Core objectives for the categories of community land which apply to the proposed recategorisation are in Table 1.

Table 1 Guidelines and core objectives for Park, General Community Use, and Sportsground categories of community land

Category	Guidelines	Core objectives
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.

Category	Guidelines	Core objectives
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).
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.

2.5 Proposed recategorisation of Avalon Beach Reserve

Council has identified a gap in fit-for purpose netball training courts on the northern peninsula. The Northern Beaches Sportsfield Strategy recommended filling this service gap with the development of hardcourts and sportsfield lighting to Australian Standards in Avalon.

Council was successful in obtaining \$562,000 in grants from the NSW Government to fund the courts. A condition of the grant is that the project is completed by 31 December 2019.

Council engaged with Pittwater Peninsula Netball Club, Northern Breakers Netball Club, Manly Warringah Netball Association, Avalon Public School, the Avalon Place Plan Working Group, and Avalon Beach SLSC. Consultation with stakeholders identified their preferred location for the courts as the grassed area between Barrenjoey Road and the dunes in Avalon Beach Reserve, bordered by the fenced off leash dog area to the north.

Council proposed in the Draft Plan of Management that 4.5 hardcourts would be constructed: three full-sized netball courts, one full-sized multi-purpose netball-basketball court, and one half-court basketball court. Refer to the concept plan in Figure 4.

A bridge will be constructed across Careel Creek to link the two sets of courts. The eastern courts would be built to carpark standard to accommodate overflow parking. The hardcourts will be green in colour to better blend into the surrounding environment. The courts would be lit to Australian Standard for match practice and amateur competition.

Figure 4 Concept plan for proposed sports courts at Avalon Beach Reserve in the Draft Plan of Management



To enable the site to be developed with the proposed sports courts, Council proposes to recategorise some of the grassed areas in Avalon Beach Reserve from Park to Sportsground, and recategorise the skate park from General Community Use to Sportsground, consistent with the guidelines for categorisation in Table 1 and shown in Figures 5 and 6 below.

Figure 5 Current categorisation of Avalon Beach Reserve



Pittwater's Ocean Beaches Plan of Management: Chapter 14 - Avalon Beach (Pittwater Council, 2013)

Figure 6 Proposed recategorisation of Avalon Beach Reserve



Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019)

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).

Requirements of the Local Government Act for the contents of a Plan of Management include, among other information:

- ❑ categorisation of community land
- ❑ core objectives for management of the land according to the categorisation.

2.7 Public hearing for categorisation of community land

2.7.1 Why hold a public hearing to categorise community land?

A public hearing is required under Section 40A of the *Local Government Act 1993* if the proposed Plan of Management is either categorising (that is, the Plan of Management has not been previously prepared and adopted by Council, or has not categorised community land), or re-categorising (changing the adopted category) the 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 recategorisation of part of Avalon Beach Reserve.

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 4 days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers recategorising part of Avalon Beach Reserve, and adopting the proposed amendments to the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts.

3 THE PUBLIC HEARING

3.1 Advertising and notification

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.

The Draft Plan of Management was on public exhibition from Friday 14 June until Sunday 11 August 2019.

Council notified the community of the public exhibition of the Draft Plan of Management and the public hearing at <https://yoursay.northernbeaches.nsw.gov.au/sportscourts12>, where the Draft Plan of Management could be viewed and downloaded. Refer to Figure 7.

It is understood that Council also publicised the public hearing, drop-in session held on 20 June, and public exhibition of the Draft Plan of Management by:

- ❑ the ‘Northern Beaches Weekly News’ page in the *Manly Daily* on Saturdays 15, 22 and 29 June; 6, 13, 20, 27 July; and 3, 10 August.
- ❑ bulk emails to over 25,000 people registered on the Community Engagement Update email list on 14 and 28 June, 12 and 26 July, and 9 August.
- ❑ Council’s ‘What’s On’ email notification.
- ❑ a Facebook post in the local area on 20 June.
- ❑ notification to the Avalon Community Reference Group.
- ❑ on-site signage.

Figure 7 Public exhibition and public hearing information on Council's website

The screenshot shows a web page from the Northern Beaches Council website. At the top, there is a navigation bar with the council logo, 'Council home', 'All projects', and 'Community engagement framework'. A search bar and 'Sign In / Register' links are also present. The main heading reads 'Ocean Beaches Plan of Management amendments (draft) - Avalon Netball Courts'. Below this is a large image of hands holding a netball. To the right, a profile for Cameron Henery, Senior Asset Management Officer, is shown. A 'Document Library' section lists several PDF documents, including 'Attachment 2 - Avalon Beach Draft Plan of Management - May 2019 (7.02 MB) (pdf)'. Below the image, a text block states: 'We are proposing to amend the Ocean Beaches Plan of Management to facilitate the installation of netball courts at Avalon Beach Reserve.' A 'NEWS' and 'SUBMISSION' tab is visible. The main content area is titled 'Amendments to Plan of Management on exhibition' and includes a list of links to council reports and minutes, key features of the concept plan (four hardcourt netball courts, a half-court basketball court, a bridge, and lighting), and information on how to have your say, including public hearing dates and submission methods. A map of the site is shown on the right side of the page.

Background

2 days ago



The Northern Beaches Sportground Strategy, adopted in 2017, identified a critical shortfall in sportsfields on the Northern Beaches and specifically identified the need for additional hardcourts to service the needs of netball users in the northern end of the Pittwater Ward.

Two local netball clubs, Pittwater Penrouts and Newport Breakers have over 500 members between them without fit for purpose hardcourts.

Council proposes to address this situation by installing four hardcourts at Avalon Beach Reserve; on the grass area between Barrerjoyce Road, the dunes in Avalon Beach Reserve and the fenced off-leash dog area to the north.

To facilitate the construction of these courts the Local Government Act 1993 requires Council to amend the Ocean Beaches generic Plan of Management to re-categorise the land from Park to Sportground.

NEWS

SUBMISSION

Submission



Please take a moment to provide your submission on the draft amendments to the Ocean Plan of Management and concept plans.

Submissions close Sunday 11 August 2019

If you would like to add an attachment, please email your comments to council@northernbeaches.nsw.gov.au

Submission *

First Name *

Please limit answer to 255 characters

Maximum characters 255

Surname *

Please limit answer to 255 characters

Maximum characters 255

Email *

Suburb

Would you like to receive email updates on this project? *

Yes

No

Would you like to be placed on Council's Community Engagement email list for a fortnightly email that lets you know about all of Council's open engagements? *

Yes

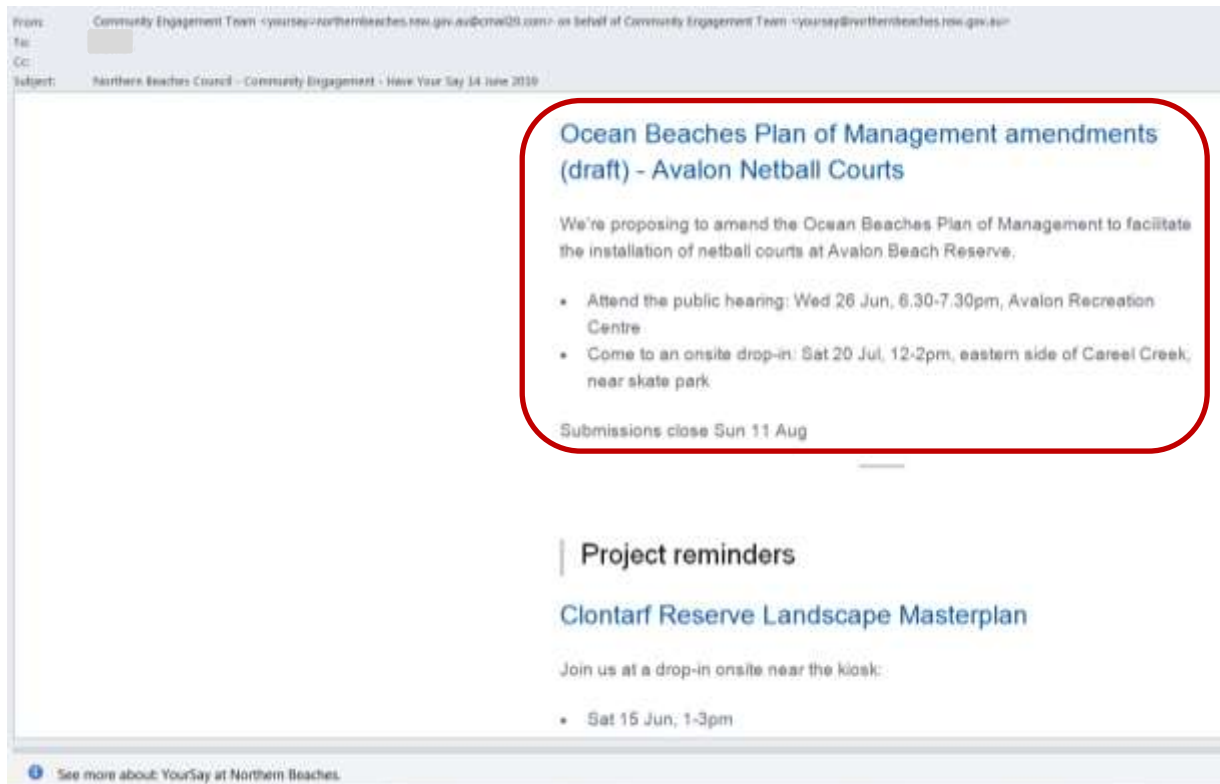
No

[Cancel](#) [Submit](#)

Figure 8 'Northern Beaches Weekly News' in Manly Daily 22 June 2019



Figure 9 Email sent to people registered on Council's Community Engagement Update email list - 14 June 2019



The community was invited to attend a public hearing about the proposed recategorisation of community land in Avalon Beach Reserve to be held at the Avalon Recreation Centre on Wednesday 26 June 2019 from 6:30 to 7:30pm.

A drop-in session was held on the eastern side of Careel Creek near the skatepark on Saturday 20 July, 12-2pm.

Written comments regarding the proposed recategorisation could be submitted until 5:00pm on Sunday 11 August 2019 by:

- Online submission form at <https://yoursay.northernbeaches.nsw.gov.au/sportscourts12>
- Mail: 'Ocean Beaches Plan of Management', Northern Beaches Council, PO Box 82, Manly NSW 1655.

3.2 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.

20 adult community members, as well as several young people, attended the public hearing.

Council staff were present to represent Northern Beaches Council, provide information, and answer questions during the public hearing:

- Steven Lawler - Executive Manager Parks and Reserves
- Cameron Henery – Senior Asset Management Officer
- Scott van Trienen – Asset Management Officer.

3.3 The public hearing

3.3.1 Introduction

Ms Hoy opened the public hearing at 6:35pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings.

Verbal submissions regarding the proposed recategorisation of community land in Avalon Beach Reserve were received at the hearing. The content of the submissions which are relevant to the proposed recategorisation are outlined in more detail in Section 4 of this report.

3.3.2 Background to the proposal for sports courts in Avalon Beach Reserve

Council staff explained the background to provision of the proposed courts at Avalon Beach Reserve. Rob Stokes MP, Member for Pittwater, was approached by the netball community about the lack of local netball courts. Mr. Stokes determined that netball courts in Avalon was a worthy project, and that grant funding would be made available for the project at nil cost to Council.

One person asked if the grant accommodates the basketball courts as well as the netball courts. *Council: yes.*

The grant could be used to improve existing sports courts.

3.3.3 Discussion

Existing provision and demand for sports courts in Avalon

Most of the discussion at the public hearing related to the existing provision of and demand for netball and basketball courts in the Avalon area:

General

- ❑ young people in the area don't have a lot to do. It is imperative to provide facilities for young people to play. There are not a lot of facilities in Avalon for kids who don't surf to play on, which contributes to delinquent behaviour. If facilities were provided for kids in Avalon they won't need to go to other places.
- ❑ it was requested that the courts are called 'sports courts' not 'netball courts' because of the implication that netball courts are for girls.

Netball

- ❑ Junior netballers play on grass courts, while the older age groups play on hard courts. Council: the proposed courts are intended for children and adults.
- ❑ The grass netball courts at the western section of Avalon Beach Reserve are not lit.
- ❑ The Peninsula Netball Club is the largest netball club on the Northern Beaches. 500 netball players are based in this area. Peninsula Netball Club has 39 junior teams and 6 senior teams.
- ❑ Peninsula Netball Club trains at the Sydney Academy of Sport and Recreation at Narrabeen, and at Curl Curl.
- ❑ Newport netball players may have to travel around the Bilgola Bends to Avalon.
- ❑ Netball has a desperate need for hard courts.
- ❑ Girls need to travel to play netball because school netball courts are locked.
- ❑ Netball's preference is for non-slip plexipave courts.
- ❑ Needs for netball courts are land, lighting, parking, and toilets.
- ❑ Schools and older players often don't train for netball. Why don't they train for netball? Girls should be encouraged to be active, playing netball as well as basketball.
- ❑ Families use the Curl Curl netball courts in the daytime to learn skateboarding, and to shoot hoops.
- ❑ Netball is not popular at Barrenjoey High School.
- ❑ If there are four netball courts at Avalon Beach Reserve does that mean it becomes a competition area? Council: *four courts are an extreme number of courts for a netball training area. The courts won't be used in wet weather. Once sealed, grassed areas won't returned back to grass.*
- ❑ The courts may become home courts for netball on weekends, resulting in noisy use. Council: *That is unlikely, because netball want a centralised model to play at Curl Curl on weekends. Council can place conditions on use of the courts.*

Basketball

- ❑ The half-court basketball court at Avalon Beach Reserve is supported. It should be open to everyone in the community, not just young children.
- ❑ There should also be a full-sized basketball court at Avalon Beach Reserve.

- ❑ *Council: it is hard to get data on community basketball.*
- ❑ Barrenjoey High School has two school basketball teams. Year 9 has 8-10 people on each team. More than 12 students are not playing in a team because there is nowhere to train.
- ❑ The four courts at Barrenjoey High School are used for basketball by children, young people and adults.
- ❑ Some open courts are needed for basketball.
- ❑ Advertising to let people know about the availability of the courts at Barrenjoey High School could be done via 'What's On In Avalon'.

Shared courts

- ❑ A community member asked why there is a cost to use the court in the Avalon Recreation Centre and no cost to use the proposed courts. *Council: Council strikes a certain rate for use of community centres, and for use of sportsfields (\$15/user/year), in its Fees and Charges. The cost per player to use the court at Avalon Recreation Centre is \$2.60.*
- ❑ The Avalon Recreation Centre court doesn't have capacity. *Council: there may be availability of court time at Avalon Recreation Centre, but only night timeslots are available.*
- ❑ Hoops should be able to be changed between netball and basketball. *Council: Council wants shared courts to increase the use of the courts. The seasonal nature of netball means that changeable hoops makes sense.*
- ❑ It was suggested that all of the proposed courts should be shared use for netball and basketball.
- ❑ How would girls playing netball and boys playing basketball on the shared court work? *Council: through Council's booking process.*

Advantages of Avalon Beach Reserve for sports courts

- ❑ opportunity to remove poisonous trees
- ❑ proximity of the toilets in the surf club
- ❑ parking areas
- ❑ the creek/drain
- ❑ hard courts would be strong enough for vehicle parking
- ❑ hard courts can accommodate emergency helicopter landings.

Fewer sports courts in Avalon Beach Reserve

- ❑ The need for four netball courts was questioned.
- ❑ Council hasn't explained how 4.5 courts was decided upon, how the courts are proposed to be used, how many people will be using the courts, where users will come from, and what hours they will be used. A business case for the demand for netball is needed.
- ❑ Netballers didn't specify 4.5 courts.
- ❑ Four courts is too many for netball practice, and not enough for competition.
- ❑ Most girls play and train for netball at school, with some training sessions held at a local hall. Council staff replied that the netball courts are expected to be well used for club training.
- ❑ Four netball courts will take up a lot of land.
- ❑ The number of people using four netball courts will cause parking problems. The busy Woolworths carpark can't be used for additional parking.
- ❑ A suggestion was made for 1.5 courts at Avalon, 1.5 courts at Newport, and share courts on school grounds, including the courts at Barrenjoey High School which could be lit for use at night.

No sports courts in Avalon Beach Reserve

Some people who attended the hearing supported children and adults keeping fit, but do not support sealed sports courts in Avalon Beach Reserve for these reasons:

- not many people know about the proposal.
- the area needs to stay grassed, and be shared. The area is well used and is a meeting place.
- the area of Avalon Beach Reserve near Barrenjoey Road is used for picnics.
- Avalon Primary school students use the west Avalon Beach Reserve area.
- Barrenjoey High School students sit on the grassy area.
- the proposed area is environmentally sensitive.
- there is no mention of the carpark for use for netball.
- parking is overcrowded and busy all the time in Avalon Beach Reserve. Bus commuters use the carpark. Council: parking for netball is available near the surf club in winter, with netball being a winter sport and beach parking not as busy as in summer.
- fear of skaters at the skate park and people using the Yellow Brick Road pathway being hit by netballs. Council: the Yellow Brick Road is not intended to be moved.
- a peaceful and pleasant walk to the beach will be gone.
- the courts are too close to Barrenjoey Road. Netballs could end up on the road, so fences would be required. Council: no fences to Barrenjoey Road would be required because there would a significant distance/gap between the netball courts on the western side and Barrenjoey Road.
- netball would be a distraction to motorists when driving on Barrenjoey Road.
- residents would experience noise from squealing and whistles.
- the proposed lighting of the netball courts would affect people living in 36 apartments across Barrenjoey Road.
- if the two courts closest to Barrenjoey Road were not lit, residents' concerns about lighting and noise would be addressed. Council: improved technology of sports lighting minimises the impact of lighting.
- trees and shrubs would be removed, including the peaceful Norfolk Island Hibiscus. The species are not native, but have been there a long time. Trees on the eastern side would be felled. Council: *trees taken out in Avalon Beach Reserve would be replaced, but not in the original location. For every tree taken out 3 would be planted, but trees can't be planted on the eastern side of the creek.*
- the land slopes on the western side.
- the western side of Avalon Beach Reserve is green open space for thousands of people in Avalon. Why change this for 500 or 1,000 netball players?
- the proposed location is floodprone. The creek is below sea level so it floods.
- runoff into the adjoining stream flows into mangroves.
- on the eastern side there is no space for a netball court, the Yellow Brick Road, and a turning circle in the carpark that would be required.
- plovers lay eggs in that area.
- concrete courts will be unpleasant and hot.

Alternative locations for sports courts

Council staff explained that several locations for sports courts in Avalon were looked at, before Council decided to locate the courts in Avalon Beach Reserve.

Suggestions for alternatives to sports courts in Avalon Beach Reserve from people attending the public hearing were:

- ❑ Avalon Public School is a safer venue for netball courts than Avalon Beach Reserve because the traffic is slower around the school. However it was reported that Avalon Public School had said the school would be required to provide access to toilets and lights.
- ❑ sports courts could be located in Careel Bay Reserve. *Council: the sports fields at Careel Bay are extensively used on weekends, so the fields will not be replaced by courts.*
- ❑ courts in Dunbar Park would be safer for children.
- ❑ school sports courts should be available to the community. A person at the hearing claimed there are 14 hard courts at local schools between Mona Vale and Avalon.
- ❑ schools have security issues regarding use of their courts.
- ❑ Newport could have 1.5 shared hardcourts with lighting on the existing netball court at the northern end of surf club carpark. *Council: a half-court basketball court at Newport has been approved by Council. As netball is a winter sport, it would be a win-win to use Newport for netball.*

Conclusion about sports courts in Avalon Beach Reserve

Most people at the public hearing agreed with the summing up of the discussion by Steven Lawler from Council as follows:

- ❑ most people oppose four hardcourt netball courts
- ❑ two shared hard courts for netball and basketball is the most favourable option
- ❑ other opportunities for sports courts elsewhere will be supported, such as at Newport Beach (courts in winter and a carpark in summer).

Other comments and questions about Avalon Beach Reserve

Other comments and questions about Avalon Beach Reserve were noted but are outside the scope of this report. Such comments related to:

- ❑ is the dog park going to stay? *Council: yes.*
- ❑ Avalon has more space for dogs than children.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 8:05pm.

3.4 Submissions about the proposed recategorisation

Several people asked a question or made a comment about the proposed recategorisation of land or changes to the Plan of Management, at the public hearing. Those questions and comments were noted by the chairperson and are listed in Section 4.

The closing date for written submissions by mail or email on the proposed recategorisation and changes to the Plan of Management was advertised as 11 August 2019. Written submissions addressing the proposed recategorisation are also considered in Section 4.

This page is left blank intentionally

4 CONSIDERATION OF SUBMISSIONS

4.1 Submissions

4.1.1 Verbal submissions about recategorisation

20 adult community members and several young people attended the public hearing. The discussion at the public hearing set out in Section 3.3 on recategorisation of community land in Avalon Beach Reserve showed that there are several community viewpoints on options for provision of sports courts at Avalon Beach Reserve. The implications of these options on the footprint of the proposed Sportsground category in Avalon Beach Reserve are:

- 4.5 full-sized hard courts consistent with the concept plan and the footprint for recategorisation to the Sportsground category which was publicly exhibited.
- fewer than 4.5 full-sized hard courts combined with grass courts at Avalon Beach Reserve using the same footprint for recategorisation to the Sportsground category as publicly exhibited.
- fewer than 4.5 full-sized hard courts at Avalon Beach Reserve using a smaller footprint for recategorisation to the Sportsground category than publicly exhibited. Other locations for sports courts outside Avalon Beach Reserve would be explored.
- hard sports courts in Avalon Beach Reserve are not supported, so there would be no requirement for recategorisation to the Sportsground category.

4.1.2 Written submissions about recategorisation

More than 200 written submissions were made during the public exhibition of the Draft Plan of Management. Submissions were received from:

- 197 community members using the Your Say Northern Beaches online feedback form, of which 9 specifically mentioned recategorisation.
- 3 community members
- Avalon Preservation Trust
- Clareville and Bilgola Plateau Residents Association.

Reasons given in the written submissions for supporting the proposed sports courts in Avalon Beach Reserve were that:

- new netball courts are much needed in Avalon
- the courts will encourage physical recreation, participation in sport, and active children
- hard sports courts will enable families to play together on weekends by riding bikes and skateboarding on the sealed surface.

Some people had suggestions for the desired combination of netball, basketball and multi-purpose courts which is outside the scope of this report.

Reasons for not supporting the proposed sports courts in Avalon Beach Reserve were:

- open space would be lost

- ❑ hard courts would replace the grass detention basin and contribute to flooding
- ❑ stormwater runoff would impact on the creek
- ❑ hard courts will be hot in summer
- ❑ access, safety, traffic and parking concerns
- ❑ fencing to Barrenjoey Road would be required
- ❑ visual impact of the courts from Barrenjoey Road
- ❑ night lighting and noise would disturb local residents.

Similarly to the discussion at the public hearing, options for sports courts in Avalon supported by people making a written submission included:

- ❑ the proposal from Council of 4.5 hardcourts: three full-sized netball courts, one full-sized multi-purpose netball-basketball court, and one half-court basketball court.
- ❑ two full-sized sports courts, and one full-sized or half basketball court next to the skate park. Opinion was more in favour of the two courts being located on the western side of the creek only, because there would be less impact on the Yellow Brick Road shared path, and because the grassed area on the eastern side is used for activities such as picnics.
- ❑ consider options for sports courts elsewhere, such as adjacent to the Montessori school, opposite Avalon Public School, at Barrenjoey High School, in Hitchcock Park, at Avalon Golf Course, and at Newport Surf Club carpark.

4.2 Assessment

The majority of verbal submissions made at the public hearing about the proposed recategorisation of community land at Avalon Beach Reserve support the proposed recategorisation of part of the reserve from Park and General Community Use to Sportsground to enable sports courts to be provided as set out in the Draft Plan of Management and in Figure 4 of this report.

Objections to the proposed recategorisation were made at the public hearing or in written submissions to the Draft Plan of Management. These objections were set out in Section 4.1 above.

People who made submissions have varying views about the number of hard sports courts to be provided, ranging from none, two, 2.5, three, four or 4.5.

However the number of sports courts at Avalon Beach Reserve, and thus the footprint of the Sportsground category, could not be decided at the public hearing, requiring further research and engagement with stakeholders by Council.

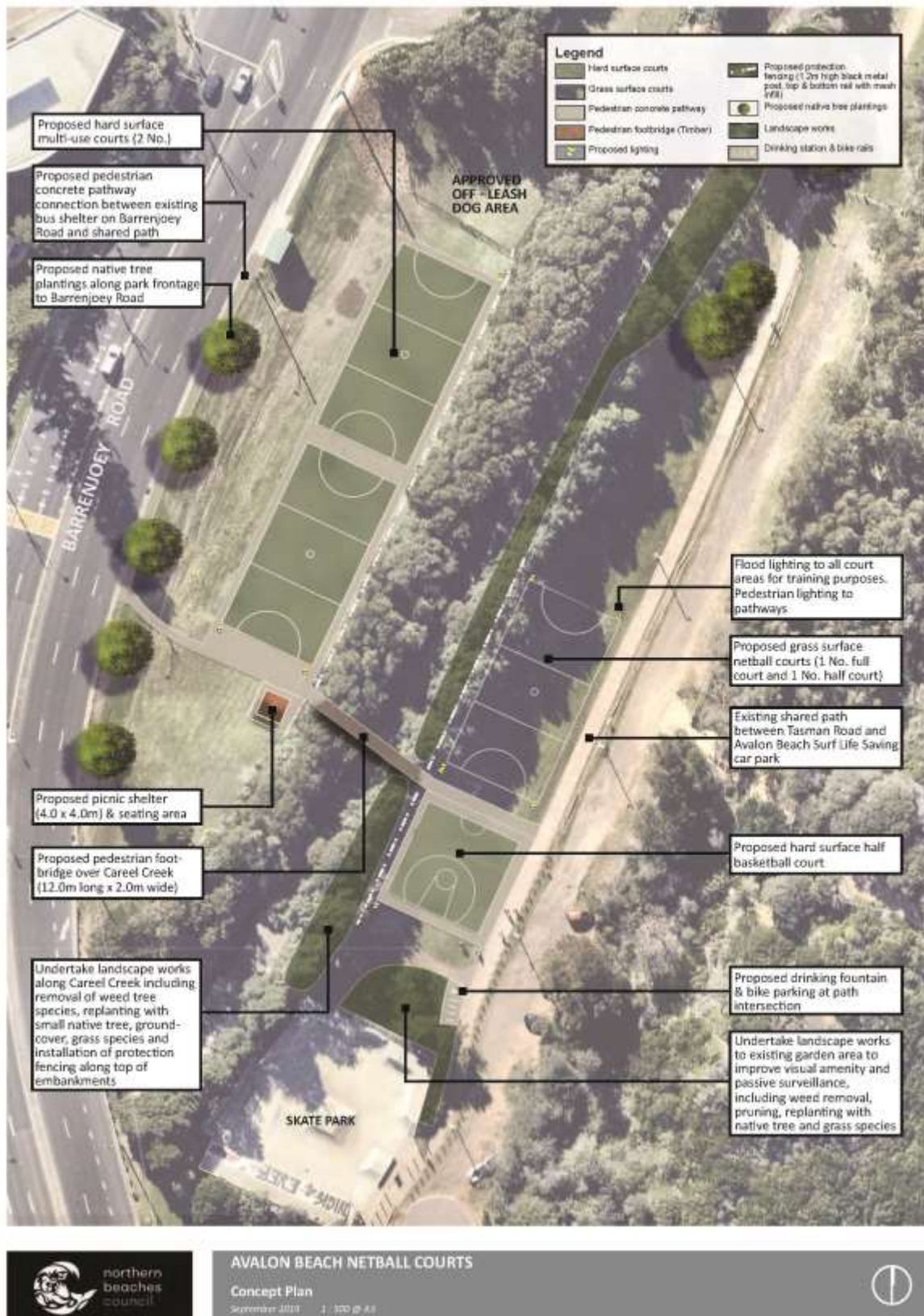
After the public hearing Council undertook further consideration of the demand for sports courts in the Avalon area. The extent of the proposed Sportsground category depended on the demand for and resulting number and size of sports courts proposed by Council at Avalon Beach Reserve.

After reviewing the feedback from community groups and further considering the demand for sports courts in the Avalon area, Council still favours the proposed footprint for the sports courts in Avalon Beach Reserve that was publicly exhibited for comment and discussed at the public hearing.

Council is recommending 4 lit sports courts, comprising 2 hardcourts on the western side of the creek and 1.5 grass courts on the eastern side of the creek. A half-court basketball court would be located adjacent to the skate park. A pathway and bridge connecting the Yellow Brick Road to the bus shelter on Barrenjoey Road would connect both sets of courts.

This revised concept plan shown in Figure 10 shows the location of the proposed hard and grass courts.

Figure 10 Revised concept plan for the proposed sports courts at Avalon Beach Reserve



As the primary intended use of the area is for court sport the footprint of the proposed Sports-ground category that was publicly exhibited and discussed at the public hearing proposed area to be recategorised as Sportsground would be unchanged.

No verbal or written submissions were received from the community about the proposal to recategorise the skate park from General Community Use to Sportsground. The Sportsground category is an appropriate category for a skate park, which is consistent with the guidelines for categorisation and the core objectives for management of community land categorised as Sportsground as outlined in Table 1.

Therefore the recommendation is for Council to adopt the proposed recategorisation of community land that was publicly exhibited and discussed at the public hearing on 26 June 2019.

5 RECOMMENDATIONS

5.1 Recommendations

Based on the verbal submissions to the public hearing on Wednesday 26 June and written submissions made to Council by 11 August 2019, there is no compelling reason to change the recategorisation that was proposed in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019).

My recommendations to Northern Beaches Council regarding the proposed recategorisation of community land at Avalon Beach Reserve are that Council:

- ❑ note the submissions made in Section 4 by people who attended the public hearing with respect to the proposed recategorisation, and the written submissions made to Council during the public exhibition of the Draft Plan of Management.
- ❑ adopt the recategorisation of community land at Avalon Beach Reserve from Park and General Community Use to Sportsground as shown in Figure 14-4 of the publicly exhibited Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019), and shown in Figure 11 below.

Figure 11 Proposed recategorisation of Avalon Beach Reserve



Source: Northern Beaches Council

5.2 Adoption of proposed recategorisation

Council must agree to the proposed recategorisation of community land as set out in the Draft Ocean Beaches Plan of Management Amendments – Avalon Netball Courts (Northern Beaches Council, May 2019) before resolving to adopt the proposed amendments to the final Plan of Management.

Section 114 of the *Local Government (General) Regulation 2005* states that if Council receives any submission objecting to a categorisation of land in the Plan of Management, and the Council adopts the Plan of Management without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the Plan of Management 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 recategorisation as was set out in the Draft Plan of Management, it must state the reasons why it did not make changes to the categorisation in response to the objections received in its resolution to adopt the Plan of Management.

Several verbal and written submissions objected to the proposal to recategorise community land at Avalon Beach Reserve from Park and General Community Use to Sportsground. The basis of the objections were listed in Section 4.1 of this report. Council must address why it decided to recategorise the subject land from Park and General Community Use to Sportsground in its resolution.

If Council decides to alter the proposed recategorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

5.3 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 at Avalon Beach, Mona Vale, Dee Why and Manly; and at Council libraries.
- post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

4 September 2019